



## Fiscal Services Division

### ADMINISTRATIVE RULES — FISCAL IMPACT SUMMARIES

November 14, 2017

Iowa Code section 17A.4(4) requires the Legislative Services Agency (LSA) to analyze the fiscal impact of all administrative rules with an impact of \$100,000 or more and provide a summary of the impact to the Administrative Rules Review Committee (ARRC). Fiscal Impact Statements filed by State agencies can be found on our website at <http://www.legis.iowa.gov/law/administrativeRules/arrc/fiscalImpact>.

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#### Department of Human Services

#### **ARC 3356C & ARC 3354C**

**Rule Summary** Removes references to “Medical Assistance for Family Planning Services,” which refers to Medicaid under the Family Planning Network waiver. Iowa will no longer provide Medicaid under the Family Planning Network waiver, but will continue to provide family planning services through the new State-funded Family Planning Program (FPP) pursuant to HF 653 (FY 2018 Health and Human Services Appropriations Act).

**State or Federal Law Implemented:** Iowa Code section 249A.4.

**Fiscal Impact** **Agency Response:** The rulemaking itself does not have a fiscal impact, but the legislation it implements, HF 653, does. The new FPP is estimated to cost the State

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\$3.1 million in FY 2018 and FY 2019 due to the loss of federal funding. Family planning waiver expenses were projected to be \$3,383,880 (\$2,901,845 federal; \$482,035 State) in FY 2018 based on current cost and enrollment assumptions. Costs are expected to be the same under the State program, but the loss of federal Medicaid funding will require a \$2,901,845 State funding increase. In addition, administrative costs are expected to increase by approximately \$200,000 due to the loss of the federal administrative match and additional costs associated with converting to a State program.

**LSA Response:** The LSA concurs.

### ARC 3357C & ARC 3358C

**Rule Summary** Allows Medicaid providers to offer narrative documentation of service in a checkbox form format. This is being done to assist Medicaid providers in having a consistent interpretation of the documentation requirements for services provided.

**State or Federal Law Implemented:** Iowa Code section 249A.4.

**Fiscal Impact** **Agency Response:** No fiscal impact. Changes simply clarify existing policy.

**LSA Response:** The LSA concurs.

### ARC 3374C

**Rule Summary** Revises the language used to describe the Home and Community-Based Services (HCBS) home-delivered meal benefit in order to clarify how the benefit is to be administered.

**State or Federal Law Implemented:** Iowa Code section 249A.4.

**Fiscal Impact** **Agency Response:** There is an expected cost savings to the State due to fewer excess meals being delivered. From FY 2014 to FY 2016, \$232,663 in overpayments was identified and recouped for excess meals, with an annual average of \$77,554 for the three-year period. The amount of savings going forward is expected to decrease due to the transition to managed care.

From FY 2014 to FY 2016, \$232,663 in overpayments was identified and recouped as a result of providing fewer unused meals. The annual cost saving average totaled \$77,554. This amount of savings is expected to decrease in future years as a result of the transition to managed care.

**LSA Response:** The LSA concurs.

### ARC 3375C

**Rule Summary** Updates the definitions of “medical home” and “primary medical provider” and adds the terms “personal provider” and “primary care provider” to the Iowa Health and Wellness Program (IHAWP). This will allow IHAWP members to have increased coordination of care with their medical providers.

**State or Federal Law Implemented:** Iowa Code section 249A.4.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### ARC 3389C

**Rule Summary** Implements a State Family Planning Program (FPP) pursuant to HF 653 (FY 2018 Health and Human Services Appropriations Act). Family planning service entities that provide abortions can no longer participate as a FPP provider. Providers unable to

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participate as a FPP provider will also be unable to participate as a point-of-service agency for eligibility determinations for FPP services.

**State or Federal Law Implemented:** Iowa Code section 234.6.

**Fiscal Impact Agency Response:** The new FPP is estimated to cost the State \$3.1 million in FY 2018 and FY 2019 due to the loss of federal funding. Family planning waiver expenses were projected to be \$3,383,880 (\$2,901,845 federal; \$482,035 State) in FY 2018 based on current cost and enrollment assumptions. Costs are expected to be the same under the State program, but the loss of federal Medicaid funding will require a \$2,901,845 State funding increase. In addition, administrative costs are expected to increase by approximately \$200,000 due to the loss of the federal administrative match and additional costs associated with converting to a State program.

**LSA Response:** The LSA concurs.

**ARC 3419C**

**Rule Summary** Allows hospice agencies to use the Medicare election of hospice benefits as an alternative to using the Election of Medicaid Hospice Benefits.

**State or Federal Law Implemented:** Iowa Code section 249A.4.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**ARC 3355C & ARC 3353C**

**Rule Summary** Eliminates the three-month retroactive benefit provisions for initial applications and applications to add new household members. Pursuant to HF 653 (FY 2018 Health and Human Services Appropriations Act), the Department requested a waiver from the Centers for Medicare and Medicaid Services (CMS) of the U.S. Department of Health and Human Services to eliminate the retroactivity provisions. Upon federal approval, elimination of the three-month retroactive eligibility for Medicaid applicants will begin on October 1, 2017.

**State or Federal Law Implemented:** Iowa Code section 249A.4.

**Fiscal Impact Agency Response:** The annual impact of eliminating retroactive eligibility is provided below. The data is based on the specific retroactive months coded in the State's eligibility systems.

| Impact of Eliminating Retroactive Eligibility           |                         |                     |                    |
|---|-------------------------|---------------------|--------------------|
| Eligibility Group                                       | Avg. Monthly Recipients | Annual Savings      | State Share        |
| <i>Medicaid</i>   |                         |                     |                    |
| Child   | 1,129                   | \$9,502,208         | \$3,986,176        |
| Adult   | 668                     | 6,027,803           | 2,528,663          |
| BCCT  | 1                       | 14,250              | 4,184              |
| Elderly   | 6                       | 262,791             | 110,241            |
| Disabled  | 157                     | 4,368,799           | 1,832,711          |
| Health and Wellness Plan                                | 1,384                   | 16,575,930          | 1,233,285          |
| <b>Medicaid Total</b>                                   | <b>3,344</b>            | <b>\$36,751,782</b> | <b>\$9,695,261</b> |
| <i>Retroactive Eligibility Costs Excluding Children</i> |                         |                     |                    |
| Non-Child Retroactive Eligibility Costs                 | 2,215                   | \$27,249,574        | \$5,709,085        |

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\* Numbers may not sum due to rounding.

The SFY 2018 Medicaid budget assumes an October 1, 2017 effective date and that retroactive coverage for children will continue due to federal maintenance of effort requirements. As a result, the amount of State savings included in the budget is \$4,281,814 (\$5,709,085 x .75).

If CMS approves the elimination of retroactive coverage for children, the savings will be \$7.3 million for FY 2018 and \$9.7 million for FY 2019 instead of the numbers presented above.

**LSA Response:** The LSA concurs. Initial savings estimates provided by Department of Human Services during the passage of HF 653 estimated the State savings at \$4.3 million and did not include eliminating retroactive eligibility for children.

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### Workers' Compensation Division

#### **ARC 3414C**

**Rule Summary** Makes changes related to the 2017 enactment of HF 518 (Workers' Compensation Act), including changes concerning the evaluation of permanent disabilities under Iowa Code section 85.34, vocational training and education under Iowa Code section 85.70, suitable work under Iowa Code section 85.33, and commutation under Iowa Code section 85.45. Also updates the agency addresses, agency telephone numbers, forms to be completed, and statutory references.

**State or Federal Law Implemented:** Iowa Code sections 85.33, 85.34, 85.45, and 85.70, and 2017 Iowa Acts, HF 518.

**Fiscal Impact** **Agency Response:** No fiscal impact. The Workers' Compensation Division does not believe that the proposed amendments impose any financial hardship on any regulated entity, body, or individual.

**LSA Response:** The LSA does not concur. The LSA's fiscal impact estimate remains the same as the estimates published in the Final Action Fiscal Note for HF 518:

- Changes pertaining to how injuries to shoulders and permanent partial disability injuries are addressed will result in an estimated reduction in benefit payments from the State's Workers' Compensation Fund to State workers of \$1.8 million annually, beginning with FY 2018.
- The Iowa Workforce Development may utilize an additional 2.0 FTE positions and \$144,000 annually in salary and benefit funding to address all of the changes related to the enactment of HF 518. The estimate includes the cost to administer the shoulder injury training program, but does not include the cost of the actual training.
- Little or no impact to the State is anticipated from the changes related to the offer of suitable work.

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### Department of Agriculture and Land Stewardship

#### **ARC 3359C**

**Rule Summary** Exempts small seed packets (designed for home gardeners) from labeling requirements regarding germination.

**State or Federal Law Implemented:** Iowa Code sections 159.5(10) and 199.11(1)(b).

**Fiscal Impact** **Agency Response:** No fiscal impact.

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**LSA Response:** The LSA concurs.

### **ARC 3403C**

**Rule Summary** Updates rules for producers seeking certification under the Iowa Organic Program. Amends existing rules to reflect current practices and eliminate redundant provisions included in the national requirements.

**State or Federal Law Implemented:** Iowa Code section 190C.3.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### **Department of Commerce/Utilities Division**

### **ARC 3416C**

**Rule Summary** Updates filing rules for generating certificate dockets by modifying statutory references, including details pertinent to electronic filing, and removing outdated language. Adds notice requirements relating to any potential request for the power of eminent domain.

**State or Federal Law Implemented:** Iowa Code sections 474.5, 476A.3, 476.2, and 476.12.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### **ARC 3417C**

**Rule Summary** Updates and streamlines guidelines regarding documents routinely filed with the Utilities Board, and provides examples of such forms on the Board's website.

**State or Federal Law Implemented:** Iowa Code sections 476.2, 476.3, and 476.7.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### **ARC 3418C**

**Rule Summary** Streamlines rules regarding procedures for petitions of declaratory orders and requires the Utilities Board to schedule an informal meeting to discuss petition questions, if requested by petitioner. Additionally, the rulemaking enables the Board to refuse to issue a declaratory order under specified conditions.

**State or Federal Law Implemented:** Iowa Code sections 17A.9, 476.1, and 546.7.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### **Economic Development Authority**

### **ARC 3377C**

**Rule Summary** Amends definitions, project requirements, and tax incentives, and makes other statutory changes to the Workforce Housing Tax Incentives Program. The Program was amended by SF 488 (Workforce Housing Act) to include a set-aside for small cities.

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Permits the Authority to stop accepting applications if the total amount of registered projects exceeds the available fiscal year allocation to prevent excessive build-up on the Program's wait list.

**State or Federal Law Implemented:** Iowa Code section 15.356 and 2017 Iowa Acts, SF 488.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs. The proposed rulemaking allows the Economic Development Authority to stop accepting applications for the tax incentive should applications exceed the available fiscal year allocation. Iowa Code section 15.354(c) specifically requires the Authority to maintain a wait list should this situation occur.

**Rule Summary** **ARC 3378C**  
Adopts rules related to the enactment of HF 621 (Economic Development Authority Policies Act). The Act codified the already existing arrangement between the Iowa Economic Development Authority (IEDA) and the Department of Inspections and Appeals (DIA) that allowed the IEDA to administer the Targeted Small Business (TSB) Certification Program.

**State or Federal Law Implemented:** Iowa Code section 15.108(7).

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3383C**  
Replaces the term “vocational” with “career and technical” as required by 2016 Iowa Acts, HF 2392 (Career and Technical Education, Schools).

**State or Federal Law Implemented:** Iowa Code section 15.106A.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3384C**  
Creates rules governing the administration of the Community Catalyst Building Remediation Program. Pursuant to Iowa Code section 15.231, the Authority is directed to establish a Community Catalyst Building Remediation Fund to provide grants to cities for the remediation or redevelopment of underutilized buildings. The rulemaking contains definitions, a Program description, the application process for cities to apply for grant funds, Program eligibility requirements, and application scoring criteria, and requires an agreement for any financial assistance awarded.

**State or Federal Law Implemented:** Iowa Code section 15.106A.

**Fiscal Impact Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3385C**  
Makes technical changes as required by 2016 Iowa Acts, HF 2443 (Economic Development Authority Miscellaneous Administration Act). Provides that the Authority can amend an enterprise zone agreement for compliance reasons if the total incentive amount is not increased. Replaces the phrase “new investment directly related to jobs created or retained by the project” with the term “new investment.”

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|                      | <b>State or Federal Law Implemented:</b> Iowa Code section <u>15.106A</u> .  |
| <b>Fiscal Impact</b> | <b>Agency Response:</b> No fiscal impact.<br><b>LSA Response:</b> The LSA concurs.   |
| <b>Rule Summary</b>  | Reduces the maximum award amount an employer may receive under the Science, Technology, Engineering, and Math (STEM) Internship Program from \$100,000 to \$50,000. <b><u>ARC 3386C</u></b>  |
|                      | <b>State or Federal Law Implemented:</b> Iowa Code section <u>15.106A</u> .  |
| <b>Fiscal Impact</b> | <b>Agency Response:</b> No fiscal impact. The total amount of Program funding will remain the same. The change in the award amount is intended to allow more employers to take part in the Program.<br><b>LSA Response:</b> The LSA concurs. |

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### Iowa Finance Authority

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| <b>Rule Summary</b>  | Updates rules pertaining to the Home and Community-Based Services Rent Subsidy Program, including updates related to the enactment of <u>HF 586</u> (Iowa Finance Authority Programs Act). <b><u>ARC 3423C</u></b>  |
|                      | <b>State or Federal Law Implemented:</b> Iowa Code section <u>16.1(5)(r)</u> .  |
| <b>Fiscal Impact</b> | <b>Agency Response:</b> No fiscal impact.<br><b>LSA Response:</b> The LSA concurs.  |
| <b>Rule Summary</b>  | Updates rules pertaining to the Military Service Member Home Ownership Assistance Program, including modifying the definition of a qualified mortgage to include a loan that has financing that is more financially advantageous for the service member. <b><u>ARC 3424C</u></b>  |
|                      | <b>State or Federal Law Implemented:</b> Iowa Code section <u>16.54</u> .   |
| <b>Fiscal Impact</b> | <b>Agency Response:</b> No fiscal impact.<br><b>LSA Response:</b> The LSA concurs.  |
| <b>Rule Summary</b>  | Removes rules that are redundant of, or in conflict with, federal law or regulations and clarifies the rules pertaining to the HOME Investment Partnership Program. The rulemaking has been modified since it was first noticed. The changes include restoring deleted language related to the recipient's request for funds. The rulemaking will be effective November 29, 2017. <b><u>ARC 3425C</u></b> |
|                      | <b>State or Federal Law Implemented:</b> Iowa Code section <u>16.5(1)(m)</u> .  |
| <b>Fiscal Impact</b> | <b>Agency Response:</b> No fiscal impact.<br><b>LSA Response:</b> The LSA concurs.  |

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**Rule Summary** ARC 3426C  
Clarifies rules, updates and eliminates definitions, and changes the application procedures for funding from the Shelter Assistance Fund to a periodic basis from an annual basis.

**State or Federal Law Implemented:** Iowa Code section 16.41.

**Fiscal Impact** **Agency Response:** Using periodic applications instead of annual applications may reduce administrative costs in an unknown amount.

**LSA Response:** The LSA concurs.

**Rule Summary** ARC 3427C  
Eliminates redundancies and inconsistencies between rules and federal regulations, modifies and eliminates definitions, provides clarity, and allows the Iowa Finance Authority to request applications for funding pertaining to the Emergency Shelter Grants Program on a periodic basis rather than on an annual basis.

**State or Federal Law Implemented:** Iowa Code section 16.5(1)(m).

**Fiscal Impact** **Agency Response:** Using periodic applications instead of annual applications may reduce administrative costs in an unknown amount.

**LSA Response:** The LSA concurs.

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### Department of Education

**Rule Summary** ARC 3364C  
Revises existing rules regarding access to extracurricular activities for students who are homeless to comply with the federal McKinney-Vento Homeless Assistance Act, as reauthorized by the federal Every Student Succeeds Act (2015).

**State or Federal Law Implemented:** Iowa Code section 256.7(5) and the McKinney-Vento Homeless Assistance Act.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** ARC 3365C  
Implements changes based on the enactment of HF 473 (High School Diploma Equivalency Act) providing for the award of high school equivalency diplomas to adults unable to receive such through traditional means, but who are able to demonstrate attainment of knowledge, skills, and ability equivalent to those attained in a high school program of study.

**State or Federal Law Implemented:** Iowa Code section 256.7(5) and 2017 Iowa Acts, HF 473.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary** ARC 3387C  
Revises existing rules to conform to requirements of the federal Every Student Succeeds Act and makes changes required by recent federal rulemaking. Also moves two provisions related to school health to the school health chapter.



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**State or Federal Law Implemented:** Iowa Code section 256.7(5).

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### College Student Aid Commission

#### **ARC 3381C**

**Rule Summary**      Implements provisions in HF 642 (2017 Education Appropriations Act) that rescinded the All Iowa Opportunity Foster Care Grant Program and made students formerly in foster care priority recipients of the All Iowa Opportunity Scholarship Program. The Act also eliminated the Scholarship Program's requirement regarding grade point average and increased the number of awards an individual student may receive.

**State or Federal Law Implemented:** Iowa Code section 261.3.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs. Although the rulemaking itself has no fiscal impact, the legislation it implements, HF 642, does. Funding for the All Iowa Opportunity Scholarship Program was appropriated from the General Fund in HF 642 and totaled approximately \$2.8 million in FY 2018.

#### **ARC 3382C**

**Rule Summary**      Implements provisions in HF 642 (FY 2018 Education Appropriations Act) that established a new statute related to the For-Profit Iowa Tuition Grant (ITG) Program. The For-Profit ITG Program had previously been addressed as part of the statute establishing the Nonprofit ITG Program. The only significant change to the For-Profit ITG Program in the new statute is the establishment of eligibility criteria for participation of barber and cosmetology schools. The former Barber and Cosmetology Arts and Sciences Tuition Grant Program was repealed in HF 642.

**State or Federal Law Implemented:** Iowa Code section 261.3.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs. Although the rule making itself has no fiscal impact, the legislation it implements, HF 642, does. Funding for the For-Profit ITG Program was appropriated from the General Fund in HF 642 and totaled \$1.5 million in FY 2018.

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### Department of Inspections and Appeals

#### **ARC 3407C**

**Rule Summary**      Makes technical corrections to the procedure governing administrative hearings conducted by the Administrative Hearings Division. Simplifies the procedures related to prehearing conferences and provides greater flexibility to the involved parties and the administrative law judge. Also updates guidelines related to providing recordings of hearings to account for technological changes, and eliminates an obsolete rule implementing a statutory provision that has been repealed.

**State or Federal Law Implemented:** Iowa Code sections 10A.801 and 17A.12.

**Fiscal Impact**      **Agency Response:** No fiscal impact.

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**LSA Response:** The LSA concurs.

### **ARC 3408C**

**Rule Summary** Amends the code of administrative judicial conduct to be similar in function and substantially equivalent to the Iowa Code of Judicial Conduct, due to the Iowa Supreme Court's amendments of the Iowa Code of Judicial Conduct.

**State or Federal Law Implemented:** Iowa Code section 10A.801.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### **ARC 3390C**

**Rule Summary** Updates existing language regarding calculating the State fine for a Class I violation imposed against health care facilities for violations of State rules relating specifically to long-term care. Clarifies the process by which fines are imposed, and provides related calculative explanations resulting from a Department-sponsored Kaizen event.

**State or Federal Law Implemented:** Iowa Code sections 10A.104(5) and 135C.14.

**Fiscal Impact** **Agency Response:** No fiscal impact. The proposed rulemaking merely provides transparency to the existing fee structure.

**LSA Response:** The LSA concurs.

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### **Environmental Protection Commission**

### **ARC 3388C**

**Rule Summary** Allows for the submittal of manure management plan updates and associated fees to be completed electronically through the Department of Natural Resources' web application system. Counties will receive the submissions electronically from the Department of Natural Resources.

**State or Federal Law Implemented:** Iowa Code sections 459.103 and 459A.104.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### **Department of Public Health**

### **ARC 3350C**

**Rule Summary** Rescinds the chapter on the Statewide Obstetrical and Newborn Indigent Patient Care Program, pursuant to HF 393 (FY 2018 Public Health Omnibus Act).

**State or Federal Law Implemented:** Iowa Code section 135.152.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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|----------------------|---|-------------------------|
| <b>Rule Summary</b>  | Rescinds the chapter on the Office of Minority and Multicultural Health pursuant to <u>House File 653</u> (FY 2018 Health and Human Services Appropriations Act), which repealed the underlying statutory authority.<br><b>State or Federal Law Implemented:</b> Iowa Code section <u>135.12</u> .                      | <b><u>ARC 3351C</u></b> |
| <b>Fiscal Impact</b> | <b>Agency Response:</b> No fiscal impact.<br><b>LSA Response:</b> While the rulemaking itself does not have a fiscal impact, the underlying legislation does. The Office was funded at \$74,000 from the General Fund and 0.5 FTE position in FY 2017, but funding was not appropriated in FY 2018.                     |                         |
| <b>Rule Summary</b>  | Rescinds the Iowa Health Information Network chapter pursuant to <u>HF 393</u> (FY 2018 Public Health Omnibus Act).<br><b>State or Federal Law Implemented:</b> Iowa Code chapter <u>135</u> .  | <b><u>ARC 3352C</u></b> |
| <b>Fiscal Impact</b> | <b>Agency Response:</b> No fiscal impact.<br><b>LSA Response:</b> The LSA concurs.  |                         |
| <b>Rule Summary</b>  | Adds hair as an acceptable body sample for testing of prospective employees to detect controlled substances and adopts conforming rule changes.<br><b>State or Federal Law Implemented:</b> Iowa Code section <u>730.5</u> .  | <b><u>ARC 3392C</u></b> |
| <b>Fiscal Impact</b> | <b>Agency Response:</b> No fiscal impact.<br><b>LSA Response:</b> The LSA concurs.  |                         |
| <b>Rule Summary</b>  | Requires mammography reports and letters to include information and educational references regarding the patient's breast density, resulting risk of cancer incidence, and impacts on mammography interpretation related to tissue density.<br><b>State or Federal Law Implemented:</b> Iowa Code chapter <u>136C</u> . | <b><u>ARC 3393C</u></b> |
| <b>Fiscal Impact</b> | <b>Agency Response:</b> No fiscal impact.<br><b>LSA Response:</b> The LSA concurs.  |                         |
| <b>Rule Summary</b>  | Adds definitions, amends the Statistical Report of Termination of Pregnancy Report, and adds penalties.<br><b>State or Federal Law Implemented:</b> Iowa Code chapter <u>144</u> .  | <b><u>ARC 3394C</u></b> |
| <b>Fiscal Impact</b> | <b>Agency Response:</b> No fiscal impact.<br><b>LSA Response:</b> The LSA concurs.  |                         |
| <b>Rule Summary</b>  | Rescinds the chapter on Biological Agent Risk Assessment, pursuant to <u>HF 393</u> (FY 2018 Public Health Omnibus Act).<br><b>State or Federal Law Implemented:</b> Iowa Code chapter <u>135</u> .   | <b><u>ARC 3395C</u></b> |

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**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**     Eliminates the Automated External Defibrillator (AED) Grant Program pursuant to HF 393 (FY 2018 Public Health Omnibus Act). Eliminates the rules on fire department response with an AED. **ARC 3396C**

**State or Federal Law Implemented:** Iowa Code chapters 135, 147A, and 613.

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**     Updates the definition of “local board of health” to align with Iowa Code. **ARC 3397C**

**State or Federal Law Implemented:** Iowa Code chapter 135 and Iowa Code section 135A.9.

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**     Rescinds the chapter on Organized Health Delivery Systems. **ARC 3398C**

**State or Federal Law Implemented:** Iowa Code chapter 135.

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Professional Licensure Division

**Rule Summary**     Provides technical and conforming updates to rules regarding the Iowa Board of Athletic Trainers. **ARC 3363C**

**State or Federal Law Implemented:** Iowa Code sections 147.76 and 152D.5.

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

**Rule Summary**     Amends existing rules to provide a general update for the licensure of salons, schools of cosmetology arts and sciences, and continuing education. **ARC 3372C**

**State or Federal Law Implemented:** Iowa Code sections 147.76 and 157.14.

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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- ARC 3409C**
- Rule Summary** Updates contact information, definitions, and references for the Board of Hearing Aid Specialists.
- State or Federal Law Implemented:** Iowa Code chapters 147, 154A, and 272C.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.
- ARC 3410C**
- Rule Summary** Updates Board of Speech Pathology and Audiology definitions, removes the requirement for notarized copies of a diploma, caps the number of continuing education hours that may be earned per year, and makes technical corrections.
- State or Federal Law Implemented:** Iowa Code chapters 147, 154F, and 272C.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.
- ARC 3428C**
- Rule Summary** Updates Board of Optometry's rules to revise outdated language, outline requirements for an incomplete application, and add the requirement that the best-corrected visual acuity determined by refraction be included as a part of a contact lens or spectacle lens prescription.
- State or Federal Law Implemented:** Iowa Code section 147.76.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.

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### Board of Medicine

- ARC 3360C**
- Rule Summary** Amends Standards of Practice and Principles of Medical Ethics to conform to changes made in SF 404 (Right to Try Act).
- State or Federal Law Implemented:** Iowa Code chapters 148 and 272C and Iowa Code section 147.76.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.
- ARC 3361C**
- Rule Summary** Amends the "Standards of Practice and Principles of Medical Ethics" to conform to changes made in HF 577 (Lyme Disease Treatment Exemption from Discipline Act).
- State or Federal Law Implemented:** Iowa Code chapters 148 and 272C and Iowa Code section 147.76.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.

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### ARC 3368C

**Rule Summary** Amends the chapter on Permanent Physician Licensure to update the expedited licensure process through the new Interstate Medical Licensure Compact, add the Administrative Medicine License, and make technical corrections.

**State or Federal Law Implemented:** Iowa Code chapters 147B, 148, and 272C, and Iowa Code section 147.76.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Board of Pharmacy

### ARC 3369C

**Rule Summary** Permits an applicant who is not eligible for a social security number but who has an individual tax identification number (ITIN) to provide that ITIN on the application for licensure by examination. Such applicant shall also be required to provide proof of presence such as a permanent resident card, employment authorization document issued by the federal government, or certain types of visa.

**State or Federal Law Implemented:** Iowa Code sections 147.2, 147.36, and 155A.7 through 155A.9.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### ARC 3370C

**Rule Summary** Provides clarification for registration of service programs that are owned by and based at the same physical address of a hospital that is already registered with the Board for controlled substances.

**State or Federal Law Implemented:** Iowa Code sections 124.301, 124.302, 147A.1, and 147A.5.

**Fiscal Impact** **Agency Response:** No fiscal impact. This exception is expected to impact emergency medical services (EMS) programs that are owned by and co-located with a hospital. This rulemaking would exempt those EMS programs that are owned by a hospital and are located at the same physical location as the hospital from obtaining and maintaining an Iowa Controlled Substances Act registration. These programs are not currently registered; therefore, the rulemaking will not increase or decrease any Board revenues.

**LSA Response:** The LSA concurs.

### ARC 3371C

**Rule Summary** Provides clarification for pharmacists in dispensing remaining refills of prescriptions after the prescriber has ended a relationship with a patient, such as with discontinuation of practice or relocation to another state, so that a pharmacist is authorized to provide adequate and appropriate care to a patient while the patient is establishing care with a new provider.

**State or Federal Law Implemented:** Iowa Code section 147.76.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### ARC 3373C

**Rule Summary** Rescinds existing and adopts new rules regarding the procedures for rulemaking and related current practices. Additionally, the new rulemaking addresses recent changes regarding:

- Emergency adoption of rules;
- Regulatory analyses;
- Fiscal impact statements;
- Jobs impact statements;
- Five-year review; and
- Electronic filing, recording, and tracking of agency rulemaking actions.

**State or Federal Law Implemented:** Iowa Code sections 17A.22 and 17A.3.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Department of Public Safety

### ARC 3411C

**Rule Summary** Adopts the 2012 Life Safety Code as provided by the Centers for Medicare and Medicaid Services and made effective July 5, 2016. The Life Safety Code reflects the current safety standards and requirements for hospitals, nursing facilities, hospices, intermediate care facilities for persons with intellectual disabilities or mental illness, ambulatory care facilities, and religious non-medical facilities.

**State or Federal Law Implemented:** Iowa Code section 100.35.

**Fiscal Impact** **Agency Response:** Minimal fiscal impact. The actual fiscal impact cannot be determined at this time, but it is expected to be less than \$100,000.

**LSA Response:** The LSA concurs.

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### Department of Revenue

### ARC 3429C

**Rule Summary** Requires withholding agents with at least 50 employees to electronically file W-2 forms for tax years 2016 and 2017, and requires all other withholding agents to electronically file W-2 and 1099 forms beginning with tax year 2018. This rulemaking establishes new filing requirements to combat tax refund fraud pursuant to the 2016 rulemaking of ARC 2739C. To allow additional time to implement these new requirements, the Department is extending the phase-in for one year.

**State or Federal Law Implemented:** Iowa Code sections 421.14 and 422.68.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### ARC 3430C

**Rule Summary** Amends existing rules to conform with changes made by HF 478 (Property Assessment Appeal Board Sunset Act). Updates guidelines for filing and answer procedures, settlements, discovery, recording of contested case hearings, and judicial review of final agency action.

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**State or Federal Law Implemented:** Iowa Code section 421.1A(4).

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs. Although the rulemaking itself has no fiscal impact, the legislation it implements does. No fiscal impact to the State General Fund is projected for FY 2018 through FY 2021. However, beginning in FY 2022, General Fund expenditures are expected to increase by approximately \$1.0 million annually. Additional information is available in the Fiscal Note for HF 478.

### ARC 3413C

**Rule Summary**     Implements changes to the administration of certain income tax checkoffs that are contained in HF 2459 (FY 2017 Standing Appropriations Act) and HF 242 (Election Campaign Checkoff Repeal Act).

House File 2459 modifies the automatic repeal dates for income tax checkoffs allowed on the individual income tax return to indicate that the checkoffs that currently appear on the form will not be subject to automatic repeal until tax year 2019. House File 242 restricts the Iowa election campaign fund income tax checkoff to tax year 2016 and earlier, to reflect the repeal of the election campaign fund beginning with tax year 2017.

The proposed amendment rescinds several subrules that implement checkoffs that are no longer in effect, and renumbers the remaining subrules to account for this change.

**State or Federal Law Implemented:** Iowa Code sections 68A.601, 422.12E, and 422.12J, and 2016 Iowa Acts, House File 2459, and 2017 Iowa Acts, House File 242.

**Fiscal Impact**     **Agency Response:** Minimal fiscal impact. Although the rulemaking itself has no fiscal impact, the legislation it implements does. Eliminating the Iowa Election Campaign Fund income tax checkoff is projected to increase General Fund revenue by an estimated \$65,000 annually beginning FY 2018.

**LSA Response:** The LSA concurs.

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## Department of Transportation

### ARC 3366C

**Rule Summary**     Amends language to correct statute implementation, adds the address of the Department's website, and eliminates unnecessary language.

**State or Federal Law Implemented:** Iowa Code section 307.12, 307A.2, and 314.27.

**Fiscal Impact**     **Agency Response:** Minimal fiscal impact. Lost revenue from the five rest area sponsorships is less than \$39,000 per fiscal year.

**LSA Response:** The LSA concurs.

### ARC 3367C

**Rule Summary**     Amends language and removes ambiguities regarding maintenance and improvements on primary road extensions, and provides more concise guidance to local authorities.

**State or Federal Law Implemented:** Iowa Code sections 307.12 and 307A.2.

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.



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### ARC 3399C

**Rule Summary** Rescinds existing rules regarding highway project planning.

**State or Federal Law Implemented:** Iowa Code sections 307.12 and 307A.2.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### ARC 3400C

**Rule Summary** Rescinds existing rules including information on the Department's "Standard Specifications for Highway and Bridge Construction" and supplemental specifications.

**State or Federal Law Implemented:** Iowa Code sections 307.12 and 307A.2.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Department of Workforce Development

### ARC 3401C

**Rule Summary** Provides Iowa Workforce Development (IWD) with technology and modern efficiencies related to the administration of IWD and the unemployment insurance program, including making changes related to the enactment of HF 533 (Unemployment Compensation Eligibility Act).

**State or Federal Law Implemented:** Iowa Code section 96.11.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### ARC 3402C

**Rule Summary** Provides the Iowa Workforce Development (IWD) with technology and modern efficiencies related to the administration of the IWD and the unemployment insurance program. This includes increasing the minimum cash value equivalent of nonmonetary compensation when calculating a person's wages for employment and establishing the assessment for quarterly employer contributions when a quarterly report has not been filed by the employer. The rulemaking has been modified since it was first noticed to remove the requirement for the IWD to use certified mail when providing notice of the specified assessment.

**State or Federal Law Implemented:** Iowa Code section 96.11.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### ARC 3421C

**Rule Summary** Provides the Iowa Workforce Development (IWD) with a framework from which to operate in regard to technology and modern efficiencies related to the administration of the IWD and the unemployment insurance program. This includes specifying the subpoena process for witnesses and documents in contested case proceedings.

**State or Federal Law Implemented:** Iowa Code chapters 96 and 17A.

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**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### ARC 3380C

**Rule Summary**     Provides the Iowa Workforce Development (IWD) with technology and modern efficiencies related to the administration of IWD and the unemployment insurance program. The changes include modifying the rules pertaining to department-approved training and training extension benefits. A public hearing is to be held November 20, 2017.

**State or Federal Law Implemented:** Iowa Code section 96.11.

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### ARC 3432C

**Rule Summary**     Provides the Iowa Department of Workforce Development (IWD) with technology and modern efficiencies related to the administration of the IWD and the Unemployment Insurance Program. The changes include modifying the rules pertaining to the IWD-approved training and training extension benefits. The rulemaking has been modified since it was first noticed to give notice that a public hearing will be held on November 21, 2017, and not November 20, 2017.

**State or Federal Law Implemented:** Iowa Code section 96.11.

**Fiscal Impact**     **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Labor Division

### ARC 3415C

**Rule Summary**     Provides for conformity with federal law relating to civil penalties for violations of occupational safety and health laws. Federal law requires annual adjustment of penalty amounts based on the federal Consumer Price Index. The 2017 enactment of HF 529 (Occupational Safety Enforcement Act) granted the Labor Commissioner the authority to adopt administrative rules that contain the minimum and maximum penalty amounts for each specified violation. The proposed rulemaking also contains conforming and editorial changes, along with the removal of obsolete language.

**State or Federal Law Implemented:** Iowa Code chapter 88 and 2017 Iowa Acts, HF 529.

**Fiscal Impact**     **Agency Response:** Civil penalties deposited in the General Fund as a result of these changes will increase by an estimated 81.0% (\$810,000).

**LSA Response:** The LSA concurs. The current estimate is 1.0% above the Fiscal Note estimate for HF 529, as the Iowa Workforce Development has increased the estimated average penalty collected by 1.0%. The Labor Commissioner has the authority to set penalties within a specified range.

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### Department on Aging

#### **ARC 3376C**

**Rule Summary** Adds a training curriculum for individuals providing the service of options counseling. This training will standardize the service within the State and ensure that such service is consistent with the national standard.

**State or Federal Law Implemented:** Iowa Code section 231.14.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Accountancy Examining Board

#### **ARC 3422C**

**Rule Summary** Authorizes out-of-state certified public accounting (CPA) firms exercising a practice privilege to perform all forms of attest services, whereas only review and compilation services were previously allowed. Allows all CPA firms to designate nonlicensee owners as the individuals responsible for CPA firm licensure pursuant to SF 237 (Certified Public Accountant Firm Mobility Act).

**State or Federal Law Implemented:** Iowa Code section 542.4.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### Department of Commerce/Insurance Division

#### **ARC 3362C**

**Rule Summary** Prescribes the requirements that the Insurance Commissioner may use to establish standards governing reserve financing arrangements pertaining to life insurance policies containing guaranteed non-level gross premiums, guaranteed non-level benefits, and universal life insurance policies with secondary guarantees. Insurance companies shall comply with these rulemakings beginning January 10, 2018.

**State or Federal Law Implemented:** Iowa Code section 521B.105.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

#### **ARC 3391C**

**Rule Summary** Conforms existing rules to recent changes in the Statements of Policy Index adopted by the North American Securities Administrators Association, Inc. Establishes notice filing requirements for federal crowdfunding offerings.

**State or Federal Law Implemented:** Iowa Code section 502.605.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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### ARC 3404C

**Rule Summary** Terminates a prior rulemaking commenced in ARC 3318C that proposed the implementation of the Iowa Stop Gap Measure. The Insurance Division withdrew the Program from federal consideration on October 23, 2017.

**State or Federal Law Implemented:** Iowa Code chapter 507B.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

### ARC 3348C & ARC 3349C

**Rule Summary** Amends existing rules to implement the Iowa Stopgap Measure that has been developed by the Insurance Division upon request by the Governor.

**State or Federal Law Implemented:** Iowa Code chapters 505, 513C, and 514E.

**Fiscal Impact** **Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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## Department of Public Health

### ARC 3420C

**Rule Summary** Establishes operational requirements for medical cannabidiol manufacturers and dispensaries, including operating procedures for the newly created Medical Cannabidiol Board. Implements the duties of the Department as related to manufacturing and dispensing, and establishes annual licensing procedures, manufacturer and dispensary operational requirements and prohibited activities, facility security requirements, and advertising and marketing restrictions. Establishes requirements for packaging and labeling, medical cannabidiol transportation and disposal, record keeping, medical cannabidiol production, quality assurance and control, supply and inventory tracking, inspections, penalty assessment, license suspension or revocation proceedings, and closure of operations.

**State or Federal Law Implemented:** 2017 Iowa Acts, HF 524 (Medical Cannabidiol Act).

**Fiscal Impact** **Agency Response:** The Department anticipates implementation of HF 524, will cause the expenditure of State funds in excess of \$100,000 per year. Anticipated costs include personnel to oversee the startup and administration of the program, technology solutions that are required by the statute, and administrative costs for equipment and office supplies.

**LSA Response:** The LSA concurs. The DPH transferred \$300,000 from the Essential Public Services General Fund appropriation to the Chronic Conditions General Fund appropriation to implement these changes. This brings the total budget for the Medical Cannabidiol Office to \$322,100 for estimated FY 2018. The LSA fiscal estimate for the DPH share of program implementation was \$1.2 million.

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