



## Fiscal Services Division

FISCAL IMPACT SUMMARY ADDENDUM FOR 1/3/2018 BULLETIN

January 3, 2018

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

**Rule Summary** Updates procedures, references to forms, and report filing dates for ARC 3546C (NOIA) juvenile detention homes to follow when seeking annual cost reimbursement.

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

**Fiscal Impact** **Agency Response:** No fiscal impact. The rulemaking updates the time period for departmental annual review and makes minor clarifications.

**LSA Response:** The LSA concurs.

**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). ARC 3548C (AF)

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

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

**LSA Response:** The LSA concurs.

**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 ARC 3550C (AF)

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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 \$3.1 million in both 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.

**Rule Summary** ARC 3552C (AF)  
Revises the language used to describe the Home and Community-Based Services (HCBS) home-delivered meal benefit in order to clarify administration of the benefit.

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

**Fiscal Impact** **Agency Response:** Minimal fiscal impact. 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.

**LSA Response:** The LSA concurs.

**Rule Summary** ARC 3553C (AF)  
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.

**Rule Summary** ARC 3554C (AF)  
Allows Medicaid providers to offer narrative documentation of service in a checkbox form format 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.

**Rule Summary** ARC 3555C (AF)  
Clarifies that programs for children who are at least three years old and receiving special education services are exempt from child care facility licensing.

**State or Federal Law Implemented:** Iowa Code section 237A.1(3) and 2017 Iowa Acts, chapter 103 (HF 534, Child Care Facility Licensing Exempt Programs Act).

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

**LSA Response:** The LSA concurs.

**Rule Summary**     Updates requirements for sleep practices and professional development in child care centers, child development homes, and child care homes. Establishes professional development requirements for child care homes that are not registered but have a child care assistance provider agreement, and makes exemptions for relatives who meet federal definitions.

**ARC 3556C (AF)**

**State or Federal Law Implemented:** Iowa Code section 237A.12.

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

**LSA Response:** The LSA concurs.

**Rule Summary**     Reflects the new accreditation standards for crisis response services to provide clarification of Medicaid coverage. Iowa Medicaid currently covers crisis response services; these rulemakings will clarify services covered and provide standards of operation for Medicaid crisis response service providers. Establishes the process by which the Department of Human Services (DHS) Iowa Medicaid Enterprise (IME) will enroll and reimburse qualified subacute mental health facility providers.

**ARC 3551C (AF)**

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

**Fiscal Impact**     **Agency Response:** Fiscal impact cannot be determined. Iowa Medicaid currently reimburses providers for crisis response services. The DHS will add new procedure codes for hourly crisis stabilization and crisis observation/holding. The crisis stabilization per diem rate will also increase to align with provider qualifications. In addition, new codes will be added to enable paraprofessionals and peer specialists to provide several crisis response services. New Medicaid expenditures for crisis response services are anticipated as the State clarifies Medicaid participation and reimbursement. However, these services are expected to reduce the utilization of more costly inpatient hospitalizations and emergency room (ER) visits, thereby resulting in an overall reduction of Medicaid costs. The costs of these new crisis services range from \$50 per hour up to \$416 per day, while the cost for inpatient hospitalizations and ER visits can be over \$1,000 per day.

Neither the cost of the crisis services nor the offsetting hospital savings are known with certainty. However, the expectation of savings is supported by economic impact analyses summarized in the 2014 report published by the federal Substance Abuse and Mental Health Services Administration (SAMHSA) titled "Crisis Services: Effectiveness, Cost-Effectiveness, and Funding Strategies."

Subacute mental health care facility services will be a new cost to Medicaid. Similar to crisis services, these services will provide a short-term, intensive mental health service option with the goal of reducing the utilization of more costly inpatient hospitalizations and ER visits. The cost for this service is expected to be \$400 per day, whereas the cost for inpatient hospitalizations and ER visits can be over \$1,000 per day. Neither the cost of the subacute services nor the offsetting hospital savings are known with certainty. Any potential impact will be limited by the availability of beds. There are currently no licensed subacute facilities in the State and only one application has been sent to the Department for review. If approved, that facility will provide up to nine subacute beds.

**LSA Response:** The LSA concurs.

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## ARC 3549C (AF)

**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 Enrollees	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>

\* 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 0.75).

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 the 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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## Department of Workforce Development

## ARC 3562C

**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 Department-approved training and training extension benefits.

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

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

**LSA Response:** The LSA concurs.

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## Iowa Public Employees' Retirement System

**ARC 3537C (NOIA)**

**Rule Summary**     Revises existing rules by implementing the following changes:

- Rescinds outdated, redundant, or inconsistent rules to meet the requirements of the statutory five-year rules review for chapters 1-5.
- Implements contribution rates for regular and special service members beginning July 1, 2018.
- Amends language to comply with open meeting laws.
- Requires employers to obtain an IRS determination if they disagree with IPERS' employee coverage determination.
- Provides consistency with Social Security determinations of employee vs. independent contractor coverage.
- Adds a definition of "emergency medical care provider" consistent with the coverage afforded in Iowa Code chapter 97B.
- Matches language in the bona fide refund rules with the bona fide retirement rules.
- Clarifies, effective July 1, 2018, a member will not have a bona fide retirement if the member enters into an agreement to return to work with the member's former employer, prior to or during the member's first month of entitlement and before receiving four months of payments from IPERS.
- Updates the interest rate for fraud to match IPERS' lowered investment return assumption to 7.0%.
- States that there are only 60 days to make an alternative election.
- Clarifies dual coverage is not allowed for the same position.

**State or Federal Law Implemented:** Iowa Code chapter 97B.

**Fiscal Impact**     **Agency Response:** The following reflects the increased contribution rates for FY 2019 for all three membership groups in IPERS:

**Regular Membership.** The contribution rates are increasing by 0.85% from 14.88% for FY 2018 to 15.73% for FY 2019. The impact to covered employers and members is an estimated cost of \$67.6 million. For regular class members, contribution amounts are split 60/40 between employers and members.

Employer Type	Projected Wages	FY 2018			FY 2019			Member Difference	Employer Difference	Total Difference
		Member Contribution 5.95%	Employer Contribution 8.93%	Combined Rate 14.88%	Member Contribution 6.29%	Employer Contribution 9.44%	Combined Rate 15.73%			
Education	\$4,325,844,055	\$257,387,721	\$386,297,874	\$643,685,595	\$272,095,591	\$408,359,679	\$680,455,270	\$14,707,870	\$22,061,805	\$36,769,675
State	\$1,200,739,802	\$71,444,018	\$107,226,064	\$178,670,083	\$75,526,534	\$113,349,837	\$188,876,371	\$4,082,516	\$6,123,773	\$10,206,289
County	\$1,192,787,883	\$70,970,879	\$106,515,958	\$177,486,837	\$75,026,358	\$112,599,176	\$187,625,534	\$4,055,479	\$6,083,218	\$10,138,697
City	\$970,134,145	\$57,722,982	\$86,632,979	\$144,355,961	\$61,021,438	\$91,580,663	\$152,602,101	\$3,298,456	\$4,947,684	\$8,246,140
Other	\$143,134,546	\$8,516,505	\$12,781,915	\$21,298,420	\$9,003,163	\$13,511,901	\$22,515,064	\$486,658	\$729,986	\$1,216,644
Utilities	\$119,278,788	\$7,097,088	\$10,651,596	\$17,748,684	\$7,502,636	\$11,259,918	\$18,762,553	\$405,548	\$608,322	\$1,013,870

• **Sheriffs and Deputies.** The contribution rates are increasing by 0.76% from 18.76% for FY 2018 to 19.52% for FY 2019. The impact to covered employers and members is an estimated cost of \$893,740. For sheriffs and deputies, contribution amounts are split 50/50 between employers and members.

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Estimated IPERS Contributions For Sheriffs and Deputies										
Employer Type	Projected Wages	FY 2018			FY 2019			Member Difference	Employer Difference	Total Difference
		Member Contribution	Employer Contribution	Combined Rate	Member Contribution	Employer Contribution	Combined Rate			
County	\$117,597,338	\$11,030,630	\$11,030,630	22.06%	\$11,477,500	\$11,477,500	22.95%	\$446,870	\$446,870	\$893,740

• **Protection Occupation.** The contribution rates are increasing by 0.62% from 16.40% for FY 2018 to 17.02% for FY 2019. The impact to covered employers and members is an estimated cost of \$2.3 million. For protection occupation members, contribution amounts are split 60/40 between employers and members.

Estimated IPERS Contributions For Protection Occupation										
Employer Type	Projected Wages	FY 2018			FY 2019			Member Difference	Employer Difference	Total Difference
		Member Contribution	Employer Contribution	Combined Rate	Member Contribution	Employer Contribution	Combined Rate			
State	\$190,625,627	\$12,505,041	\$18,757,562	16.40%	\$12,981,605	\$19,462,877	17.02%	\$476,564	\$705,315	\$1,181,879
County	\$87,518,061	\$5,741,185	\$8,611,777	16.40%	\$5,959,980	\$8,935,594	17.02%	\$218,795	\$323,817	\$542,612
City	\$77,386,752	\$5,076,571	\$7,614,856	16.40%	\$5,270,038	\$7,901,187	17.02%	\$193,467	\$286,331	\$479,798
Hospitals	\$18,206,448	\$1,194,343	\$1,791,515	16.40%	\$1,239,859	\$1,858,878	17.02%	\$45,516	\$67,363	\$112,879
Townships	\$112,155	\$7,357	\$11,036	16.40%	\$7,638	\$11,451	17.02%	\$281	\$415	\$696

**LSA Response:** The LSA concurs.

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## Department of Homeland Security and Emergency Management

### ARC 3531C

**Rule Summary** Amends existing rules to implement 2017 Iowa Acts, SF 351 (State Emergency Response Commission Duties Act), which eliminated the Iowa Emergency Response Commission and placed the associated Commission responsibilities under the purview of the Department of Homeland Security and Emergency Management.

**State or Federal Law Implemented:** Iowa Code chapters 29C and 30.

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

**LSA Response:** The LSA concurs.

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## Department of Commerce/Utilities Division

### ARC 3538C (NOIA)

**Rule Summary** Updates the Board's rules on cogeneration and small power production to be consistent with recent amendments. Adopts new definitions for disconnection devices, distributed generation facilities, and electric meters.

**State or Federal Law Implemented:** Iowa Code chapter 476.

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

**LSA Response:** The LSA concurs.

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## Department of Public Safety

### ARC 3545C

**Rule Summary** Requires the installation of carbon monoxide alarms in all residential buildings that are served by a fuel-burning appliance, furnace, heater, fireplace, or attached garage, with some exceptions. Pursuant to 2016 Iowa Acts, SF 2219 (Carbon Monoxide Poisoning, Building Detectors Act), the rulemaking places responsibility on the owner and tenant for the installation and maintenance of the alarms. The State Fire Marshal is also authorized to implement an inspection program.

**State or Federal Law Implemented:** Iowa Code section 100.35 and SF 2219.

**Fiscal Impact** **Agency Response:** No fiscal impact. The inspection program will be done in the regular course of inspections or upon complaint. However, there will be an impact to the building owners and landlords who pay the costs of installing carbon monoxide alarms and detection systems, which are between \$20 and \$50 per unit.

**LSA Response:** The LSA concurs.

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## Department of Revenue

### ARC 3542C (NOIA)

**Rule Summary** Amends existing rules to reflect changes made to Iowa Education Savings Plan accounts as implemented by 2015 Iowa Acts, SF 510 (FY 2016 Appropriations Act), and 2016 Iowa Acts, SF 2301 (College Savings Accounts by Nonprofit and Community Foundations Act), including:

- Allowing participants to deduct contributions made after the end of the tax year for which the deduction was claimed, but before the Iowa filing deadline for that year on individual Iowa tax returns.
- Allowing non-qualified nonprofit organizations to establish Iowa Education Savings Plan accounts as plan participants and provide restrictions for charitable deductions individuals and corporations are allowed to itemize on their returns.

Also strikes outdated language that is no longer in effect.

**State or Federal Law Implemented:** Iowa Code sections 422.7, 422.9, and 422.35.

**Fiscal Impact** **Agency Response:** Although the rulemaking itself has no fiscal impact, both pieces of legislation referenced in the rulemaking do.

Senate File 510 became effective upon enactment and applied retroactively to tax year 2015. The changes in the Act related to the Iowa Education Savings Plan accounts were estimated to reduce General Fund revenue by \$0.5 million for FY 2016, and \$0.1 million annually in subsequent years.

Senate File 2301 also became effective on enactment and applied retroactively to tax year 2016. The Act was estimated to reduce General Fund revenue by \$38,000 in FY 2018 and \$77,000 in FY 2019 and subsequent fiscal years.

**LSA Response:** The LSA concurs.

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## Department of Transportation

- ARC 3561C**
- Rule Summary** Amends existing rules to correct statute implementation, adds the address of the Department's website, and eliminates unnecessary language.
- State or Federal Law Implemented:** Iowa Code sections 307.12, 307A.2, and 314.27.
- Fiscal Impact** **Agency Response:** Minimal fiscal impact. Lost revenue from the five rest area sponsorships is estimated to total less than \$39,000 per fiscal year.
- LSA Response:** The LSA concurs.
- ARC 3532C**
- Rule Summary** Updates the validity period of a commercial learner's permit (CLP) from 180 days to one year, and makes corrections to the contact information.
- State or Federal Law Implemented:** Iowa Code section 321.180 and 2017 Iowa Acts, ch. 149.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA does not concur. In FY 2016, there were 950 CLP renewals at a cost of \$12 per license renewal. However, the fiscal impact to the Road Use Tax Fund from the revenue reduction of CLP renewals is expected to be minimal.
- ARC 3533C**
- Rule Summary** Amends existing rules by updating definitions, removing outdated Iowa Code references, and changing how often the Statewide Transportation Coordination Advisory Council must meet.
- State or Federal Law Implemented:** Iowa Code sections 324A.4 and 324A.5.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.
- ARC 3534C**
- Rule Summary** Updates existing rules to include Department contact information, references to the Iowa Code and the Code of Federal Regulations, licensing requirements, and safety procedures.
- State or Federal Law Implemented:** Iowa Code sections 321.1, 321.189, 321.343, 321.375, 321.377, and 324A.1, and 49 C.F.R. §38, 49 C.F.R. §571, and 49 C.F.R. Part 655.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.
- ARC 3536C**
- Rule Summary** Updates sources of federal transit funding that the Department receives for distribution, amends the State management plan, and updates the Department's contact information.
- State or Federal Law Implemented:** Iowa Code sections 324A.4 and 324A.6.
- Fiscal Impact** **Agency Response:** No fiscal impact.



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**LSA Response:** The LSA concurs.

### ARC 3535C

**Rule Summary** Updates definitions and existing language to include State-funded capital projects in addition to federally funded capital projects, removes language concerning utilization of a centralized accounting system, and changes the responsibility for approval decisions from the Transportation Commission to the Department.

**State or Federal Law Implemented:** Iowa Code sections 307.12, 307A.2, and 1985 Iowa Acts, Chapter 265.

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

**LSA Response:** The LSA concurs.

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### College Student Aid Commission

### ARC 3540C (NOIA)

**Rule Summary** Incorporates a State Authorization Reciprocity Agreement (SARA) requirement that Iowa SARA-approved for-profit schools extend the tuition refund policy to out-of-state residents enrolled in distance education programs.

**State or Federal Law Implemented:** Iowa Code chapters 261, 261B, and 261G.

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

**LSA Response:** The LSA concurs.

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### Labor Division

### ARC 3539C (NOIA)

**Rule Summary** Requires a fatality related to an amusement ride or device to be reported to the Labor Commissioner. Changes the rules that allow selected owners of air-supported structures to perform inspections of their own equipment as a designee of the Labor Commissioner by adding generators to the list of devices that designated owners may inspect, and ends the inspection designation on December 31 of the year issued. Specifies the Labor Commissioner's policy on payments of permit and inspection fees, and rescinds language that prevents electronic payments in preparation for a new electronic permitting system.

**State or Federal Law Implemented:** Iowa Code chapter 88A.

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

**LSA Response:** The LSA concurs.

### ARC 3557C

**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 set 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.

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**State or Federal Law Implemented:** Iowa Code chapter 88 and 2017 Iowa Acts, ch. 56.

**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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### Board of Educational Examiners

#### **ARC 3471C**

**Rule Summary**     Addresses inconsistencies and unnecessary language identified during a review of the Board's rules. Clarifies language regarding temporary permits and conditional licensure, eliminates redundant language regarding endorsements, and makes other minor corrections.

**State or Federal Law Implemented:** Iowa Code section 272.2.

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

**LSA Response:** The LSA concurs.

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### Professional Licensure Division

#### **ARC 3541C (NOIA)**

**Rule Summary**     Provides conforming and technical updates to the Board of Massage Therapy chapters on licensure and education curricula.

**State or Federal Law Implemented:** Iowa Code Section 152C.2.

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

**LSA Response:** The LSA concurs.

#### **ARC 3558C (AF)**

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

**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.

#### **ARC 3559C (AF)**

**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.

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**LSA Response:** The LSA concurs.

**Rule Summary** Provides technical and conforming updates to rules regarding the Iowa Board of Athletic Training. **ARC 3560C (AF)**

**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.

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