

**IOWA DEPARTMENT OF PUBLIC HEALTH
REGULATORY PLAN
FISCAL YEAR 2012**

**Prepared Pursuant to Executive Order Nine,
Signed by Governor Vilsack on September 14, 1999**

August 1, 2011

Iowa Department of Public Health:

Vision Statement: Healthy Iowans living in healthy communities.

Mission Statement: Promoting and protecting the health of Iowans.

The Department's vision and mission statements broadly describe the obligations imposed on the Department of Public Health by statute. The regulatory objectives and priorities of the Department focus on wellness and prevention while working toward the goal of the health leadership agenda that every Iowan will have access to quality health care services. This year's plan includes rules that are being amended as a result of a Department initiative to review all rules for their effectiveness. This plan was approved by Mariannette Miller-Meeks, B.S.N., M.Ed., M.D., Director of the Iowa Department of Public Health.

The following table, arranged by Department Divisions, summarizes the administrative rules currently under active consideration or development for fiscal year 2012. This plan includes all potential rules under Iowa Administrative Code [641]: Public Health Department and [645]: Professional Licensure Division as well as the following boards, under the umbrella of Public Health: Dental Board [650]; Board of Medicine [653]; Board of Nursing [655]; and Board of Pharmacy [657]. This plan is posted on the Department's web site, http://www.idph.state.ia.us/adper/admin_review.asp

How Can You Participate?

You can participate by contacting the person listed in the summary of a regulatory action. You may also participate by commenting on proposed rules that are published in the Iowa Administrative Bulletin. Once a rule has been proposed, the Department will consider your comments and address them before issuing a final rule. To be most effective, comments should contain information and data that support your position, and explain why they should be incorporated in the final rule. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

Chapter # & Title (Subject)	Description of Action, Reason & Alternatives	Legal Basis for Action	Schedule for Action	Contact Person
Acute Disease Prevention and Emergency Response Division				
IAC 641 - Chapter 112 Biological Agent Risk Assessment	Review chapter for updates / possibly rescind.	Iowa Code 135	January 2012	Rebecca Curtiss (515) 242-5206
IAC 641—Chapter 132 Emergency Medical Services – Service Program Authorizations	Update rules to match new emergency medical care provider levels	Iowa Code 147A.4	September 2011	Joe Ferrell (515)281-0601
IAC 641—Chapter 137 Trauma Education and Training	Update rules for trauma care categorization of Iowa hospitals. Update rules to national standards regarding training per Chapter 134.	Iowa Code 147A.27	September 2011	Joe Ferrell (515)281-0601
IAC 641—Chapter 138 Trauma System Evaluation Quality Improvement Committee	Upon advice from AG’s Office, establish rules for the committee; currently in bylaws.	Iowa Code 147A.25	January 2012	Joe Ferrell (515)281-0601
IAC 641-Chapter 201 Organized Delivery Systems	Rescind chapter. There are no active Organized Delivery Systems in the state.	Iowa Code 135.11	January 2012	Barb Nervig (515)281-4344
IAC 641—Chapter 202 Certificate of Need Program	Update, adding reporting requirements currently in Chapter 204. Add process for requesting non-reviewability determination.	Iowa Code 136.61-83	January 2012	Barb Nervig (515)281-4344
IAC 641—Chapter 203 Standards for Certificate of Need Program	Update standards for services still reviewed and rescind standards for services no longer reviewed.	Iowa Code 136.61-83	May 2012	Barb Nervig (515)281-4344
IAC 641—Chapter 204 Uniform Reporting Requirements	Rescind chapter, incorporating necessary information into Chapter 202.	Iowa Code 136.61-83	January 2012	Barb Nervig (515)281-4344
IAC 641—Chapter XX (New) TB	Update TB testing rules for healthcare workers, residents of long-term care facilities and residents of substance abuse facilities.	Iowa Code 135	November 2011	Allan Lynch (515)281-7504
IAC 641—Chapters XX (New) E-Health	Establish rules to implement legislation regarding E-Health.	Iowa Code 135.154-156	January 2012	Alison Walding (515)281-8960

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Administration and Professional Licensure Division				
IAC 641—Chapter 95 Certificate of Live Birth-Registration Fee; Chapter 96 Vital Records; Chapter 98 Forms Uniform; Chapter 99 Delayed Birth, Death, and Marriage Registration; Chapter 100 Establishment of New Certificate of Birth; Chapter 101 Death Certification, Autopsy & Disinterment; Chapter 102 Correction & Amendment of Vital Records; Chapter 103 Confidentiality of Records; Chapter 104 Copies of Vital Records; Chapter 105 Declaration of Paternity; and Chapter 106 Reporting of Termination of Pregnancy	To make vital records rules easier to access and understand, the rules in these existing chapters will be combined and organized into six new chapters as detailed below.	Iowa Code 144.3	November 2011	Jill France (515)281-6762
IAC 641—Chapter 95 Vital Records General Administration	Provide definitions of words and titles used in vital records; define fees charged for various services by the state and county registrar; provide guidance in the handling of equipment or vital records documents and guidance for county registrars to maintain confidentiality; provide for statistical data to be collected and procedures to collect the data; define general public access and who has direct tangible interest and entitlement to vital records.	Iowa Code 144.3	November 2011	Jill France (515)281-6762
IAC 641—Chapter 96 Birth Registration	Provide procedures for birth registration to one year for standard births in institutions, non-delivering institutions and non-institutions; procedures for birth registration of surrogate or gestational carrier births, foundling and safe haven births; procedures for delayed birth registration after one year of birth; procedures for collection of birth registration fees.	Iowa Code 144.3	November 2011	Jill France (515)281-6762

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Administration and Professional Licensure Division (Continued)				
IAC 641—Chapter 97 Death Registration	Define a death record when filed from death to one year after the death; provide procedures to establish a presumptive death record; to establish a death record when a death record was not filed timely; and provide guidance to secure a disinterment permit, and who may issue a burial transit permit.	Iowa Code 144.3	November 2011	Jill France (515)281-6762
IAC 641—Chapter 98 Marriage Registration	Define a standard marriage record to one year after the marriage. Describe procedures to apply for an application for a marriage license; issuance of a license to marry; filing a certificate of marriage. Provide procedures to establish a marriage record when a marriage record was not filed timely and guidance to file dissolution or annulment of marriage.	Iowa Code 144.3	November 2011	Jill France (515)281-6762
IAC 641—Chapter 99 Vital Records Modification	Describe requirements to modify a vital record including corrections of minor errors within the first year, process and methods of amendments of major corrections; who can make changes; and method for legal change of name.	Iowa Code 144.3	November 2011	Jill France (515)281-6762
IAC 641—Chapter 100 Vital Records Registry and Reports	Combines vital record registry and reports into one chapter. The chapter will include guidelines to determine eligibility to register for the mutual consent voluntary adoption register; what information is necessary to register on the declaration of paternity registry; guidance for the report of termination of pregnancy.	Iowa Code 144.3	November 2011	Jill France (515)281-6762
IAC 645—Chapter 33 Discipline for Marital and Family Therapists and Mental Health Counselors	Revise discipline language to address deferred sentence.	Iowa Code 154D	November, 2011	Judy Manning (515)281.4413

Chapter # & Title (Subject)	Description of Action, Reason & Alternatives	Legal Basis for Action	Schedule for Action	Contact Person
Administration and Professional Licensure Division (Continued)				
IAC 645—Chapter 61 Licensure of Salons and Schools of Cosmetology Arts and Sciences	Add physical requirements for schools offering only nail technology courses or esthetic courses; revise rule 61.15 to reduce the number of instructors required onsite; and define requirements for schools offering training through distant learning.	Iowa Code 157	October 2011	Susan Reynolds (515)281-5234
IAC 645—Chapter 63 Sanitation for Salons and Schools of Cosmetology Arts and Sciences	Clarify disinfection and sterilization requirements to be consistent with national standards.	Iowa Code 157	October 2011	Susan Reynolds (515)281-5234
IAC 645—Chapter 83 Discipline for Dietitians	Add deferred judgments to conviction of a crime.	Iowa Code 152A, 147, 272C	September 2011	Sharon Dozier (515)281-6352
IAC 645—Chapter 100 Practice of Funeral Directors, Funeral Establishments, and Cremation Establishments	Develop recordkeeping guidelines for funeral directors and funeral establishments to be consistent with Iowa Code 144 and with federal guidelines.	Iowa Code 156	January 2012	Susan Reynolds (515)281-5234
IAC 645—Chapter 124 Discipline for Hearing Aid Dispensers	Add deferred judgments to conviction of a crime.	Iowa Code 154A, 147, 272C	August 2011	Sharon Dozier (515)281-6352
IAC 645—Chapter 131 Licensure of Massage Therapists	Make rules consistent with Iowa Code change requiring graduation from a massage therapy school with a minimum of 600 hours.	Iowa Code 152C	November 2011	Pierce Wilson (515)242.6529
IAC 645—Chapter 141 Licensure of Nursing Home Administrators	Amend academic and practicum requirements; rescind requirement for mailing renewal notices.	Iowa Code 155, 147, 272C	October 2011	Sharon Dozier (515)281-6352
IAC 645—Chapter 143 Continuing Education for Nursing Home Administrators	Amend to accept mandatory reporter training for credit. Amend requirements for independent study.	Iowa Code 155, 272C	October 2011	Sharon Dozier (515)281-6352
IAC 645—Chapter 144 Discipline for Nursing Home Administrators	Add deferred judgments to conviction of a crime.	Iowa Code 155, 147, 272C	October 2011	Sharon Dozier (515)281-6352

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Administration and Professional Licensure Division (Continued)				
IAC 645—Chapter 202 Discipline for Physical Therapists and Physical Therapist Assistants	Revise discipline language to address deferred sentence.	Iowa Code 148A	December 2011	Judy Manning (515)281.4413
IAC 645—Chapter 206 Licensure of Occupational Therapists and Occupational Therapy Assistants	Revise chapter to update requirements for OT and OTA licensure and better define OT practice.	Iowa Code 148B	September 2011	Judy Manning (515)281.4413
IAC 645—Chapter 209 Discipline for Occupational Therapists and Occupational Therapy Assistants	Revise discipline language to address deferred sentence.	Iowa Code 148B	September 2011	Judy Manning (515)281.4413
IAC 645—Chapter 223 Practice of Podiatry	Add rules to address billing and record keeping standards for podiatry practice	Iowa Code 149	January 2012	Tony Alden (515) 281-4401
IAC 645—Chapter 224 Discipline for Podiatrists	Add discipline rule to address billing and record keeping requirements	Iowa Code 149	January 2012	Tony Alden (515) 281-4401
IAC 645—Chapter 240 Licensure of Psychologists	Amend requirements for internship, professional experience, and HSP; rescind requirement for mailing renewal notices.	Iowa Code 154B, 147, 272C	July 2011	Sharon Dozier (515)281-6352
IAC 645—Chapter 241 Continuing Education for Psychologists	Amend requirements for submission of research; teaching activities and for distance education.	Iowa Code 154B, 272C	August 2011	Sharon Dozier (515)281-6352
IAC 645—Chapter 242 Discipline for Psychologists	Add deferred judgments to conviction of a crime.	Iowa Code 154B, 147, 272C	August 2011	Sharon Dozier (515)281-6352
IAC 645—Chapter 280 Licensure of Social Workers	Amend requirements for supervised experience towards independent level licensure.	Iowa Code 154C	November 2011	Tony Alden (515) 281-4401
IAC 645—Chapter 300 Licensure of Speech Pathologists and Audiologist	Add language to address procedure for board proceedings.	Iowa Code 154F	September 2011	Judy Manning (515)281.4413
IAC 645—Chapter 304 Discipline for Speech Pathologists and Audiologists	Revise discipline language to address deferred sentence.	Iowa Code 154F	September 2011	Judy Manning (515)281.4413
IAC 645—Chapter 351 Licensure of Athletic Trainers	Rescind requirement for mailing renewal notices.	Iowa Code 152D, 272C	July 2011	Sharon Dozier (515)281-6352

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Administration and Professional Licensure Division (Continued)				
IAC 645—Chapter 353 Discipline for Athletic Trainers	Replace felony with crime, and add deferred judgments to conviction of a crime.	Iowa Code 152D, 147, 272C	July 2011	Sharon Dozier (515)281-6352
Behavioral Health Division				
IAC 641—Chapter 11 Acquired Immune Deficiency Syndrome (AIDS)	Remove lab certification process; update lab reporting requirements; clarify procedures and definitions for AIDS Drug Assistance Program. Clean up of chapter due to changes in the code and changes in HIV testing technology.	Iowa Code 141A	March 2012	Randy Mayer (515)242 -5150
IAC 641—Chapter 85 Local Substitute Medical Decision-Making Boards	The language needs to be changed to delete the reference to state substitute medical decision-making board.	Iowa Code 135.29	November 2011	Di Nicholls-Blomme (515)242-6333
IAC 641—Chapter 93 Abuse Education Review Panel	Amend to eliminate the panel from the approval process and identify responsibilities and funding within the department.	Iowa Code 135.11(24)	November 2011	Di Nicholls-Blomme (515)242-6333
Environmental Health Division				
IAC 641—Chapter 15 Swimming Pools and Spas	Update language and fees.	Iowa Code 135I	November 2011	Carmily Stone (515)281-0921
IAC 641 – Chapters 38 through 41 Radiation Chapters	Annual update as needed to comply with Nuclear Regulatory Commission rule changes.	Iowa Code 136C	November 2011	Melanie Rasmusson (515)281-3478
IAC 641 – Chapter 42 Minimum Certification Standards for Radiographers, Nuclear Med Techs, and Radiation Therapists	Update language and streamline the rule language to reflect current practices.	Iowa Code 136C	November 2011	Melanie Rasmusson (515)281-3478
IAC 641—Chapter 68 Lead-Based Paint Hazards	Update language to reflect changes required by EPA and CDC.	Iowa Code 135.102	November 2011	Rita Gergely (515)242-6340
IAC 641—Chapter 70 Lead-Based Paint Activities	Update language to reflect changes required by EPA.	Iowa Code 135.105A	November 2011	Rita Gergely (515)242-6340
IAC 641—Chapter 72 Childhood Lead Poisoning Prevention Program	Update language to reflect changes required by EPA and CDC.	Iowa Code 135.100-105	November 2011	Rita Gergely (515)242-6340

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Environmental Health Division (Continued)				
IAC 641 – XXX (New) Practice of Plumbing and Mechanical Systems Professionals	Establishes expectations and requirements for licensees of the plumbing and mechanical systems board.	Iowa Code 105	September 2011	Cynthia Houlson (515)281-6881
Health Promotion and Chronic Disease Prevention Division				
IAC 641—Chapter 8 (New) Care for Yourself Screening Services	Current Chapter 37 will be rescinded. Will incorporate WISEWOMAN (cardiovascular) services and define services offered through the Care for Yourself Program.	Iowa Code 135	November 2011	Jolene Carver (515)242-6200 Lindsey Drew (515)281-6779
IAC 641—Chapter 10 (New) Iowa Get Screened: Colorectal Cancer Screening Services	Adopt rules for eligibility and provision of colorectal cancer screening and diagnostic services through the Iowa Get Screened Program.	Iowa Code 135	November 2011	Gena Hodges (515)281-4909 Jenny Hodges (515)281-4779
IAC 641—Chapter 75 Statewide Obstetrical and Newborn Indigent Patient Care Program	Review for necessary revisions to update OR consider for deletion due to funding issues.	Iowa Code	June 2012	Denise Wheeler (515) 281-4907
IAC 641 – Chapter 88 Volunteer Health Care Provider Program	Under consideration for changes in dental services, protection for hospitals as legislated in 2011 session if signed by Governor.	Iowa Code 135.24	June 2012	Dawn Mouw (515)-287-7311
IAC 641—Chapter 89 Decision-making Assistance Program and Parental Notification of Intent to Terminate a Pregnancy through Abortion	Review for necessary revisions to update OR consider for deletion due to funding issues.	Iowa Code 135L	March 2012	Stephanie Trusty (515)281-4731 Denise Wheeler (515) 281-4907
IAC 641—Chapter 110 Center for Rural Health and Primary Care	Will consider rescinding and replacing. Will address the services provided through the Bureau of Oral and Health Delivery Systems and the Rural Health and Primary Care Advisory Committee role and responsibilities.	Iowa Code 135.107	March 2012 If code changes occur in 2012, rule changes will move to FY13	Doreen Chamberlin (515) 281-8517 Bobbi Buckner-Bentz (515)281-7223

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Health Promotion and Chronic Disease Prevention Division (Continued)				
IAC 641—Chapter 150 Iowa Regionalized System of Perinatal Health Care	Update or revise rules based on redesign. Clarify role of Advisory Committee related to hospital level designation recommendations. Revise to reflect standards of practice for screening and testing for infectious diseases for prenatal clients.	Iowa Code 135.11	January 2012	Stephanie Trusty (515)281-4731 Denise Wheeler (515) 281-4907
IAC 641—Chapter XX (New) Prenatal Guidelines	Adopt rules incorporating the CDC’s prenatal guidelines as the state guidelines for prenatal testing and care relative to infectious disease.	Iowa Code 139A.7	January 2012	Stephanie Trusty (515)281-4731 Denise Wheeler (515) 281-4907
IAC 641—XX (New) Medical Home System Advisory Council	Adopt standards and a process to certify medical homes based on the national committee for quality assurance standards.	Iowa Code 135.157-159	September 2011	Beth Jones (515) 333-1868 Abby McGill (515)281-3108
Tobacco Use Prevention and Control Division				
IAC 641—Chapter 151 Tobacco Use Prevention and Control Community Partnership Initiative	Update and consolidate with chapter 152 to reflect current practice and any changes that may come from 2012 legislative session.	Iowa Code 142A	Notice in June 2012	Bonnie Mapes (515)281-8857
IAC 641—Chapter 152 Tobacco Use Prevention and Control Funding Process	Update and consolidate with chapter 151 to reflect current practice and any changes that may come from 2012 legislative session.	Iowa Code 142A	Notice in June 2012	Bonnie Mapes (515)281-8857

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Dental Board				
IAC 650—Chapters 1-51	<p>To review and update, as needed, all Board rules. Administrative and substantive changes may include:</p> <ul style="list-style-type: none"> • Reorganization of structure of rules to improve clarity and to make it easier to find information. • Remove or update statutory references. • Revise the rules to reflect the agency name change from “Iowa Board of Dental Examiners” to “Iowa Dental Board.” • Review and update the descriptions of administrative procedures to process applications, renewals, permits, etc. • Update descriptions of roles and responsibilities of Board committees. • Amend the rules to incorporate changes needed as part of the database project that will result in offering online application and renewal to licensees, permit holder and registrants • Revise the rules relating to initial licensure. Provide for an application fee and a prorated initial license fee. Thereafter, the usual renewal fees would be applicable. • Revise the rules to include recommended rule amendments from the Anesthesia Credentials Committee. • Amend the rules to incorporate the statutory changes to become effective on July 1, 2011 relating to licensure by credentials. 	Iowa Code 147, 153, 272C	Notice in August 2012	Melanie Johnson (515)281-6935

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Board of Medicine				
IAC 653—Chapter 10 Resident, Special and Temporary Licensure	Revision of questions on application	Iowa Code 147, 148 and 272C	Notice in FY2012	Mark Bowden (515) 242-3268
IAC 653—Chapter 10 Resident, Special and Temporary Licensure	Adding licensure for physicians who temporarily and voluntarily provide certain medical services for certain non-profit organizations	Iowa Code 147, 148 and 272C	Notice in FY2012	Mark Bowden (515)242-3268
IAC 653—Chapter 10 Resident, Special and Temporary Licensure and/or Chapter 11 Continuing Education and Training	Assessing ongoing clinical competence for medical licensure (maintenance of licensure)	Iowa Code 147, 148 and 272C	Notice in FY2012	Mark Bowden (515)242-3268
IAC 653—Chapter 13 Standards of Practice	Identifying standards of practice	Iowa Code 147, 148 and 272C	Notice in FY2012	Mark Bowden (515)242-3268
IAC 653—Chapter 24 Complaints and Investigations	Modifying the definition of what constitutes an investigation	Iowa Code 147, 148 and 272C	Notice in FY2012	Mark Bowden (515)242-3268
IAC 653—Chapter 25 Contested Case Proceedings	Modifying procedures for hearings	Iowa Code 147, 148 and 272C	Notice in FY2012	Mark Bowden (515)242-3268
Board of Nursing				
IAC 655—Chapter 16 Nurse Licensure Compact	Adopt rules to implement the Advanced Practice Compact.	Iowa Code 152E	July 2012	Lorinda Inman (515)281-3256
Board of Pharmacy				
IAC 657—Chapter 8 Universal Practice Standards	Amend rules regarding procedures for closing a pharmacy; unethical conduct; patient information and freedom of choice of pharmacy services.	Iowa Code 155A.13	September 2011	Terry Witkowski or Lloyd Jessen (515)281-5944

Chapter # & Title (Subject)	Description of Action, Reason & Alternatives	Legal Basis for Action	Schedule for Action	Contact Person
Board of Pharmacy (Continued)				
IAC 657—Chapter 8 Universal Practice Standards	Establish rules identifying the procedures for application and approval of pilot or demonstration research projects of innovative pharmacy practice applications	2011 HF467, section 36	January 2012	Terry Witkowski or Lloyd Jessen (515)281-5944
IAC 657—Chapter 10 Controlled Substances	Drug scheduling actions in response to actions taken by the federal DEA.	Iowa Code 124.201	Dependent on federal DEA action	Terry Witkowski or Lloyd Jessen (515)281-5944
IAC 657—Chapter 24 (New) Internet Pharmacy Sites	Define Internet pharmacies and Internet pharmacy sites; establish requirements for site registration and site content and other matters relating to site registration, application, forms, renewals, fees, termination of registration, and other relevant matters.	Iowa Code 155A.13B	September 2011	Terry Witkowski or Lloyd Jessen (515)281-5944
IAC 657—Chapter 37 Iowa Prescription Monitoring Program	Amend rules to permit a pharmacist or prescriber to delegate PMP access to a limited number of agents; require an agent to register as a delegate user of a pharmacist or prescriber	2011 SF286	September 2011	Terry Witkowski or Lloyd Jessen (515)281-5944
IAC 657—Chapter XX (New) Limited Drug and Device Distributor Licenses	Define limited drug and device distributors (LDDD). Establish license and practice requirements of businesses not qualified for pharmacy or drug wholesale licensure that engages in the delivery of prescription home health aides and supplies and medical gases.	Iowa Code 155A.33 and 155A.4	January 2012	Terry Witkowski or Lloyd Jessen (515)281-5944