

## Red Tape Review Rule Report (Due: September 1, 2024)

<b>Department Name:</b>	Health and Human Services	<b>Date:</b>	September 1, 2024	<b>Total Rule Count:</b>	21
<b>IAC #:</b>	641	<b>Chapter/ SubChapter/ Rule(s):</b>	12	<b>Iowa Code Section Authorizing Rule:</b>	730.5
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

**What is the intended benefit of the rule?**

To allow the Department to approve confirmatory laboratories so that non-SAMHSA certified laboratories are conducting confirmatory drug testing in accordance with state and federal regulations.

**Is the benefit being achieved? Please provide evidence.**

Yes. There are currently five laboratories that have been approved for certification by the Department.

**What are the costs incurred by the public to comply with the rule?**

Laboratories must pay an initial \$600 application fee and a \$300 renewal fee annually thereafter.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

Personnel and other administrative costs.

**Do the costs justify the benefits achieved? Please explain.**

Yes, as evidenced by the laboratories' willingness to pay the application and renewal fees in order to obtain and maintain certification.

**Are there less restrictive alternatives to accomplish the benefit?  YES  NO**

**If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.**

See the section regarding statutory changes, below.

**Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]**

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12.1 – repeal - unnecessary.  
 12.2 – remove 8 definitions duplicative of Iowa Code section 730.5 (1); remove two definitions that are redundant.  
 12.3 – revised to remove restrictive and redundant information.  
 12.4 – remove redundant information contained in a Department form.  
 12.12 – revised to remove unnecessary information.  
 12.13 – revised to remove redundant information.  
 12.14 – revised for clarity.  
 12.20 – revised to remove restrictive terms, for clarity, and to update a rule reference.

12.21 – revised to remove restrictive terms, redundant information, and an outdated reference.

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

641-12.1

**RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):**

641-12.2 - 12.21

***\*For rules being re-promulgated with changes, you may attach a document with suggested changes.***

**METRICS**

<b>Total number of rules repealed:</b>	1
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	654
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	17

**ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?**

The Department has considered making the changes to Iowa Code section 730.5 (7) "f:"

All confirmatory drug testing shall be conducted at a laboratory certified by the United States department of health and human services' substance abuse and mental health services administration or ~~approved under rules adopted by the department of health and human services accreditation for forensic drug testing under the College of American Pathologists.~~

This change to the Code would eliminate the need for the rule.