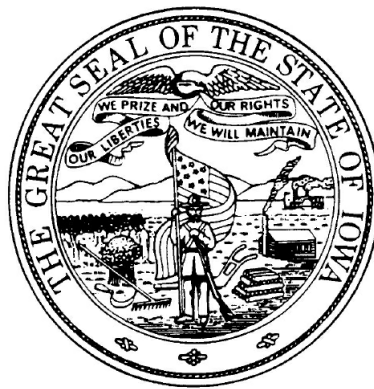


*State of Iowa*

**Iowa**  
**Administrative**  
**Code**  
**Supplement**

Biweekly  
April 3, 2024



---

Published by the  
STATE OF IOWA  
UNDER AUTHORITY OF IOWA CODE SECTION 17A.6

The Iowa Administrative Code (IAC) Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement is a compilation of updated Iowa Administrative Code chapters that reflect rule changes which have been adopted by agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17, 17A.4, and 17A.5 and published in the Iowa Administrative Bulletin bearing the same publication date as the one for this Supplement. To determine the specific changes to the rules, refer to the Iowa Administrative Bulletin. To maintain a loose-leaf set of the IAC, insert the chapters according to the instructions included in the Supplement.

In addition to the rule changes adopted by agencies, the chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay or suspension imposed by the ARRC pursuant to section 17A.8(9) or 17A.8(10); rescission of a rule by the Governor pursuant to section 17A.4(8); nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa; other action relating to rules enacted by the General Assembly; updated chapters for the Uniform Rules on Agency Procedure; or an editorial change to a rule by the Administrative Code Editor pursuant to Iowa Code section 2B.13(2).

# INSTRUCTIONS

## FOR UPDATING THE

# IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone 515.281.3355 or 515.242.6873

### **Interior Design Examining Board[193G]**

Replace Chapter 4

### **Utilities Division[199]**

Replace Analysis

Replace Chapters 2 to 4 with Reserved Chapter 2 and Chapters 3 and 4

Replace Chapter 23

### **Historical Division[223]**

Replace Analysis

Remove Chapter 36 and Reserved Chapters 37 and 38

Insert Reserved Chapters 36 to 38

### **Economic Development Authority[261]**

Replace Analysis

Replace Chapter 417

### **College Student Aid Commission[283]**

Replace Analysis

Replace Chapters 1 to 3

Replace Chapters 5 to 7

### **Human Rights Department[421]**

Replace Chapters 1 to 19

### **Human Services Department[441]**

Replace Chapter 1

Replace Chapter 9

### **Child Advocacy Board[489]**

Replace Chapters 1 to 4 and Rescinded Chapter 5

### **Racing and Gaming Commission[491]**

Replace Chapters 13 and 14

### **Public Health Department[641]**

Replace Analysis

Replace Rescinded Chapters 159 to 175

Replace Chapter 176  
Replace Chapter 193

**Transportation Department[761]**

Replace Analysis  
Replace Chapter 511  
Replace Chapter 607

**Workforce Development Board and Workforce Development Center  
Administration Division[877]**

Replace Analysis  
Replace Chapters 32 and 33

CHAPTER 4  
PROFESSIONAL CONDUCT

**193G—4.1(544C) Rules of conduct.** A registered interior designer shall maintain a high standard of integrity and professional responsibility within the profession of registered interior design to protect the public health, life, safety, and welfare. Failure by a registrant to adhere to the provisions of Iowa Code section 272C.10 and chapter 544C and the following rules of conduct may be grounds for disciplinary action.

**4.1(1) Competence.**

*a.* A registered interior designer shall act with reasonable care and competence and apply the technical knowledge and skill ordinarily applied by a registered interior designer of good standing providing interior design services in the same locality.

*b.* The board may initiate discipline against a registered interior designer or may, when appropriate, refer a registered interior designer to the board's impaired practitioner review committee based on habitual intoxication or addiction to the use of drugs or other impairment that adversely affects the registrant's ability to practice in a safe and competent manner.

**4.1(2) Conflict of interest.**

*a.* A registered interior designer shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosures and agreements are to be in writing) by all interested parties in advance of payment of such compensation.

*b.* If a registered interior designer has any business association or direct or indirect financial interest that is substantial enough to influence the registered interior designer's judgment in connection with the registered interior designer's performance of professional services, the registered interior designer shall fully disclose, in writing, to the client or employer the nature of the business association or financial interest, and if the client or employer objects to the association or financial interest, the registered interior designer will either terminate such association or interest or offer to give up the commission or employment.

*c.* A registered interior designer shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing the products.

*d.* When acting as the interpreter of building contract documents and the judge of contract performance, a registered interior designer shall render decisions impartially, favoring neither party to the contract.

**4.1(3) Full disclosure.**

*a.* A registered interior designer shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with application for registration or renewal of registration.

*b.* A registered interior designer shall not assist in the application for registration of a person known by the registered interior designer to be unqualified with respect to education, training, experience or character.

*c.* A registered interior designer engaged in the practice of interior design must act in the best interest of the client and shall not allow integrity, objectivity or professional judgment to be impaired.

*d.* A registered interior designer with knowledge of a violation of these rules by another registered interior designer shall report such knowledge to the board.

**4.1(4) Professional conduct.**

*a.* A registered interior designer shall respect the confidentiality of sensitive information obtained in the course of the interior designer's professional activities.

*b.* A registered interior designer shall not engage in conduct involving fraud, deceit, misrepresentation or dishonesty in the practice of interior design.

*c.* A registered interior designer shall neither attempt to obtain a contract to provide interior design services through any unlawful means nor assist others in such an attempt.

d. A registered interior designer shall neither offer nor make any payment to a governmental official with the intent of influencing the official’s judgment in connection with a prospective or existing project in which the interior designer has an interest.

**4.1(5) Seal and certificate of responsibility.**

a. The seal under Iowa Code section 544C.14 shall include:

- (1) An outside circle with a diameter of approximately 1 ¾ inches.
- (2) The name of the registered interior designer and the words “Registered Interior Designer.”
- (3) The Iowa registration number and the word “Iowa.”

b. The seal will substantially conform to the sample shown below:



c. A legible rubber stamp, electronic image or other facsimile of the seal may be used.

d. Each technical submission submitted to a client or any public agency, hereinafter referred to as the official copy, shall contain an information block on its first page or on an attached cover sheet with application of a seal by the registered interior designer in responsible charge and an information block with application of a seal by each professional consultant contributing to the technical submission. The seal and original signature shall be applied only to a final technical submission. Each official copy of a technical submission shall be stapled, bound or otherwise attached together so as to clearly establish the complete extent of the technical submission. Each information block shall display the seal of the individual responsible for that portion of the technical submission. The area of responsibility for each sealing professional shall be designated in the area provided in the information block, so that responsibility for the entire technical submission is clearly established by the combination of the stated seal responsibilities. The information block will substantially conform to the sample shown below:

S E A L	<p>I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly registered interior designer under the laws of the state of Iowa.</p> <hr/> <p style="text-align: center;">Signature <span style="float: right;">Date</span></p> <p>Printed or typed name_____</p> <p>Registration number_____</p> <p>My registration renewal date is June 30,_____.</p> <p>Pages or sheets covered by this seal: _____</p> <p>_____</p> <p>_____</p> <p>_____</p>
---------	--

*e.* The information requested in each information block must be typed or legibly printed in permanent ink or a secure electronic signature. An electronic signature as defined in or governed by Iowa Code chapter 554D meets the signature requirements of this rule if it is protected by a security procedure, as defined in Iowa Code section 554D.103(14), such as digital signature technology. It is the registrant's responsibility to ensure, prior to affixing an electronic signature to a technical submission, that security procedures are adequate to:

- (1) Verify that the signature is that of a specific person, and
- (2) Detect any changes that may be made or attempted after the signature of the specific person is affixed. The seal implies responsibility for the entire technical submission unless the area of responsibility is clearly identified in the information accompanying the seal.

*f.* It is the responsibility of the registered interior designer who signed the original submission to forward copies of all changes and amendments to the technical submission, which becomes a part of the official copy of the technical submission, to the public official charged with the enforcement of the state, county, or municipal building code.

*g.* A registered interior designer is responsible for the custody and proper use of the seal. Improper use of the seal may be grounds for disciplinary action.

*h.* The seal appearing on any technical submission establishes prima facie evidence that said technical submission was prepared by or under the responsible charge of the individual named on that seal.

[ARC 7742C, IAB 4/3/24, effective 5/8/24]

This rule is intended to implement Iowa Code chapter 544C.

[Filed 5/15/07, Notice 3/28/07—published 6/6/07, effective 7/11/07]

[Filed ARC 7742C (Notice ARC 7510C, IAB 1/24/24), IAB 4/3/24, effective 5/8/24]





## UTILITIES DIVISION[199]

Former Commerce Commission[250] renamed Utilities Division[199]  
under the “umbrella” of Commerce Department[181] by 1986 Iowa Acts, Senate File 2175, section 740.

### CHAPTER 1

#### ORGANIZATION AND OPERATION

- 1.1(17A,474) Purpose
- 1.2(17A,474) Scope of rules
- 1.3(17A,474,476) Waivers
- 1.4(17A,474) Duties of the board
- 1.5(17A,474) Organization
- 1.6(68B) Consent for the sale or lease of goods and services
- 1.7 Reserved
- 1.8(17A,474) Matters applicable to all proceedings
- 1.9(22) Public information and inspection of records

### CHAPTER 2

Reserved

### CHAPTER 3

#### RULEMAKING

- 3.1(17A,474,476) Purpose and scope
- 3.2(17A,474,476) Initial stakeholder input
- 3.3(17A,474,476) Petition for adoption of rules
- 3.4(17A,474,476) Commencement of proceedings
- 3.5(17A,474,476) Rulemaking oral presentation
- 3.6(17A,474) Review of rules

### CHAPTER 4

#### DECLARATORY ORDERS

- 4.1(17A) Petition for declaratory order
- 4.2(17A) Intervention
- 4.3(17A) Briefs
- 4.4(17A) Service and filing of petitions
- 4.5(17A) Informal meeting
- 4.6(17A) Refusal to issue order
- 4.7(17A) Effect of a declaratory order

### CHAPTER 5

Reserved

### CHAPTER 6

#### COMPLAINT PROCEDURES

- 6.1(476) General inquiries
- 6.2(476) Informal complaint procedures
- 6.3(476) Processing the informal complaint
- 6.4(476) Proposed resolution of an informal complaint
- 6.5(476) Initiating formal complaint proceedings
- 6.6(476) Applicable procedures
- 6.7(476) Record
- 6.8(476) Special procedures for complaints alleging unauthorized changes in telecommunications services

CHAPTER 7  
PRACTICE AND PROCEDURE

- 7.1(17A,474,476) Scope and applicability
- 7.2(17A,476) Definitions
- 7.3(17A,476) Presiding officers
- 7.4(17A,474,476) General information
- 7.5(17A,476) Time requirements
- 7.6(17A,476) Electronic proceedings
- 7.7(17A,476) Electronic information
- 7.8(17A,476) Delivery of notice of hearing
- 7.9(17A,476) Pleadings and answers
- 7.10(17A,476) Prefiled testimony and exhibits
- 7.11(17A,476) Documentary evidence in books and materials
- 7.12(17A,476) Motions
- 7.13(17A,476) Intervention
- 7.14(17A,476) Consolidation and severance
- 7.15(17A,476) Discovery
- 7.16(17A,476) Subpoenas
- 7.17(17A,476) Prehearing or scheduling conference
- 7.18(17A,476) Settlements
- 7.19(17A,476) Stipulations
- 7.20(17A,476) Investigations
- 7.21(17A,476) Withdrawals
- 7.22(17A,476) Ex parte communication
- 7.23(17A,476) Hearings
- 7.24(17A,476) Reopening record
- 7.25(17A,476) Interlocutory appeals
- 7.26(17A,476) Appeals to board from a proposed decision of a presiding officer
- 7.27(17A,476) Rehearing and reconsideration
- 7.28(17A,476) Stay of agency decision
- 7.29(17A,476) Emergency adjudicative proceedings

CHAPTER 8  
CIVIL PENALTIES

- 8.1(476,476A,478,479,479B) Civil penalty
- 8.2(476,476A,478,479,479B) Procedure
- 8.3(476,476A,478,479,479B) Penalties assessed
- 8.4(476,476A,478,479,479B) Payment of penalty
- 8.5(476,476A,478,479,479B) Rate-regulated utilities

CHAPTER 9  
RESTORATION OF AGRICULTURAL LANDS DURING AND AFTER PIPELINE  
CONSTRUCTION

- 9.1(479,479B) General information
- 9.2(479,479B) Filing of land restoration plans
- 9.3(479,479B) Procedure for review of plan
- 9.4(479,479B) Staking and clearing of agricultural land
- 9.5(479,479B) Restoration of agricultural lands
- 9.6(479,479B) Designation of a pipeline company point of contact for landowner inquiries or claims
- 9.7(479,479B) Separate agreements
- 9.8(479,479B) Notice of violation and halting construction

- 9.9(479,479B) Enforcement
- 9.10(479,479B) Project completion
- 9.11(479,479B) Document submittal

#### CHAPTER 10

##### INTRASTATE GAS PIPELINES AND UNDERGROUND GAS STORAGE

- 10.1(479) General information
- 10.2(479) Informational meetings
- 10.3(479) Petition for permit
- 10.4(479) Notice of hearing
- 10.5(479) Objections
- 10.6(479) Hearing
- 10.7(479) Pipeline permit
- 10.8(479) Renewal permits
- 10.9(479) Amendment of permits
- 10.10(479) Fees and expenses
- 10.11(479) Inspections
- 10.12(479) Standards for construction, operation and maintenance
- 10.13(479) Crossings of highways, railroads, and rivers
- 10.14(479) Transmission line factors
- 10.15(479) Reports to federal agencies
- 10.16(479) Reportable changes to pipelines under permit
- 10.17(479) Sale or transfer of permit
- 10.18(479) Termination of petition for pipeline permit proceedings
- 10.19(479) Gathering line filing requirements

#### CHAPTER 11

##### ELECTRIC LINES

- 11.1(478) General information
- 11.2(478) Definitions
- 11.3(478) Route selection
- 11.4(478) Informational meetings
- 11.5(478) Petition for a new franchise
- 11.6(478) Petition for an amendment to a franchise
- 11.7(478) Petition for the abbreviated franchise process
- 11.8(478) Petition for extension of franchise
- 11.9(478) Additional requirements
- 11.10(478) Notices
- 11.11(478) Common and joint use
- 11.12(478) Termination of franchise petition proceedings
- 11.13(478) Fees and expenses
- 11.14(478) Federally registered planning authority transmission projects

#### CHAPTER 12

Reserved

#### CHAPTER 13

##### HAZARDOUS LIQUID PIPELINES AND UNDERGROUND STORAGE

- 13.1(479B) General information
- 13.2(479B) Informational meetings
- 13.3(479B) Petition for permit
- 13.4(479B) Notice of hearing
- 13.5(479B) Objections

13.6(479B)	Hearing
13.7(479B)	Pipeline permit
13.8(479B)	Renewal permits
13.9(479B)	Amendment of permits
13.10(479B)	Fees and expenses
13.11(479B)	Land restoration
13.12(479B)	Crossings of highways, railroads, and rivers
13.13(479B)	Reportable changes to pipelines under permit
13.14(479B)	Sale or transfer of permit
13.15(479B)	Reports to federal agencies
13.16(479B)	Termination of petition for pipeline permit proceedings

#### CHAPTER 14 ELECTRONIC FILING

14.1(17A,476)	Purpose
14.2(17A,476)	Scope and applicability of electronic filing requirement
14.3(17A,476)	Definitions
14.4(17A,476)	Exceptions; number of paper copies required
14.5(17A,476)	Electronic filing procedures and required formats
14.6(17A,476)	Registration
14.7(17A,476)	Electronic file
14.8(17A,476)	Paper copies required
14.9(17A,476)	When electronic filings can be made; official filing date
14.10(17A,476)	Notice of system unavailability
14.11(17A,476)	Technical difficulties
14.12(17A,476)	Documents containing confidential material
14.13(17A,476)	Signatures
14.14(17A,476)	Original documents
14.15(17A,476)	Transcripts
14.16(17A,476)	Electronic service

#### *UTILITIES AND TRANSPORTATION DIVISIONS*

#### CHAPTER 15 COGENERATION AND SMALL POWER PRODUCTION

15.1(476)	Definitions
15.2(476)	Scope
15.3(476)	Information to board
15.4(476)	Rate-regulated electric utility obligations under this chapter regarding qualifying facilities
15.5(476)	Rates for purchases from qualifying facilities by rate-regulated electric utilities
15.6(476)	Rates for sales to qualifying facilities and AEP facilities by rate-regulated utilities
15.7(476)	Additional services to be provided to qualifying facilities and AEP facilities by rate-regulated electric utilities
15.8(476)	Interconnection costs
15.9(476)	System emergencies
15.10(476)	Standards for interconnection, safety, and operating reliability
15.11(476)	Additional rate-regulated utility obligations regarding AEP facilities
15.12 to 15.16	Reserved
15.17(476)	Alternate energy purchase programs
15.18(476B)	Certification of eligibility for wind energy tax credits under Iowa Code chapter 476B

- 15.19(476C) Certification of eligibility for wind energy and renewable energy tax credits under Iowa Code chapter 476C
- 15.20(476B) Applications for wind energy tax credits under Iowa Code chapter 476B
- 15.21(476C) Applications for renewable energy tax credits under Iowa Code chapter 476C
- 15.22(476) Small wind innovation zones

#### CHAPTER 16 ACCOUNTING

- 16.1(476) Accounting—general information
- 16.2(476) Uniform systems of accounts—electric
- 16.3(476) Uniform systems of accounts—gas
- 16.4(476) Uniform systems of accounts—water
- 16.5(476) Uniform systems of accounts—telephone
- 16.6 Reserved
- 16.7(476) Filing of promotional practices
- 16.8(476) Compiling advertisements and expenses
- 16.9(476) Postemployment benefits other than pensions

#### CHAPTER 17 ASSESSMENTS

- 17.1(475A,476,546) Purpose
- 17.2(475A,476) Definitions
- 17.3(476) Expenses to be included in direct assessments
- 17.4(476) Direct assessments under Iowa Code section 476.10
- 17.5(476) Reporting of operating revenues
- 17.6(475A,476) Compilation and billing of assessment
- 17.7(476) Funding of Iowa energy center and center for global and regional environmental research
- 17.8(476) Assessments under Iowa Code section 476.95B
- 17.9(477C) Assessments of expenses for dual party relay service program and equipment distribution program
- 17.10(475A,476) Objection procedures
- 17.11(476,477C) Refunds

#### CHAPTER 18 UTILITY RECORDS

- 18.1(476) Definitions
- 18.2(476) Location of records
- 18.3(476) Availability of records
- 18.4(476) Electric utilities other than rural electric cooperatives
- 18.5(476) Rural electric cooperatives
- 18.6(476) Gas utilities
- 18.7(476) Water, sanitary sewage, and storm water drainage utilities

#### CHAPTER 19 SERVICE SUPPLIED BY GAS UTILITIES

- 19.1(476) General information
- 19.2(476) Records, reports, and tariffs
- 19.3(476) General service requirements
- 19.4(476) Customer relations
- 19.5(476) Engineering practice
- 19.6(476) Metering
- 19.7(476) Standards of quality of service

19.8(476)	Safety
19.9	Reserved
19.10(476)	Purchased gas adjustment (PGA)
19.11(476)	Periodic review of gas procurement practices
19.12(476)	Flexible rates
19.13(476)	Transportation service
19.14(476)	Certification of competitive natural gas providers and aggregators
19.15(476)	Customer contribution fund
19.16(476)	Reserve margin
19.17(476)	Incident notification and reports
19.18(476)	Capital infrastructure investment automatic adjustment mechanism

## CHAPTER 20

### SERVICE SUPPLIED BY RATE-REGULATED ELECTRIC UTILITIES

20.1(476)	General information
20.2(476)	Records, reports, and tariffs
20.3(476)	General service requirements
20.4(476)	Customer relations
20.5(476)	Engineering practice
20.6(476)	Metering
20.7(476)	Standards of quality of service
20.8(476)	Safety
20.9(476)	Electric energy automatic adjustment
20.10(476)	Ratemaking standards
20.11(476)	Customer notification of peaks in electric energy demand
20.12	Reserved
20.13(476)	Periodic electric energy supply and cost review [476.6(16)]
20.14(476)	Flexible rates
20.15(476)	Customer contribution fund
20.16(476)	Exterior flood lighting
20.17(476)	Ratemaking treatment of emission allowances
20.18(476,478)	Service reliability requirements for electric utilities
20.19(476,478)	Notification of outages
20.20(476)	Electric vehicle charging service
20.21(476)	Transmission cost adjustment (TCA)

## CHAPTER 21

### SERVICE SUPPLIED BY WATER, SANITARY SEWAGE, AND STORM WATER DRAINAGE UTILITIES

#### DIVISION I GENERAL PROVISIONS

21.1(476)	Application of rules
21.2(476)	Records and reports for water, sanitary sewage, and storm water drainage utilities

#### DIVISION II WATER UTILITIES

21.3(476)	General water service requirements
21.4(476)	Customer relations for water service
21.5(476)	Engineering practice for water service
21.6(476)	Meter testing for water service
21.7(476)	Standards of quality of water service
21.8(476)	Applications for water costs for fire protection services
21.9(476)	Incident reports regarding water service

21.10(476) Separate books for acquired water service assets

DIVISION III  
SANITARY SEWAGE UTILITIES

21.11(476) General sanitary sewage disposal service requirements  
 21.12(476) Customer relations for sanitary sewage disposal service  
 21.13(476) Engineering practice for sanitary sewage disposal service  
 21.14(476) Meter testing for sanitary sewage disposal service  
 21.15(476) Standards of quality of sanitary sewage disposal service  
 21.16(476) Incident reports regarding sanitary sewage disposal service  
 21.17(476) Separate books for acquired sanitary sewage disposal service assets

DIVISION IV  
STORM WATER DRAINAGE UTILITIES

21.18(476) Standards of quality of storm water drainage service  
 21.19(476) Customer relations for storm water drainage service  
 21.20(476) Incident reports regarding storm water drainage service  
 21.21(476) Separate books for acquired storm water drainage service assets

CHAPTER 22

REGULATION OF TELECOMMUNICATIONS SERVICE

22.1(476) General information  
 22.2(476) Tariffs  
 22.3(476) Customer complaints  
 22.4(476) Intrastate access charge application, tariff procedures, and rates  
 22.5(476) Interexchange telecommunications service provider service and access  
 22.6(476) Alternative operator services  
 22.7(476) Service territories  
 22.8(476) Registration of telecommunications service providers  
 22.9(476) Unauthorized changes in telecommunications service

CHAPTER 23  
ANNUAL REPORT

23.1(476) General information  
 23.2(476) Annual report requirements

CHAPTER 24  
LOCATION AND CONSTRUCTION OF ELECTRIC POWER  
GENERATING FACILITIES

24.1(476A) Authority, purpose, and policy  
 24.2(476A) Definitions  
 24.3(476A) Form of application, place of filing  
 24.4(476A) Application for a certificate—contents  
 24.5(476A) Initial board review: Application acceptance  
 24.6(476A) Procedural schedule  
 24.7(476A) Informational meeting  
 24.8(476A) Hearing procedure  
 24.9(476A) Separate hearings on separate issues  
 24.10(476A) Certification decision  
 24.11(476A) Site preparation  
 24.12(476A) Issuance of a certificate  
 24.13(476A) Exemptions from certification application; application for amendment for  
     certificate: Contents  
 24.14(476A) Assessment of costs  
 24.15(476A) Waiver

CHAPTER 25  
IOWA ELECTRICAL SAFETY CODE

- 25.1(476,476A,478) General information
- 25.2(476,476A,478) Iowa electrical safety code defined
- 25.3(476,478) Inspection and maintenance plans
- 25.4(476,478) Correction of problems found during inspections and pole attachment procedures
- 25.5(476,478) Accident reports

CHAPTER 26

RATE CASES, TARIFFS, AND RATE REGULATION ELECTION PRACTICE AND PROCEDURE

- 26.1(17A,476) Scope
- 26.2(17A,476) Definitions
- 26.3(17A,476) Tariffs required
- 26.4(17A,476) General rate increase applications filed pursuant to Iowa Code section 476.6
- 26.5(17A,476) Compliance filings and tariffs
- 26.6(17A,476) Subsequent proceeding in rate case proceedings based upon a future test year
- 26.7(476) Rate case expense
- 26.8(476) Procedural schedule in Iowa Code section 476.6 proceedings
- 26.9(17A,476) Consumer comment meetings in Iowa Code section 476.6 general rate case proceedings
- 26.10(476) Switching from a future test year to a historic test year
- 26.11(476) Rate proceedings for small utilities
- 26.12(17A,476) Applications pursuant to Iowa Code section 476.6 that are not general rate increase applications
- 26.13(17A,476) Rate investigation pursuant to Iowa Code section 476.3
- 26.14(17A,476) Applications pursuant to Iowa Code section 476.7
- 26.15(17A,476) Proposal of settlements
- 26.16(476) Rate regulation election—electric cooperative corporations and associations

CHAPTER 27

REGULATION OF ELECTRIC COOPERATIVES AND MUNICIPAL ELECTRIC UTILITIES  
UNDER IOWA CODE CHAPTER 476

- 27.1(476) General information
- 27.2(476) Assigned area of service and maps
- 27.3(476) Customer relations
- 27.4(476) Disconnection of service
- 27.5(476) Engineering practice
- 27.6(476) Metering
- 27.7(476) Standards of quality of service
- 27.8(476) Safety
- 27.9(476) Customer contribution fund
- 27.10(476,478) Service reliability requirements for electric utilities
- 27.11(476,478) Notification of outages
- 27.12(476) Electric vehicle charging service
- 27.13(476) Exterior flood lighting

CHAPTER 28

Reserved

CHAPTER 29

MANAGEMENT EFFICIENCY EVALUATION

- 29.1(476) Policy and purpose
- 29.2(476) Efficiency considered in a complaint or rate case proceeding



- 29.3(476) Management efficiency evaluation
- 29.4(476) Rewards and penalties

#### CHAPTER 30

##### RENEWABLE ENERGY PERCENTAGE VERIFICATION

- 30.1(476) General information
- 30.2(476) Process for verification
- 30.3(476) Reasonableness and prudence of REC retirement
- 30.4(476) Renewable energy claims

#### CHAPTER 31

##### ACCESS TO AFFILIATE RECORDS, REQUIREMENTS FOR ANNUAL FILINGS, AND ASSET AND SERVICE TRANSFERS

- 31.1(476) Applicability and definition of terms
- 31.2(476) Availability of records
- 31.3(476) Annual filing
- 31.4 Reserved
- 31.5(476) Verified copies and confidential treatment
- 31.6(476) Comparable information
- 31.7(476) Standards for costing service transfers between regulated operations and nonregulated affiliates
- 31.8(476) Standards for costing asset transfers between regulated operations and non-regulated affiliates valued at less than \$2 million
- 31.9(476) Waivers

#### CHAPTER 32

##### REORGANIZATION

- 32.1(476) Applicability and definition of terms
- 32.2(476) Substantial part of a public utility's assets
- 32.3(476) Declaratory orders
- 32.4(476) Proposal for reorganization—filing requirements
- 32.5(476) Effective date
- 32.6(476) Insufficient filing
- 32.7(476) Additional information authorized
- 32.8(476) Waivers
- 32.9(476) Procedural matters
- 32.10(388) Approval of appraiser for municipal utilities

#### CHAPTER 33

##### NONUTILITY SERVICES—RECORDKEEPING AND COST ALLOCATIONS

- 33.1(476) Applicability
- 33.2(476) Definitions
- 33.3(476) Availability of records
- 33.4(476) Costing methodology
- 33.5(476) Cost allocation manuals
- 33.6(476) Standards for costing service transfers within a regulated subsidiary or utility
- 33.7(476) Standards for costing asset transfers within a regulated subsidiary or utility

#### CHAPTER 34

##### NONUTILITY SERVICE

- 34.1(476) Statement of purpose
- 34.2(476) Definitions

- 34.3(476) Charges permitted
- 34.4(476) Procedures for utilization of billing and collection system

#### CHAPTER 35

#### ENERGY EFFICIENCY AND DEMAND RESPONSE PLANNING AND REPORTING FOR NATURAL GAS AND ELECTRIC UTILITIES REQUIRED TO BE RATE-REGULATED

- 35.1(476) Authority and purpose
- 35.2(476) Definitions
- 35.3(476) Energy efficiency and demand response plan filing
- 35.4(476) Assessment of potential and collaboration
- 35.5(476) Energy efficiency and demand response plan requirements
- 35.6(476) Contested case proceeding
- 35.7(476) Exemptions from participation
- 35.8(476) Annual reporting requirements
- 35.9(476) Energy efficiency and demand response cost recovery
- 35.10(476) Modification of an approved plan
- 35.11(476) Prudence review
- 35.12(476) New structure energy conservation standards

#### CHAPTER 36

Reserved

#### CHAPTER 37

#### EQUIPMENT DISTRIBUTION PROGRAM

- 37.1(477C) Purpose
- 37.2(477C) Program structure
- 37.3(477C) Equipment
- 37.4(477C) Application process and eligibility
- 37.5(477C) Voucher system
- 37.6(477C) Complaints

#### CHAPTER 38

#### LOCAL EXCHANGE COMPETITION

- 38.1(476) General information
- 38.2 Reserved
- 38.3(476) Interconnection requirements
- 38.4(476) Unbundled facilities, services, features, functions, and capabilities
- 38.5(476) Cost standards
- 38.6(476) Terminating access charge complaints
- 38.7(476) Mediation and arbitration

#### CHAPTER 39

#### UNIVERSAL SERVICE

- 39.1(476) Authority and purpose
- 39.2(476) Definition of terms
- 39.3(476) Applying for designation as an eligible telecommunications carrier
- 39.4(476) Lifeline-only applicants
- 39.5(476) Service area
- 39.6(476) Universal service support for low-income consumers (Lifeline program and Tribal Link Up program)
- 39.7(476) Schedule of filings
- 39.8(476) Relinquishment of ETC designation

CHAPTER 40  
COMPETITIVE BIDDING PROCESS

40.1(476)	General information
40.2(476)	Competitive resource acquisition procedure
40.3(476)	Utility-build or lease cost estimates
40.4(476)	Utility affiliate bids
40.5(476)	Request for proposals (RFP)
40.6(476)	Complaints

CHAPTER 41  
RATEMAKING PRINCIPLES PROCEEDING

41.1(476)	Definitions
41.2(476)	Applicability and purpose
41.3(476)	Application for predetermined ratemaking principles; contents
41.4(476)	Coincident filing
41.5(476)	Acquisition of a water, sanitary sewage, or storm water utility
41.6(476)	Waiver

CHAPTER 42  
CROSSING OF RAILROAD RIGHTS-OF-WAY

42.1(476)	Definitions
42.2(476)	Applicability and purpose
42.3(476)	General notice and specification exhibit requirements and payment of fee
42.4(476)	Emergency notice and repairs
42.5(476)	Relocation of public utility facilities
42.6(476)	Engineering standards for electric and communications lines
42.7(476)	Engineering standards for pipelines
42.8(476)	Liability
42.9(476)	Insurance
42.10(476)	Removal of equipment
42.11(476)	Assignment
42.12(476)	Prohibition against mechanic's liens
42.13(476)	Taxes
42.14(476)	Protection of signal systems
42.15(476)	Safety regulations
42.16(476)	Recording
42.17(17A,476)	Complaints and petitions for relief—general information
42.18(17A,476)	Filing of complaint or petition
42.19(17A,476)	Presiding officer
42.20(17A,476)	Answer
42.21(17A,476)	Parties and appearances
42.22(17A,476)	Procedural order and notice of hearing
42.23(17A,476)	Discovery
42.24(17A,476)	Hearing procedures
42.25(17A,476)	Decision

CHAPTER 43  
Reserved

CHAPTER 44  
CERTIFICATES OF FRANCHISE AUTHORITY FOR  
CABLE AND VIDEO SERVICE

44.1(17A,476,477A)	Authority and purpose
44.2(17A,476,477A)	Definitions
44.3(17A,476,477A)	Certificate of franchise authority
44.4(17A,476,477A)	Notice to municipality and incumbent cable provider
44.5(17A,476,477A)	Conversion of municipal franchise by incumbent cable provider
44.6(17A,476,477A)	Revocation of certificates, termination of service, reinstatement of previously terminated municipal franchises
44.7(17A,476,477A)	Renewal of certificate of franchise authority
44.8(17A,476,477A)	Assessment of board costs

CHAPTER 45  
ELECTRIC INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES

45.1(476)	Definitions
45.2(476)	Scope
45.3(476)	Technical standards
45.4(476)	Interconnection requests
45.5(476)	General requirements
45.6(476)	Lab-certified equipment
45.7(476)	Determining the review level
45.8(476)	Level 1 expedited review
45.9(476)	Level 2 expedited review
45.10(476)	Level 3 expedited review
45.11(476)	Level 4 review
45.12(476)	Disputes
45.13(476)	Records and reports

CHAPTER 2  
FORMS

[Prior to 10/8/86, Commerce Commission[250]]

Rescinded **ARC 7755C**, IAB 4/3/24, effective 5/8/24



CHAPTER 3  
RULEMAKING

[Prior to 10/8/86, Commerce Commission[250]]

**199—3.1(17A,474,476) Purpose and scope.**

**3.1(1) Scope.** These rules govern the practice and procedure in all rulemaking proceedings of the board.

**3.1(2) Rules of construction.** If any provision of a rule or the application of a rule to any person or circumstance is itself or through its enabling statute held invalid, the invalidity does not affect other provisions or applications of the rule that can be given effect without the invalid provision or application, and to this end, the provisions of the rule are severable.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

**199—3.2(17A,474,476) Initial stakeholder input.** In addition to seeking information by other methods, the board may solicit comments from the public on the subject matter of possible rulemaking by issuing an order through its electronic filing system or by causing notice of the subject matter to be published in the Iowa Administrative Bulletin, indicating where, when, and how persons may comment.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

**199—3.3(17A,474,476) Petition for adoption of rules.**

**3.3(1) Petitions.** Any interested person may petition the board for the adoption, amendment, or repeal of a rule pursuant to Iowa Code section 17A.7.

**3.3(2) Stakeholder comments.** Other interested persons may file written comments containing data, views, or arguments concerning the petition within 20 days of the filing of the petition. Reply comments may be filed within 27 days of the filing of the petition. The board may allow additional time for filing comments and reply comments at its discretion.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

**199—3.4(17A,474,476) Commencement of proceedings.** Rulemaking proceedings are commenced upon written order of the board.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

**199—3.5(17A,474,476) Rulemaking oral presentation.**

**3.5(1) Requests.** If an oral presentation is not scheduled by the board, any interested person may file a request for an oral presentation.

**3.5(2) Written appearance.** Any interested person may participate in rulemaking oral presentations in person or by counsel.

**3.5(3) Oral presentations.** Participants in rulemaking oral presentations may submit exhibits and present oral statements of position, which may include data, views, comments, or arguments concerning the proposed adoption, amendment, or repeal of the rule. Oral statements are not made under oath and are not subject to cross-examination.

**3.5(4) Comments and limitations.** The board may, in its discretion, permit reply comments and request the filing of written comments subsequent to the adjournment of the oral presentation. The board may limit the time of any oral presentation and the length of any written presentation.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

**199—3.6(17A,474) Review of rules.** To facilitate the five-year review provisions of Iowa Code section 17A.7(1), the board will review a portion of its chapters each fiscal year over each five-year period under the following schedule:

**3.6(1)** In fiscal year 2018 and every fifth year thereafter, the board will review Chapters 1 through 9 of its rules.

**3.6(2)** In fiscal year 2019 and every fifth year thereafter, the board will review Chapters 10 through 18 of its rules.

**3.6(3)** In fiscal year 2020 and every fifth year thereafter, the board will review Chapters 19 through 27 of its rules.

**3.6(4)** In fiscal year 2021 and every fifth year thereafter, the board will review Chapters 28 through 36 of its rules.

**3.6(5)** In fiscal year 2022 and every fifth year thereafter, the board will review Chapters 37 through 45 of its rules.

**3.6(6)** If the board adopts additional chapters in its rules, such chapters will be reviewed every fifth fiscal year from the fiscal year in which they are made effective.

[ARC 7748C, IAB 4/3/24, effective 5/8/24]

These rules are intended to implement Iowa Code sections 17A.4 through 17A.7, 474.5, and 476.2.

[Filed 2/11/76, Notice 7/14/75—published 2/23/76, effective 3/29/76]

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed 10/7/83, Notice 8/3/83—published 10/26/83, effective 11/30/83]

[Filed 11/4/83, Notice 8/31/83—published 11/23/83, effective 1/1/84]

[Filed 11/16/84, Notice 9/12/84—published 12/5/84, effective 1/16/85]

[Filed 4/5/85, Notice 2/27/85—published 4/24/85, effective 5/29/85]

[Filed 7/12/85, Notice 6/5/85—published 7/31/85, effective 9/4/85]

[Filed 9/6/85, Notice 6/19/85—published 9/25/85, effective 10/30/85]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]

[Published 6/17/98 to update name and address of board]

[Filed 11/24/99, Notice 8/11/99—published 12/15/99, effective 1/19/00]

[Filed ARC 3502C (Notice ARC 3326C, IAB 9/27/17), IAB 12/6/17, effective 1/10/18]

[Filed ARC 7748C (Notice ARC 7577C, IAB 2/7/24), IAB 4/3/24, effective 5/8/24]



CHAPTER 4  
DECLARATORY ORDERS  
[Prior to 10/8/86, see Commerce Commission[250]]

**199—4.1(17A) Petition for declaratory order.** Any person may file a petition with the Iowa utilities board for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the board. The petition shall conform with this chapter and with Iowa Code section 17A.9. A petition shall be dated and signed by the petitioner, include the petitioner's appropriate contact information, and include all of the following information (a sample form of a petition for a declaratory order is available on the board's website at [iub.iowa.gov](http://iub.iowa.gov)):

**4.1(1)** The question or questions that petitioner wishes the board to determine, stated clearly and concisely;

**4.1(2)** A clear and concise statement of all relevant facts on which the ruling is requested, including the petitioner's interest in the issue;

**4.1(3)** A citation to and the relevant language of the statutes, rules, policies, decisions, or orders that are applicable or whose applicability is in question and any other relevant law;

**4.1(4)** The petitioner's proposed answers to the questions raised and a summary of the reasons urged by the petitioner in support of those answers, including a statement of the legal support for the petitioner's position;

**4.1(5)** A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any governmental entity;

**4.1(6)** The names and addresses of other persons, or a description of any class of persons, known by the petitioner to be affected by or interested in the questions presented in the petition; and

**4.1(7)** A statement indicating whether the petitioner requests a meeting as provided for by rule 199—4.5(17A).

[ARC 7749C, IAB 4/3/24, effective 5/8/24]

**199—4.2(17A) Intervention.** A person having an interest in the subject matter of a petition for a declaratory order may file with the board a petition for intervention pursuant to the "Intervention" rule contained in 199—Chapter 7 within 20 days of the filing of a petition for a declaratory order. The board may at its discretion entertain a late-filed petition for intervention. A petition for intervention in a proceeding on a petition for declaratory order shall be dated, be signed by the prospective intervenor with that person's appropriate contact information, include the information set forth in the "Intervention" rule contained in 199—Chapter 7, and include all of the following:

**4.2(1)** The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers, including a statement of the legal support for the intervenor's position;

**4.2(2)** A statement indicating whether the intervenor is currently a party to another proceeding involving the questions at issue and whether, to the intervenor's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any government entity;

**4.2(3)** The names and addresses of other persons, or a description of any class of persons, known by the intervenor to be affected by or interested in the questions presented in the petition; and

**4.2(4)** Whether the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.

[ARC 7749C, IAB 4/3/24, effective 5/8/24]

**199—4.3(17A) Briefs.** The petitioner or any intervenor may file a brief in support of that party's position, and the board may order additional briefing.

[ARC 7749C, IAB 4/3/24, effective 5/8/24]

**199—4.4(17A) Service and filing of petitions.** At the same time a petition for a declaratory order is filed, the petitioner shall serve the petition, in accordance with the "Service of documents" subrule in

199—Chapter 7 and the “Electronic service” rule in 199—Chapter 14, upon any person who, based upon a reasonable investigation, would be a necessary party to the proceeding under applicable substantive law. The petitioner is to file with the board a list of all persons served.

[ARC 7749C, IAB 4/3/24, effective 5/8/24]

**199—4.5(17A) Informal meeting.** Upon request by petitioner, the board will schedule an informal meeting between the petitioner, all intervenors, and the board, a member of the board, or a designated member of the staff of the board to discuss the questions identified in the petition. The board may solicit comments from any person on the questions raised.

[ARC 7749C, IAB 4/3/24, effective 5/8/24]

**199—4.6(17A) Refusal to issue order.**

**4.6(1) Grounds.** The board will not issue a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to determination of the matter in a declaratory order proceeding. The board may refuse to issue a declaratory order on some or all of the questions raised for any of the following reasons:

*a.* The petitioner requests that the board determines whether a statute is unconstitutional on its face.

*b.* The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the board to issue an order.

*c.* The board does not have jurisdiction over the questions presented in the petition.

*d.* The questions presented by the petition are also presented in a current rulemaking, contested case, or other agency or judicial proceeding that may definitively resolve them.

*e.* The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.

*f.* The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.

*g.* There is no need to issue an order because the questions raised in the petition have been settled due to a change in circumstances.

*h.* The petition is not based upon facts calculated to aid in the planning of future conduct but is, instead, based solely upon prior conduct in an effort to establish the effect of that conduct or to challenge an agency decision already made.

*i.* The petition requests a declaratory order that would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of the petitioner.

**4.6(2) Content and effect of refusal.**

*a.* The board’s refusal to issue a declaratory order will include a statement of the specific grounds for the refusal and constitutes final board action on the petition.

*b.* Refusal to issue a declaratory order pursuant to this rule does not preclude the filing of a new petition that seeks to remedy the grounds for the refusal to issue an order.

[ARC 7749C, IAB 4/3/24, effective 5/8/24]

**199—4.7(17A) Effect of a declaratory order.**

**4.7(1)** The issuance of a declaratory order constitutes final agency action on the petition. A declaratory order is binding on the board, on the petitioner, on any intervenors who consent to be bound, and on any persons who would be necessary parties, who are served pursuant to rule 199—4.4(17A), and who consent to be bound, in cases in which the relevant facts and the law involved are substantially indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the board.

**4.7(2)** A declaratory order is effective upon the date of issuance.

[ARC 7749C, IAB 4/3/24, effective 5/8/24]

These rules are intended to implement Iowa Code sections 17A.3(1) “b,” 17A.9 and 476.2.

[Filed 2/11/76, Notice 7/14/75—published 2/23/76, effective 3/29/76]

[Filed 11/16/84, Notice 9/12/84—published 12/5/84, effective 1/16/85]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]

[Filed 3/3/89, Notice 8/24/88—published 3/22/89, effective 4/26/89]

[Published 6/17/98 to update name and address of board]

[Filed 9/3/99, Notice 5/19/99—published 9/22/99, effective 10/27/99]

[Editorial change: IAC Supplement 12/29/10]

[Filed ARC 3645C (Notice ARC 3418C, IAB 10/25/17), IAB 2/14/18, effective 3/21/18]

[Filed ARC 7749C (Notice ARC 7578C, IAB 2/7/24), IAB 4/3/24, effective 5/8/24]



CHAPTER 23  
ANNUAL REPORT

[Prior to 10/8/86, Commerce Commission[250]]

**199—23.1(476) General information.**

**23.1(1)** Every public utility shall keep and render its books, accounts, papers, and records accurately and faithfully in the manner and form prescribed by the board and comply with all directions of the board relating to such books, accounts, papers, and records.

**23.1(2)** Each public utility subject to Iowa Code chapter 476 shall file an annual report with this board on or before April 1 of each year covering operations during the immediately preceding calendar year. This information will be used for a number of purposes, including to apportion the costs of the utilities board pursuant to Iowa Code section 476.10 and to determine whether rate-regulated utilities' earnings are excessive pursuant to Iowa Code section 476.32.

**23.1(3)** The forms that are to be completed by each utility will be made publicly available on the board's website or by other means readily accessible. The board may direct the utilities to file the completed forms through a portal on the board's website or the board's electronic filing system.

[ARC 7752C, IAB 4/3/24, effective 5/8/24]

**199—23.2(476) Annual report requirements.**

**23.2(1) Forms.** The following annual report forms shall be filed by the following utilities:

*a.* Investor-owned, rate-regulated electric utilities file Form IE-1 with a copy of that utility's Federal Energy Regulatory Commission (FERC) Annual Report Form No. 1 or 1A as applicable.

*b.* Investor-owned, non-rate-regulated electric utilities file Form EC-1.

*c.* Investor-owned gas utilities file Form IG-1 with a copy of that utility's FERC Annual Report Form No. 2 or 2A as applicable.

*d.* Regulated water utilities file Form WA-1.

*e.* Cooperative electric utilities file Form EC-1.

*f.* Municipally owned electric utilities file Form ME-1.

*g.* Municipally owned gas utilities file Form MG-1.

*h.* Providers of telecommunications service file Form TC-1.

*i.* Competitive natural gas providers and aggregators file Form CNGP-1.

*j.* Generation and transmission cooperatives file Form EC-1N.

*k.* Storm water drainage and sanitary sewage utilities file Form SW-1.

**23.2(2) Additional requirements for rate-regulated utilities.** A rate-regulated utility shall include information concerning its Iowa operations in its report as requested on the forms and file as part of its annual report the following:

*a.* A list (by title, author and date) of any financial, statistical, technical or operational reviews or reports that a company may prepare for distribution to stockholders, bondholders, utility organizations or associations or other interested parties.

*b.* A list (by form number and title) of all financial, statistical, technical and operational review-related documents filed with an agency of the federal government.

[ARC 7752C, IAB 4/3/24, effective 5/8/24]

These rules are intended to implement Iowa Code sections 476.2, 476.9, 476.10, 476.22, and 476.31.

[Filed 12/12/67]

[Filed 9/30/77, Notice 6/29/77—published 10/19/77, effective 11/23/77]

[Filed 4/11/83, Notice 1/19/83—published 4/27/83, effective 6/1/83]

[Filed 5/20/83, Notice 4/13/83—published 6/8/83, effective 7/13/83]

[Filed 9/10/84, Notice 2/15/84—published 9/26/84, effective 10/31/84]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]

[Filed 3/16/90, Notice 11/29/89—published 4/4/90, effective 5/9/90]

[Filed 4/14/00, Notice 2/23/00—published 5/3/00, effective 6/7/00]

[Filed 6/6/03, Notice 12/25/02—published 6/25/03, effective 7/30/03]

[Editorial change: IAC Supplement 1/8/14]

[Filed ARC 4616C (Notice ARC 4420C, IAB 5/8/19), IAB 8/14/19, effective 9/18/19]  
[Filed ARC 7752C (Notice ARC 7579C, IAB 2/7/24), IAB 4/3/24, effective 5/8/24]

## HISTORICAL DIVISION[223]

[Prior to 5/31/89, see Historical Department[490]  
created under the “umbrella” of the Department of Cultural Affairs[221] by Iowa Code section 303.1]

### TITLE I *GENERAL SOCIETY PROCEDURES*

#### CHAPTER 1 DESCRIPTION OF ORGANIZATION

1.1(303)	Purpose
1.2(17A,303)	Definitions
1.3(303)	Mission statement
1.4(303)	Organization
1.5(303)	Facilities management
1.6(303)	Board of trustees
1.7(303)	Gifts, bequests, endowments
1.8(303)	Public and private grants and donations
1.9(303)	Sale of mementos

#### CHAPTER 2 Reserved

#### CHAPTER 3 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

3.1(17A,22)	Definitions
3.2(17A,22)	Statement of policy and scope
3.3(17A,22)	Request for access to records
3.4(17A,22)	Access to confidential records
3.5(17A,22)	Requests for treatment of a record as a confidential record and its withholding from examination
3.6(17A,22)	Procedure by which additions, dissents, or objections may be entered into certain records
3.7(17A,22)	Consent to disclosure by the subject of a confidential record
3.8(17A,22)	Notice to suppliers of information
3.9(17A,22)	Availability of records
3.10(17A,22)	Determination of rights of access to records

#### CHAPTER 4 AGENCY PROCEDURE FOR RULE MAKING (Uniform Rules)

4.4(17A)	Notice of proposed rule making
4.5(17A)	Public participation
4.6(17A)	Regulatory flexibility analysis
4.10(17A)	Exemptions from public rule-making procedures
4.11(17A)	Concise statement of reasons
4.13(17A)	Agency rule-making record

#### CHAPTER 5 PETITIONS FOR RULE MAKING (Uniform Rules)

5.1(17A)	Petition for rule making
5.3(17A)	Inquiries

CHAPTER 6  
DECLARATORY RULINGS  
(Uniform Rules)

- 6.1(17A) Petition for declaratory ruling
- 6.3(17A) Inquiries

CHAPTERS 7 to 9  
Reserved

TITLE II  
Reserved

CHAPTERS 10 to 12  
Reserved

TITLE III  
*HISTORICAL SOCIETY—  
GENERAL POLICIES*

CHAPTER 13  
COLLECTIONS POLICIES

- 13.1(303) Purpose
- 13.2(303) Definitions
- 13.3(303) Location
- 13.4(303) Management of collections
- 13.5(303) Acquisition
- 13.6(303) Deaccession
- 13.7(303) Documentation and care
- 13.8(303) Lending
- 13.9(303) Access and disclosure

CHAPTER 14  
EXHIBITIONS POLICIES

- 14.1(303) Purpose
- 14.2(303) Location
- 14.3(303) Collections principles and practices
- 14.4(303) Conservation principles and practices
- 14.5(303) Education principles and practices
- 14.6(303) Professional museum principles and practices

CHAPTER 15  
PUBLICATION POLICIES AND SERVICES

- 15.1(303) Purpose
- 15.2(303) Iowa Heritage Illustrated
- 15.3(303) Annals of Iowa
- 15.4(303) Goldfinch
- 15.5(303) Iowa Historian
- 15.6(303) Books and monographs
- 15.7(303) Back issues and reprints

CHAPTERS 16 to 20  
Reserved



TITLE IV  
PUBLIC ACCESS PROCEDURES

CHAPTER 21  
MEMBERSHIP IN THE SOCIETY

- 21.1(303) Function
- 21.2(303) Fees
- 21.3(303) Awards

CHAPTER 22  
HISTORICAL LIBRARY AND STATE ARCHIVES PUBLIC ACCESS POLICIES AND SERVICES

- 22.1(303) Purpose
- 22.2(303) Definitions
- 22.3(303) Location
- 22.4(303) Availability of materials
- 22.5(303) Reading room policies
- 22.6(603) Copy services

CHAPTER 23  
HISTORICAL MARKERS PROGRAM

- 23.1(303) Purpose
- 23.2(303) Categories of historical markers
- 23.3(303) Selection of historical markers
- 23.4(303) Appeals

CHAPTERS 24 to 34  
Reserved

TITLE V  
HISTORIC PRESERVATION PROGRAMS

CHAPTER 35  
ADMINISTRATION

- 35.1(303) Purpose
- 35.2(303) Definitions
- 35.3(303) Organization of programs
- 35.4(303) Eligibility
- 35.5(303) Contracts and grants
- 35.6(303) Advisory committees
- 35.7(303) Grants available
- 35.8(303) Reporting and audit requirements

CHAPTERS 36 to 38  
Reserved

CHAPTER 39  
EDUCATION PROGRAM

- 39.1(303) Purpose
- 39.2(303) Regulations
- 39.3(303) Procedure

CHAPTER 40  
Reserved

## CHAPTER 41

## SURVEY AND REGISTRATION OF CULTURAL RESOURCES PROGRAM

- 41.1(303) Purpose
- 41.2(303) Regulations
- 41.3(303) Survey selection
- 41.4(303) Survey funding
- 41.5(303) Conduct of the surveys
- 41.6(303) Availability of survey information
- 41.7(303) Confidentiality of archaeological site information

## CHAPTERS 42 to 45

Reserved

## CHAPTER 46

## MAIN STREET LINKED INVESTMENTS LOAN PROGRAM

- 46.1(12) Program administered

## CHAPTER 47

## HISTORIC PROPERTY REHABILITATION TAX EXEMPTION

- 47.1(303) Purpose
- 47.2(303) Definitions
- 47.3(303) Program administration
- 47.4(303) Eligibility
- 47.5(303) Application for exemption procedure
- 47.6(303) Review and approval standards for applications for certification
- 47.7(303) Appeals

## CHAPTER 48

## HISTORIC PRESERVATION AND CULTURAL AND ENTERTAINMENT DISTRICT TAX CREDITS

## DIVISION I

## PROJECTS FOR WHICH APPLICATIONS WERE APPROVED AND TAX CREDITS WERE RESERVED PRIOR TO JULY 1, 2014

- 48.1(303,404A) Purpose
- 48.2(303,404A) Definitions
- 48.3(303,404A) Eligible property
- 48.4(303,404A) Qualified and nonqualified rehabilitation costs
- 48.5(303,404A) Rehabilitation cost limits and amount of credit
- 48.6(303,404A) Application and review process
- 48.7(303,404A) Tax credit funds
- 48.8(303,404A) Sequencing of applications for review
- 48.9(303,404A) Reserved tax credits
- 48.10(303,404A) Project commencement
- 48.11(303,404A) Project completion and eligible property placed in service
- 48.12(303,404A) Abandonment and recapture of tax credit reservation
- 48.13(303,404A) Transfer of tax credit certificate
- 48.14(303,404A) Redemption of tax credit certificate
- 48.15(303,404A) Tax credits in excess of tax liability
- 48.16(303,404A) Application processing fees
- 48.17(303,404A) Appeals
- 48.18 to 48.20 Reserved

DIVISION II  
PROJECTS FOR WHICH PART 2 APPLICATIONS WERE APPROVED AND  
AGREEMENTS WERE ENTERED INTO ON OR AFTER JULY 1, 2014

- 48.21(303,404A) Purpose
- 48.22(404A) Definitions
- 48.23(404A) Amount of the tax credit
- 48.24(404A) Management of annual aggregate tax credit award limit
- 48.25(404A) Application and agreement process, generally
- 48.26(404A) Small projects
- 48.27(404A) Who may apply for the tax credit
- 48.28(404A) Part 1 application—evaluation of significance
- 48.29(404A) Preapplication meeting
- 48.30(404A) Part 2 application—description of rehabilitation
- 48.31(404A) Registration application
- 48.32(404A) Agreement
- 48.33(404A) Part 3 application—request for certification of completed work and verification of qualified rehabilitation expenditures
- 48.34(404A) Fees
- 48.35(404A) Compliance
- 48.36(404A) Certificate issuance; claiming the tax credit
- 48.37(303,404A) Appeals

TITLE VI  
*GRANT PROGRAMS*

CHAPTER 49  
HISTORICAL RESOURCE DEVELOPMENT PROGRAM GRANTS

- 49.1(303) Purpose
- 49.2(303) Definitions
- 49.3(303) Funding policies
- 49.4(303) Record keeping and retention
- 49.5(303) Appeals

CHAPTER 50  
HISTORIC SITE PRESERVATION GRANT PROGRAM

- 50.1(303) Purpose
- 50.2(303) Definitions
- 50.3(303) Application procedures
- 50.4(303) Project review and selection
- 50.5(303) Application rating system
- 50.6(303) Grant administration
- 50.7(303) Informal appeals
- 50.8(303) Emergency grants



CHAPTER 36  
CERTIFIED LOCAL GOVERNMENT PROGRAM  
Transferred to 261—Chapter 417, IAC Supplement 4/3/24

CHAPTER 37  
INVESTMENT TAX CREDIT PROGRAM  
Transferred to 261—Chapter 411, IAC Supplement 2/7/24

CHAPTER 38  
NATIONAL REGISTER OF HISTORIC PLACES  
[Prior to 5/31/89, see Historical Department [490] Ch 17]  
Transferred to 261—Chapter 412, IAC Supplement 2/7/24



**ECONOMIC DEVELOPMENT AUTHORITY[261]**

[Created by 1986 Iowa Acts, chapter 1245]

[Prior to 1/14/87, see Iowa Development Commission[520] and Planning and Programming[630]]

[Prior to 9/7/11, see Economic Development, Iowa Department of[261];  
renamed Economic Development Authority by 2011 Iowa Acts, House File 590]

## PART I

*DEPARTMENT STRUCTURE*

## CHAPTER 1

## ORGANIZATION

- 1.1(15) History and mission
- 1.2(15) Definitions
- 1.3(15) Economic development authority board
- 1.4(15) Authority structure
- 1.5(15) Information

## CHAPTERS 2 and 3

Reserved

## PART II

*WORKFORCE DEVELOPMENT COORDINATION*

## CHAPTERS 4 to 14

Reserved

## CHAPTER 15

## STEM BEST APPROPRIATION

- 15.1(89GA, HF871, HF2564) Purpose
- 15.2(89GA, HF871, HF2564) Definitions
- 15.3(89GA, HF871, HF2564) Eligible uses of funds

## CHAPTERS 16 to 20

Reserved

## PART III

*COMMUNITY DEVELOPMENT DIVISION*

## CHAPTER 21

## DIVISION RESPONSIBILITIES

- 21.1(15) Mission
- 21.2(15) Division responsibilities

## CHAPTER 22

## NUISANCE PROPERTY AND ABANDONED BUILDING REMEDIATION ASSISTANCE

- 22.1(15) Authority and purpose
- 22.2(15) Definitions
- 22.3(15) Program description
- 22.4(15) Program eligibility, application scoring, and funding decisions
- 22.5(15) Contract required

## CHAPTER 23

## IOWA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

- 23.1(15) Purpose
- 23.2(15) Definitions
- 23.3(15) Annual action plan
- 23.4(15) Allocation of funds

- 23.5(15) Requirements for funding
- 23.6(15) Award and administration

## CHAPTER 24

## BROADBAND FORWARD AND TELECOMMUTER FORWARD CERTIFICATIONS

- 24.1(15E) Authority
- 24.2(15E) Purposes
- 24.3(15E) Definitions
- 24.4(15E) Application; review; approval
- 24.5(15E) Broadband forward certification
- 24.6(15E) Telecommuter forward certification
- 24.7(15E) Maintenance of certification

## CHAPTER 25

Reserved

## CHAPTER 26

VARIANCE PROCEDURES FOR TAX INCREMENT  
FINANCING (TIF) HOUSING PROJECTS

- 26.1(403) Goals and objectives
- 26.2(403) Definitions
- 26.3(403) Requirements for benefit to low- and moderate-income families
- 26.4(403) Ability to request a variance
- 26.5(403) Variance request procedure
- 26.6(403) Criteria for review

## CHAPTER 27

Reserved

## CHAPTER 28

## RURAL HOUSING NEEDS ASSESSMENT GRANT PROGRAM

- 28.1(88GA,SF608) Purpose
- 28.2(88GA,SF608) Definitions
- 28.3(88GA,SF608) Program description
- 28.4(88GA,SF608) Program eligibility, application scoring, and funding decisions
- 28.5(88GA,SF608) Agreement required

## CHAPTER 29

## RURAL INNOVATION GRANT PROGRAM

- 29.1(88GA,SF608) Purpose
- 29.2(88GA,SF608) Definitions
- 29.3(88GA,SF608) Program description
- 29.4(88GA,SF608) Program eligibility, application scoring, and funding decisions
- 29.5(88GA,SF608) Agreement required

## CHAPTER 30

## EMPOWER RURAL IOWA PROGRAM

- 30.1(89GA,HF871,HF2564) Purpose
- 30.2(89GA,HF871,HF2564) Definitions
- 30.3(89GA,HF871,HF2564) Eligible uses of funds



## CHAPTER 31

## ECONOMIC DEVELOPMENT REGION INITIATIVES

- 31.1(15E) Purpose
- 31.2(15E) Types of assistance
- 31.3(15E) Financial assistance
- 31.4(15E) Definitions

## DIVISION I

## ECONOMIC DEVELOPMENT REGION INITIATIVE—FINANCIAL ASSISTANCE

- 31.5(15E) Uses of funds under the economic development region initiative
- 31.6(15E) Application process and approval process
- 31.7(15E) Reporting requirements

## DIVISION II

## ECONOMIC ENTERPRISE AREAS

- 31.8(15E) Description
- 31.9(15E) Funding
- 31.10(15E) Eligible use of funds
- 31.11(15E) Application process and approval process
- 31.12(15E) Reporting requirements

## DIVISION III

## BUSINESS ACCELERATORS

- 31.13(15E) Description and purpose
- 31.14(15E) Definitions
- 31.15(15E) Requirements and qualifications for business accelerator entities
- 31.16(15E) Other considerations
- 31.17(15E) Application procedures
- 31.18(15E) Reporting

## CHAPTERS 32 to 35

Reserved

## CHAPTER 36

## DOWNTOWN LOAN GUARANTEE PROGRAM

- 36.1(15) Purpose
- 36.2(15) Definitions
- 36.3(15) Eligibility
- 36.4(15) Application submittal and review process
- 36.5(15) Loan guarantee limitations
- 36.6(15) Annual fee
- 36.7(15) Agreement
- 36.8(15) Reporting

## CHAPTER 37

Reserved

## CHAPTER 38

## REGIONAL SPORTS AUTHORITY DISTRICTS

- 38.1(15E) Definitions
- 38.2(15E) Program description
- 38.3(15E) Program eligibility and application requirements
- 38.4(15E) Application scoring and certification of districts
- 38.5(15E) Contract administration
- 38.6(15E) Expenses, records, and reimbursements

CHAPTER 39  
MAIN STREET IOWA PROGRAM

39.1(15)	Purpose
39.2(15)	Definitions
39.3(15)	Program administration
39.4 and 39.5	Reserved
39.6(15)	Application and selection process
39.7(15)	Selection criteria
39.8	Reserved
39.9(15)	Reports
39.10(15)	Noncompliance
39.11(15)	Forms

CHAPTERS 40 and 41  
Reserved

CHAPTER 42  
IOWA TOURISM GRANT PROGRAM

42.1(15)	Definitions
42.2(15)	Program description
42.3(15)	Program eligibility and application requirements
42.4(15)	Application scoring and approval process
42.5(15)	Contract administration
42.6(15)	Expenses, records, and reimbursements

CHAPTER 43  
HOOVER PRESIDENTIAL LIBRARY TAX CREDIT

43.1(15E)	Purpose
43.2(15E)	Definitions
43.3(15E)	Authorization of tax credits
43.4(15E)	Tax credit limitations
43.5(15E)	Distribution process and review criteria

CHAPTER 44  
COG ASSISTANCE

44.1(28H)	Purpose
44.2(28H)	Definitions
44.3(28H)	Eligibility
44.4(28H)	Eligible activities
44.5(28H)	Application procedure
44.6(28H)	Grant awards
44.7(28H)	Funding
44.8(28H)	Financial management standards
44.9(28H)	Record keeping and retention
44.10(28H)	Progress reports
44.11(28H)	Noncompliance
44.12(28H)	Grant closeouts
44.13(28H)	Compliance with state laws and regulations

CHAPTER 45  
COMMUNITY CATALYST BUILDING REMEDIATION PROGRAM

45.1(15)	Purpose
45.2(15)	Definitions

- 45.3(15) Program description
- 45.4(15) Program eligibility, application scoring, and funding decisions
- 45.5(15) Agreement required

## CHAPTER 46

Reserved

## CHAPTER 47

## ENDOW IOWA TAX CREDITS

- 47.1(15E) Purpose
- 47.2(15E) Definitions
- 47.3(15E) Authorization of tax credits to taxpayers
- 47.4(15E) Distribution process and review criteria

## CHAPTER 48

## WORKFORCE HOUSING TAX INCENTIVES PROGRAM

- 48.1(15) Authority and purpose
- 48.2(15) Definitions
- 48.3(15) Small cities
- 48.4(15) Housing project requirements
- 48.5(15) Housing project application and agreement
- 48.6(15) Workforce housing tax incentives
- 48.7(15) Annual program funding allocation, reallocation, and management of excess demand
- 48.8(15) Application submittal and review process

## DISASTER RECOVERY HOUSING PROGRAM

- 48.9(15) Housing project minimum requirements
- 48.10(15) Housing project application and agreement
- 48.11(15) Disaster recovery housing tax incentives
- 48.12(15) Program funding allocation and management of excess demand
- 48.13(15) Application submittal and review process

## CHAPTER 49

## HISTORIC PRESERVATION TAX CREDIT

- 49.1(303,404A) Purpose
- 49.2(404A) Program transition and applicability
- 49.3(404A) Definitions
- 49.4(404A) Qualified rehabilitation expenditures
- 49.5(404A) Historic preservation tax credit
- 49.6(404A) Management of annual aggregate tax credit award limit
- 49.7(404A) Applications
- 49.8(404A) Small projects
- 49.9(404A) Who may apply for the tax credit
- 49.10(404A) Part 1 and Part 2 applications
- 49.11(404A) Part 2B application
- 49.12(404A) Agreement
- 49.13(404A) Part 3 application—request for certification of completed work and verification of qualified rehabilitation expenditures
- 49.14(404A) Fees
- 49.15(404A) Compliance
- 49.16(404A) Certificate issuance; claiming the tax credit
- 49.17(303,404A) Appeals

PART IV  
*BUSINESS DEVELOPMENT DIVISION*

CHAPTER 50  
DIVISION RESPONSIBILITIES

- 50.1(15) Mission
- 50.2(15) Division responsibilities

CHAPTER 51  
BUTCHERY INNOVATION AND REVITALIZATION PROGRAM

- 51.1(15E) Purpose
- 51.2(15E) Definitions
- 51.3(15E) Eligibility
- 51.4(15E) Application submittal and review process
- 51.5(15E) Application scoring criteria
- 51.6(15E) Contract administration
- 51.7(15E) Disbursement of funds
- 51.8(15E) Reporting

CHAPTER 52  
IOWA TARGETED SMALL BUSINESS CERTIFICATION PROGRAM

- 52.1(15) Definitions
- 52.2(15) Certification
- 52.3(15) Description of application
- 52.4(15) Eligibility standards
- 52.5(15) Special consideration
- 52.6(15) Family-owned business
- 52.7(15) Cottage industry
- 52.8(15) Decertification
- 52.9(15) Request for bond waiver
- 52.10(15) Fraudulent practices in connection with targeted small business programs

CHAPTER 53  
Reserved

CHAPTER 54  
IOWA TARGETED SMALL BUSINESS PROCUREMENT PROGRAM

- 54.1(73) Purpose
- 54.2(73) Definitions
- 54.3(73) Preliminary procedures
- 54.4(73) Identification of targeted small businesses
- 54.5(73) IDED administration
- 54.6(73) Certification
- 54.7(73) Request for review of certification denial
- 54.8(73) Certification review board
- 54.9(73) Decertification
- 54.10(73) Notice of solicitation for bids
- 54.11 Reserved
- 54.12(73) Determination of ability to perform
- 54.13(73) Other procurement procedures
- 54.14(73) Reporting requirements
- 54.15(73) Maintenance of records

## CHAPTER 55

## TARGETED SMALL BUSINESS FINANCIAL ASSISTANCE PROGRAM

- 55.1(15) Targeted small business financial assistance program (TSBFAP)
- 55.2(15) Definitions
- 55.3(15) Application and approval
- 55.4(15) Monitoring
- 55.5(15) Disbursement of funds

## CHAPTER 56

## EMPLOYEE STOCK OWNERSHIP PLAN (ESOP) FORMATION ASSISTANCE

- 56.1(85GA,HF648) Purpose
- 56.2(85GA,HF648) Definitions
- 56.3(85GA,HF648) Program description
- 56.4(85GA,HF648) Program eligibility, application scoring, and funding decisions
- 56.5(85GA,HF648) Contract required

## CHAPTER 57

## EMPLOYER CHILD CARE TAX CREDIT

- 57.1(237A) Definitions
- 57.2(237A) Authorization of tax credits
- 57.3(237A) Application and issuance process
- 57.4(237A) CPA examination

## CHAPTER 58

Reserved

## CHAPTER 59

## ENTERPRISE ZONE (EZ) PROGRAM

- 59.1(15E) Purpose and administrative procedures
- 59.2(15E) Definitions
- 59.3(15E) Enterprise zone certification
- 59.4(15E) Enterprise zone commission
- 59.5(15E) Eligibility and negotiations
- 59.6(15E) Eligible business
- 59.7 Reserved
- 59.8(15E) Eligible housing business
- 59.9 Reserved
- 59.10(15E) Commission review of businesses' applications
- 59.11(15E) Other commission responsibilities
- 59.12(15E) Department action on eligible applications
- 59.13 and 59.14 Reserved
- 59.15(15E) Applicability on or after July 1, 2014

## CHAPTER 60

ENTREPRENEURIAL VENTURES  
ASSISTANCE (EVA) PROGRAM

- 60.1(15) Purpose and administrative procedures
- 60.2(15) Definitions
- 60.3(15) Eligibility requirements
- 60.4(15) Financial assistance
- 60.5(15) Technical assistance
- 60.6(15) Application process
- 60.7(15) Review criteria

60.8 and 60.9 Reserved  
 60.10(15,83GA,SF344) Applicability of EVA program after July 1, 2009

CHAPTERS 61 to 64  
 Reserved

CHAPTER 65

BROWNFIELD AND GRAYFIELD REDEVELOPMENT

65.1(15) Purpose  
 65.2(15) Definitions  
 65.3(15) Eligible applicants  
 65.4(15) Eligible forms of assistance and limitations  
 65.5(15) Repayment to economic development authority  
 65.6(15) General procedural overview  
 65.7(15) Application to the brownfield redevelopment program—agreements  
 65.8(15) Application to the redevelopment tax credits program—registration of projects—agreements  
 65.9(15) Application review criteria  
 65.10(15) Administration of awards  
 65.11(15) Redevelopment tax credit  
 65.12(15) Review, approval, and repayment requirements of redevelopment tax credit

CHAPTER 66

ASSISTIVE DEVICE TAX CREDIT

66.1(78GA,ch1194) Purpose  
 66.2(78GA,ch1194) Definitions  
 66.3(78GA,ch1194) Eligibility criteria  
 66.4(78GA,ch1194) Application process  
 66.5(78GA,ch1194) Review, decision and award process  
 66.6(78GA,ch1194) Certification  
 66.7(78GA,ch1194) Monitoring and misuse of funds  
 66.8(78GA,ch1194) Tax credit

CHAPTER 67

Reserved

CHAPTER 68

HIGH QUALITY JOBS PROGRAM (HQJP)

68.1(15) Administrative procedures and definitions  
 68.2(15) Eligibility requirements  
 68.3(15) Application process and review  
 68.4(15) Tax incentives  
 68.5(15) Project completion assistance

CHAPTERS 69 and 70

Reserved

CHAPTER 71

TARGETED JOBS WITHHOLDING TAX CREDIT PROGRAM

71.1(403) Definitions  
 71.2(403) Eligibility requirements  
 71.3(403) Pilot project city application process and review  
 71.4(403) Withholding agreements  
 71.5(403) Project approval

- 71.6(403) Reporting requirements
- 71.7(403) Applicability

## CHAPTER 72

## IOWA EXPORT TRADE ASSISTANCE PROGRAM

- 72.1(78GA,ch197) Purpose
- 72.2(78GA,ch197) Definitions
- 72.3(78GA,ch197) Eligible applicants
- 72.4(78GA,ch197) Eligible reimbursements
- 72.5(78GA,ch197) Applications for assistance
- 72.6(78GA,ch197) Selection process
- 72.7(78GA,ch197) Limitations
- 72.8(78GA,ch197) Forms

## CHAPTERS 73 and 74

Reserved

## CHAPTER 75

## OPPORTUNITIES AND THREATS PROGRAM

- 75.1(83GA,SF344) Purpose
- 75.2(83GA,SF344) Administrative procedures
- 75.3(83GA,SF344) Eligible applicants
- 75.4(83GA,SF344) Review criteria
- 75.5(83GA,SF344) Award criteria
- 75.6(15) Applicability of the opportunities and threats program on or after July 1, 2012

## CHAPTER 76

AGGREGATE TAX CREDIT LIMIT FOR  
CERTAIN ECONOMIC DEVELOPMENT PROGRAMS

- 76.1(15) Authority
- 76.2(15) Purpose
- 76.3(15) Definitions
- 76.4(15) Tax credit cap—exceeding the cap—reallocation of declinations
- 76.5(15) Allocating the tax credit cap
- 76.6(15) Reporting to the department of revenue

## CHAPTER 77

## SITE DEVELOPMENT PROGRAM

DIVISION I  
GENERAL PROVISIONS

- 77.1(15E) Purposes
- 77.2(15E) Authority
- 77.3(15E) Definitions
- 77.4 to 77.10 Reserved

DIVISION II  
CERTIFICATE OF READINESS

- 77.11(15E) Eligibility
- 77.12(15E) Application; review; approval
- 77.13(15E) Evaluation criteria
- 77.14(15E) Certificate of readiness
- 77.15 to 77.20 Reserved

DIVISION III  
CONSULTATION

77.21(15E) Consultation

CHAPTERS 78 to 80  
Reserved

CHAPTER 81

RENEWABLE CHEMICAL PRODUCTION TAX CREDIT PROGRAM

81.1(15) Purpose  
81.2(15) Definitions  
81.3(15) Eligibility requirements  
81.4(15) Application process and review  
81.5(15) Agreement and fees  
81.6(15) Renewable chemical production tax credit  
81.7(15) Claiming the tax credit  
81.8(15) Process to add building block chemicals  
81.9(15) Additional information

CHAPTERS 82 to 100  
Reserved

PART V  
*INNOVATION AND COMMERCIALIZATION ACTIVITIES*

CHAPTER 101

MISSION AND RESPONSIBILITIES

101.1(15) Mission  
101.2(15) Responsibilities

CHAPTER 102

ENTREPRENEUR INVESTMENT AWARDS PROGRAM

102.1(15E) Authority  
102.2(15E) Purpose  
102.3(15E) Definitions  
102.4(15E) Program description, application procedures, and delegation of functions  
102.5(15E) Program funding  
102.6(15E) Eligibility requirements and competitive scoring process  
102.7(15E) Contract and report information required

CHAPTERS 103 and 104  
Reserved

CHAPTER 105

DEMONSTRATION FUND

105.1(15) Authority  
105.2(15) Purpose  
105.3(15) Definitions  
105.4(15) Project funding  
105.5(15) Matching funds requirement  
105.6(15) Eligible applicants  
105.7(15) Ineligible applicants  
105.8(15) Application and review process  
105.9(15) Application selection criteria  
105.10(15) Contract and reporting



CHAPTER 106  
SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY  
TRANSFER OUTREACH PROGRAM

- 106.1(15) Authority
- 106.2(15) Purpose and goals
- 106.3(15) Definitions
- 106.4(15) Program description, application procedures, and delegation of functions
- 106.5(15) Program funding
- 106.6(15) Eligibility requirements
- 106.7(15) Agreement and report information required

CHAPTER 107  
Reserved

CHAPTER 108  
ACCELERATION AND DEVELOPMENT OF INNOVATIVE IDEAS AND BUSINESSES

- 108.1(15) Authority
- 108.2(15) Purpose and description of program components
- 108.3(15) Definitions
- 108.4(15) Program description, application procedures, and delegation of functions
- 108.5(15) Program funding
- 108.6(15) Contract and report information required

CHAPTERS 109 to 111  
Reserved

CHAPTER 112  
STATE SMALL BUSINESS CREDIT INITIATIVE (SSBCI)

- 112.1(15) Purpose
- 112.2(15) Definitions
- 112.3(15) Federal requirements
- 112.4(15) Eligible uses
- 112.5(15) Delegation of certain administrative functions

CHAPTER 113  
Reserved

CHAPTER 114  
IOWA INNOVATION COUNCIL

- 114.1(15) Authority
- 114.2(15) Purpose
- 114.3(15) Definitions
- 114.4(15) Iowa innovation council funding
- 114.5(15) Council membership
- 114.6(15) Responsibilities and deliverables
- 114.7(15) Executive committee
- 114.8(15) Application and review process for board-appointed council members
- 114.9(15) Voting
- 114.10(15) Meetings and commitment of time
- 114.11(15) Nonattendance
- 114.12(15) Council work groups
- 114.13(15) Reporting

## CHAPTER 115

## TAX CREDITS FOR INVESTMENTS IN QUALIFYING BUSINESSES

115.1(15E)	Tax credits for investments in qualifying businesses
115.2(15E)	Definitions
115.3(15E)	Cash investments required
115.4(15E)	Applying for an investment tax credit
115.5(15E)	Certification of qualifying businesses
115.6(15E)	Approval, issuance and distribution of investment tax credits
115.7(15E)	Claiming the tax credits
115.8(15E)	Notification to the department of revenue
115.9(15E)	Rescinding tax credits
115.10(15E)	Additional information—confidentiality—annual report

## CHAPTER 116

## TAX CREDITS FOR INVESTMENTS IN CERTIFIED INNOVATION FUNDS

116.1(15E)	Tax credit for investments in certified innovation funds
116.2(15E)	Definitions
116.3(15E)	Certification of innovation funds
116.4(15E)	Maintenance, reporting, and revocation of certification
116.5(15E)	Application for the investment tax credit certificate
116.6(15E)	Approval, issuance and distribution of investment tax credits
116.7(15E)	Transferability of the tax credit
116.8(15E)	Vested right in the tax credit
116.9(15E)	Claiming the tax credits
116.10(15E)	Notification to the department of revenue
116.11(15E)	Additional information

## CHAPTER 117

## SSBCI DEMONSTRATION FUND

117.1(84GA,HF590)	Authority
117.2(84GA,HF590)	Purposes, goals, and promotion
117.3(84GA,HF590)	Definitions
117.4(84GA,HF590)	Project funding
117.5(84GA,HF590)	Leverage of financial assistance required
117.6(84GA,HF590)	Eligible applicants
117.7(84GA,HF590)	Ineligible applicants
117.8(84GA,HF590)	Application and review process
117.9(84GA,HF590)	Application selection criteria
117.10(84GA,HF590)	Contract and reporting

## CHAPTER 118

## STRATEGIC INFRASTRUCTURE PROGRAM

118.1(15)	Authority
118.2(15)	Purpose
118.3(15)	Definitions
118.4(15)	Program description, disbursement of funds, and contract administration
118.5(15)	Program eligibility and application requirements
118.6(15)	Application submittal and review process
118.7(15)	Application scoring criteria
118.8(15)	Notice of award and reporting

CHAPTER 119  
MANUFACTURING 4.0 TECHNOLOGY INVESTMENT PROGRAM

- 119.1(15) Authority
- 119.2(15) Purpose
- 119.3(15) Definitions
- 119.4(15) Program eligibility
- 119.5(15) Application submittal and review process
- 119.6(15) Application scoring criteria
- 119.7(15) Contract administration
- 119.8(15) Disbursement of funds
- 119.9(15) Reporting

CHAPTERS 120 to 162  
Reserved

PART VI  
*ADMINISTRATION DIVISION*

CHAPTER 163  
DIVISION RESPONSIBILITIES

- 163.1(15) Mission
- 163.2(15) Structure

CHAPTER 164  
Reserved

CHAPTER 165  
ALLOCATION OF GROW IOWA VALUES FUND

- 165.1(15G,83GA,SF344) Purpose
- 165.2(15G,83GA,SF344) Definitions
- 165.3(15G,83GA,SF344) Grow Iowa values fund (2009)
- 165.4(15G,83GA,SF344) Allocation of annual appropriation for grow Iowa values fund moneys—\$50M
- 165.5(15G,83GA,SF344) Board allocation of other moneys in fund
- 165.6(15G,83GA,SF344) Annual fiscal year allocations by board
- 165.7(15) Applicability of the grow Iowa values financial assistance program on or after July 1, 2012

CHAPTERS 166 to 170  
Reserved

PART VII  
*ADDITIONAL APPLICATION REQUIREMENTS AND PROCEDURES*

CHAPTER 171  
SUPPLEMENTAL CREDIT OR POINTS

- 171.1(15A) Applicability
- 171.2(15A) Brownfield areas, blighted areas and distressed areas
- 171.3(15A) Good neighbor agreements
- 171.4(82GA,HF647) Iowa great places agreements

CHAPTER 172  
ENVIRONMENTAL LAW COMPLIANCE; VIOLATIONS OF LAW

- 172.1(15A) Environmental law compliance
- 172.2(15A) Violations of law

CHAPTER 173  
STANDARD DEFINITIONS

- 173.1(15)      Applicability  
173.2(15)      Definitions

CHAPTER 174  
WAGE, BENEFIT, AND INVESTMENT REQUIREMENTS

- 174.1(15)      Applicability  
174.2(15)      Qualifying wage threshold calculations  
174.3(15)      Qualifying wage threshold requirements—prior to July 1, 2009  
174.4            Reserved  
174.5(15)      Qualifying wage threshold requirements—on or after July 1, 2009, and on or  
                    before June 30, 2012  
174.6(15)      Qualifying wage threshold requirements—effective on or after July 1, 2014  
174.7(15)      Job obligations  
174.8(15)      Benefit requirements—prior to July 1, 2009  
174.9(15)      Sufficient benefits requirement—on or after July 1, 2009  
174.10(15)     Capital investment, qualifying investment for tax credit programs, and investment  
                    qualifying for tax credits

CHAPTER 175  
APPLICATION REVIEW AND APPROVAL PROCEDURES

- 175.1(15)      Applicability  
175.2(15)      Application procedures for programs administered by the authority  
175.3(15)      Standard program requirements  
175.4(15)      Review and approval of applications  
175.5(15)      Local match requirements for project awards

CHAPTERS 176 to 186  
Reserved

PART VIII  
*LEGAL AND COMPLIANCE*

CHAPTER 187  
CONTRACTING

- 187.1(15)      Applicability  
187.2(15)      Contract required  
187.3(15)      Project completion date and maintenance period completion date  
187.4(15)      Contract and award amendment approval procedures  
187.5(15)      Default  
187.6(15)      Compliance cost fees

CHAPTER 188  
CONTRACT COMPLIANCE AND JOB COUNTING

- 188.1(15)      Applicability  
188.2(15)      Contract compliance  
188.3(15)      Job counting and tracking  
188.4(15)      Business's employment base  
188.5(15)      Job counting using base employment analysis  
188.6(15)      Wage determination for contract compliance purposes

CHAPTER 189  
ANNUAL REPORTING

- 189.1(15) Annual reporting by businesses required (for period ending June 30)  
189.2(15) January 31 report by authority to legislature

CHAPTERS 190 to 194  
Reserved

PART IX  
*UNIFORM PROCEDURES: RECORDS, RULE MAKING, DECLARATORY ORDERS, RULE WAIVERS*

CHAPTER 195  
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

- 195.1(17A,22) Statement of policy, purpose and scope of chapter  
195.2(17A,22) Definitions  
195.3(17A,22) Requests for access to records  
195.4(17A,22) Access to confidential records  
195.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination  
195.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records  
195.7(17A,22) Consent to disclosure by the subject of a confidential record  
195.8(17A,22) Notice to suppliers of information  
195.9(17A,22) Disclosures without the consent of the subject  
195.10(17A,22) Routine use  
195.11(17A,22) Consensual disclosure of confidential records  
195.12(17A,22) Release to subject  
195.13(17A,22) Availability of records  
195.14(17A,22) Personally identifiable information  
195.15(17A,22) Other groups of records

CHAPTER 196  
DEPARTMENT PROCEDURE FOR RULE MAKING

- 196.1(17A) Applicability  
196.2(17A) Advice on possible rules before notice of proposed rule adoption  
196.3(17A) Public rule-making docket  
196.4(17A) Notice of proposed rule making  
196.5(17A) Public participation  
196.6(17A) Regulatory analysis  
196.7(17A,25B) Fiscal impact statement  
196.8(17A) Time and manner of rule adoption  
196.9(17A) Variance between adopted rule and published notice of proposed rule adoption  
196.10(17A) Exemptions from public rule-making procedures  
196.11(17A) Concise statement of reasons  
196.12(17A) Contents, style, and form of rule  
196.13(17A) Department rule-making record  
196.14(17A) Filing of rules  
196.15(17A) Effectiveness of rules prior to publication  
196.16(17A) Review by department of rules  
196.17(17A) Written criticisms of department rules

CHAPTER 197  
PETITION FOR RULE MAKING

197.1(17A)	Petition for rule making
197.2(17A)	Briefs
197.3(17A)	Inquiries
197.4(17A)	Authority consideration

CHAPTER 198  
PETITION FOR DECLARATORY ORDER

198.1(17A)	Petition for declaratory order
198.2(17A)	Notice of petition
198.3(17A)	Intervention
198.4(17A)	Briefs
198.5(17A)	Inquiries
198.6(17A)	Service and filing of petitions and other papers
198.7(17A)	Consideration
198.8(17A)	Action on petition
198.9(17A)	Refusal to issue order
198.10(17A)	Contents of declaratory order—effective date
198.11(17A)	Copies of orders
198.12(17A)	Effect of a declaratory order

CHAPTER 199  
UNIFORM WAIVER RULES

199.1(17A,15)	Applicability
199.2(17A,15)	Director/board discretion
199.3(17A,15)	Requester's responsibilities in filing a waiver petition
199.4(17A,15)	Notice
199.5(17A,15)	Authority responsibilities regarding petition for waiver
199.6(17A,15)	Submission of waiver information
199.7(17A,15)	Voiding or cancellation
199.8(17A,15)	Violations
199.9(17A,15)	Defense
199.10(17A,15)	Appeals

PART X  
*COMMUNITY ATTRACTION AND INVESTMENT PROGRAMS*

CHAPTER 200  
REINVESTMENT DISTRICTS PROGRAM

200.1(15J)	Purpose
200.2(15J)	Definitions
200.3(15J)	Program overview
200.4(15J)	Preapplication process
200.5(15J)	Program eligibility and application requirements
200.6(15J)	Application scoring and determination of benefits
200.7(15J)	Final application and approval process
200.8(15J)	Adoption of ordinance and use of funds
200.9(15J)	Plan amendments and reporting
200.10(15J)	Cessation of deposits, district dissolution, and requests for extension
200.11(15J)	Cross reference to department rules

CHAPTERS 201 to 210  
Reserved

CHAPTER 211  
COMMUNITY ATTRACTION AND  
TOURISM (CAT) PROGRAMS

DIVISION I  
GENERAL PROVISIONS

211.1(15F)	Purpose
211.2(15F)	Definitions
211.3(15F)	Forms of assistance
211.4(15F)	Eligible applicants
211.5(15F)	Eligible projects
211.6(15F)	Ineligible projects
211.7(15F)	Application requirements
211.8(15F)	Application review
211.9(15F)	Application procedure
211.10(15F)	Administration
211.11 to 211.49	Reserved

DIVISION II  
COMMUNITY ATTRACTION AND TOURISM (CAT) FUND

211.50(15F)	Applicability
211.51(15F)	Allocation of funds
211.52 to 211.100	Reserved

DIVISION III  
RIVER ENHANCEMENT COMMUNITY ATTRACTION AND TOURISM (RECAT) FUND

211.101(15F)	Applicability
211.102(15F)	Application contents

CHAPTER 212  
VISION IOWA PROGRAM

212.1(15F)	Purpose
212.2(15F)	Definitions
212.3(15F)	Allocation of funds
212.4(15F)	Eligible applicants
212.5(15F)	Eligible projects and forms of assistance
212.6(15F)	Ineligible projects
212.7(15F)	Threshold application requirements
212.8(15F)	Application review criteria
212.9(15F)	Application procedure
212.10(15F)	Administration of awards

CHAPTER 213

ENHANCE IOWA BOARD: UNIFORM WAIVER RULES

213.1(17A,15F)	Applicability
213.2(17A,15F)	Board discretion
213.3(17A,15F)	Requester's responsibilities in filing a waiver petition
213.4(17A,15F)	Notice
213.5(17A,15F)	Board responsibilities regarding petition for waiver
213.6(17A,15F)	Submission of waiver information
213.7(17A,15F)	Voiding or cancellation
213.8(17A,15F)	Violations
213.9(17A,15F)	Defense
213.10(17A,15F)	Appeals

CHAPTER 214  
ENHANCE IOWA BOARD

- 214.1(15F) Definitions
- 214.2(15F) Enhance Iowa board
- 214.3(15F) Authority duties

CHAPTER 215

SPORTS TOURISM PROGRAM: MARKETING FUND

- 215.1(15F) Definitions
- 215.2(15F) Eligible applicants
- 215.3(15F) Eligible marketing projects
- 215.4(15F) Eligible and ineligible marketing expenses
- 215.5(15F) Threshold application requirements
- 215.6(15F) Application process
- 215.7(15F) Administration

CHAPTER 216

SPORTS TOURISM PROGRAM: INFRASTRUCTURE FUND

- 216.1(15F) Definitions
- 216.2(15F) Eligible applicants
- 216.3(15F) Eligible infrastructure projects
- 216.4(15F) Eligible and ineligible infrastructure expenses
- 216.5(15F) Threshold application requirements
- 216.6(15F) Application process
- 216.7(15F) Administration

CHAPTERS 217 to 300

Reserved

PART XI

ARTS AND CULTURE

CHAPTER 301

IOWA COMMUNITY CULTURAL GRANTS (ICCG) PROGRAM

- 301.1(15) Program purpose
- 301.2(15) Program description
- 301.3(15) Definitions
- 301.4(15) Application procedures
- 301.5(15) Review criteria
- 301.6(15) Award amounts
- 301.7(15) Grant deadline
- 301.8(15) Contractual agreement
- 301.9(15) Auditing requirements
- 301.10(15) Informal appeals

CHAPTER 302

CULTURAL LEADERSHIP PARTNERS (CLP) PROGRAM

- 302.1(15) Purpose
- 302.2(15) Definitions
- 302.3(15) Eligibility
- 302.4(15) Application procedure
- 302.5(15) Matching funds
- 302.6(15) Evaluation team
- 302.7(15) Application review and selection



- 302.8(15) Grant administration
- 302.9(15) Informal appeals

## CHAPTER 303

## CULTURAL AND ENTERTAINMENT DISTRICTS

- 303.1(15) Purpose
- 303.2(15) Definitions
- 303.3(15) Eligible applicants
- 303.4(15) Program administration
- 303.5(15) Selection
- 303.6(15) Certification
- 303.7(15) Incentives
- 303.8(15) Appeals

## CHAPTER 304

## ORGANIZATION AND OPERATION

- 304.1(15) Definitions
- 304.2(15) Purpose
- 304.3(15) Location
- 304.4(15) Council statement on freedom of expression

## CHAPTER 305

## OPERATING AND GRANTING POLICIES

- 305.1(15) Definitions
- 305.2(15) Operating policies
- 305.3(15) Funding policies

## CHAPTER 306

OPERATIONAL SUPPORT PARTNERSHIP PROGRAM FOR  
MAJOR ARTS ORGANIZATIONS

- 306.1(15) Operational support partnership program for major arts organizations
- 306.2(15) Definitions
- 306.3(15) Eligibility
- 306.4(15) Cash match requirements
- 306.5(15) Funding cycle
- 306.6(15) Restrictions
- 306.7(15) Application process
- 306.8(15) Review criteria
- 306.9(15) Funding awards
- 306.10(15) Notification
- 306.11(15) Contract
- 306.12(15) Reporting
- 306.13(15) Appeals

## CHAPTER 307

## PROJECT GRANT PROGRAMS

- 307.1(15) Project grant programs
- 307.2(15) Definitions
- 307.3(15) Funding priorities
- 307.4(15) Review criteria
- 307.5(15) Funding policies and procedures

## CHAPTER 308

## IOWA ARTS COUNCIL SCHOLARSHIP FOR THE ARTS

- 308.1(15) Iowa arts council scholarship for the arts
- 308.2(15) Definitions
- 308.3(15) Eligibility
- 308.4(15) Formal application process
- 308.5(15) Deadline
- 308.6(15) Review criteria
- 308.7(15) Obligation of recipients
- 308.8(15) Notification process
- 308.9(15) Appeals

## CHAPTERS 309 to 399

Reserved

## PART XII

*ENERGY DIVISION*

## CHAPTER 400

## RULES APPLICABLE TO PART XII

- 400.1(84GA,HF590) Definitions
- 400.2(84GA,HF590) Purpose, administrative information, and implementation

## CHAPTER 401

## ADMINISTRATION OF FINANCIAL ASSISTANCE

- 401.1(84GA,HF590) Purpose
- 401.2(84GA,HF590) Appropriations
- 401.3(84GA,HF590) Control of fund assets
- 401.4(84GA,HF590) Allocation of fund moneys
- 401.5(84GA,HF590) Eligible applicants
- 401.6(84GA,HF590) Eligibility criteria for financial assistance
- 401.7(84GA,HF590) Forms of assistance
- 401.8(84GA,HF590) Application process
- 401.9(84GA,HF590) Confidentiality
- 401.10(84GA,HF590) Contents of full application
- 401.11(84GA,HF590) Selection criteria
- 401.12(84GA,HF590) Contract administration

## CHAPTER 402

Reserved

## CHAPTER 403

## IOWA ENERGY CENTER

- 403.1(15) Purpose
- 403.2(15) Definitions
- 403.3(15) Iowa energy center board

## CHAPTER 404

## IOWA ENERGY CENTER GRANT PROGRAM

- 404.1(15) Definitions
- 404.2(15) Policies and procedures handbook
- 404.3(15) Eligibility
- 404.4(15) Funding and award terms
- 404.5(15) Project budget

- 404.6(15) Application process and review
- 404.7(15) Administration

## CHAPTER 405

## ALTERNATE ENERGY REVOLVING LOAN PROGRAM

- 405.1(15) Definitions
- 405.2(15) Loan amounts and terms
- 405.3(15) Borrowers
- 405.4(15) Eligible projects
- 405.5(15) Eligible and ineligible costs
- 405.6 Reserved
- 405.7(15) Administration
- 405.8(15) Applicability after June 30, 2021

## CHAPTER 406

## ENERGY INFRASTRUCTURE REVOLVING LOAN PROGRAM

- 406.1(15,476) Definitions
- 406.2(15,476) Policies and procedures handbook
- 406.3(15,476) Loan amounts and terms
- 406.4(15,476) Eligible and ineligible borrowers
- 406.5(15,476) Eligible and ineligible projects
- 406.6(15,476) Eligible and ineligible costs
- 406.7(15,476) Application process
- 406.8(15,476) Administration

## CHAPTERS 407 to 409

Reserved

Part XIII

*HISTORIC PRESERVATION*

## CHAPTER 410

Reserved

## CHAPTER 411

## INVESTMENT TAX CREDIT PROGRAM

- 411.1(303) Purpose
- 411.2(303) Regulations
- 411.3(303) Eligibility
- 411.4(303) Certification of historic structures
- 411.5(303) Review and evaluation
- 411.6(303) Certification of completion of work

## CHAPTER 412

## NATIONAL REGISTER OF HISTORIC PLACES

- 412.1(303) Purpose
- 412.2(303) Regulations
- 412.3(303) Nomination procedure
- 412.4(303) Review of nominations
- 412.5(303) Delisting of properties

CHAPTER 413  
PRESERVATION PARTNERSHIP PROGRAM

- 413.1(303) Purpose
- 413.2(303) Regulations
- 413.3(303) Application procedure and selection

CHAPTER 414  
REVIEW AND COMPLIANCE PROGRAM

- 414.1(303) Purpose
- 414.2(303) Federal regulations and requirements
- 414.3(303) Professional qualifications
- 414.4(303) Definitions
- 414.5(303) Procedures
- 414.6(303) Level of effort required to identify historic properties
- 414.7(303) Review and appeal of the recommendations and decisions of the state historic preservation officer

CHAPTER 415  
TECHNICAL ASSISTANCE PROGRAM

- 415.1(303) Purpose
- 415.2(303) Regulations
- 415.3(303) Services

CHAPTER 416  
STATE REGISTER OF HISTORIC PLACES PROGRAM

- 416.1(303) Purpose
- 416.2(303) Regulations and procedures

CHAPTER 417  
CERTIFIED LOCAL GOVERNMENT PROGRAM

- 417.1(15) Purpose
- 417.2(15) Regulations
- 417.3(15) Criteria for certification
- 417.4(15) Procedure for certification
- 417.5(15) Funding of certified local governments
- 417.6(15) Other program services

CHAPTER 417  
CERTIFIED LOCAL GOVERNMENT PROGRAM  
[Prior to 4/3/24, see Historical Division[223] Ch 36]

**261—417.1(15) Purpose.** The program seeks to enrich, develop, and help maintain local historic preservation programs in accordance with the state and federal preservation programs. The aim is to ensure the broadest possible participation of local governments in the program while maintaining standards consistent with the National Historic Preservation Act and the Secretary of the Interior’s “Standards and Guidelines for Archaeology and Historic Preservation.” Financial and technical assistance are provided to further this purpose.

[Editorial change: IAC Supplement 4/3/24]

**261—417.2(15) Regulations.** The Certified Local Government program shall operate in accordance with the National Historic Preservation Act of 1966; Federal Regulations 36 CFR 61, April 13, 1984, and August 30, 1985; National Register Program Guidelines-NPS 49, Chapter 9; Iowa Code sections 15.445 to 15.459; and the guidelines for the program issued by the authority in “The Certified Local Government Historic Preservation Program in Iowa.”

[Editorial change: IAC Supplement 4/3/24]

**261—417.3(15) Criteria for certification.** Any local government shall be certified to participate in the program if the state historic preservation officer and the National Park Service certify that the local government meets the following conditions:

1. Secures appropriate county and municipal ordinances or resolutions for the creation of a local historical commission and the conduct of its historic preservation responsibilities;
2. Establishes an adequate and qualified historic preservation review commission by state or local legislation;
3. Maintains a system for the survey and inventory of historic properties that furthers the purposes of historic preservation;
4. Provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register of Historic Places; and
5. Satisfactorily performs the responsibilities delegated to it under the Act.

[Editorial change: IAC Supplement 4/3/24]

**261—417.4(15) Procedure for certification.**

**417.4(1)** The applicant shall contact the certified local government coordinator for program guidelines and application procedures.

**417.4(2)** Review of the certification request for completeness and eligibility shall be conducted by the staff within 30 days. Applicants shall be advised of the results of the review. If the certification request is deemed unsatisfactory, the staff shall advise the applicant and specify the changes that are needed.

**417.4(3)** When a certification application is accepted, a certification agreement shall be sent to the local government for signature.

**417.4(4)** Rescinded IAB 12/6/95, effective 1/10/96.

[Editorial change: IAC Supplement 4/3/24]

**261—417.5(15) Funding of certified local governments.** See 223—35.7(303), Iowa Administrative Code.

[Editorial change: IAC Supplement 4/3/24]

**261—417.6(15) Other program services.** The authority provides training for county and local preservation commissions through state and regional conferences, technical assistance, and review of the county or local commission’s annual report.

[Editorial change: IAC Supplement 4/3/24]

These rules are intended to implement Iowa Code section 15.121 and Iowa Code chapter 15, subchapter II, part 27.

[Filed without Notice 5/12/89—published 5/31/89, effective 7/5/89]

[Filed emergency 12/2/93—published 12/22/93, effective 12/2/93]

[Filed 1/27/94, Notice 12/22/93—published 2/16/94, effective 3/23/94]

[Filed 11/17/95, Notice 10/11/95—published 12/6/95, effective 1/10/96]

[Editorial change: IAC Supplement 4/3/24]

**COLLEGE STUDENT AID COMMISSION[283]**

[Prior to 8/10/88, see College Aid Commission[245]]

## CHAPTER 1

## ORGANIZATION AND OPERATION

- 1.1(256) Purpose
- 1.2(256) Organization and operations

## CHAPTER 2

## COMMISSION PROCEDURE FOR RULE MAKING

- 2.1(17A) Applicability
- 2.2(17A) Advice on possible rules before notice of proposed rule adoption
- 2.3(17A) Public rule-making docket
- 2.4(17A) Notice of proposed rule making
- 2.5(17A) Public participation
- 2.6(17A) Regulatory analysis
- 2.7(17A,25B) Fiscal impact statement
- 2.8(17A) Time and manner of rule adoption
- 2.9(17A) Variance between adopted rule and published notice of proposed rule adoption
- 2.10(17A) Exemptions from public rule-making procedures
- 2.11(17A) Concise statement of reasons
- 2.12(17A) Contents, style, and form of rule
- 2.13(17A) Agency rule-making record
- 2.14(17A) Filing of rules
- 2.15(17A) Effectiveness of rules prior to publication
- 2.16(17A) General statements of policy
- 2.17(17A) Review by commission of rules

## CHAPTER 3

## DECLARATORY ORDERS

- 3.1(17A) Petition for declaratory order
- 3.2(17A) Notice of petition
- 3.3(17A) Intervention
- 3.4(17A) Briefs
- 3.5(17A) Inquiries
- 3.6(17A) Service and filing of petitions and other papers
- 3.7(17A) Consideration
- 3.8(17A) Action on petition
- 3.9(17A) Refusal to issue order
- 3.10(17A) Contents of declaratory order—effective date
- 3.11(17A) Copies of orders
- 3.12(17A) Effect of a declaratory order

## CHAPTER 4

## DUE PROCESS

- 4.1(261) Appeals

## CHAPTER 5

## CONTESTED CASES

- 5.1(17A) Scope and applicability
- 5.2(17A) Definitions
- 5.3(17A) Time requirements

5.4(17A)	Requests for contested case proceeding
5.5(17A)	Notice of hearing
5.6(17A)	Presiding officer
5.7(17A)	Waiver of procedures
5.8(17A)	Telephone proceedings
5.9(17A)	Disqualification
5.10(17A)	Consolidation—severance
5.11(17A)	Pleadings
5.12(17A)	Service and filing of pleadings and other papers
5.13(17A)	Discovery
5.14(17A)	Subpoenas
5.15(17A)	Motions
5.16(17A)	Prehearing conference
5.17(17A)	Continuances
5.18(17A)	Withdrawals
5.19(17A)	Intervention
5.20(17A)	Hearing procedures
5.21(17A)	Evidence
5.22(17A)	Default
5.23(17A)	Ex parte communication
5.24(17A)	Recording costs
5.25(17A)	Interlocutory appeals
5.26(17A)	Final decision
5.27(17A)	Appeals and review
5.28(17A)	Applications for rehearing
5.29(17A)	Stays of commission actions
5.30(17A)	No factual dispute contested cases
5.31(17A)	Emergency adjudicative proceedings

## CHAPTER 6

### PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

6.1(17A,22)	Definitions
6.2(17A,22)	Statement of policy
6.3(17A,22)	Requests for access to records
6.4(17A,22)	Access to confidential records
6.5(17A,22)	Requests for treatment of a record as a confidential record and its withholding from examination
6.6(17A,22)	Procedure by which additions, dissents, or objections may be entered into certain records
6.7(17A,22)	Consent to disclosure by the subject of a confidential record
6.8(17A,22)	Notice to suppliers of information
6.9(17A,22)	Routine use
6.10(17A,22)	Consensual disclosure of confidential records
6.11(17A,22)	Release to subject
6.12(17A,22)	Availability of records

## CHAPTER 7

### UNIFORM RULES FOR WAIVERS

7.1(256,ExecOrd11,17A)	Waiver process
7.2(256,ExecOrd11,17A)	Definition
7.3(256,ExecOrd11,17A)	Scope of chapter
7.4(256,ExecOrd11,17A)	Applicability of chapter



- 7.5(256,ExecOrd11,17A) Criteria for waiver
- 7.6(256,ExecOrd11,17A) Mandatory waivers
- 7.7(256,ExecOrd11,17A) Burden of persuasion
- 7.8(256,ExecOrd11,17A) Special waiver rule not precluded
- 7.9(256,ExecOrd11,17A) Administrative deadlines
- 7.10(256,ExecOrd11,17A) Filing of petition
- 7.11(256,ExecOrd11,17A) Contested case
- 7.12(256,ExecOrd11,17A) Contents of petition
- 7.13(256,ExecOrd11,17A) Additional information
- 7.14(256,ExecOrd11,17A) Notice
- 7.15(256,ExecOrd11,17A) Hearing procedures
- 7.16(256,ExecOrd11,17A) Ruling
- 7.17(256,ExecOrd11,17A) Commission discretion
- 7.18(256,ExecOrd11,17A) Narrowly tailored exception
- 7.19(256,ExecOrd11,17A) Conditions
- 7.20(256,ExecOrd11,17A) Time period of waiver
- 7.21(256,ExecOrd11,17A) Timing for ruling
- 7.22(256,ExecOrd11,17A) When deemed denied
- 7.23(256,ExecOrd11,17A) Service of order
- 7.24(256,ExecOrd11,17A) Public availability
- 7.25(256,ExecOrd11,17A) Voiding or cancellation
- 7.26(256,ExecOrd11,17A) Violations
- 7.27(256,ExecOrd11,17A) Defense
- 7.28(256,ExecOrd11,17A) Judicial review

#### CHAPTER 8

##### ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM

- 8.1(261) Basis of aid
- 8.2(261) Definitions
- 8.3(261) Eligibility requirements
- 8.4(261) Awarding of funds
- 8.5(261) Restrictions

#### CHAPTER 9

Reserved

#### CHAPTER 10

##### UNIFORM POLICIES

- 10.1(261) Purpose
- 10.2(261) Definitions
- 10.3(261) Policies

#### CHAPTER 11

##### IOWA TUITION GRANT PROGRAM—FOR-PROFIT INSTITUTIONS

- 11.1(261) Tuition grant based on financial need to Iowa residents enrolled at eligible private institutions of postsecondary education in Iowa
- 11.2(261) Tuition grant institutional eligibility requirements

#### CHAPTER 12

##### IOWA TUITION GRANT PROGRAM

- 12.1(261) Tuition grant based on financial need to Iowa residents enrolled at eligible private institutions of postsecondary education in Iowa
- 12.2(261) Tuition grant institutional eligibility requirements

## CHAPTER 13

## IOWA VOCATIONAL-TECHNICAL TUITION GRANT PROGRAM

- 13.1(261) Tuition grant based on financial need to Iowa residents enrolled in vocational or technical (career education) programs at community colleges in the state

## CHAPTER 14

## HEALTH CARE PROFESSIONAL RECRUITMENT PROGRAM

- 14.1(261) Definitions  
14.2(261) Health care professional loan repayment program  
14.3(261) Osteopathic forgivable loan

## CHAPTER 15

## FUTURE READY IOWA SKILLED WORKFORCE LAST-DOLLAR SCHOLARSHIP PROGRAM

- 15.1(261) Basis for aid  
15.2(261) Definitions  
15.3(261) Eligible students  
15.4(261) Award amounts  
15.5(261) Selection of eligible programs  
15.6(261) Criteria for maintaining eligible program status  
15.7(261) Awarding of funds  
15.8(261) Institution eligibility requirements  
15.9(261) Award notification  
15.10(261) Award transfers and adjustments  
15.11(261) Restrictions

## CHAPTER 16

## FUTURE READY IOWA SKILLED WORKFORCE GRANT PROGRAM

- 16.1(261) Basis for aid  
16.2(261) Definitions  
16.3(261) Eligible applicant  
16.4(261) Awarding of funds  
16.5(261) Exceptions  
16.6(261) Determination of programs of study aligned with high-demand jobs  
16.7(261) Institution eligibility requirements

## CHAPTER 17

Reserved

## CHAPTER 18

## IOWA WORK-STUDY PROGRAM

- 18.1(261) Administrative procedures  
18.2(261) Student eligibility  
18.3(261) College and university eligibility  
18.4(261) Award notices  
18.5(261) Disbursement schedule  
18.6(261) Matching funds  
18.7(261) Due process  
18.8(261) Student award notification  
18.9(261) Unused funds  
18.10(261) Employment restrictions  
18.11(261) Restrictions

## CHAPTER 19

Reserved

## CHAPTER 20

## IOWA NATIONAL GUARD SERVICE SCHOLARSHIP PROGRAM

- 20.1(261) Scholarships to Iowa national guard members for undergraduate studies at eligible Iowa institutions

## CHAPTER 21

## APPROVAL OF POSTSECONDARY SCHOOLS

- 21.1(261B,261G) Postsecondary registration, exemption from registration, and participation in the commission-approved reciprocity agreement
- 21.2(261B,261G) Definitions
- 21.3(261B,261G) Registration approval criteria
- 21.4(261B,261G) Additional approval criteria for an applicant school that applies for registration to maintain a fixed location in Iowa
- 21.5(261B,261G) Additional criteria for an out-of-state applicant school that applies for registration to offer programs via in-person instruction but in a nontraditional format
- 21.6(261B,261G) Additional approval criteria and exception for an out-of-state applicant school that applies for registration to offer distance education programs
- 21.7(261B,261G) Recruiting for an out-of-state applicant school's residential programs from an Iowa location
- 21.8(261B,261G) Provisional registration
- 21.9(261B,261G) Duration of registration; application for renewal
- 21.10(261B,261G) Limitation, denial, or revocation of registration
- 21.11(261B,261G) School, Iowa site, or program closure
- 21.12(261B,261G) Initial registration application fees and subsequent annual fees
- 21.13(261B,261G) Authorization to operate in Iowa for certain nonpublic, nonprofit colleges and universities exempt from registration
- 21.14(261B,261G) Verification of exemption from registration to operate in Iowa
- 21.15(261B,261G) Approval criteria for a school seeking to participate or renew participation in a commission-approved interstate reciprocity agreement under Iowa Code chapter 261G
- 21.16(261B,261G) School closures

## CHAPTER 22

## IOWA MINORITY GRANTS FOR ECONOMIC SUCCESS (IMAGES)

- 22.1(261) Iowa minority grants for economic success

## CHAPTER 23

## SKILLED WORKFORCE SHORTAGE TUITION GRANT PROGRAM

- 23.1(261) Tuition grant based on financial need to Iowa residents enrolled in career-technical or career option programs at community colleges in the state

## CHAPTER 24

## RURAL IOWA PRIMARY CARE LOAN REPAYMENT PROGRAM

- 24.1(261) Rural Iowa primary care loan repayment program
- 24.2(261) Definitions
- 24.3(261) Eligibility requirements
- 24.4(261) Awarding of funds
- 24.5(261) Waivers
- 24.6(261) Surplus funds
- 24.7(261) Loan repayment cancellation
- 24.8(261) Restrictions

## CHAPTER 25

RURAL IOWA ADVANCED REGISTERED NURSE PRACTITIONER AND  
PHYSICIAN ASSISTANT LOAN REPAYMENT PROGRAM

- 25.1(261) Rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program
- 25.2(261) Definitions
- 25.3(261) Eligibility requirements
- 25.4(261) Awarding of funds
- 25.5(261) Waivers
- 25.6(261) Loan repayment cancellation
- 25.7(261) Restrictions

## CHAPTER 26

## HEALTH CARE AWARD PROGRAM

- 26.1(261) Health care award program
- 26.2(261) Definitions
- 26.3(261) Eligibility requirements
- 26.4(261) Awarding of funds
- 26.5(261) Award cancellation
- 26.6(261) Restrictions
- 26.7(261) Transition provisions

## CHAPTER 27

## RURAL VETERINARIAN LOAN REPAYMENT PROGRAM

- 27.1(261) Rural veterinarian loan repayment program
- 27.2(261) Definitions
- 27.3(261) Eligible applicant
- 27.4(261) Eligibility requirements
- 27.5(261) Priority for program agreements
- 27.6(261) Awarding of funds
- 27.7(261) Waivers
- 27.8(261) Loan repayment cancellation
- 27.9(261) Restrictions

## CHAPTER 28

## TEACH IOWA SCHOLAR PROGRAM

- 28.1(261) Teach Iowa scholar program
- 28.2(261) Definitions
- 28.3(261) Eligibility requirements
- 28.4(261) Awarding of funds
- 28.5(261) Award cancellation

## CHAPTER 29

## IOWA NATIONAL GUARD MASTER'S DEGREE SCHOLARSHIP PROGRAM

- 29.1(261) Scholarships to Iowa national guard members for master's degree studies at eligible Iowa institutions

## CHAPTER 30

## IOWA NATIONAL GUARD STUDENT LOAN REPAYMENT PROGRAM

- 30.1(261) Loan repayment awards to Iowa national guard members

## CHAPTER 31

## MENTAL HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM

- 31.1(261) Definitions  
31.2(261) Eligibility criteria  
31.3(261) Awarding and payment of funds  
31.4(261) Part-time practice  
31.5(261) Satisfaction of employment obligation  
31.6(261) Restrictions

## CHAPTER 32

## CHIROPRACTIC GRADUATE STUDENT FORGIVABLE LOAN PROGRAM

- 32.1(261) Chiropractic graduate student forgivable loan program

## CHAPTER 33

## CHIROPRACTIC LOAN FORGIVENESS PROGRAM

- 33.1(261) Chiropractic loan forgiveness program  
33.2(261) Eligibility  
33.3(261) Awarding of funds  
33.4(261) Loan forgiveness cancellation  
33.5(261) Restrictions

## CHAPTER 34

## WORKFORCE GRANT AND INCENTIVE PROGRAM

- 34.1(261) Basis of aid  
34.2(261) Definitions  
34.3(261) Eligible workforce grant applicant  
34.4(261) Awarding of workforce grant funds  
34.5(261) Eligible incentive payment applicant  
34.6(261) Awarding of incentive payments

## CHAPTER 35

## IOWA TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM

- 35.1(261) Iowa teacher shortage loan forgiveness program  
35.2(261) Definitions  
35.3(261) Eligibility requirements  
35.4(261) Awarding of funds  
35.5(261) Loan forgiveness cancellation  
35.6(261) Restrictions

CHAPTER 36  
GOVERNOR TERRY E. BRANSTAD  
IOWA STATE FAIR SCHOLARSHIP PROGRAM

36.1(77GA,ch1215) Governor Terry E. Branstad Iowa state fair scholarship program

CHAPTER 37  
STUDENT LOAN DEBT COLLECTION

37.1(261) General purpose  
37.2(261) Definitions  
37.3 Reserved  
37.4(261) Administrative wage garnishment procedures  
37.5(261) Offset against state income tax refund or rebate

CHAPTER 1  
ORGANIZATION AND OPERATION  
[Prior to 8/10/88, see College Aid Commission, 245—Ch 12]

**283—1.1(256) Purpose.** This chapter describes the organization, operation, and location of the Iowa college student aid commission (hereinafter generally referred to as the commission, or the ICSAC) and describes the means by which any interested person may obtain information and make submittals or requests.

[Editorial change: IAC Supplement 4/3/24]

**283—1.2(256) Organization and operations.**

**1.2(1) Location.** The commission is located at 400 E. 14th Street, Des Moines, Iowa 50319-0146; telephone 877.272.4456; Internet site [educate.iowa.gov](http://educate.iowa.gov). Office hours are 8 a.m. to 4:30 p.m., Monday to Friday. Offices are closed on Saturdays and Sundays and on official state holidays designated in accordance with state law.

**1.2(2) The commission.** The commission consists of 15 members and functions under the leadership of a chairperson elected by the membership. Nine members are appointed by the governor to serve four-year terms. Four of the governor's appointees represent the general public, one represents parents of Iowa postsecondary students, one represents practitioners licensed under Iowa Code chapter 272, one represents Iowa independent colleges and universities, one represents Iowa community colleges, and one represents Iowa postsecondary students. One member is appointed by the board of regents. The president of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives each appoint one ex officio, nonvoting commission member. The director of the department of education serves as a continuous member of the commission and may appoint a designee to represent the department of education.

**1.2(3) Meetings.** The commission shall meet at regular intervals at least six times annually, but not more than eight times in person annually.

*a.* The chairperson of the commission presides at each meeting. Members of the public may be recognized at the discretion of the chairperson. All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21.

*b.* The commission shall give advance public notice of the time and place of each commission meeting. The notice will include the specific date, time, and place of the meeting.

*c.* A quorum shall consist of two-thirds of the voting members of the commission. When a quorum is present, a position is carried by an affirmative vote of the majority of commission members eligible to vote.

*d.* A specific time is set aside at each meeting for the public to address the commission. As a general guideline, a limit of five minutes will be allocated for each of these presentations. If a large group seeks to address a specific issue, the chairperson may limit the number of speakers. Members of the public who wish to address the commission during this portion of the meeting are required to notify the commission's administrative secretary prior to the meeting. The person's name and the subject of the person's remarks must be provided. To accommodate maximum public participation, members of the public are encouraged to submit requests at least 72 hours in advance of the meeting.

**1.2(4) Minutes.** The minutes of all commission meetings are recorded and kept by the executive director in the commission office. Upon approval by the commission, minutes are posted on the commission's Internet site.

**1.2(5) Records.** The records of all business transacted and other information with respect to the operation of the commission are public records and are on file in the commission office. All records, except statements specified as confidential under these rules, are available for inspection during regular business hours. Copies of records up to 25 pages in number may be obtained without charge. The cost of reproduction will be charged for pages in excess of 25. Digital media will be provided for a fee equal to the cost of the physical device provided. The charge may be waived by the executive director.

**1.2(6) Submission and requests.** Inquiries, submissions, petitions, and other requests directed to the commission may be made by letter addressed to the executive director at the address listed in subrule

1.2(1). Any person may petition for a written or oral hearing before the commission. All requests for a hearing must be in writing and state the specific subject to be discussed and the reasons a personal appearance is necessary if one is requested.

**1.2(7) Advisory councils.** Rescinded IAB 2/19/14, effective 3/26/14.

[ARC 9391B, IAB 2/23/11, effective 3/30/11; ARC 1318C, IAB 2/19/14, effective 3/26/14; ARC 3699C, IAB 3/28/18, effective 5/2/18; see Delay note at end of chapter; ARC 3844C, IAB 6/20/18, effective 5/18/18; ARC 3854C, IAB 6/20/18, effective 7/25/18; ARC 4373C, IAB 3/27/19, effective 5/1/19; Editorial change: IAC Supplement 4/3/24]

These rules are intended to implement Iowa Code section 17A.3(1) “a” and “b” and chapter 256.

[Filed 1/7/77, Notice 10/20/76—published 1/26/77, effective 3/2/77]

[Filed 2/16/79, Notice 11/1/78—published 3/7/79, effective 4/11/79]

[Filed 12/18/81, Notice 10/14/81—published 1/6/82, effective 2/10/82]

[Filed 3/9/82, Notice 1/6/82—published 3/31/82, effective 5/5/82]

[Filed 6/15/84, Notice 4/11/84—published 7/4/84, effective 8/8/84]

[Filed 9/18/85, Notice 7/31/85—published 10/9/85, effective 11/13/85]

[Filed 7/22/88, Notice 3/9/88—published 8/10/88, effective 9/14/88]

[Filed 1/29/91, Notice 12/12/90—published 2/20/91, effective 3/27/91]

[Filed 1/30/92, Notice 12/11/91—published 2/19/92, effective 3/25/92]

[Filed 9/25/92, Notice 8/5/92—published 10/14/92, effective 11/18/92]

[Filed 12/1/97, Notice 10/8/97—published 12/17/97, effective 1/28/98]

[Filed 1/30/03, Notice 12/11/02—published 2/19/03, effective 3/26/03]

[Filed ARC 9391B (Notice ARC 9271B, IAB 12/15/10), IAB 2/23/11, effective 3/30/11]

[Filed ARC 1318C (Notice ARC 1123C, IAB 10/16/13), IAB 2/19/14, effective 3/26/14]

[Filed ARC 3699C (Notice ARC 3516C, IAB 12/20/17), IAB 3/28/18, effective 5/2/18]<sup>1</sup>

[Filed Emergency ARC 3844C, IAB 6/20/18, effective 5/18/18]

[Filed ARC 3854C (Notice ARC 3711C, IAB 3/28/18), IAB 6/20/18, effective 7/25/18]

[Filed ARC 4373C (Notice ARC 4080C, IAB 10/24/18), IAB 3/27/19, effective 5/1/19]

[Editorial change: IAC Supplement 4/3/24]

<sup>1</sup> May 2, 2018, effective date of 1.2(3) [ARC 3699C] delayed 70 days by the Administrative Rules Review Committee at its meeting held April 6, 2018.



CHAPTER 2  
COMMISSION PROCEDURE FOR RULE MAKING  
[Prior to 8/10/88, see College Aid Commission, 245—13.1 and 13.2]

**283—2.1(17A) Applicability.** Except to the extent otherwise expressly provided by statute, all rules adopted by the commission are subject to the provisions of Iowa Code chapter 17A, the Iowa administrative procedure Act, and the provisions of this chapter.

**283—2.2(17A) Advice on possible rules before notice of proposed rule adoption.** In addition to seeking information by other methods, the commission may, before publication of a Notice of Intended Action under Iowa Code section 17A.4(1)“a,” solicit comments from the public on a subject matter of possible rule making by the commission by causing notice to be published in the Iowa Administrative Bulletin of the subject matter and indicating where, when, and how persons may comment.

**283—2.3(17A) Public rule-making docket.**

**2.3(1) Docket maintained.** The commission shall maintain a current public rule-making docket.

**2.3(2) Anticipated rule making.** The rule-making docket shall list each anticipated rule-making proceeding. A rule-making proceeding is deemed “anticipated” from the time a draft of proposed rules is distributed for internal discussion within the commission. For each anticipated rule-making proceeding the docket shall contain a listing of the precise subject matter which may be submitted for consideration by the executive director for subsequent proposal under the provisions of Iowa Code section 17A.4(1)“a,” the name and address of commission personnel with whom persons may communicate with respect to the matter, and an indication of the present status within the commission of that possible rule. The commission also may include in the docket other subjects upon which public comment is desired.

**2.3(3) Pending rule-making proceedings.** The rule-making docket shall list each pending rule-making proceeding. A rule-making proceeding is pending from the time it is commenced, by publication in the Iowa Administrative Bulletin of a Notice of Intended Action pursuant to Iowa Code section 17A.4(1)“a,” to the time it is terminated, by publication of a Notice of Termination in the Iowa Administrative Bulletin or the rule becoming effective. For each rule-making proceeding, the docket shall indicate:

- a. The subject matter of the proposed rule;
- b. A citation to all published notices relating to the proceeding;
- c. Where written submissions on the proposed rule may be inspected;
- d. The time during which written submissions may be made;
- e. The names of persons who have made written requests for an opportunity to make oral presentations on the proposed rule, where those requests may be inspected, and where and when oral presentations may be made;
- f. Whether a written request for the issuance of a regulatory analysis, or a concise statement of reasons, has been filed, whether such an analysis or statement or a fiscal impact statement has been issued, and where any such written request, analysis, or statement may be inspected;
- g. The current status of the proposed rule and any commission determinations with respect thereto;
- h. Any known timetable for commission decisions or other action in the proceeding;
- i. The date of the rule’s adoption;
- j. The date of the rule’s filing, indexing, and publication;
- k. The date on which the rule will become effective; and
- l. Where the rule-making record may be inspected.

**283—2.4(17A) Notice of proposed rule making.**

**2.4(1) Contents.** At least 35 days before the adoption of a rule the commission shall cause Notice of Intended Action to be published in the Iowa Administrative Bulletin. The Notice of Intended Action shall include:

- a. A brief explanation of the purpose of the proposed rule;

- b. The specific legal authority for the proposed rule;
- c. Except to the extent impracticable, the text of the proposed rule;
- d. Where, when, and how views may be presented on the proposed rule; and
- e. Where, when, and how an oral proceeding may be demanded on the proposed rule if the notice does not already provide for one.

Where inclusion of the complete text of a proposed rule in the Notice of Intended Action is impracticable, the commission shall include in the notice a statement fully describing the specific subject matter of the omitted portion of the text of the proposed rule, the specific issues to be addressed by the omitted text of the proposed rule, and the range of possible choices being considered by the commission for the resolution of each of those issues.

**2.4(2) *Incorporation by reference.*** A proposed rule may incorporate other materials by reference only if it complies with all of the requirements applicable to the incorporation by reference of other materials in an adopted rule that are contained in subrule 2.12(2) of this chapter.

**2.4(3) *Copies of notices.*** Persons desiring to receive copies of all future Notices of Intended Action must file with the commission a written request indicating the name and address to which such notices should be sent. Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the commission shall mail or electronically transmit a copy of that notice to those persons who have filed a written request for either mailing or electronic transmittal with the commission for Notices of Intended Action. The written request shall be accompanied by payment of the subscription price which may cover the full cost of the subscription service, including its administrative overhead and the cost of copying and mailing the Notices of Intended Action for a period of one year. Interested persons may also subscribe to the service provided at <https://www.legis.iowa.gov/Subscribe/agencyChanges.aspx> to receive rule-making information regarding the commission.

[ARC 1490C, IAB 6/11/14, effective 7/30/14]

### **283—2.5(17A) Public participation.**

**2.5(1) *Written comments.*** For at least 20 days after publication of Notice of Intended Action, arguments, data, and views may be submitted in writing on the proposed rule. Such written submissions should identify the proposed rule to which they relate and should be submitted to the person designated in the Notice of Intended Action.

**2.5(2) *Oral proceedings.*** The commission may, at any time, schedule an oral proceeding on a proposed rule. The commission shall schedule an oral proceeding on a proposed rule if, within 20 days after the published Notice of Intended Action, a written request for an opportunity to make oral presentations is submitted to the commission by the administrative rules review committee, a governmental subdivision, an agency, an association having not less than 25 members, or at least 25 persons. That request must contain the following additional information:

- a. A request by one or more individual persons must be signed by each individual and must include the address and telephone number of each individual.
- b. A request by an association must be signed by an officer or designee of the association, must contain a statement that the association has at least 25 members, and must include the address and telephone number of the person signing the request.
- c. A request by an agency or governmental subdivision must be signed by an official having authority to act on behalf of the entity and must contain the address and telephone number of the person signing the request.

**2.5(3) *Conduct of oral proceedings.***

a. *Applicability.* This subrule applies only to those oral rule-making proceedings in which an opportunity to make oral presentations is authorized or required by Iowa Code section 17A.4(1) “b” as amended by 1998 Iowa Acts, chapter 1202, section 8, or this chapter.

b. *Scheduling and notice.* An oral proceeding on a proposed rule may be held in one or more locations and shall not be held earlier than 20 days after notice of its location and time is published in the

Iowa Administrative Bulletin. That notice shall identify the proposed rule by ARC number and citation to the Iowa Administrative Bulletin.

*c. Presiding officer.* The commission, a member of the commission, or another person designated by the commission who will be familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule. If the commission does not preside, the presiding officer shall prepare a memorandum for consideration by the commission summarizing the contents of the presentations made at the oral proceeding unless the commission determines that such a memorandum is unnecessary because the commission will personally listen to or read the entire transcript of the oral proceeding.

*d. Conduct of proceeding.* At an oral proceeding on a proposed rule, oral statements and documentary and physical submissions may be made including data, views, comments, or arguments concerning the proposed rule. Persons wishing to make oral presentations at such a proceeding are encouraged to notify the commission at least one business day prior to the proceeding and indicate the general subject of the presentations. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they represent, and provide any other information relating to their participation deemed appropriate by the presiding officer. Oral proceedings shall be open to the public and shall be recorded by stenographic or electronic means.

(1) At the beginning of the oral proceeding, the presiding officer shall give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons for the commission decision to propose the rule. The presiding officer may place time limitations on individual oral presentations when necessary to ensure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

(2) Persons making oral presentations are encouraged to avoid restating matters submitted in writing.

(3) To facilitate the exchange of information, the presiding officer may, where time permits, open the floor to questions or general discussion.

(4) The presiding officer shall have the authority to take any reasonable action necessary for the orderly conduct of the meeting.

(5) Physical and documentary submissions presented by participants in the oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the commission.

(6) The oral proceeding may be continued by the presiding officer to a later time without notice other than by announcement at the hearing.

(7) Participants in an oral proceeding shall not be required to take an oath or to submit to cross-examination. However, the presiding officer in an oral proceeding may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

(8) The presiding officer in an oral proceeding may permit rebuttal statements and request the filing of written statements subsequent to the adjournment of the oral presentations.

**2.5(4) Additional information.** In addition to receiving written comments and oral presentations on a proposed rule according to the provisions of this rule, the commission may obtain information concerning a proposed rule through any other lawful means deemed appropriate.

**2.5(5) Accessibility.** The commission shall schedule oral proceedings in rooms accessible to, and functional for, persons with physical disabilities. Persons who have special requirements should contact the person designated to receive public comments in the Notice of Intended Action in advance to arrange access or other needed services.

[ARC 1490C, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

## **283—2.6(17A) Regulatory analysis.**

**2.6(1) Definition of small business.** A small business is defined in Iowa Code section 17A.4A(7).

**2.6(2) Mailing list.** Small businesses or organizations of small businesses may be registered on the commission's small business impact list by making a written application addressed to College Student

Aid Commission, 400 E. 14th Street, Des Moines, Iowa 50319-0146. The application for registration shall state:

- a. The name of the small business or organization of small businesses;
- b. Its address;
- c. The name of a person authorized to transact business for the applicant;
- d. A description of the applicant's business or organization. An organization representing 25 or more persons who qualify as a small business shall indicate that fact.
- e. Whether the registrant desires copies of Notices of Intended Action at cost, or desires advance notice of the subject of all or some specific category of proposed rule making affecting small business.

The commission may, at any time, request additional information from the applicant to determine whether the applicant is qualified as a small business or as an organization of 25 or more small businesses. The commission may periodically send a letter to each registered small business or organization of small businesses asking whether that business or organization wants to remain on the registration list. The name of a small business or organization of small businesses will be removed from the list if a negative response is received or if no response is received within 30 days after the letter is sent.

**2.6(3) *Time of mailing.*** Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the commission shall mail to all registered small businesses or organizations of small businesses, in accordance with their request, either a copy of the Notice of Intended Action or notice of the subject of that proposed rule making. In the case of a rule that may have an impact on small business adopted in reliance upon Iowa Code section 17A.4(2), the commission shall mail notice of the adopted rule to registered businesses or organizations prior to the time the adopted rule is published in the Iowa Administrative Bulletin.

**2.6(4) *Qualified requesters for regulatory analysis—economic impact.*** The commission shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2a) after a proper request from:

- a. The administrative rules coordinator;
- b. The administrative rules review committee.

**2.6(5) *Qualified requesters for regulatory analysis—business impact.*** The commission shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2b) after a proper request from:

- a. The administrative rules review committee;
- b. The administrative rules coordinator;
- c. At least 25 or more persons who sign the request provided that each represents a different small business;
- d. An organization representing at least 25 small businesses. That organization shall list the names, addresses and telephone numbers of not less than 25 small businesses it represents.

**2.6(6) *Time period for analysis.*** Upon receipt of a timely request for a regulatory analysis the commission shall adhere to the time lines described in Iowa Code section 17A.4A(4).

**2.6(7) *Contents of request.*** A request for a regulatory analysis is made when it is mailed or delivered to the commission. The request shall be in writing and satisfy the requirements of Iowa Code section 17A.4A(1).

**2.6(8) *Contents of concise summary.*** The contents of the concise summary shall conform to the requirements of Iowa Code section 17A.4A(4,5).

**2.6(9) *Publication of a concise summary.*** The commission shall make available, to the maximum extent feasible, copies of the published summary in conformance with Iowa Code section 17A.4A(5).

**2.6(10) *Regulatory analysis contents—rules review committee or rules coordinator.*** When a regulatory analysis is issued in response to a written request from the administrative rules review committee, or the administrative rules coordinator, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2a), unless a written request expressly waives one or more of the items listed in the section.

**2.6(11) *Regulatory analysis contents—substantial impact on small business.*** When a regulatory analysis is issued in response to a written request from the administrative rules review committee,

the administrative rules coordinator, at least 25 persons signing that request who each qualify as representatives of a small business or by an organization representing at least 25 small businesses, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2b).  
[ARC 1490C, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

**283—2.7(17A,25B) Fiscal impact statement.**

**2.7(1)** A proposed rule that mandates additional combined expenditures exceeding \$100,000 by all affected political subdivisions or agencies and entities which contract with political subdivisions to provide services must be accompanied by a fiscal impact statement outlining the costs associated with the rule. A fiscal impact statement must satisfy the requirements of Iowa Code section 25B.6.

**2.7(2)** If the commission determines, at the time it adopts a rule, that the fiscal impact statement upon which the rule is based contains errors, the commission shall, at the same time, issue a corrected fiscal impact statement and publish the corrected fiscal impact statement in the Iowa Administrative Bulletin.

**283—2.8(17A) Time and manner of rule adoption.**

**2.8(1)** *Time of adoption.* The commission shall not adopt a rule until the period for making written submissions and oral presentations has expired. Within 180 days after the later of the publication of the Notice of Intended Action, or the end of oral proceedings thereon, the commission shall adopt a rule pursuant to the rule-making proceeding or terminate the proceeding by publication of a notice to that effect in the Iowa Administrative Bulletin.

**2.8(2)** *Consideration of public comment.* Before the adoption of a rule, the commission shall consider fully all of the written submissions and oral submissions received in that rule-making proceeding or any memorandum summarizing such oral submissions, and any regulatory analysis or fiscal impact statement issued in that rule-making proceeding.

**2.8(3)** *Reliance on commission expertise.* Except as otherwise provided by law, the commission may use its own experience, technical competence, specialized knowledge, and judgment in the adoption of a rule.

**283—2.9(17A) Variance between adopted rule and published notice of proposed rule adoption.**

**2.9(1)** The commission shall not adopt a rule that differs from the rule proposed in the Notice of Intended Action on which the rule is based unless:

- a. The differences are within the scope of the subject matter announced in the Notice of Intended Action and are in character with the issues raised in that notice; and
- b. The differences are a logical outgrowth of the contents of that Notice of Intended Action and the comments submitted in response thereto; and
- c. The Notice of Intended Action provided fair warning that the outcome of that rule-making proceeding could be the rule in question.

**2.9(2)** In determining whether the Notice of Intended Action provided fair warning that the outcome of that rule-making proceeding could be the rule in question, the commission shall consider the following factors:

- a. The extent to which persons who will be affected by the rule should have understood that the rule-making proceeding on which it is based could affect their interests;
- b. The extent to which the subject matter of the rule or the issues determined by the rule are different from the subject matter or issues contained in the Notice of Intended Action; and
- c. The extent to which the effects of the rule differ from the effects of the proposed rule contained in the Notice of Intended Action.

**2.9(3)** The commission shall commence a rule-making proceeding within 60 days of its receipt of a petition for rule making seeking the amendment or repeal of a rule that differs from the proposed rule contained in the Notice of Intended Action on which the rule is based, unless the commission finds that the differences between the adopted rule and the proposed rule are so insubstantial as to make such a rule-making proceeding unnecessary. A copy of any such finding and the petition to which it

responds shall be sent to petitioner, the administrative rules coordinator, and the administrative rules review committee within three days of its issuance.

**2.9(4)** Concurrent rule-making proceedings. Nothing in this rule disturbs the discretion of the commission to initiate, concurrently, several different rule-making proceedings on the same subject with several different published Notices of Intended Action.

**283—2.10(17A) Exemptions from public rule-making procedures.**

**2.10(1)** *Omission of notice and comment.* To the extent the commission finds that public notice and participation are unnecessary, impracticable, or contrary to the public interest in the process of adopting a particular rule, the commission may adopt that rule without publishing advance Notice of Intended Action in the Iowa Administrative Bulletin and without providing for written or oral public submissions prior to its adoption. The commission shall incorporate the required finding and a brief statement of its supporting reasons in each rule adopted in reliance upon this subrule.

**2.10(2)** *Public proceedings on rules adopted without them.* The commission may, at any time, commence a standard rule-making proceeding for the adoption of a rule that is identical or similar to a rule it adopts in reliance upon subrule 2.10(1). Upon written petition by a governmental subdivision, the administrative rules review committee, an agency, the administrative rules coordinator, an association having not less than 25 members, or at least 25 persons, the commission shall commence a standard rule-making proceeding for any rule specified in the petition that was adopted in reliance upon subrule 2.10(1). Such a petition must be filed within one year of the publication of the specified rule in the Iowa Administrative Bulletin as an adopted rule. The rule-making proceeding on that rule must be commenced within 60 days of the receipt of such a petition. After a standard rule-making proceeding commenced pursuant to this subrule, the commission may either readopt the rule it adopted without benefit of all usual procedures on the basis of subrule 2.10(1), or may take any other lawful action, including the amendment or repeal of the rule in question, with whatever further proceedings are appropriate.

**283—2.11(17A) Concise statement of reasons.**

**2.11(1)** *General.* When requested by a person, either prior to the adoption of a rule or within 30 days after its publication in the Iowa Administrative Bulletin as an adopted rule, the commission shall issue a concise statement of reasons for the rule. Requests for such a statement must be in writing and be delivered to College Student Aid Commission, 400 E. 14th Street, Des Moines, Iowa 50319-0146. The request should indicate whether the statement is sought for all or only a specified part of the rule. Requests will be considered made on the date received.

**2.11(2)** *Contents.* The concise statement of reasons shall contain:

- a. The reasons for adopting the rule;
- b. An indication of any change between the text of the proposed rule contained in the published Notice of Intended Action and the text of the rule as finally adopted, with the reasons for any such change;
- c. The principal reasons urged in the rule-making proceeding for and against the rule, and the commission's reasons for overruling the arguments made against the rule.

**2.11(3)** *Time of issuance.* After a proper request, the commission shall issue a concise statement of reasons by the later of the time the rule is adopted or 35 days after receipt of the request.

[ARC 1490C, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

**283—2.12(17A) Contents, style, and form of rule.**

**2.12(1)** *Contents.* Each rule adopted by the commission shall contain the text of the rule and, in addition:

- a. The date the commission adopted the rule;
- b. A brief explanation of the principal reasons for the rule-making action if such reasons are required by Iowa Code section 17A.4(1b), or the commission in its discretion decides to include such reasons;
- c. A reference to all rules repealed, amended, or suspended by the rule;

- d. A reference to the specific statutory or other authority authorizing adoption of the rule;
- e. Any findings required by any provision of law as a prerequisite to adoption or effectiveness of the rule;
- f. A brief explanation of the principal reasons for the failure to provide for waivers to the rule if no waiver provision is included and a brief explanation of any waiver or special exceptions provided in the rule if such reasons are required by Iowa Code section 17A.4(1b), or the commission in its discretion decides to include such reasons; and
- g. The effective date of the rule.

**2.12(2) *Incorporation by reference.*** The commission may incorporate by reference in a proposed or adopted rule, and without causing publication of the incorporated matter in full, all or any part of a code, standard, rule, or other matter if the commission finds that the incorporation of its text in the commission proposed or adopted rule would be unduly cumbersome, expensive, or otherwise inexpedient. The reference in the commission proposed or adopted rule shall fully and precisely identify the incorporated matter by location, title, citation, date, and edition, if any; shall briefly indicate the precise subject and the general contents of the incorporated matter; and shall state that the proposed or adopted rule does not include any later amendments or editions of the incorporated matter. The commission may incorporate such matter by reference in a proposed or adopted rule only if the commission makes copies of it readily available to the public. The rule shall state how and where copies of the incorporated matter may be obtained at cost from the commission, and how and where copies may be obtained from the agency of the United States, this state, another state, or the organization, association, or persons, originally issuing that matter. The commission shall retain permanently a copy of any materials incorporated by reference in a rule of the commission.

If the commission adopts standards by reference to another publication, it shall provide a copy of the publication containing the standards to the administrative rules coordinator for deposit in the state law library and may make the standards available electronically.

**2.12(3) *References to materials not published in full.*** When the administrative code editor decides to omit the full text of a proposed or adopted rule because publication of the full text would be unduly cumbersome, expensive, or otherwise inexpedient, the commission shall prepare and submit to the administrative code editor for inclusion in the Iowa Administrative Bulletin and Iowa Administrative Code a summary statement describing the specific subject matter of the omitted material. This summary statement shall include the title and a brief description sufficient to inform the public of the specific nature and subject matter of the proposed or adopted rules, and of significant issues involved in these rules. The summary statement also shall describe how a copy of the full text of the proposed or adopted rule, including any unpublished matter and any matter incorporated by reference, may be obtained from the commission. The commission will provide a copy of that full text at actual cost upon request and shall make copies of the full text available for review at the state law library and may make the standards available electronically.

At the request of the administrative code editor, the commission shall provide a proposed statement explaining why publication of the full text would be unduly cumbersome, expensive, or otherwise inexpedient.

**2.12(4) *Style and form.*** In preparing its rules, the commission shall follow the uniform numbering system, form, and style prescribed by the administrative rules coordinator.

### **283—2.13(17A) Agency rule-making record.**

**2.13(1) *Requirement.*** The commission shall maintain an official rule-making record for each rule it proposes by publication in the Iowa Administrative Bulletin of a Notice of Intended Action, or adopts. The rule-making record and materials incorporated by reference must be available for public inspection.

**2.13(2) *Contents.*** The commission rule-making record shall contain:

- a. Copies of all publications in the Iowa Administrative Bulletin with respect to the rule or the proceeding upon which the rule is based and any file-stamped copies of commission submissions to the administrative rules coordinator concerning that rule or the proceeding upon which it is based;

b. Copies of any portions of the commission's public rule-making docket containing entries relating to the rule or the proceeding upon which the rule is based;

c. All written petitions, requests, and submissions received by the commission, and all other written materials of a factual nature as distinguished from opinion that are relevant to the merits of the rule and that were created or compiled by the commission and considered by the executive director, in connection with the formulation, proposal, or adoption of the rule or the proceeding upon which the rule is based, except to the extent the commission is authorized by law to keep them confidential; provided, however, that when any such materials are deleted because they are authorized by law to be kept confidential, the commission shall identify in the record the particular materials deleted and state the reasons for that deletion;

d. Any official transcript of oral presentations made in the proceeding upon which the rule is based or, if not transcribed, the stenographic record or electronic recording of those presentations, and any memorandum prepared by a presiding officer summarizing the contents of those presentations;

e. A copy of any regulatory analysis or fiscal impact statement prepared for the proceeding upon which the rule is based;

f. A copy of the rule and any concise statement of reasons prepared for that rule;

g. All petitions for amendments or repeal or suspension of the rule;

h. A copy of any objection to the issuance of that rule without public notice and participation that was filed pursuant to Iowa Code section 17A.4(2) by the administrative rules review committee, the governor, or the attorney general;

i. A copy of any objection to the rule filed by the administrative rules review committee, the governor, or the attorney general pursuant to Iowa Code section 17A.4(4), and any commission response to that objection;

j. A copy of any significant written criticism of the rule, including a separate file of any petitions for waiver of the rule; and

k. A copy of any executive order concerning the rule.

**2.13(3) *Effect of record.*** Except as otherwise required by a provision of law, the commission rule-making record required by this rule need not constitute the exclusive basis for commission action on that rule.

**2.13(4) *Maintenance of files.*** The commission shall maintain the rule-making file for a period of not less than five years from the later of the date the rule to which it pertains became effective, the date of the Notice of Intended Action, or the date of any written criticism as described in 2.13(2) "g," "h," "i," or "j."

**283—2.14(17A) Filing of rules.** The commission shall file each rule it adopts in the office of the administrative rules coordinator. The filing must be executed as soon after adoption of the rule as is practicable. At the time of filing, each rule must have attached to it any fiscal impact statement and any concise statement of reasons that was issued with respect to that rule. If a fiscal impact statement or statement of reasons for that rule was not issued until a time subsequent to the filing of that rule, the note or statement must be attached to the filed rule within five working days after the note or statement is issued. In filing a rule, the commission shall use the standard form prescribed by the administrative rules coordinator.

**283—2.15(17A) Effectiveness of rules prior to publication.**

**2.15(1) *Grounds.*** The commission may make a rule effective after its filing at any stated time prior to 35 days after its indexing and publication in the Iowa Administrative Bulletin if it finds that a statute so provides, the rule confers a benefit or removes a restriction on some segment of the public, or that the effective date of the rule is necessary to avoid imminent peril to the public health, safety, or welfare. The commission shall incorporate the required finding and a brief statement of its supporting reasons in each rule adopted in reliance upon this subrule.

**2.15(2) *Special notice.*** When the commission makes a rule effective prior to its indexing and publication in reliance upon the provisions of Iowa Code section 17A.5(2) "b"(3), the commission



shall employ all reasonable efforts to make its contents known to the persons who may be affected by that rule prior to the rule's indexing and publication. The term "all reasonable efforts" requires the commission to employ the most effective and prompt means of notice rationally calculated to inform potentially affected parties of the effectiveness of the rule that is justified and practical under the circumstances considering the various alternatives available for this purpose, the comparative costs to the commission of utilizing each of those alternatives, and the harm suffered by affected persons from any lack of notice concerning the contents of the rule prior to its indexing and publication. The means that may be used for providing notice of such rules prior to their indexing and publication include, but are not limited to, any one or more of the following means: radio, newspaper, television, signs, mail, telephone, personal notice or electronic means.

A rule made effective prior to its indexing and publication in reliance upon the provisions of Iowa Code section 17A.5(2) "b"(3) shall include in that rule a statement describing the reasonable efforts that will be used to comply with the requirements of subrule 2.15(2).

### **283—2.16(17A) General statements of policy.**

**2.16(1)** *Compilation, indexing, public inspection.* The commission shall maintain an official, current, and dated compilation that is indexed by subject, containing all of its general statements of policy within the scope of Iowa Code section 17A.2(11) "a," "c," "f," "g," "h," "k." Each addition to, change in, or deletion from the official compilation must also be dated, indexed, and a record thereof kept. Except for those portions containing rules governed by Iowa Code section 17A.2(11) "f," or otherwise authorized by law to be kept confidential, the compilation must be made available for public inspection and copying.

**2.16(2)** *Enforcement of requirements.* A general statement of policy subject to the requirements of this subsection shall not be relied on by the commission to the detriment of any person who does not have actual, timely knowledge of the contents of the statement until the requirements of subrule 2.16(1) are satisfied. This provision is inapplicable to the extent necessary to avoid imminent peril to the public health, safety, or welfare.

### **283—2.17(17A) Review by commission of rules.**

**2.17(1)** Any interested person, association, agency, or political subdivision may submit a written request to the administrative rules coordinator requesting the commission to conduct a formal review of a specified rule. Upon approval of that request by the administrative rules coordinator, the commission shall conduct a formal review of a specified rule to determine whether a new rule should be adopted instead or the rule should be amended or repealed. The commission may refuse to conduct a review if it has conducted such a review of the specified rule within five years prior to the filing of the written request.

**2.17(2)** In conducting the formal review, the commission shall prepare within a reasonable time a written report summarizing its findings, its supporting reasons, and any proposed course of action. The report must include a concise statement of the commission's findings regarding the rule's effectiveness in achieving its objectives, including a summary of any available supporting data. The report shall also concisely describe significant written criticisms of the rule received during the previous five years, including a summary of any petitions for waiver of the rule received by the commission or granted by the commission. The report shall describe alternative solutions to resolve the criticisms of the rule, the reasons any were rejected, and any changes made in the rule in response to the criticisms as well as the reasons for the changes. A copy of the commission's report shall be sent to the administrative rules review committee and the administrative rules coordinator. The report must also be available for public inspection.

These rules are intended to implement Iowa Code chapter 17A.

[Filed 3/9/82, Notice 1/20/82—published 3/31/82, effective 5/5/82]

[Filed 4/16/87, Notice 2/11/87—published 5/6/87, effective 6/10/87]

[Filed 7/22/88, Notice 3/9/88—published 8/10/88, effective 9/14/88]

[Filed 5/28/99, Notice 3/10/99—published 6/16/99, effective 7/21/99]

[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

[Filed ARC 1490C (Notice ARC 1346C, IAB 2/19/14), IAB 6/11/14, effective 7/30/14]

[Editorial change: IAC Supplement 2/10/21]

[Editorial change: IAC Supplement 4/3/24]

CHAPTER 3  
DECLARATORY ORDERS

[Prior to 8/10/88, see College Aid Commission, 245—13.4 and 13.5]

**283—3.1(17A) Petition for declaratory order.** Any person may file a petition with the college student aid commission for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the commission, at 400 E. 14th Street, Des Moines, Iowa 50319-0146. A petition is deemed filed when it is received by the commission. The commission shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

COLLEGE STUDENT AID COMMISSION	
Petition by (Name of Petitioner) for a Declaratory Order on (Cite provisions of law involved).	} PETITION FOR DECLARATORY ORDER

The petition must provide the following information:

1. A clear and concise statement of all relevant facts on which the order is requested.
2. A citation and the relevant language of the specific statutes, rules, policies, decisions, or orders, whose applicability is questioned, and any other relevant law.
3. The questions petitioner wants answered, stated clearly and concisely.
4. The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers.
5. The reasons for requesting the declaratory order and disclosure of the petitioner's interest in the outcome.
6. A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
7. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the questions presented in the petition.
8. Any request by petitioner for a meeting provided for by 3.7(17A).

The petition must be dated and signed by the petitioner or the petitioner's representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner's representative and a statement indicating the person to whom communications concerning the petition should be directed.

[ARC 1490C, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

**283—3.2(17A) Notice of petition.** Within 15 days after receipt of a petition for a declaratory order, the college student aid commission shall give notice of the petition to all persons not served by the petitioner pursuant to 3.6(17A) to whom notice is required by any provision of law. The commission may also give notice to any other persons.

**283—3.3(17A) Intervention.**

**3.3(1)** Persons who qualify under any applicable provision of law as an intervenor and who file a petition for intervention within 15 days of the filing of a petition for declaratory order (after time for notice under 3.2(17A) and before 30-day time for agency action under 3.8(17A)) shall be allowed to intervene in a proceeding for a declaratory order.

**3.3(2)** Any person who files a petition for intervention at any time prior to the issuance of an order may be allowed to intervene in a proceeding for a declaratory order at the discretion of the commission.

**3.3(3)** A petition for intervention shall be filed at 400 E. 14th Street, Des Moines, Iowa 50319-0146. Such a petition is deemed filed when it is received by the commission. The commission will provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra

copy for this purpose. A petition for intervention must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

COLLEGE STUDENT AID COMMISSION	
Petition by (Name of Original Petitioner) for a Declaratory Order on (Cite provisions of law cited in original petition).	} PETITION FOR INTERVENTION

The petition for intervention must provide the following information:

1. Facts supporting the intervenor's standing and qualifications for intervention.
2. The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers.
3. Reasons for requesting intervention and disclosure of the intervenor's interest in the outcome.
4. A statement indicating whether the intervenor is currently a party to any proceeding involving the questions at issue and whether, to the intervenor's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
5. The names and addresses of any additional persons, or a description of any additional class of persons, known by the intervenor to be affected by, or interested in, the questions presented.
6. Whether the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.

The petition must be dated and signed by the intervenor or the intervenor's representative. It must also include the name, mailing address, and telephone number of the intervenor and intervenor's representative, and a statement indicating the person to whom communications should be directed.

[ARC 1490C, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

**283—3.4(17A) Briefs.** The petitioner or any intervenor may file a brief in support of the position urged. The commission may request a brief from the petitioner, any intervenor, or any other person concerning the questions raised.

**283—3.5(17A) Inquiries.** Inquiries concerning the status of a declaratory order proceeding may be made to Executive Director, College Student Aid Commission, 400 E. 14th Street, Des Moines, Iowa 50319-0146.

[ARC 1490C, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

**283—3.6(17A) Service and filing of petitions and other papers.**

**3.6(1) When service required.** Except where otherwise provided by law, every petition for declaratory order, petition for intervention, brief, or other paper filed in a proceeding for a declaratory order shall be served upon each of the parties of record to the proceeding, and on all other persons identified in the petition for declaratory order or petition for intervention as affected by or interested in the questions presented, simultaneously with their filing. The party filing a document is responsible for service on all parties and other affected or interested persons.

**3.6(2) Filing—when required.** All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed with the College Student Aid Commission, 400 E. 14th Street, Des Moines, Iowa 50319-0146. All petitions, briefs, or other papers that are required to be served upon a party shall be filed simultaneously with the commission.

**3.6(3) Method of service, time of filing, and proof of mailing.** Method of service, time of filing, and proof of mailing shall be as provided by uniform rule on contested cases 3.12(17A).

[ARC 1490C, IAB 6/11/14, effective 7/30/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

**283—3.7(17A) Consideration.** Upon request by petitioner, the college student aid commission must schedule a brief and informal meeting between the original petitioner, all intervenors, and the commission, a member of the commission, or a member of the staff of the commission, to discuss the questions raised. The commission may solicit comments from any person on the questions raised. Comments on the questions raised may be submitted to the commission by any person.

**283—3.8(17A) Action on petition.**

**3.8(1)** Within the time allowed by Iowa Code section 17A.9(5) after receipt of a petition for a declaratory order, the executive director or designee shall take action on the petition as required by Iowa Code section 17A.9(5).

**3.8(2)** The date of issuance of an order or of a refusal to issue an order is as defined in contested case uniform rule 283—4.2(17A).

**283—3.9(17A) Refusal to issue order.**

**3.9(1)** The commission shall not issue a declaratory order where prohibited by Iowa Code section 17A.9(1) and may refuse to issue a declaratory order on some or all questions raised for the following reasons:

1. The petition does not substantially comply with the required form.
2. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the commission to issue an order.
3. The commission does not have jurisdiction over the questions presented in the petition.
4. The questions presented by the petition are also presented in a current rule making, contested case, or other commission or judicial proceeding, that may definitively resolve them.
5. The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.
6. The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.
7. There is no need to issue an order because the questions raised in the petition have been settled due to a change in circumstances.
8. The petition is not based upon facts calculated to aid in the planning of future conduct but is, instead, based solely upon prior conduct in an effort to establish the effect of that conduct or to challenge a commission decision already made.
9. The petition requests a declaratory order that would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of petitioner.
10. The petitioner requests the commission to determine whether a statute is unconstitutional on its face.

**3.9(2)** A refusal to issue a declaratory order must indicate the specific grounds for the refusal and constitutes final commission action on the petition.

**3.9(3)** Refusal to issue a declaratory order pursuant to this provision does not preclude the filing of a new petition that seeks to eliminate the grounds for the refusal to issue an order.

**283—3.10(17A) Contents of declaratory order—effective date.** In addition to the order itself, a declaratory order must contain the date of its issuance, the name of petitioner and all intervenors, the specific statutes, rules, policies, decisions, or orders involved, the particular facts upon which it is based, and the reasons for its conclusion.

A declaratory order is effective on the date of issuance.

**283—3.11(17A) Copies of orders.** A copy of all orders issued in response to a petition for a declaratory order shall be mailed promptly to the original petitioner and all intervenors.

**283—3.12(17A) Effect of a declaratory order.** A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the commission, the petitioner, and any intervenors who consent to be bound and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was

based. As to all other persons, a declaratory order serves only as precedent and is not binding on the commission. The issuance of a declaratory order constitutes final commission action on the petition.

These rules are intended to implement Iowa Code chapter 17A.

[Filed 3/9/82, Notice 1/20/82—published 3/31/82, effective 5/5/82]

[Filed 4/16/87, Notice 2/11/87—published 5/6/87, effective 6/10/87]

[Filed 7/22/88, Notice 3/9/88—published 8/10/88, effective 9/14/88]

[Filed 5/28/99, Notice 3/10/99—published 6/16/99, effective 7/21/99]

[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

[Filed ARC 1490C (Notice ARC 1346C, IAB 2/19/14), IAB 6/11/14, effective 7/30/14]

[Editorial change: IAC Supplement 2/10/21]

[Editorial change: IAC Supplement 4/3/24]

CHAPTER 5  
CONTESTED CASES  
[Prior to 10/15/03, see 283—Ch 4]

**283—5.1(17A) Scope and applicability.** This chapter applies to contested case proceedings conducted by the college student aid commission.

**283—5.2(17A) Definitions.** Except where otherwise specifically defined by law:

“*Contested case*” means a proceeding defined by Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case under Iowa Code section 17A.10A.

“*Issuance*” means the date of mailing of a decision or order or date of delivery if service is by other means unless another date is specified in the order.

“*Party*” means each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

“*Presiding officer*” means the executive director.

“*Proposed decision*” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a contested case in which the college student aid commission did not preside.

**283—5.3(17A) Time requirements.**

**5.3(1)** Time shall be computed as provided in Iowa Code section 4.1(34).

**5.3(2)** For good cause, the presiding officer may extend or shorten the time to take any action, except as precluded by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer shall afford all parties an opportunity to be heard or to file written arguments.

**283—5.4(17A) Requests for contested case proceeding.** Any person claiming an entitlement to a contested case proceeding shall file a written request for such a proceeding within the time specified by the particular rules or statutes governing the subject matter or, in the absence of such law, the time specified in the commission action in question.

The request for a contested case proceeding should state the name and address of the requester, identify the specific commission action which is disputed, and, where the requester is represented by a lawyer, identify the provisions of law or precedent requiring or authorizing the holding of a contested case proceeding in the particular circumstances involved, and include a short and plain statement of the issues of material fact in dispute.

**283—5.5(17A) Notice of hearing.**

**5.5(1) Delivery.** Delivery of the notice of hearing constitutes the commencement of the contested case proceeding. Delivery may be executed by:

- a. Personal service as provided in the Iowa Rules of Civil Procedure; or
- b. Certified mail, return receipt requested; or
- c. First-class mail; or
- d. Publication, as provided in the Iowa Rules of Civil Procedure.

**5.5(2) Contents.** The notice of hearing shall contain the following information:

- a. A statement of the time, place, and nature of the hearing;
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held;
- c. A reference to the particular sections of the statutes and rules involved;
- d. A short and plain statement of the matters asserted. If the commission or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished;
- e. Identification of all parties including the name, address and telephone number of the person who will act as advocate for the commission or the state and of parties’ counsel where known;
- f. Reference to the procedural rules governing conduct of the contested case proceeding;

- g.* Reference to the procedural rules governing informal settlement;
- h.* Identification of the presiding officer, if known. If not known, a description of who will serve as presiding officer (e.g., agency head, members of multimembered agency head, administrative law judge from the department of inspections and appeals); and
- i.* Notification of the time period in which a party may request, pursuant to Iowa Code section 17A.11(1) and rule 283—5.6(17A), that the presiding officer be an administrative law judge.

**283—5.6(17A) Presiding officer.**

**5.6(1)** Any party who wishes to request that the presiding officer assigned to render a proposed decision be an administrative law judge employed by the department of inspections and appeals must file a written request within 20 days or such other time period the commission designates after service of a notice of hearing which identifies or describes the presiding officer as the executive director or members of the commission.

**5.6(2)** The commission or its designee may deny the request only upon a finding that one or more of the following apply:

- a.* Neither the commission nor any officer of the commission under whose authority the contested case is to take place is a named party to the proceeding or a real party in interest to that proceeding.
- b.* There is a compelling need to expedite issuance of a final decision in order to protect the public health, safety, or welfare.
- c.* A qualified administrative law judge is unavailable to hear the case within a reasonable time.
- d.* The case involves significant policy issues of first impression that are inextricably intertwined with the factual issues presented.
- e.* The demeanor of the witnesses is likely to be dispositive in resolving the disputed factual issues.
- f.* Funds are unavailable to pay the costs of an administrative law judge and an interagency appeal.
- g.* The request was not timely filed.
- h.* The request is not consistent with a specified statute.

**5.6(3)** The commission or its designee shall issue a written ruling specifying the grounds for its decision within 20 days or such other time period the commission designates after a request for an administrative law judge is filed. The parties shall be notified at least 10 days prior to hearing if a qualified administrative law judge will not be available.

**5.6(4)** Except as provided otherwise by another provision of law, all rulings by an administrative law judge acting as presiding officer are subject to appeal to the commission. A party must seek any available intra-agency appeal in order to exhaust adequate administrative remedies.

**5.6(5)** Unless otherwise provided by law, agency heads and members of multimembered agency heads, when reviewing a proposed decision upon intra-agency appeal, shall have the powers of and shall comply with the provisions of this chapter which apply to presiding officers.

**283—5.7(17A) Waiver of procedures.** Unless otherwise precluded by law, the parties in a contested case proceeding may waive any provision of this chapter. However, the commission, in its discretion, may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest.

**283—5.8(17A) Telephone proceedings.** The presiding officer may resolve preliminary procedural motions by telephone conference in which all parties have an opportunity to participate. Other telephone proceedings may be held with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when location is chosen.

**283—5.9(17A) Disqualification.**

**5.9(1)** A presiding officer or other person shall withdraw from participation in the making of any proposed or final decision in a contested case if that person:

- a.* Has a personal bias or prejudice concerning a party or a representative of a party;



b. Has personally investigated, prosecuted or advocated in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;

c. Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;

d. Has acted as counsel to any person who is a private party to that proceeding within the past two years;

e. Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;

f. Has a spouse or relative within the third degree of relationship that: (1) is a party to the case, or an officer, director or trustee of a party; (2) is a lawyer in the case; (3) is known to have an interest that could be substantially affected by the outcome of the case; or (4) is likely to be a material witness in the case; or

g. Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

**5.9(2)** The term “personally investigated” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term “personally investigated” does not include general direction and supervision of assigned investigators, unsolicited receipt of information which is relayed to assigned investigators, review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other commission functions, including fact gathering for purposes other than investigation of the matter which culminates in a contested case. Factual information relevant to the merits of a contested case received by a person who later serves as presiding officer in that case shall be disclosed if required by Iowa Code section 17A.17(3) and subrules 5.9(3) and 5.23(9).

**5.9(3)** In a situation where a presiding officer or other person knows of information which might reasonably be deemed to be a basis for disqualification and decides voluntary withdrawal is unnecessary, that person shall submit the relevant information for the record by affidavit and shall provide for the record a statement of the reasons for the determination that withdrawal is unnecessary.

**5.9(4)** If a party asserts disqualification on any appropriate ground, including those listed in subrule 5.9(1), the party shall file a motion supported by an affidavit pursuant to Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party.

If, during the course of the hearing, a party first becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification but must establish the grounds by the introduction of evidence into the record.

If the presiding officer determines that disqualification is appropriate, the presiding officer or other person shall withdraw. If the presiding officer determines that withdrawal is not required, the presiding officer shall enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 283—5.25(17A) and seek a stay under rule 283—5.29(17A).

#### **283—5.10(17A) Consolidation—severance.**

**5.10(1) Consolidation.** The presiding officer may consolidate any or all matters at issue in two or more contested case proceedings where: (a) the matters at issue involve common parties or common questions of fact or law; (b) consolidation would expedite and simplify consideration of the issues involved; and (c) consolidation would not adversely affect the rights of any of the parties to those proceedings.

**5.10(2) Severance.** The presiding officer may, for good cause shown, order any contested case proceedings or portions thereof severed.

#### **283—5.11(17A) Pleadings.**

**5.11(1)** Pleadings may be required by rule, by the notice of hearing, or by order of the presiding officer.

**5.11(2)** Petition.

*a.* Any petition required in a contested case proceeding shall be filed within 20 days of delivery of the notice of hearing or subsequent order of the presiding officer, unless otherwise ordered.

*b.* A petition shall state in separately numbered paragraphs the following:

- (1) The persons or entities on whose behalf the petition is filed;
- (2) The particular provisions of statutes and rules involved;
- (3) The relief demanded and the facts and law relied upon for such relief; and
- (4) The name, address and telephone number of the petitioner and the petitioner's attorney, if any.

**5.11(3)** Answer. An answer shall be filed within 20 days of service of the petition unless otherwise ordered. A party may move to dismiss or apply for a more definite and detailed statement when appropriate.

An answer shall show on whose behalf it is filed and specifically admit, deny, or otherwise answer all material allegations of the pleading to which it responds. It shall state any facts deemed to show an affirmative defense and contain as many additional defenses as the pleader may claim.

An answer shall state the name, address and telephone number of the person filing the answer, the person or entity on whose behalf it is filed, and the attorney representing that person, if any.

Any allegation in the petition not denied in the answer is considered admitted. The presiding officer may refuse to consider any defense not raised in the answer which could have been raised on the basis of facts known when the answer was filed if any party would be prejudiced.

**5.11(4)** Amendment. Any notice of hearing, petition, or other charging document may be amended before a responsive pleading has been filed. Amendments to pleadings after a responsive pleading has been filed and to an answer may be allowed with the consent of the other parties or in the discretion of the presiding officer who may impose terms or grant a continuance.

**283—5.12(17A) Service and filing of pleadings and other papers.**

**5.12(1)** *When service required.* Except where otherwise provided by law, every pleading, motion, document, or other paper filed in a contested case proceeding and every paper relating to discovery in such a proceeding shall be served upon each of the parties of record to the proceeding, including the person designated as advocate or prosecutor for the state or the commission, simultaneously with their filing. Except for the original notice of hearing and an application for rehearing as provided in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

**5.12(2)** *Service—how made.* Service upon a party represented by an attorney shall be made upon the attorney unless otherwise ordered. Service is made by delivery or by mailing a copy to the person's last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

**5.12(3)** *Filing—when required.* After the notice of hearing, all pleadings, motions, documents or other papers in a contested case proceeding shall be filed with the college student aid commission.

**5.12(4)** *Filing—when made.* Except where otherwise provided by law, a document is deemed filed at the time it is delivered to the college student aid commission, delivered to an established courier service for immediate delivery to that office, or mailed by first-class mail or state interoffice mail to that office, so long as there is proof of mailing.

**5.12(5)** *Proof of mailing.* Proof of mailing includes either: a legible United States Postal Service postmark on the envelope, a certificate of service, a notarized affidavit, or a certification in substantially the following form:

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the College Student Aid Commission, 400 E. 14th Street, Des Moines, Iowa 50319-0146, and to the names and addresses of the parties listed below by depositing the same in (a United States post office mailbox with correct postage properly affixed or state interoffice mail).

(Date) (Signature)

[ARC 1684C, IAB 10/29/14, effective 12/3/14; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

### **283—5.13(17A) Discovery.**

**5.13(1)** Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules or by order of the presiding officer, time periods for compliance with discovery shall be as provided in the Iowa Rules of Civil Procedure.

**5.13(2)** Any motion relating to discovery shall allege that the moving party has previously made a good-faith attempt to resolve the discovery issues involved with the opposing party. Motions in regard to discovery shall be ruled upon by the presiding officer. Opposing parties shall be afforded the opportunity to respond within ten days of the filing of the motion unless the time is shortened as provided in subrule 5.13(1). The presiding officer may rule on the basis of the written motion and any response, or may order argument on the motion.

**5.13(3)** Evidence obtained in discovery may be used in the contested case proceeding if that evidence would otherwise be admissible in that proceeding.

### **283—5.14(17A) Subpoenas.**

#### **5.14(1) Issuance.**

*a.* An agency subpoena shall be issued to a party on request. Such a request must be in writing. In the absence of good cause for permitting later action, a request for a subpoena must be received at least three days before the scheduled hearing. The request shall include the name, address, and telephone number of the requesting party.

*b.* Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses.

**5.14(2)** *Motion to quash or modify.* The presiding officer may quash or modify a subpoena for any lawful reason upon motion in accordance with the Iowa Rules of Civil Procedure. A motion to quash or modify a subpoena shall be set for argument promptly.

### **283—5.15(17A) Motions.**

**5.15(1)** No technical form for motions is required. However, prehearing motions must be in writing, state the grounds for relief, and state the relief sought.

**5.15(2)** Any party may file a written response to a motion within ten days after the motion is served, unless the time period is extended or shortened by rules of the commission or the presiding officer. The presiding officer may consider a failure to respond within the required time period in ruling on a motion.

**5.15(3)** The presiding officer may schedule oral argument on any motion.

**5.15(4)** Motions pertaining to the hearing, except motions for summary judgment, must be filed and served at least ten days prior to the date of hearing unless there is good cause for permitting later action or the time for such action is lengthened or shortened by rule of the commission or an order of the presiding officer.

**5.15(5)** Motions for summary judgment. Motions for summary judgment shall comply with the requirements of Iowa Rule of Civil Procedure 1.981 and shall be subject to disposition according to the requirements of that rule to the extent such requirements are not inconsistent with the provisions of this rule or any other provision of law governing the procedure in contested cases.

Motions for summary judgment must be filed and served at least 45 days prior to the scheduled hearing date, or other time period determined by the presiding officer. Any party resisting the motion shall file and serve a resistance within 15 days, unless otherwise ordered by the presiding officer, from the date a copy of the motion was served. The time fixed for hearing or nonoral submission shall be not less than 20 days after the filing of the motion, unless a shorter time is ordered by the presiding officer. A summary judgment order rendered on all issues in a contested case is subject to rehearing pursuant to 283—5.28(17A) and appeal pursuant to 283—5.27(17A).

### **283—5.16(17A) Prehearing conference.**

**5.16(1)** Any party may request a prehearing conference. A written request for prehearing conference or an order for prehearing conference on the presiding officer's own motion shall be filed not less than seven days prior to the hearing date. A prehearing conference shall be scheduled not less than three business days prior to the hearing date.

Written notice of the prehearing conference shall be given by the executive director to all parties. For good cause the presiding officer may permit variances from this rule.

**5.16(2)** Each party shall bring to the prehearing conference:

*a.* A final list of the witnesses who the party anticipates will testify at hearing. Witnesses not listed may be excluded from testifying unless there was good cause for the failure to include their names; and

*b.* A final list of exhibits which the party anticipates will be introduced at hearing. Exhibits other than rebuttal exhibits that are not listed may be excluded from admission into evidence unless there was good cause for the failure to include them.

*c.* Witness or exhibit lists may be amended subsequent to the prehearing conference within the time limits established by the presiding officer at the prehearing conference. Any such amendments must be served on all parties.

**5.16(3)** In addition to the requirements of subrule 5.16(2), the parties at a prehearing conference may:

*a.* Enter into stipulations of law or fact;

*b.* Enter into stipulations on the admissibility of exhibits;

*c.* Identify matters which the parties intend to request be officially noticed;

*d.* Enter into stipulations for waiver of any provision of law; and

*e.* Consider any additional matters which will expedite the hearing.

**5.16(4)** Prehearing conferences shall be conducted by telephone unless otherwise ordered. Parties shall exchange and receive witness and exhibit lists in advance of a telephone prehearing conference.

**283—5.17(17A) Continuances.** Unless otherwise provided, applications for continuances shall be made to the presiding officer.

**5.17(1)** A written application for a continuance shall:

*a.* Be made at the earliest possible time and no less than seven days before the hearing except in case of unanticipated emergencies;

*b.* State the specific reasons for the request; and

*c.* Be signed by the requesting party or the party's representative.

An oral application for a continuance may be made if the presiding officer waives the requirement for a written motion. However, a party making such an oral application for a continuance must confirm that request by written application within five days after the oral request unless that requirement is waived by the presiding officer. No application for continuance shall be made or granted without notice to all parties except in an emergency where notice is not feasible. The commission may waive notice of such requests for a particular case or an entire class of cases.

**5.17(2)** In determining whether to grant a continuance, the presiding officer may consider:

*a.* Prior continuances;

*b.* The interests of all parties;

*c.* The likelihood of informal settlement;

*d.* The existence of an emergency;

*e.* Any objection;

*f.* Any applicable time requirements;

*g.* The existence of a conflict in the schedules of counsel, parties, or witnesses;

*h.* The timeliness of the request; and

*i.* Other relevant factors.

The presiding officer may require documentation of any grounds for continuance.

**283—5.18(17A) Withdrawals.** A party requesting a contested case proceeding may withdraw that request prior to the hearing only in accordance with commission rules. Unless otherwise provided, a withdrawal shall be with prejudice.

**283—5.19(17A) Intervention.**

**5.19(1) Motion.** A motion for leave to intervene in a contested case proceeding shall state the grounds for the proposed intervention, the position and interest of the proposed intervenor, and the possible impact of intervention on the proceeding. A proposed answer or petition in intervention shall be attached to the motion. Any party may file a response within 14 days of service of the motion to intervene unless the time period is extended or shortened by the presiding officer.

**5.19(2) When filed.** Motion for leave to intervene shall be filed as early in the proceeding as possible to avoid adverse impact on existing parties or the conduct of the proceeding. Unless otherwise ordered, a motion for leave to intervene shall be filed before the prehearing conference, if any, or at least 20 days before the date scheduled for hearing. Any later motion must contain a statement of good cause for the failure to file in a timely manner. Unless inequitable or unjust, an intervenor shall be bound by any agreement, arrangement, or other matter previously raised in the case. Requests by untimely intervenors for continuances which would delay the proceeding will ordinarily be denied.

**5.19(3) Grounds for intervention.** The movant shall demonstrate that: (a) intervention would not unduly prolong the proceedings or otherwise prejudice the rights of existing parties; (b) the movant is likely to be aggrieved or adversely affected by a final order in the proceeding; and (c) the interests of the movant are not adequately represented by existing parties.

**5.19(4) Effect of intervention.** If appropriate, the presiding officer may order consolidation of the petitions and briefs of different parties whose interests are aligned with each other and limit the number of representatives allowed to participate actively in the proceedings. A person granted leave to intervene is a party to the proceeding. The order granting intervention may restrict the issues that may be raised by the intervenor or otherwise condition the intervenor's participation in the proceeding.

**283—5.20(17A) Hearing procedures.**

**5.20(1)** The presiding officer presides at the hearing, and may rule on motions, require briefs, issue a proposed decision, and issue such orders and rulings as will ensure the orderly conduct of the proceedings.

**5.20(2)** All objections shall be timely made and stated on the record.

**5.20(3)** Parties have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Partnerships, corporations, or associations may be represented by any member, officer, director, or duly authorized agent. Any party may be represented by an attorney or another person authorized by law.

**5.20(4)** Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.

**5.20(5)** The presiding officer shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

**5.20(6)** Witnesses may be sequestered during the hearing.

**5.20(7)** The presiding officer shall conduct the hearing in the following manner:

*a.* The presiding officer shall give an opening statement briefly describing the nature of the proceedings;

*b.* The parties shall be given an opportunity to present opening statements;

*c.* Parties shall present their cases in the sequence determined by the presiding officer;

*d.* Each witness shall be sworn or affirmed by the presiding officer or the court reporter, and be subject to examination and cross-examination. The presiding officer may limit questioning in a manner consistent with law;

*e.* When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

**283—5.21(17A) Evidence.**

**5.21(1)** The presiding officer shall rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with all applicable requirements of law.

**5.21(2)** Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

**5.21(3)** Evidence in the proceeding shall be confined to the issues as to which the parties received notice prior to the hearing unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence on issues outside the scope of the notice over the objection of a party who did not have actual notice of those issues, that party, upon timely request, shall receive a continuance sufficient to amend pleadings and to prepare on the additional issue.

**5.21(4)** The party seeking admission of an exhibit must provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. Copies of documents should normally be provided to opposing parties.

All exhibits admitted into evidence shall be appropriately marked and be made part of the record.

**5.21(5)** Any party may object to specific evidence or may request limits on the scope of any examination or cross-examination. Such an objection shall be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling shall be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

**5.21(6)** Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony shall briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.

**283—5.22(17A) Default.**

**5.22(1)** If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party.

**5.22(2)** Where appropriate and not contrary to law, any party may move for default against a party who has requested the contested case proceeding and has failed to file a required pleading or has failed to appear after proper service.

**5.22(3)** Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become final commission action unless, within 15 days or other period of time specified by statute or rule after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties or an appeal of a decision on the merits is timely initiated within the time provided by rule 283—5.27(17A). A motion to vacate must state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, which affidavit(s) must be attached to the motion.

**5.22(4)** The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

**5.22(5)** Properly substantiated and timely filed motions to vacate shall be granted only for good cause shown. The burden of proof as to good cause is on the moving party. Adverse parties shall have ten days or other time specified by the commission to respond to a motion to vacate. Adverse parties shall be allowed to conduct discovery as to the issue of good cause and to present evidence on the issue prior to a decision on the motion, if a request to do so is included in that party's response.

**5.22(6)** “Good cause” for purposes of this rule shall have the same meaning as “good cause” for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

**5.22(7)** A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 283—5.25(17A).

**5.22(8)** If a motion to vacate is granted and no timely interlocutory appeal has been taken, the presiding officer shall issue another notice of hearing and the contested case shall proceed accordingly.

**5.22(9)** A default decision may award any relief consistent with the request for relief made in the petition and embraced in its issues but, unless the defaulting party has appeared, it cannot exceed the relief demanded.

**5.22(10)** A default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a request for stay under rule 283—5.29(17A).

**283—5.23(17A) Ex parte communication.**

**5.23(1)** Prohibited communications. Unless required for the disposition of ex parte matters specifically authorized by statute, following issuance of the notice of hearing, there shall be no communication, directly or indirectly, between the presiding officer and any party or representative of any party or any other person with a direct or indirect interest in such case in connection with any issue of fact or law in the case except upon notice and opportunity for all parties to participate. This does not prohibit persons jointly assigned such tasks from communicating with each other. Nothing in this provision is intended to preclude the presiding officer from communicating with members of the commission or seeking the advice or help of persons other than those with a personal interest in, or those engaged in personally investigating as defined in subrule 5.9(2), prosecuting, or advocating in, either the case under consideration or a pending factually related case involving the same parties as long as those persons do not directly or indirectly communicate to the presiding officer any ex parte communications they have received of a type that the presiding officer would be prohibited from receiving or that furnish, augment, diminish, or modify the evidence in the record.

**5.23(2)** Prohibitions on ex parte communications commence with the issuance of the notice of hearing in a contested case and continue for as long as the case is pending.

**5.23(3)** Written, oral or other forms of communication are “ex parte” if made without notice and opportunity for all parties to participate.

**5.23(4)** To avoid prohibited ex parte communications, notice must be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications shall be provided in compliance with rule 283—5.12(17A) and may be supplemented by telephone, facsimile, electronic mail or other means of notification. Where permitted, oral communications may be initiated through conference telephone call including all parties or their representatives.

**5.23(5)** Persons who jointly act as presiding officer in a pending contested case may communicate with each other without notice or opportunity for parties to participate.

**5.23(6)** The executive director or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a proposed or final decision under any provision of law and they comply with subrule 5.23(1).

**5.23(7)** Communications with the presiding officer involving uncontested scheduling or procedural matters do not require notice or opportunity for parties to participate. Parties should notify other parties prior to initiating such contact with the presiding officer when feasible, and shall notify other parties when seeking to continue hearings or other deadlines pursuant to rule 283—5.17(17A).

**5.23(8)** Disclosure of prohibited communications. A presiding officer who receives a prohibited ex parte communication during the pendency of a contested case must initially determine if the effect of the communication is so prejudicial that the presiding officer should be disqualified. If the presiding officer determines that disqualification is warranted, a copy of any prohibited written communication, all written

responses to the communication, a written summary stating the substance of any prohibited oral or other communication not available in written form for disclosure, all responses made, and the identity of each person from whom the presiding officer received a prohibited ex parte communication shall be submitted for inclusion in the record under seal by protective order or disclosed. If the presiding officer determines that disqualification is not warranted, such documents shall be submitted for inclusion in the record and served on all parties. Any party desiring to rebut the prohibited communication must be allowed the opportunity to do so upon written request filed within ten days after notice of the communication.

**5.23(9)** Promptly after being assigned to serve as presiding officer at any stage in a contested case proceeding, a presiding officer shall disclose to all parties material factual information received through ex parte communication prior to such assignment unless the factual information has already been or shortly will be disclosed pursuant to Iowa Code section 17A.13(2) or through discovery. Factual information contained in an investigative report or similar document need not be separately disclosed by the presiding officer as long as such documents have been or will shortly be provided to the parties.

**5.23(10)** The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, or suspension or revocation of the privilege to practice before the commission. Violation of ex parte communication prohibitions by commission personnel shall be reported to the executive director for possible sanctions including censure, suspension, dismissal, or other disciplinary action.

**283—5.24(17A) Recording costs.** Upon request, the college student aid commission shall provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record shall be paid by the requesting party.

Parties who request that a hearing be recorded by certified shorthand reporters rather than by electronic means shall bear the cost of that recordation, unless otherwise provided by law.

**283—5.25(17A) Interlocutory appeals.** Upon written request of a party or on its own motion, the commission may review an interlocutory order of the executive director. In determining whether to do so, the commission shall weigh the extent to which its granting the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the commission at the time it reviews the proposed decision of the presiding officer would provide an adequate remedy. Any request for interlocutory review must be filed within 14 days of issuance of the challenged order, but no later than the time for compliance with the order or the date of hearing, whichever is first.

**283—5.26(17A) Final decision.**

**5.26(1)** When the commission presides over the reception of evidence at the hearing, its decision is a final decision.

**5.26(2)** When the commission does not preside at the reception of evidence, the presiding officer shall make a proposed decision. The proposed decision becomes the final decision of the commission without further proceedings unless there is an appeal to, or review on motion of, the commission within the time provided in rule 283—5.27(17A).

**283—5.27(17A) Appeals and review.**

**5.27(1) Appeal by party.** Any adversely affected party may appeal a proposed decision to the commission within 30 days after issuance of the proposed decision.

**5.27(2) Review.** The commission may initiate review of a proposed decision on its own motion at any time within 30 days following the issuance of such a decision.

**5.27(3) Notice of appeal.** An appeal of a proposed decision is initiated by filing a timely notice of appeal with the college student aid commission. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service. The notice shall specify:

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;



c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;

d. The relief sought;

e. The grounds for relief.

**5.27(4) Requests to present additional evidence.** A party may request the taking of additional evidence only by establishing that the evidence is material, that good cause existed for the failure to present the evidence at the hearing, and that the party has not waived the right to present the evidence. A written request to present additional evidence must be filed with the notice of appeal or, by a nonappealing party, within 14 days of service of the notice of appeal. The commission may remand a case to the presiding officer for further hearing or may itself preside at the taking of additional evidence.

**5.27(5) Scheduling.** The college student aid commission shall issue a schedule for consideration of the appeal.

**5.27(6) Briefs and arguments.** Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs shall cite any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument shall be filed with the briefs. The commission may resolve the appeal on the briefs or provide an opportunity for oral argument. The commission may shorten or extend the briefing period as appropriate.

### **283—5.28(17A) Applications for rehearing.**

**5.28(1) By whom filed.** Any party to a contested case proceeding may file an application for rehearing from a final order.

**5.28(2) Content of application.** The application for rehearing shall state on whose behalf it is filed, the specific grounds for rehearing, and the relief sought. In addition, the application shall state whether the applicant desires reconsideration of all or part of the commission decision on the existing record and whether, on the basis of the grounds enumerated in subrule 5.27(4), the applicant requests an opportunity to submit additional evidence.

**5.28(3) Time of filing.** The application shall be filed with the college student aid commission within 20 days after issuance of the final decision.

**5.28(4) Notice to other parties.** A copy of the application shall be timely mailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the commission shall serve copies on all parties.

**5.28(5) Disposition.** Any application for a rehearing shall be deemed denied unless the commission grants the application within 20 days after its filing.

### **283—5.29(17A) Stays of commission actions.**

**5.29(1) When available.**

a. Any party to a contested case proceeding may petition the college student aid commission for a stay of an order issued in that proceeding or for other temporary remedies, pending review by the commission. The petition shall be filed with the notice of appeal and shall state the reasons justifying a stay or other temporary remedy. The commission may rule on the stay or authorize the presiding officer to do so.

b. Any party to a contested case proceeding may petition the college student aid commission for a stay or other temporary remedies pending judicial review, of all or part of that proceeding. The petition shall state the reasons justifying a stay or other temporary remedy.

**5.29(2) When granted.** In determining whether to grant a stay, the presiding officer or commission shall consider the factors listed in Iowa Code section 17A.19(5c).

**5.29(3) Vacation.** A stay may be vacated by the issuing authority upon application of the college student aid commission or any other party.

**283—5.30(17A) No factual dispute contested cases.** If the parties agree that no dispute of material fact exists as to a matter that would be a contested case if such a dispute of fact existed, the parties

may present all relevant admissible evidence either by stipulation or otherwise as agreed by the parties, without necessity for the production of evidence at an evidentiary hearing. If such agreement is reached, a jointly submitted schedule detailing the method and timetable for submission of the record, briefs and oral argument should be submitted to the presiding officer for approval as soon as practicable. If the parties cannot agree, any party may file and serve a motion for summary judgment pursuant to the rules governing such motions.

**283—5.31(17A) Emergency adjudicative proceedings.**

**5.31(1) Necessary emergency action.** To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other provisions of law, the commission may issue a written order in compliance with Iowa Code section 17A.18 to suspend a license in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the commission by emergency adjudicative order. Before issuing an emergency adjudicative order, the commission shall consider factors including, but not limited to, the following:

- a. Whether there has been a sufficient factual investigation to ensure that the commission is proceeding on the basis of reliable information;
- b. Whether the specific circumstances which pose immediate danger to the public health, safety or welfare have been identified and determined to be continuing;
- c. Whether the person required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety or welfare;
- d. Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety or welfare; and
- e. Whether the specific action contemplated by the commission is necessary to avoid the immediate danger.

**5.31(2) Issuance of order.**

a. An emergency adjudicative order shall contain findings of fact, conclusions of law, and policy reasons to justify the determination of an immediate danger in the commission's decision to take immediate action.

b. The written emergency adjudicative order shall be immediately delivered to persons who are required to comply with the order by utilizing one or more of the following procedures:

- (1) Personal delivery;
- (2) Certified mail, return receipt requested, to the last address on file with the commission;
- (3) Certified mail to the last address on file with the commission;
- (4) First-class mail to the last address on file with the commission; or
- (5) Fax. Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that commission orders be sent by fax and has provided a fax number for that purpose.

c. To the degree practicable, the commission shall select the procedure for providing written notice that best ensures prompt, reliable delivery.

**5.31(3) Oral notice.** Unless the written emergency adjudicative order is provided by personal delivery on the same day that the order issues, the commission shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.

**5.31(4) Completion of proceedings.** After the issuance of an emergency adjudicative order, the commission shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

Issuance of a written emergency adjudicative order shall include notification of the date on which commission proceedings are scheduled for completion. After issuance of an emergency adjudicative order, continuance of further commission proceedings to a later date will be granted only in compelling circumstances upon application in writing.

These rules are intended to implement Iowa Code chapter 17A.

[Filed 5/28/99, Notice 3/10/99—published 6/16/99, effective 7/21/99]

[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

[Filed ARC 1684C (Notice ARC 1579C, IAB 8/20/14), IAB 10/29/14, effective 12/3/14]

[Editorial change: IAC Supplement 2/10/21]

[Editorial change: IAC Supplement 4/3/24]



CHAPTER 6  
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

**283—6.1(17A,22) Definitions.** As used in this chapter:

“*Commission*” means the Iowa college student aid commission.

“*Confidential record*” means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the commission is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“*Custodian*” means the commission, or a person lawfully delegated authority by the commission to act for the commission in implementing Iowa Code chapter 22.

“*Open record*” means a record other than a confidential record.

“*Personally identifiable information*” means information about or pertaining to an individual in a record which identifies the individual and which is contained in a record system.

“*Record*” means the whole or a part of a “public record,” as defined in Iowa Code section 22.1, that is owned by or in the physical possession of the commission.

“*Record system*” means any group of records under the control of the commission from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

**283—6.2(17A,22) Statement of policy.** The purpose of this chapter is to facilitate broad public access to open records. It also seeks to facilitate sound commission determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. The commission is committed to the policies set forth in Iowa Code chapter 22; commission staff shall cooperate with members of the public in implementing the provisions of that chapter.

**283—6.3(17A,22) Requests for access to records.**

**6.3(1) Location of record.** A request for access to a record should be directed to the Executive Director, Iowa College Student Aid Commission, 400 E. 14th Street, Des Moines, Iowa 50319-0146. If a request for access to a record is misdirected, commission personnel will promptly forward the request to the appropriate person.

**6.3(2) Office hours.** Open records shall be made available during all customary office hours, which are 8 a.m. to 4:30 p.m. Monday through Friday, except holidays.

**6.3(3) Request for access.** Requests for access to open records may be made in writing, in person, or by telephone. Requests shall identify the particular records sought by name or description in order to facilitate the location of the record. Mail or telephone requests shall include the name, address, and telephone number of the person requesting the information. A person shall not be required to give a reason for requesting an open record.

**6.3(4) Response to requests.** Access to an open record shall be provided promptly upon request unless the size or nature of the request makes prompt access infeasible. If the size or nature of the request for access to an open record requires time for compliance, the custodian shall comply with the request as soon as feasible. Access to an open record may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The custodian shall promptly give notice to the requester of the reason for any delay in access to an open record and an estimate of the length of that delay and, upon request, shall promptly provide that notice to the requester in writing.

The custodian of a record may deny access to the record by members of the public only on the grounds that such a denial is warranted under Iowa Code sections 22.8(4) and 22.10(4), or that it is a confidential record, or that its disclosure is prohibited by a court order. Access by members of the public

to a confidential record is limited by law and, therefore, may generally be provided only in accordance with the provisions of rule 283—6.4(17A,22) and other applicable provisions of law.

**6.3(5) *Security of record.*** No person may, without permission from the custodian, search or remove any record from commission files. Examination and copying of commission records shall be supervised by the custodian or a designee of the custodian. Records shall be protected from damage and disorganization.

**6.3(6) *Copying.*** A reasonable number of copies of an open record may be made in the commission's office. If photocopy equipment is not available in the commission office where an open record is kept, the custodian shall permit its examination in that office and shall arrange to have copies promptly made elsewhere.

**6.3(7) *Fees.***

*a. When charged.* The commission may charge fees in connection with the examination or copying of records only if the fees are authorized by law. To the extent permitted by applicable provisions of law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest.

*b. Copying and postage costs.* Price schedules for published materials and for photocopies of records supplied by the commission shall be prominently posted in commission offices. Copies of records may be made by or for members of the public on commission photocopy machines or from electronic storage systems at cost as determined and posted in commission offices by the custodian. When the mailing of copies of records is requested, the actual costs of such mailing may also be charged to the requester.

*c. Supervisory fee.* An hourly fee may be charged for actual commission expenses in supervising the examination and copying of requested records when the supervision time required is in excess of one hour. The custodian shall prominently post in commission offices the hourly fees to be charged for supervision of records during examination and copying. That hourly fee shall not be in excess of the hourly wage of a commission clerical employee who ordinarily would be appropriate and suitable to perform this supervisory function.

*d. Advance deposits.*

(1) When the estimated total fee chargeable under this subrule exceeds \$25, the custodian may require a requester to make an advance payment to cover all or a part of the estimated fee.

(2) When a requester has previously failed to pay a fee chargeable under this subrule, the custodian may require advance payment of the full amount of any estimated fee before the custodian processes a new request from the requester.

[ARC 1869C, IAB 2/18/15, effective 3/25/15; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

**283—6.4(17A,22) Access to confidential records.** Under Iowa Code section 22.7 or other applicable provisions of law, the lawful custodian may disclose certain confidential records to one or more members of the public. Other provisions of law authorize or require the custodian to release specified confidential records under certain circumstances or to particular persons. In requesting the custodian to permit the examination and copying of such a confidential record, the following procedures apply and are in addition to those specified for requests for access to records in rule 283—6.3(17A,22).

**6.4(1) *Proof of identity.*** A person requesting access to a confidential record may be required to provide proof of identity or authority to secure access to the record.

**6.4(2) *Requests.*** The custodian may require a request to examine and copy a confidential record to be in writing. A person requesting access to such a record may be required to sign a certified statement or affidavit enumerating the specific reasons justifying access to the confidential record and to provide any proof necessary to establish relevant facts.

**6.4(3) *Notice to subject of record and opportunity to obtain injunction.*** After the custodian receives a request for access to a confidential record, and before the custodian releases such a record, the custodian may make reasonable efforts to notify promptly any person who is a subject of that record, is identified in that record, and whose address or telephone number is contained in that record. To the extent such a delay is practicable and in the public interest, the custodian may give the subject of such a confidential

record to whom notification is transmitted a reasonable opportunity to seek an injunction under Iowa Code section 22.8, and indicate to the subject of the record the specific period of time during which disclosure will be delayed for that purpose.

**6.4(4) *Request denied.*** When the custodian denies a request for access to a confidential record, the custodian shall promptly notify the requester. If the requester indicates to the custodian that a written notification of the denial is desired, the custodian shall promptly provide such a notification that is signed by the custodian and that includes:

- a.* The name and title or position of the custodian responsible for the denial; and
- b.* A citation to the provision of law vesting authority in the custodian to deny disclosure of the record and a brief statement of the reasons for the denial to this requester.

**6.4(5) *Request granted.*** When the custodian grants a request for access to a confidential record to a particular person, the custodian shall notify that person and indicate any lawful restrictions imposed by the custodian on that person's examination and copying of the record.

**283—6.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination.** The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order, to refuse to disclose that record to members of the public.

**6.5(1) *Persons who may request.*** Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order, authorizes the custodian to treat the record as a confidential record, may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

**6.5(2) *Request.*** A request that a record be treated as a confidential record and be withheld from public inspection shall be in writing and shall be filed with the custodian. The request must set forth the legal and factual basis justifying such confidential record treatment for that record, and the name, address, and telephone number of the person authorized to respond to any inquiry or action of the custodian concerning the request. A person requesting treatment of a record as a confidential record may also be required to sign a certified statement or affidavit enumerating the specific reasons justifying the treatment of that record as a confidential record and to provide any proof necessary to establish relevant facts. Requests for treatment of a record as such a confidential record for a limited time period shall also specify the precise period of time for which that treatment is requested.

A person filing such a request shall, if possible, accompany the request with a copy of the record in question from which those portions for which such confidential record treatment has been requested have been deleted. If the original record is being submitted to the commission by the person requesting such confidential treatment at the time the request is filed, the person shall indicate conspicuously on the original record that all or portions of it are confidential.

**6.5(3) *Failure to request.*** Failure of a person to request confidential record treatment for a record does not preclude the custodian from treating it as a confidential record. However, if a person who has submitted business information to the commission does not request that it be withheld from public inspection under Iowa Code sections 22.7(3) and 22.7(6), the custodian of records containing that information may proceed as if that person has no objection to its disclosure to members of the public.

**6.5(4) *Timing of decision.*** A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed, or when the custodian receives a request for access to the record by a member of the public.

**6.5(5) *Request granted or deferred.*** If a request for such confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

**6.5(6) *Request denied and opportunity to seek injunction.*** If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian shall notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good-faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8, or other applicable provision of law. However, such a record shall not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian shall notify the requester in writing of the time period allowed to seek injunctive relief or the reasons for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good-faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received, or if a court directs the custodian to treat it as a confidential record, or to the extent permitted by another applicable provision of law, or with the consent of the person requesting access.

**283—6.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records.** Except as otherwise provided by law, a person may file a request with the custodian to review, and to have a written statement of additions, dissents, or objections entered into, a record containing personally identifiable information pertaining to that person. However, this does not authorize a person who is a subject of such a record to alter the original copy of that record or to expand the official record of any commission proceeding. The requester shall send the request to review such a record or the written statement of additions, dissents, or objections to the custodian or to the Iowa college student aid commission. The request to review such a record or the written statement of such a record of additions, dissents, or objections must be dated and signed by the requester, and shall include the current address and telephone number of the requester or the requester's representative.

**283—6.7(17A,22) Consent to disclosure by the subject of a confidential record.** To the extent permitted by any applicable provision of law, a person who is the subject of a confidential record may have a copy of the portion of that record concerning the subject disclosed to a third party. A request for such a disclosure must be in writing and must identify the particular record or records that may be disclosed, and the particular person or class of persons to whom the record may be disclosed (and, where applicable, the time period during which the record may be disclosed). The person who is the subject of the record and, where applicable, the person to whom the record is to be disclosed, may be required to provide proof of identity. (Additional requirements may be necessary for special classes of records.) Appearance of counsel before the commission on behalf of a person who is the subject of a confidential record is deemed to constitute consent for the commission to disclose records about that person to the person's attorney.

**283—6.8(17A,22) Notice to suppliers of information.** When the commission requests a person to supply information about that person, the commission shall notify the person of the use that will be made of the information, which persons outside the commission might routinely be provided this information, which parts of the requested information are required and which are optional, and the consequences of a failure to provide the information requested. This notice may be given in these rules, on the written form used to collect the information, on a separate fact sheet or letter, in brochures, in formal agreements, in contracts, in handbooks, in manuals, verbally, or by other appropriate means.

**283—6.9(17A,22) Routine use.**

**6.9(1) Defined.** "Routine use" means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.



**6.9(2)** To the extent allowed by law, the following are considered routine uses of all commission records:

*a.* Disclosure of officers, employees, and agents of the commission who have a need for the record in the performance of their duties. The custodian of the record may, upon request of an officer or employee, or on the custodian's own initiative, determine what constitutes legitimate need to use confidential records.

*b.* Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible prosecution, civil court action, or regulatory order.

*c.* Disclosure to the department of inspections and appeals regarding matters in which it performs services or functions on behalf of the commission.

*d.* Transfers of information within the commission, to other state agencies, or to local units of government, as appropriate, to administer the program for which the information is collected.

*e.* Information released to staff of federal and state entities for audit purposes or to determine whether the commission is lawfully operating a program.

*f.* Any disclosure specifically authorized by the statute under which the record is collected or maintained.

**283—6.10(17A,22) Consensual disclosure of confidential records.**

**6.10(1)** *Consent to disclosure by a subject.* The subject may consent in writing to commission disclosure of confidential records as provided in rule 283—6.7(17A,22).

**6.10(2)** *Complaints to public officials.* A letter from a subject of a confidential record to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the commission may be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

**283—6.11(17A,22) Release to subject.** The subject of a confidential record may file a written request to review the subject's confidential records. However, the commission need not release the following records to the subject:

1. The identity of a person providing information to the commission when the information is authorized as confidential pursuant to Iowa Code subsection 22.7(18).

2. The work product of an attorney or otherwise privileged information.

3. Peace officers' investigative reports, except as required by Iowa Code subsection 22.7(5).

4. Those otherwise authorized by law.

**283—6.12(17A,22) Availability of records.** This rule lists the commission records which are open to the public, those which are confidential, and those which are partially open and partially confidential.

Commission records are listed by category, according to the legal basis for confidential treatment (if any). The commission administers federally funded programs, as well as state programs, and is authorized by Iowa Code section 22.9 to enforce confidentiality standards for federal law and regulations as are required for receipt of the funds. A single record may contain information from several categories.

The chart indicates whether the record contains personally identifiable information, and indicates the legal authority for confidentiality and for the collection of personally identifiable information.

Abbreviations are used in the chart as follows:

Code	Meaning	Code	Meaning
O	The records are open for public inspection.	O/C	The record is partially open and partially confidential.
C	The records are confidential and are not open to public inspection.	O/E	The record is partially open to the public and partially exempt from disclosure.
E	The record is exempt from mandatory disclosure to members of the public.	O/E/C	The record is partially open to the public, partially exempt from disclosure, and partially confidential and not open to the public.
E/C	The record is exempt from mandatory disclosure to the public and is confidential and not open to public inspection.	NA	Not applicable.

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	
			LEGAL AUTHORITY FOR INFORMATION	LEGAL AUTHORITY FOR INFORMATION
Records of Commission, Advisory Council, and Committees	O/E	Iowa Code 21.5	No	NA
Rule Making	O	NA	No	NA
Declaratory Ruling Records	O/C	Iowa Code 22.7	No	NA
Rules and Policy Manuals	O	NA	No	NA
General Correspondence	O/E/C	Iowa Code 22.7	Yes	NA
Publications <ul style="list-style-type: none"> <li>• General</li> <li>• GSL</li> <li>• Scholarship</li> </ul>	O	NA	No	NA
Statistical Reports	O	NA	No	NA
Staff Reports	O	NA	No	NA
Financial & Administrative Records	O/E/C	Iowa Code 22.7	Yes	NA
Registration and Approval Records	O	NA	No	NA
Contracts and Interagency Agreements	O/C	Iowa Code 22.7(3)	No	NA
Sealed Bids Prior to Public Opening	C	Iowa Code 22.3, 22.7 and 72.3	No	NA
Appeal Records	O/C	Iowa Code 22.7	Yes	NA
Litigation Files	O/E/C	Iowa Code 22.7	Yes	NA
Privileged Communication and Products of Attorneys Representing the Commission	E/C	Iowa Code 22.7, Iowa Code of Professional Responsibility for Lawyers, Canon 4	No	NA
Individual Applicant/Recipient Records (such as those collected under the Iowa Tuition Grant and Iowa Vocational-Technical Tuition Grant Programs)	C	Iowa Code 22.7	Yes	P.L. 89-329
Collections	C	Iowa Code 22.7	Yes	Sec. 428[b-c] and Sec. 488[c]
State and Federal Program Records (such as those maintained under the Iowa Tuition Grant Program and the John R. Justice Student Loan Repayment Program)	O	NA	No	NA

[ARC 1869C, IAB 2/18/15, effective 3/25/15]

These rules are intended to implement Iowa Code section 256.178.

[Filed 5/13/88, Notice 4/6/88—published 6/1/88, effective 7/6/88]

[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

[Filed ARC 1869C (Notice ARC 1689C, IAB 10/29/14), IAB 2/18/15, effective 3/25/15]

[Editorial change: IAC Supplement 2/10/21]

[Editorial change: IAC Supplement 4/3/24]

CHAPTER 7  
UNIFORM RULES FOR WAIVERS

**283—7.1(256,ExecOrd11,17A) Waiver process.** This chapter outlines a uniform process for granting waivers from rules adopted by the commission.

**7.1(1) *Commission authority.*** A waiver from rules adopted by the commission may be granted in accordance with this chapter if:

*a.* The commission has exclusive rule-making authority to promulgate the rule from which a waiver is requested or has final decision-making authority over a contested case in which a waiver is requested; and

*b.* No statute or rule otherwise controls the granting of a waiver from the rule for which a waiver is requested.

**7.1(2) *Interpretive rules.*** These uniform waiver rules shall not apply to rules defining a statute or other provisions of law or precedent if the commission does not have delegated authority to bind the courts with its definition.

**7.1(3) *Compliance with statute.*** No waiver shall be granted from a requirement that is imposed by statute. Any waiver must be consistent with statute.

[Editorial change: IAC Supplement 4/3/24]

**283—7.2(256,ExecOrd11,17A) Definition.** For purposes of this chapter, a waiver means action by the commission which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

[Editorial change: IAC Supplement 4/3/24]

**283—7.3(256,ExecOrd11,17A) Scope of chapter.** This chapter outlines generally applicable standards and a uniform process for the granting of individual waivers from rules adopted by the commission in situations where no other more specific applicable law provides for waivers. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision shall supersede this chapter with respect to any waiver from that rule.

[Editorial change: IAC Supplement 4/3/24]

**283—7.4(256,ExecOrd11,17A) Applicability of chapter.** The commission may grant a waiver from a rule only if the commission has jurisdiction over the rule and the requested waiver is consistent with applicable statutes, constitutional provisions, or other provisions of law. The commission may not waive requirements created or duties imposed by statute.

[Editorial change: IAC Supplement 4/3/24]

**283—7.5(256,ExecOrd11,17A) Criteria for waiver.** The commission may issue an order, in response to a completed petition or on its own motion, granting a waiver from a rule adopted by the commission, in whole or in part, as applied to the circumstances of a specified person if the commission finds, based on clear and convincing evidence, that:

**7.5(1)** Application of the rule would impose an undue hardship or injustice on the person for whom the waiver is requested; and

**7.5(2)** A waiver of the rule on the basis of the particular circumstances relative to that specified person would be consistent with the public interest; and

**7.5(3)** A waiver of the rule in the specific case would not prejudice the substantial legal rights of any person.

[Editorial change: IAC Supplement 4/3/24]

**283—7.6(256,ExecOrd11,17A) Mandatory waivers.** In response to the timely filing of a completed petition requesting a waiver, the commission shall grant a waiver from a rule, in whole or in part, as applied to the particular circumstances of a specified person, if the commission finds that the application

of all or a portion of the circumstances of that specified person would not, to any extent, advance or serve any of the purposes of the rule.

[Editorial change: IAC Supplement 4/3/24]

**283—7.7(256,ExecOrd11,17A) Burden of persuasion.** The petitioner shall assume the burden of persuasion to demonstrate clear and convincing evidence when a petition is filed for a waiver from a commission rule.

[Editorial change: IAC Supplement 4/3/24]

**283—7.8(256,ExecOrd11,17A) Special waiver rule not precluded.** This uniform waiver rule shall not preclude the commission from granting waivers in other contexts or on the basis of other standards if a statute or other commission rule authorizes the commission to do so and the commission deems it appropriate to do so.

[Editorial change: IAC Supplement 4/3/24]

**283—7.9(256,ExecOrd11,17A) Administrative deadlines.** When the rule from which a waiver is sought establishes administrative deadlines, the commission shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all persons participating in a particular program offered by the commission.

[Editorial change: IAC Supplement 4/3/24]

**283—7.10(256,ExecOrd11,17A) Filing of petition.** A petition for a waiver must be submitted in writing to the commission's Executive Director, 400 E. 14th Street, Des Moines, Iowa 50319-0146.

[ARC 1869C, IAB 2/18/15, effective 3/25/15; Editorial change: IAC Supplement 2/10/21; Editorial change: IAC Supplement 4/3/24]

**283—7.11(256,ExecOrd11,17A) Contested case.** If the petition relates to a pending contested case, the petition shall be filed in the contested case proceeding, using the caption of the contested case.

[Editorial change: IAC Supplement 4/3/24]

**283—7.12(256,ExecOrd11,17A) Contents of petition.** A petition for waiver shall include the following information where applicable and known to the petitioner:

**7.12(1)** The name, address, telephone number, and social security number of the person or entity for whom a waiver is being requested and the case number of any related contested case, whether pending or closed.

**7.12(2)** A description and citation of the specific rule from which a waiver is requested.

**7.12(3)** The specific waiver requested, including the precise scope and duration.

**7.12(4)** The relevant facts that the petitioner believes would justify a waiver. This statement shall include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.

**7.12(5)** A history of any prior contacts between the commission and the petitioner. The historical summary shall include:

*a.* A list of all of the programs, contracts, allocations, bond issues, loans, grants, or other activities in which the petitioner has participated or from which the petitioner has received a benefit and which are affected by the proposed waiver.

*b.* A description of each instance when the petitioner has participated in or benefited from any of the commission's programs or contracts, including but not limited to allocations, grants, or loans held by the petitioner, any notices of noncompliance, other administrative events, whether federal or state, contested case hearings, or investigative reports relating to the program, allocation, grant, or loan.

**7.12(6)** Any information known to the petitioner about the commission's treatment of similar cases.

**7.12(7)** The name, address, and telephone number of any person or entity, inside or outside state government, who would be adversely affected by the granting of a petition.

**7.12(8)** The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

**7.12(9)** Signed releases of information authorizing persons with knowledge regarding the request to furnish the commission with information pertaining to the waiver.

[Editorial change: IAC Supplement 4/3/24]

**283—7.13(256,ExecOrd11,17A) Additional information.** If the petition for waiver is not filed in a contested case and prior to issuing an order granting or denying a waiver, the executive director may request additional information from the petitioner relative to the petition and circumstances relating to the request for waiver. The request may be in the form of written questions or oral interview. The executive director may interview or direct written questions to other persons in connection with the waiver requested. If the petition was not filed in a contested case, the commission, or its executive director, may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the commission's executive director, a committee of the commission's staff, or a quorum or committee of the commission's board to consider the petition for waiver.

[Editorial change: IAC Supplement 4/3/24]

**283—7.14(256,ExecOrd11,17A) Notice.** The commission shall acknowledge a petition upon receipt. The commission shall ensure that notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law within 30 days of the receipt of the petition. In addition, the commission may give notice to other persons. To accomplish this notice provision, the commission may require the petitioner to serve the notice on all persons to whom notice is required and provide a written statement that notice has been provided.

[Editorial change: IAC Supplement 4/3/24]

**283—7.15(256,ExecOrd11,17A) Hearing procedures.** The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply to any petition for a waiver filed within a contested case, and shall otherwise apply to commission proceedings for a waiver of a rule only when the commission so provides by rule or order or is required by statute to do so.

[Editorial change: IAC Supplement 4/3/24]

**283—7.16(256,ExecOrd11,17A) Ruling.** An order granting or denying a waiver shall be in writing and shall contain a reference to that particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of the waiver if one is issued.

[Editorial change: IAC Supplement 4/3/24]

**283—7.17(256,ExecOrd11,17A) Commission discretion.** The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the commission, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the commission based on the unique, individual circumstances set out in the petition.

[Editorial change: IAC Supplement 4/3/24]

**283—7.18(256,ExecOrd11,17A) Narrowly tailored exception.** A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

[Editorial change: IAC Supplement 4/3/24]

**283—7.19(256,ExecOrd11,17A) Conditions.** The commission may condition the granting of a waiver on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question through alternative means.

[Editorial change: IAC Supplement 4/3/24]

**283—7.20(256,ExecOrd11,17A) Time period of waiver.** A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the commission, a waiver may be renewed if the commission finds that grounds for a waiver continue to exist.

[Editorial change: IAC Supplement 4/3/24]

**283—7.21(256,ExecOrd11,17A) Timing for ruling.** The commission shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case proceeding, the commission shall grant or deny the petition no later than the time at which the final decision in the contested case is issued.

[Editorial change: IAC Supplement 4/3/24]

**283—7.22(256,ExecOrd11,17A) When deemed denied.** Failure of the commission to grant or deny a petition within the required time period shall be deemed a denial of that petition by the commission. However, the commission shall remain responsible for issuing an order denying a waiver.

[Editorial change: IAC Supplement 4/3/24]

**283—7.23(256,ExecOrd11,17A) Service of order.** Within seven days of its issuance, any order issued under these uniform rules shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

[Editorial change: IAC Supplement 4/3/24]

**283—7.24(256,ExecOrd11,17A) Public availability.** Subject to the provisions of Iowa Code section 17A.3(1) “e,” the commission shall maintain a record of all orders granting and denying waivers under these uniform rules. All records pertaining to waivers shall be indexed and available to members of the public at the commission’s office. Some petitions may contain information the commission is authorized or required to keep confidential. The commission may accordingly edit confidential information from petitions or orders prior to public inspection.

[Editorial change: IAC Supplement 4/3/24]

**283—7.25(256,ExecOrd11,17A) Voiding or cancellation.** A waiver is void if the material facts upon which the request is based are not true or if material facts have been withheld. The commission may, at any time, cancel a waiver upon appropriate notice and hearing if the commission finds that the facts as stated in the petition are not true, material facts have been withheld, the alternative means of compliance provided in the waiver have failed to achieve the objectives of the statute or rule, or the petitioner has failed to comply with the conditions of the order.

[Editorial change: IAC Supplement 4/3/24]

**283—7.26(256,ExecOrd11,17A) Violations.** Violation of conditions in a waiver shall be treated as a violation of the particular rule for which the waiver is granted and is subject to the same remedies or penalties.

[Editorial change: IAC Supplement 4/3/24]

**283—7.27(256,ExecOrd11,17A) Defense.** After the commission issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked. The order is not assignable, and it shall not inure to the benefit of the heirs or successors in interest of the person first obtaining the waiver.

[Editorial change: IAC Supplement 4/3/24]

**283—7.28(256,ExecOrd11,17A) Judicial review.** Judicial review of a commission decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

[Editorial change: IAC Supplement 4/3/24]

These rules are intended to implement Iowa Code chapter 17A and Executive Order Number 11.

[Filed 1/19/01, Notice 10/18/00—published 2/7/01, effective 3/14/01]

[Filed 9/24/03, Notice 6/11/03—published 10/15/03, effective 11/19/03]

[Filed ARC 1869C (Notice ARC 1689C, IAB 10/29/14), IAB 2/18/15, effective 3/25/15]

[Editorial change: IAC Supplement 2/10/21]

[Editorial change: IAC Supplement 4/3/24]

TITLE I  
DEPARTMENT OPERATIONS  
CHAPTER 1  
ORGANIZATION AND OPERATIONS

**421—1.1(17A,216A) Definitions.** As used in these rules, unless the context otherwise requires:

“*Board*” means the human rights board.

“*Department*” means the department of health and human services.

“*Director*” means the director of the department of health and human services.

“*Underrepresented*” means the historical marginalization of populations or groups in the United States and Iowa, including but not limited to African Americans, Asian and Pacific Islanders, persons who are deaf or hard of hearing, persons with disabilities, Latinos, Native Americans, women, persons who have low socioeconomic status, at-risk youth, and adults or juveniles with a criminal history.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

**421—1.2(17A,216A) Authority.** Rescinded ARC 7710C, IAB 3/6/24, effective 7/1/24.<sup>1</sup>

**421—1.3(17A,216A) History.** Rescinded ARC 7710C, IAB 3/6/24, effective 7/1/24.<sup>1</sup>

**421—1.4(17A,216A) Mission.** The department’s mission related to human rights is to ensure basic rights, freedoms, and opportunities for all by empowering underrepresented Iowans and eliminating economic, social, and cultural barriers. The department helps individuals attain economic independence by ensuring access to government services and advancing educational achievement and entrepreneurial success consistent with their aspirations.

[ARC 6101C, IAB 12/29/21, effective 2/2/22; ARC 7710C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

**421—1.5(17A,216A) Contact information.** Requests for assistance, information, inquiries, submissions, petitions, and other communications related to human rights may be directed to the department as follows: The office is located at 321 E. 12th Street, Des Moines, Iowa 50319. The main telephone number is 515.242.5655. The fax number is 515.242.6119. Regular office hours are Monday through Friday, 8 a.m. to 4:30 p.m., excluding legal holidays. The department’s website is [hhs.iowa.gov](https://hhs.iowa.gov).

[ARC 6101C, IAB 12/29/21, effective 2/2/22; ARC 7710C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

**421—1.6(216A) Human rights board.** The authority, duties and composition of the human rights board are specified in Iowa Code section 216A.3.

[ARC 6101C, IAB 12/29/21, effective 2/2/22; ARC 7710C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

**421—1.7(216A) Potential conflicts of interest.** Any member of the department’s boards, commissions, or councils established in Iowa Code chapter 216A who may have a conflict of interest shall not vote on any substantive action on the matter in conflict. When a conflict of interest is determined to exist, the member shall abstain from voting and shall be recorded as abstaining when votes are taken. A quorum may include any member who has a conflict of interest, and a statement of a conflict of interest shall be conclusive for this purpose. Any vote by a member with a conflict shall be excluded.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

These rules are intended to implement Iowa Code chapters 17A and 216A.

[Filed ARC 6101C (Notice ARC 6004C, IAB 10/20/21), IAB 12/29/21, effective 2/2/22]

[Editorial change: IAC Supplement 6/28/23]

[Filed ARC 7710C (Notice ARC 7063C, IAB 8/23/23), IAB 3/6/24, effective 7/1/24]<sup>1</sup>

<sup>1</sup> The effective date of ARC 7710C was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.





CHAPTER 2  
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES  
Rescinded **ARC 7710C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

CHAPTER 3  
PETITIONS FOR RULE MAKING  
Rescinded **ARC 7710C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

CHAPTER 4  
AGENCY PROCEDURE FOR RULE MAKING  
Rescinded **ARC 7710C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

CHAPTER 5  
DECLARATORY ORDERS  
Rescinded **ARC 7710C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

CHAPTER 6  
CONTESTED CASES  
Rescinded **ARC 7710C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

CHAPTER 7  
WAIVER RULES  
Rescinded **ARC 7710C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

CHAPTERS 8 to 19  
Reserved

<sup>1</sup> The effective date of **ARC 7110C** was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.



TITLE I  
GENERAL DEPARTMENTAL PROCEDURES  
CHAPTER 1  
DEPARTMENTAL ORGANIZATION AND PROCEDURES

[Prior to 7/1/83, Social Services [770] Ch 1]

[Prior to 2/11/87, Human Services[498]]

MISSION STATEMENT

The Iowa department of human services is a public expression of Iowa's desire for a stronger community. Working cooperatively with others, the department of human services meets the unique needs of individuals who are experiencing personal, economic, social, or health problems. The primary responsibilities of the department are to help and empower individuals and families to become increasingly self-sufficient and productive, and strive to improve the well-being of all the people of the state of Iowa.

**441—1.1(17A) Director.** All operations of the department of human services are, by law, the responsibility of the director. The director's responsibilities include:

**1.1(1)** The formulation of department policy within the limits set forth in the statutes of the state of Iowa;

**1.1(2)** Establishing standards of performance for all divisions and offices of the department;

**1.1(3)** Maintaining liaison with the governor, other agencies of the state, and public and private agencies outside of state government on behalf of the department;

**1.1(4)** Fully informing the public of department programs;

**1.1(5)** Serving as principal agent for the department in all legal matters and development of legislative programs to support and improve agency efforts.

This rule is intended to implement Iowa Code section 17A.3(1) "a."

**441—1.2(17A) Council.** The director of the department has, by statute, the advice and counsel of the council on human services. This seven-member council is appointed by the governor with consent of two-thirds of the Senate and its powers and duties are policymaking and advisory with respect to the services and programs operated by the department.

**1.2(1)** A quorum shall consist of two-thirds of the membership appointed and qualified to vote.

**1.2(2)** Where a quorum is present, a position is carried by a majority of the qualified members of the council.

**1.2(3)** Copies of administrative rules and other materials considered are made a part of the minutes by reference.

**1.2(4)** Copies of the minutes are kept on file in the director's office.

**1.2(5)** Tentative approval of departmental actions may be given by telephone when approval is needed prior to a formal meeting. A memorandum shall be kept of the approval and formal action taken at the next scheduled meeting.

**1.2(6)** At each meeting the council shall set the date and location of the next meeting.

*a.* The communications media shall be notified at least one week in advance of the meeting.

*b.* When it is necessary to hold an emergency meeting, the communications media shall be notified as far in advance of the meeting as time allows. The nature of the emergency shall be stated in the minutes.

**1.2(7)** In cases not covered by these rules, Robert's Rules of Order shall govern.

**1.2(8)** The department of inspections and appeals shall be the authorized representative to conduct hearings and appeals for the council on human services.

This rule is intended to implement Iowa Code section 17A.3(1) "a."

**441—1.3(17A) Organization at state level.** The director oversees all service and administrative functions of the department including continuous quality improvement. The deputy director for administration, the deputy director for policy, the deputy director for operations, and the office of communications report directly to the director.

**1.3(1) Deputy director for administration.** The deputy director for administration manages the general support functions of all divisions of the department. Principal responsibilities include development of program and operational budgets, accounting and administrative control of appropriation expenditures, design and development of data processing systems, and monitoring and processing of provider payments.

The administrators of the divisions of data management, fiscal management, support services, and organization development and support report directly to the deputy director for administration.

*a.* The administrator of the division of data management is responsible for the development and operation of the automated systems that collect and process information to generate client and vendor payments, track cases and caseloads, monitor and control agency business applications, and assess social programs. Additionally, the administrator is responsible for providing a wide range of technical support for the state institutions, personal computing assistance, office automation support, program and operational research and analysis, forecasting of program expenditures, and utilization and report development and preparation.

*b.* The administrator of the division of fiscal management is responsible for developing annual budgets to be presented to the council on human services, governor's office, and legislature; for monitoring expenditures; for providing management with monthly forecasts for all department budget units and subunits; and for filing quarterly federal expenditures and estimate of expenditure reports. Additionally, the administrator is responsible for providing the accounting for the department's programs and operations; for coordinating payment and contracting for purchased services; for processing claims, invoices, and payroll checks; and for operating the cost allocation system which enables recovery of federal dollars.

*c.* The administrator of the division of support services has responsibility for equipment, purchasing, space allocation, printing, food stamp issuance and accountability, supplies management, cash receipts, manual distribution, fixed assets inventory control, central information delivery system (CIDS) teleconferencing and the mail. Additionally, the administrator is responsible for providing administration of surplus food distribution programs, nutrition consulting services, state vehicle fleet management, and liaison with the department of general services in the development of capital improvements and major maintenance projects for department institutions.

*d.* The administrator of the division of organization development and support has responsibility for providing leadership, direction, and oversight of organization staff development (learning resource team) and employee services (human resource team) including labor relations, compensation, recruitment, health and safety, disaster assistance, volunteer programs, professional library services, and diversity, affirmative action, and equal opportunity programs for employees, vendors, and department clients.

**1.3(2) Deputy director for policy.** The deputy director for policy manages the development of the financial, medical and social services programs for eligible Iowans.

The administrators of the divisions of adult, children and family services, economic assistance, medical services, mental health and developmental disabilities, and policy and rule integration report directly to the deputy director for policy.

*a.* The administrator of the division of adult, children and family services is responsible for the development and direction of service, regulatory, and financial reimbursement programs for children, families and dependent adults, including programs for foster care, adoption, child protection, family services, day care, and child and adult abuse registries. Additionally, the administrator is responsible for setting program policy for the following institutions:

- (1) The state training school in Eldora.
- (2) The Iowa juvenile home in Toledo.

*b.* The administrator of the division of economic assistance is responsible for the development and direction of financial assistance programs, including the family investment program, the food stamp program, emergency assistance, PROMISE JOBS, entrepreneurial training, refugee cash assistance, the family development and self-sufficiency demonstration program, systematic alien verification for entitlements, diversion programs, individual development accounts, and the food stamp employment and training program.

c. The administrator of the division of medical services is responsible for the development and direction of medical service programs, including Medicaid, state supplementary assistance, refugee medical assistance, the child health insurance program (HAWK-I), and interim assistance reimbursement.

d. The administrator of the division of mental health and developmental disabilities is responsible for the development and direction of supports and services as well as the financing of such services for persons with mental illness, mental retardation, and developmental disabilities. Additionally, the administrator is responsible for setting program policy for the following institutions and programs:

- (1) Cherokee Mental Health Institute.
- (2) Clarinda Mental Health Institute, located on the grounds of the Clarinda Treatment Complex Institute Campus.
- (3) Independence Mental Health Institute.
- (4) Mount Pleasant Mental Health Institute, located on the grounds of the Mount Pleasant Treatment Center Complex.
- (5) Glenwood State Hospital-School.
- (6) Woodward State Hospital-School.
- (7) The Civil Commitment of Sexual Offenders Unit at Oakdale.

e. The administrator of the division of policy and rule integration is responsible for providing leadership and direction agencywide for the integration of policy development and the consistency of rules, including ensuring that program policies are consistent with state and federal law and are designed to achieve programmatic goals and results; monitoring state and federal programmatic policy and financial changes; and identifying policy and rule changes to ensure alignment with program and administrative divisions to facilitate alignment with the department's mission.

**1.3(3) Deputy director for operations.** The deputy director for operations manages the delivery of the financial, medical and social services programs for eligible Iowans. The administrators of the division of child support, case management, and refugee services and the office of field support and the administrators of the five departmental regions report directly to the deputy director for operations. Additionally, the deputy director is responsible for policy implementation and day-to-day operations at the following institutions: the state training school in Eldora; the Iowa juvenile home in Toledo; Cherokee Mental Health Institute; Clarinda Mental Health Institute, located on the grounds of the Clarinda Treatment Complex Institute Campus; Independence Mental Health Institute; Mount Pleasant Mental Health Institute, located on the grounds of the Mount Pleasant Treatment Center Complex; Glenwood State Hospital-School; Woodward State Hospital-School; and the Civil Commitment of Sexual Offenders Unit at Oakdale.

a. The administrator of the division of child support, case management, and refugee services is responsible for primary support services to all line elements of the department in the areas of child support and foster care collections and refugee services, and has responsibility for the department's Title XIX case management policy and budget.

b. The chief of the office of field support is responsible for the day-to-day contact with the regional offices on administrative and program operation issues and addressing client or constituent concerns.

**1.3(4) Office of communications.** The office of communications addresses the different facets of the department's internal and external communication needs. The office of communications is responsible for providing public information to clients, constituency groups, and the media, while also facilitating internal communications within the department.

a. The legislative liaison provides federal and state liaison services, maintains legislative relations, and reviews client and constituent concerns.

b. The internal communications consultant addresses the different facets of the department's internal communication needs.

c. The public information officer is responsible for the department's external communication to the media and other outside stakeholders.

#### **441—1.4(17A) Field operations structure.**

**1.4(1) *Delivery system.*** The department's community service delivery system is based on service areas with offices in each county that are strategically located for purposes of client accessibility. Each service area is headed by a service area manager who is responsible for the following within the service area: effective management of the delivery of social services within the area, management of the department offices, directing all personnel, implementation of departmental policies and procedures, support for the development of social service resources within the community, and resolution of service delivery complaints. The services delivered in a service area include income maintenance and social service programs, child protection and other specialized services.

**1.4(2) *Local offices.*** There shall be at least one local office in each county. These local offices may be full-time or less than full-time. Full-time offices will provide income maintenance and social service program delivery and will serve as a base for the less than full-time office staff. Additional services offered in local offices may include child protection and other specialized services. Less than full-time offices will be operated on a reduced number of days per week based on county need and will provide income maintenance and social services.

This rule is intended to implement Iowa Code section 17A.3(1) "a."

**441—1.5** Rescinded, effective October 1, 1987.

**441—1.6(17A) Mental health and developmental disabilities commission.** The administrator of the division of mental health and developmental disabilities has, by statute, the advice and counsel of the mental health and mental retardation commission. This 15-member commission is appointed by the governor with confirmation by two-thirds of the members of the senate. The commission's powers and duties are policymaking and advisory with respect to mental health and mental retardation, services, and programs administered by the division of mental health and developmental disabilities.

**1.6(1)** A quorum shall consist of two-thirds of the membership appointed and qualified to vote.

**1.6(2)** Where a quorum is present, a position is carried by a majority of the qualified members of the commission.

**1.6(3)** Copies of administrative rules and other materials considered are made a part of the minutes by reference.

**1.6(4)** Copies of the minutes are kept on file in the office of the administrator of the division of mental health and developmental disabilities.

**1.6(5)** At each meeting the commission shall determine the next meeting date. Special meetings may be called by the chair or at the request of the majority of commission members.

**1.6(6)** Any person wishing to make a presentation at a commission meeting shall notify the Administrator, Division of Mental Health and Developmental Disabilities, Hoover State Office Building, Des Moines, Iowa 50319-0114, 515.281.5874, at least 15 days prior to the commission meeting.

**1.6(7)** In cases not covered by these rules, Robert's Rules of Order shall govern.

**1.6(8)** The department of inspections and appeals shall be the authorized representative to conduct hearings and appeals for the mental health and mental retardation commission.

This rule is intended to implement Iowa Code section 17A.3.

**441—1.7(17A) Governor's developmental disabilities council (governor's DD council).** Pursuant to the Developmental Disabilities Assistance and Bill of Rights Act (DD Act), 42 U.S. Code, Section 6000 et seq., each state shall establish a state planning council to serve as an advocate for people with developmental disabilities. The department shall act as the council's designated state agency for the purposes of receiving funds under the DD Act.

**1.7(1) *Governor's DD council responsibilities.*** The governor's DD council shall:

*a.* Develop a state plan which meets the requirements of the DD Act.

*b.* Prepare and approve a budget to fund all activities and to hire staff and obtain services necessary to carry out its functions under the DD Act.

c. Hire after conferring with the director, supervise, and evaluate an executive director who shall hire and supervise council staff.

d. Prepare, submit and maintain all records and reports required by the Secretary of Health and Human Services.

**1.7(2) Governor's DD council membership.** The governor's DD council shall consist of up to 26 members appointed by the governor.

a. The principal state agencies, including, at a minimum, the departments of education, human services, and elder affairs, higher education training facilities, the university affiliated program, Iowa Protection and Advocacy Services, Inc., local agencies and nongovernmental agencies and private, nonprofit groups concerned with services to people with developmental disabilities in the state, shall be represented.

b. Consumers. At least one-half of the membership of the governor's DD council shall consist of people with developmental disabilities or their parents or guardians, or immediate relatives or guardians of people with mentally impairing developmental disabilities, and who are not employees of a state agency which receives funds or provides services under the provisions for state planning councils under the DD Act, who are not managing employees of any other entity which receives funds or provides services under the provisions for state planning councils under the DD Act, and who do not have an ownership or control interest with respect to such an entity.

(1) At least one-third of the consumer representatives shall be people with developmental disabilities.

(2) At least one-third of the consumer representatives shall be immediate relatives or guardians of people with mentally impairing developmental disabilities.

(3) At least one person shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability.

**1.7(3) Governor's DD council terms.** Members shall be appointed for three-year terms.

a. Appointments shall be staggered so that at least one-third of the members are appointed each year.

b. Governor's DD council members shall be appointed for a maximum of two consecutive, full terms. Members who have been reappointed for more than two consecutive terms on July 1, 1993, may complete the full term of their last appointment.

c. Governor's DD council members are not eligible to receive a per diem during their term. They shall receive reimbursement for expenses, including individual and family supports necessary for participation, subject to the limitations set for state boards and commissions.

**1.7(4) Governor's DD council action.**

a. A quorum shall consist of two-thirds of the members eligible to vote.

b. Where a quorum is present, a position is carried by a majority of the members eligible to vote.

c. The use of proxies shall not be allowed.

d. Any council member representing the council before any legislative committee, public body, governmental agency or media representative shall support the council's mission, guiding principles, goals, objectives and strategies approved by the council in its state plan and other policy positions adopted by the council.

**1.7(5) Governor's DD council minutes.** Copies of the minutes are kept on file in the office of the Governor's DD Council, 617 E. Second Street, Des Moines, Iowa 50309.

**1.7(6) Governor's DD council meetings.** The governor's DD council will meet at least four times a year. Dates will be determined by the governor's DD council. Special meetings may be called by the chair or upon the written request of a majority of governor's DD council members.

a. Any person wishing to make a presentation at a governor's DD council meeting shall submit a request to the executive director of the governor's DD council. The request shall be considered by the governor's DD council chair in setting the next meeting agenda.

b. The governor's DD council shall coordinate activities with the mental health and mental retardation commission in accordance with Iowa Code chapter 225C.

**1.7(7) Attendance.**

*a.* A member shall be considered to have submitted a resignation when absent for three consecutive, regular governor's DD council meetings or a total of more than one-half of all regular governor's DD council meetings during a calendar year in accordance with Iowa Code section 69.15.

*b.* The governor's office shall be immediately notified by the governor's DD council executive director of a resignation under this subrule.

**1.7(8) Organization.** No later than October 1 of each year, the governor's DD council shall organize by electing a chair, vice-chair, and executive committee.

*a.* The executive committee shall consist of the governor's DD council chair, vice-chair and three members at large, one of whom shall be the immediate past chair if a current member of the governor's DD council.

*b.* The executive committee may exercise the power of the governor's DD council between regular governor's DD council meetings but may not override a decision of the governor's DD council.

*c.* The governor's DD council has the authority to create other standing and special committees and task forces as deemed necessary and to create terms of office for officers, committees, and committee chairs.

(1) The members and chairs of standing and special committees shall be appointed by the chairperson from the governor's DD council's membership. Appointments shall be approved by the governor's DD council.

(2) Noncouncil members may serve as voting members of committees if approved by the governor's DD council and shall be subject to terms as determined by the governor's DD council.

(3) Committees may act based on a simple majority of those present.

(4) Committees may create temporary task forces to assist them in their work.

**1.7(9) Procedure.** In cases not covered by this rule, Robert's Rules of Order shall govern.

This rule is intended to implement Iowa Code sections 217.6 and 225C.3.

**441—1.8(17A,217) Waivers of administrative rules (hereinafter referred to as exceptions to policy).** Rescinded ARC 7711C, IAB 3/6/24, effective 7/1/24.<sup>1</sup>

**441—1.9(17A) Commission on children, youth and families.** Rescinded IAB 10/7/98, effective 12/1/98.

**441—1.10(17A,514I) HAWK-I board.** The director of the department has, by statute, the advice and counsel of the HAWK-I board on the healthy and well kids in Iowa program. This seven-member board consists of the commissioner of insurance or the commissioner's designee, the director of the department of education or the director's designee, the director of the department of public health or the director's designee, and four public members appointed by the governor, subject to confirmation by two-thirds of the members of the senate. The board shall also include two members of the senate and two members of the house of representatives, serving as ex officio members.

**1.10(1) Organization.**

*a.* The members of the board shall annually elect from the board's voting membership a chairperson of the board.

*b.* Members appointed by the governor and the legislative members shall serve two-year terms.

**1.10(2) Duties and powers of the board.** The board's powers and duties are to make policy and to provide direction for the administration of all aspects of the healthy and well kids in Iowa program which is administered by the division of financial, health and work supports. In carrying out these duties, the board shall do all of the following:

*a.* Adopt rules of the department.

*b.* Develop criteria for and approve all contracts.

*c.* Establish a clinical advisory committee.

*d.* Establish an advisory committee on children with special health care needs.

*e.* Conduct studies and evaluations and provide reports as directed by legislation.

*f.* Define regions of the state for which plans are offered.



- g. Solicit input from the public about the program.
- h. Improve interaction between the program and other public and private programs which provide services to eligible children.
- i. Receive and accept grants, loans, or other advances of funds from any person and may receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purpose of the program.

**1.10(3) Board action.**

- a. A quorum shall consist of two-thirds of the membership appointed and qualified to vote.
- b. When a quorum is present, a position is carried by a majority of the qualified members of the board.

**1.10(4) Board minutes.**

- a. Copies of administrative rules and other materials considered are made part of the minutes by reference.
- b. Copies of the minutes are kept on file in the office of the administrator of the division of financial, health and work supports.

**1.10(5) Board meetings.**

- a. The board shall meet at regular intervals at least six times each year and may hold special meetings at the call of the chairperson or at the request of a majority of the voting members, but no more than twelve times per year.
- b. Any person wishing to make a presentation at a board meeting shall notify the Administrator, Division of Financial, Health and Work Supports, Department of Human Services, 1305 E. Walnut Street, Des Moines, Iowa 50309-0114, telephone 515.281.6080, at least 15 days before the board meeting.

**1.10(6) Robert's Rules of Order.** In cases not covered by these rules, Robert's Rules of Order shall govern.

This rule is intended to implement Iowa Code sections 17A.3(1) "a" and 514I.5.

- [Filed 9/19/75, Notice 8/11/75—published 10/6/75, effective 11/10/75]
- [Filed 4/30/76, Notice 3/22/76—published 5/17/76, effective 6/21/76]
- [Filed 2/25/77, Notice 1/12/77—published 3/23/77, effective 4/27/77]
- [Filed 12/6/77, Notice 9/21/77—published 12/28/77, effective 2/1/78]
- [Filed 5/8/78, Notice 3/22/78—published 5/31/78, effective 7/5/78]
- [Filed 6/1/78, Notice 4/19/78—published 6/28/78, effective 8/2/78]
- [Filed without Notice 9/12/78—published 10/4/78, effective 11/8/78]
- [Filed 1/4/79, Notice 11/29/78—published 1/24/79, effective 2/28/79]
- [Filed 3/30/79, Notice 2/21/79—published 4/18/79, effective 5/23/79]
- [Filed emergency 6/30/81—published 7/22/81, effective 7/1/81]
- [Filed emergency 8/21/81—published 9/16/81, effective 8/21/81]
- [Filed emergency 12/30/81—published 1/20/82, effective 1/1/82]
- [Filed 1/28/82, Notice 11/25/81—published 2/17/82, effective 3/24/82]
- [Filed 4/9/82, Notice 1/20/82—published 4/28/82, effective 6/2/82]
- [Filed 11/5/82, Notice 9/1/82—published 11/24/82, effective 1/1/83]
- [Filed 9/26/83, Notice 8/17/83—published 10/12/83, effective 11/16/83]
- [Filed 7/25/86, Notice 4/23/86—published 8/13/86, effective 10/1/86]
- [Filed 9/5/86, Notice 6/18/86—published 9/24/86, effective 11/1/86]
- [Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]
- [Filed 7/24/87, Notices 5/6/87 and 5/20/87—published 8/12/87, effective 10/1/87]
- [Filed 1/21/87, Notice 11/4/87—published 2/10/88, effective 4/1/88]
- [Filed 3/15/89, Notice 2/8/89—published 4/5/89, effective 6/1/89]
- [Filed 12/13/90, Notice 10/31/90—published 1/9/91, effective 3/1/91]
- [Filed 2/19/92, Notice 8/7/91—published 2/19/92, effective 3/25/92]
- [Filed emergency 5/13/92—published 6/10/92, effective 5/14/92]
- [Filed 7/17/92, Notice 6/10/92—published 8/5/92, effective 10/1/92]
- [Filed 12/4/92, Notice 8/19/92—published 12/23/92, effective 1/27/93]

[Filed 6/11/93, Notice 4/14/93—published 7/7/93, effective 9/1/93]  
[Filed 1/10/96, Notice 11/22/95—published 1/31/96, effective 4/1/96]  
[Filed emergency 6/29/98—published 7/29/98, effective 7/1/98]  
[Filed 9/15/98, Notice 7/15/98—published 10/7/98, effective 12/1/98]  
[Filed 10/21/98, Notice 7/29/98—published 11/18/98, effective 1/1/99]  
[Filed 12/8/99, Notice 10/20/99—published 12/29/99, effective 3/1/00]  
[Filed 9/12/00, Notice 7/26/00—published 10/4/00, effective 12/1/00]  
[Filed 12/14/00, Notice 11/1/00—published 1/10/01, effective 3/1/01]  
[Filed emergency 11/14/01—published 12/12/01, effective 11/14/01]  
[Filed 4/10/02, Notice 12/12/01—published 5/1/02, effective 7/1/02]  
[Filed emergency 6/20/03—published 7/9/03, effective 7/1/03]  
[Filed 10/23/03, Notice 7/9/03—published 11/12/03, effective 1/1/04]  
[Filed ARC 7711C (Notice ARC 7062C, IAB 8/23/23), IAB 3/6/24, effective 7/1/24]<sup>1</sup>

<sup>1</sup> The effective date of **ARC 7711C** was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.

CHAPTER 9  
PUBLIC RECORDS AND FAIR  
INFORMATION PRACTICES

PREAMBLE

These rules describe the records of the Iowa department of human services and procedures for access to these records. All records of the department are open to the public except those that the department is authorized or required by law to keep confidential.

These rules also implement the federal Health Insurance Portability and Accountability Act (HIPAA) regulations at 45 CFR Parts 160 and 164 as amended to August 14, 2002. These rules set forth the standards the department of human services must meet to protect the privacy of protected health information. The department has chosen to be considered a hybrid entity for purposes of HIPAA because there are parts of the department that are not part of the covered entity for purposes of HIPAA compliance.

The rules on protected health information apply only to those parts of the department that are considered part of the covered entity: the named health plans and health care providers defined in these rules and the divisions or programs that perform functions on behalf of a named health plan. Targeted case management, refugee services, and the child support recovery unit are examples of parts of the department that are not included in the covered entity.

**441—9.1(17A,22) Definitions.** As used in this chapter:

*“Business associate”* means a person or organization, other than a member of the department’s workforce, who meets one of the following criteria:

1. Performs, or assists in the performance of, a function or activity on behalf of the department which involves the use or disclosure of protected health information, including claims processing or administration, data analysis, research, utilization review, quality assurance, billing, benefit management, practice management, and repricing, or any other function or activity regulated by the rules on protected health information.
2. Provides legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for the department. The provision of the service shall involve the disclosure of protected health information from the department or from another business associate of the department to the person or organization.

*“Client”* means a person who has applied for or received services or assistance from the department.

*“Confidential record”* means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include:

1. Records or information contained in records that the department is prohibited by law from making available for examination by members of the public, and
2. Records or information contained in records that is specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record.

Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

*“Covered entity”* means:

1. A health plan.
2. A health care clearinghouse.
3. A health care provider that transmits any health information in electronic form in connection with a transaction covered by the HIPAA regulations.

*“Covered functions”* means the functions performed by a covered entity which make the covered entity a health plan, health care clearinghouse, or health care provider.

*“Custodian”* means the department or a person who has been given authority by the department to act for the department in implementing Iowa Code chapter 22. For local offices, the custodian is the service area manager. For a child support recovery office, the custodian is the regional administrator.

For an institution, the custodian is the institution superintendent. For a central office unit, or for requests dealing with more than one service area, region, or institution, the custodian is the division administrator.

“*Data aggregation*” means the action by which a business associate combines protected health information of the department with protected health information of another covered entity to permit data analyses that relate to the health care operations of the respective covered entities.

“*Department*” means the Iowa department of human services.

“*Designated record set*” means a group of records maintained by or for the department that is:

1. The medical records about subjects that are maintained for facilities;
2. The enrollment, payment, and eligibility record systems maintained for Medicaid; or
3. The enrollment, payment, and eligibility record systems maintained for the HAWK-I program that are used, in whole or in part, by the HAWK-I program to make decisions about subjects.

For purposes of this definition, the term “record” means any item, collection, or grouping of information that includes protected health information and is maintained, collected, used, or disseminated by or for the department.

“*Disclosure*” means releasing, transferring, providing access to, or divulging in any other manner information outside the organization holding the information.

“*Facility*” or “*facilities*” means, with respect to HIPAA rules about health information, one or more of these department institutions: Cherokee Mental Health Institute, Clarinda Mental Health Institute, Glenwood Resource Center, Independence Mental Health Institute, Mount Pleasant Mental Health Institute, and Woodward Resource Center.

“*Health care*” means care, services, or supplies related to the health of a subject. “Health care” includes, but is not limited to, the following:

1. Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, service, assessment, or procedures with respect to the physical or mental condition, or functional status, of a subject or affecting the structure or function of the body; and
2. Sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

“*Health care clearinghouse*” means a public or private organization, including a billing service, repricing company, community health management information system or community health information system, and “value-added” networks and switches, that performs either of the following functions:

1. Processes or facilitates the processing of health information received from another organization in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction.
2. Receives a standard transaction from another organization and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving organization.

“*Health care operations*” has the same definition as that stated in 45 CFR 164.501 as amended to August 14, 2002. For a covered entity in the department, “health care operations” has the following meaning:

1. For Medicaid, “health care operations” means any of the following activities of the department to the extent that the activities are related to covered functions:
  - Conducting quality assessments and evaluating outcomes.
  - Developing clinical guidelines.
  - Improving general health or reducing costs.
  - Developing protocols, including case management and care coordination models for MediPASS and pharmacy case management as well as for other service areas and client populations under the Medicaid program.
  - Informing clients of treatment alternatives and related functions.
  - Reviewing competence or qualifications or performance of health care professionals using the surveillance and utilization review subsystem.
  - Reviewing health plan performance from encounter data.
  - Premium rating and rate setting.

- Performing activities in reinsurance of risk with the health maintenance organizations.
- Reviewing medical level of care and prior authorizations.
- Obtaining legal services through the attorney general's office or the county attorney's office.
- Cooperating in audits and fraud detection by Iowa and federal auditors, the Iowa Medicaid enterprise, or the department of inspections and appeals.
  - Conducting business planning and development including formulary development by the drug utilization review commission and the department's research and statistics staff.
  - Managing activities, which include claiming of federal financial participation, recovering unknown third-party liability, recovering nursing care funds and other expenditures through estate recovery, Grouper programming for hospitals, lock-in activities, and federal reporting of paid claims.
  - Providing customer service, which includes income maintenance workers answering questions about lock-in providers, copayment for pregnant women, and claims payment problems; and the Iowa Medicaid enterprise provider services unit answering questions on claims payment.
  - Coordinating care and monitoring the effective delivery of child welfare services to ensure the safety and well-being of children, including reporting and providing testimony to the court of jurisdiction on the condition and service progress of a client receiving services from the department. These care coordination and monitoring activities include providing information concerning the client to attorneys representing the various parties in the court proceedings.

2. For the HAWK-I program, "health care operations" means any of the following activities of the department to the extent that the activities are related to covered functions:

- Conducting quality assessment and improvement activities, including evaluation of outcomes and development of clinical guidelines; population-based activities relating to improving health or reducing health care costs, protocol development and related functions that do not include treatment.
- Reviewing health plan performance.
- Premium rating and other activities relating to the creation, renewal or replacement of a contract of health insurance or health benefits.
- Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs.
- Performing business planning and development functions, such as conducting cost-management and planning-related analyses relating to management and operations and the development or improvement of methods of payment or coverage policies.
- Performing business management and general administrative activities, including, but not limited to, management activities relating to implementation of and compliance with privacy requirements, customer service, and resolution of internal grievances.

3. For the facilities, "health care operations" means any of the following activities of the department to the extent that the activities are related to covered functions:

- Conducting quality assessment and improvement activities, including evaluation of outcomes and development of clinical guidelines, provided that the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from these activities; population-based activities relating to improving health or reducing health care costs; protocol development; case management and care coordination; contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment.
  - Reviewing the competence or qualifications of health care professionals.
  - Evaluating performance of practitioners, providers and health plans.
  - Conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers.
  - Training of non-health care professionals.
  - Performing accreditation, certification, licensing, or credentialing activities.
  - Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs.
  - Performing business planning and development functions, such as conducting cost-management and planning-related analyses related to managing and operating the organization,

including formulary development and administration, development or improvement of methods of payment or coverage policies.

- Performing business management and general administrative activities, including, but not limited to, management activities related to implementation of and compliance with the requirements of HIPAA; customer service, which includes the provision of data analyses for policyholders, plan sponsors, or other customers, provided that protected health information is not disclosed to the policyholder, plan sponsor, or customer; resolution of internal grievances; and activities consistent with the applicable requirements of subrule 9.10(29) on creating de-identified health information or a limited data set.

*“Health care provider”* means a provider of services, as defined in Section 1861(u) of the Social Security Act and 42 U.S.C. 1395x(u); a provider of medical or health services, as defined in Section 1861(s) of the Social Security Act and 42 U.S.C. 1395x(s); and any other person or organization that furnishes, bills, or is paid for health care in the normal course of business. In the department, “health care provider” means one of the department’s facilities.

*“Health information”* means any information, whether oral or recorded in any form or medium, that relates to the past, present, or future physical or mental health or condition of a subject; the provision of health care to a subject; or the past, present, or future payment for the provision of health care to a subject.

*“Health maintenance organization (HMO)”* means a public or private organization licensed as an HMO under the commerce department, insurance division, 191—Chapter 40.

*“Health oversight agency”* means an agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, or a person or organization acting under a grant of authority from or contract with a public agency, that is authorized by law to:

1. Oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance; or
2. Enforce civil rights laws for which health information is relevant.

The term “health oversight agency” includes the employees or agents of the public agency and its contractors or persons or organizations to which the agency has granted authority.

*“Health plan”* means an individual or group plan that provides or pays the cost of medical care, as defined at 45 CFR 160.103 as amended to August 14, 2002. In the department, “health plan” means Medicaid or HAWK-I.

*“HIPAA”* means the Health Insurance Portability and Accountability Act of 1996.

*“Law enforcement official”* means an officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, who is empowered by law to:

1. Investigate or conduct an official inquiry into a potential violation of law; or
2. Prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

*“Legal representative”* is a person recognized by law as standing in the place or representing the interests of another for one or more purposes. For example, guardians, conservators, custodians, attorneys, parents of a minor, and executors, administrators, or next of kin of a deceased person are legal representatives for certain purposes.

*“Mental health information”* means oral, written, or otherwise recorded information which indicates the identity of a person receiving professional services (as defined in Iowa Code section 228.1(8)) and which relates to the diagnosis, course, or treatment of the person’s mental or emotional condition. Mental or emotional conditions include mental illness, mental retardation, degenerative neurological conditions and any other condition identified in professionally recognized diagnostic manuals for mental disorders.

*“Open record”* means a record other than a confidential record.

*“Payment,”* with respect to HIPAA rules about protected health information, has the same definition as that stated in 45 CFR 164.501 as amended to August 14, 2002. In the department, “payment” applies to subjects for whom health care coverage is provided under the Medicaid program or the HAWK-I program. “Payment” has the following meanings for these health plans:

1. For Medicaid, “payment” includes activities undertaken by this health plan to:
  - Determine or fulfill its responsibility for coverage and provision of benefits under the health plan.
  - Obtain or provide reimbursement for the provision of health care.
  - Determine eligibility, including spenddown for the medically needy program or obtaining premiums for the Medicaid for employed people with disabilities program, or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims.
  - Perform risk adjustment of amounts due based on enrollee health status and demographic characteristics.
  - Bill; manage claims; collect; obtain payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance; and conduct related health care data processing.
  - Review health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges.
  - Perform utilization review activities, including precertification and preauthorization of services and concurrent and retrospective review of services.
2. For the HAWK-I program, “payment” includes activities undertaken by this health plan to:
  - Obtain reimbursement or pay for providing health care services.
  - Obtain premiums or determine or fulfill its responsibility for coverage and providing benefits. Activities include, but are not limited to, determinations of eligibility for coverage, including coordination of benefits or the determination of cost-sharing amounts; billing and collection activities; review of health care services with respect to coverage under a health plan; and utilization review activities.

“*Personally identifiable information*” means information about or pertaining to the subject of a record which identifies the subject and which is contained in a record system. The incidental mention of another person’s name in a subject’s record (e.g., as employer, landlord, or reference) does not constitute personally identifiable information.

“*Personal representative*” means someone designated by another as standing in the other’s place or representing the other’s interests for one or more purposes. The term “personal representative” includes, but is not limited to, a legal representative. For disclosure of protected health information, the definition of “personal representative” is more restrictive, as described at rule 441—9.15(17A,22).

“*Plan sponsor*” has the same definition as that stated in Section 3(16)(B) of ERISA, 29 U.S.C. 1002(16)(B).

“*Protected health information*” means information that contains a subject’s medical information, including past, present, or future treatment and payment information. “Protected health information” is a composite of multiple fields that grouped together give detailed accumulative information about a subject’s health. When joined together in an accessible record set, the following three distinct areas of health-care-processing file information constitute protected health information:

1. Information that identifies the subject.
2. Medical information describing condition, treatment, or health care.
3. Health care provider information.

Identification information together with any information from one of the other two categories constitutes protected health information. When the information that identifies the subject is present in the record set, any information that ties health care data to the subject’s identification information constitutes protected health information.

“*Psychotherapy notes*” means notes that are recorded in any medium by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the subject’s medical record. “Psychotherapy notes” excludes medication prescription and monitoring, counseling session start and stop times, the methods of therapy and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

“*Public health authority*” means an agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe, or a person or organization acting under a grant of authority from or contract with a public agency that is responsible for public health matters as part of its official mandate. “Public health authority” includes the employees or agents of the public agency and its contractors or persons or organizations to which it has granted authority.

“*Record*” means the whole or a part of a “public record” as defined in Iowa Code section 22.1, that is owned by or in the physical possession of the department.

“*Record system*” means any group of records under the control of the department from which a record may be retrieved by a personal identifier such as the name of a subject, number, symbol, or other unique identifier assigned to a subject.

“*Required by law*” means a mandate contained in federal law, federal regulation, state law, state administrative rule, case law, or court order that is enforceable in a court of law. For the purposes of this chapter, “required by law” includes statutes or regulations that require the production of information, such as statutes or regulations that require the information if payment is sought under a government program that provides public benefits.

“*Research*” means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

“*Subject*” means the person who is the subject of the record, whether living or deceased.

“*Substance abuse information*” means information which indicates the identity, diagnosis, prognosis, or treatment of any person in an alcohol or drug abuse program.

“*Transaction*” means the electronic transmission of information between two parties to carry out financial or administrative activities related to health care. The term includes the following defined HIPAA standard transactions:

- Health care claims or equivalent encounter information.
- Health care payment and remittance advice.
- Coordination of benefits.
- Health care claim status.
- Enrollment and disenrollment in a health plan.
- Eligibility for a health plan.
- Health plan premium payments.
- Referral certification and authorization.
- Other transactions that the Secretary of Health and Human Services may prescribe by regulation.

“*Treatment*,” with respect to HIPAA rules about protected health information, means the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation among health care providers about a patient; and the referral of a patient from one health care provider to another.

“*Use*,” with respect to protected health information, means the sharing, application, utilization, examination, or analysis of the information within an organization that maintains the protected health information.

“*Workforce*” means employees, volunteers, trainees, and other people whose conduct, in the performance of work for the covered entity, is under the direct control of the covered entity, whether or not these people are paid by the covered entity.

**441—9.2(17A,22) Statement of policy.** The purpose of this chapter is to facilitate broad public access to open records. It also seeks to facilitate sound department determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. This department is committed to the policies set forth in Iowa Code chapter 22. Department staff shall cooperate with members of the public in implementing the provisions of that chapter.

**441—9.3(17A,22) Requests for access to records.**



**9.3(1) Location of record.** A request for access to a record should be directed to the director or the particular department office where the record is kept.

*a.* If the location of the record is not known by the requester, the request shall be directed to the Office of Policy Analysis, Department of Human Services, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

*b.* If a request for access to a record is misdirected, department personnel will promptly forward the request to the appropriate person within the department.

**9.3(2) Office hours.** Open records shall be made available during all customary office hours, which are 8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays and legal holidays.

**9.3(3) Request for access.** Requests for access to open records may be made in writing, in person, or by telephone. Requests shall identify the particular records sought by name or description in order to facilitate the location of the record. Mail or telephone requests shall include the name, address, and telephone number of the person requesting the information. A person shall not be required to give a reason for requesting an open record.

**9.3(4) Response to requests.** Access to an open record shall be provided promptly upon request unless the size or nature of the request makes prompt access infeasible. If the size or nature of the request for access to an open record requires time for compliance, the custodian shall comply with the request as soon as feasible. Access to an open record may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The custodian shall promptly give notice to the requester of the reason for any delay in access to an open record and an estimate of the length of that delay and, upon request, shall promptly provide that notice to the requester in writing.

The custodian of a record may deny access to the record by members of the public only on the grounds that such a denial is warranted under Iowa Code sections 22.8(4) and 22.10(4), or that it is a confidential record, or that its disclosure is prohibited by a court order. Access by members of the public to a confidential record is limited by law and, therefore, may generally be provided only in accordance with the provisions of rule 441—9.4(17A,22) and other applicable provisions of law.

**9.3(5) Security of record.** No person may, without permission from the custodian, search or remove any record from department files. Examination and copying of department records shall be supervised by the custodian or a designee of the custodian. Records shall be protected from damage and disorganization.

**9.3(6) Copying.** A reasonable number of copies of an open record may be made in the department office. If photocopy equipment is not available in the department office where an open record is kept, the custodian shall permit its examination in that office and shall arrange to have copies promptly made elsewhere.

**9.3(7) Fees.**

*a. When charged.* The department may charge fees in connection with the examination or copying of records only if the fees are authorized by law. To the extent permitted by applicable provisions of law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest.

*b. Copying and postage costs.* Price schedules for published materials and for photocopies of records supplied by the department shall be prominently posted in department offices. Copies of records may be made by or for members of the public on department photocopy machines or from electronic storage systems at cost as determined and posted in department offices by the custodian. When the mailing of copies of records is requested, the actual costs of such mailing may also be charged to the requester.

*c. Supervisory fee.* An hourly fee may be charged for actual department expenses in supervising the examination and copying of requested records when the supervision time required is in excess of one-half hour. The custodian shall prominently post in department offices the hourly fees to be charged for supervision of records during examination and copying. That hourly fee shall not be in excess of the hourly wage of a department clerical employee who ordinarily would be appropriate and suitable to perform this supervisory function.

*d. Advance deposits.*

(1) When the estimated total fee chargeable under this subrule exceeds \$25, the custodian may require a requester to make an advance payment to cover all or a part of the estimated fee.

(2) When a requester has previously failed to pay a fee chargeable under this subrule, the custodian may require advance payment of the full amount of any estimated fee before the custodian processes a new request from that requester.

*e. Summary of health information.* The department may charge a fee for the cost of preparing an explanation or summary of health information as provided in paragraph 9.9(1)“c.” The department and the subject requesting the information shall agree to the amount of any fee imposed before the department prepares the explanation or summary.

**441—9.4(17A,22) Access to confidential records.** Under Iowa Code section 22.7 or other applicable provisions of law, the lawful custodian may disclose certain confidential records to one or more members of the public. Other provisions of law authorize or require the custodian to release specified confidential records under certain circumstances or to particular persons. In requesting the custodian to permit the examination and copying of such a confidential record, the following procedures apply and are in addition to those specified for requests for access to records in rule 441—9.3(17A,22).

**9.4(1) Proof of identity.** A person requesting access to a confidential record may be required to provide proof of identity or authority to secure access to the record.

**9.4(2) Requests.** The custodian may require a request to examine and copy a confidential record to be in writing. A person requesting access to such a record may be required to sign a certified statement or affidavit enumerating the specific reasons justifying access to the confidential record and to provide any proof necessary to establish relevant facts.

**9.4(3) Notice to subject of record and opportunity to obtain injunction.**

*a.* Except as provided in 441—subrule 175.41(2), after receiving a request for access to a confidential record and before releasing the record, the custodian may make reasonable efforts to promptly notify any person:

- (1) Who is a subject of that record,
- (2) Who is identified in that record, and
- (3) Whose address or telephone number is contained in the record.

*b.* To the extent such a delay is practicable and in the public interest, the custodian may give the notified subject a reasonable time to seek an injunction under Iowa Code section 22.8. The custodian shall inform the subject identified in the record of how much time the subject has to seek an injunction before the information will be released.

**9.4(4) Request denied.** When the custodian denies a request for access to a confidential record, the custodian shall promptly notify the requester. If the requester indicates to the custodian that a written notification of the denial is desired, the custodian shall promptly provide such a notification that is signed by the custodian and that includes:

*a.* The name and title or position of the custodian responsible for the denial; and

*b.* A citation to the provision of law vesting authority in the custodian to deny disclosure of the record and a brief statement of the reasons for the denial to this requester.

**9.4(5) Request granted.** Except as provided in 441—subrule 175.41(2), when the custodian grants a request for access to a confidential record, the custodian shall notify the requester or the person who is to receive the information and include any limits on the examination and copying of the record.

**9.4(6) Records requiring special procedures.** Special procedures are required for access to:

*a.* Child abuse information. Access to child abuse information is obtained according to rules 441—175.41(235A) and 441—175.42(235A).

*b.* Dependent adult abuse information. Access to adult abuse information is governed by rule 441—176.9(235A).

**441—9.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examinations.** The custodian may treat a record as a confidential record and withhold it from

examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order, to refuse to disclose that record to members of the public.

**9.5(1) *Persons who may request.*** Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order, authorizes the custodian to treat the record as a confidential record, may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

**9.5(2) *Request.*** A request that a record be treated as a confidential record and be withheld from public inspection shall be in writing and shall be filed with the custodian.

*a.* The request must set forth the legal and factual basis justifying such confidential record treatment for that record, and the name, address, and telephone number of the person authorized to respond to any inquiry or action of the custodian concerning the request.

*b.* A person requesting treatment of a record as a confidential record may also be required to sign a certified statement or affidavit stating the specific reasons justifying the treatment of that record as a confidential record and to provide any proof necessary to establish relevant facts.

*c.* Requests to temporarily treat a record as a confidential record shall specify the precise period of time for which that treatment is requested.

*d.* A person filing such a request shall, if possible, provide a copy of the record in question from which those portions for which such confidential record treatment has been requested have been deleted. If the original record is being submitted to the department by the person requesting confidential treatment at the time the request is filed, the person shall indicate conspicuously on the original record that all or portions of it are confidential.

**9.5(3) *Failure to request.*** Failure of a person to request confidential record treatment for a record does not preclude the custodian from treating it as a confidential record. However, if a person who has submitted business information to the department does not request that it be withheld from public inspection under Iowa Code sections 22.7(3) and 22.7(6), the custodian of records containing that information may proceed as if that person has no objection to its disclosure to members of the public.

**9.5(4) *Timing of decision.*** A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed, or when the custodian receives a request for access to the record by a member of the public.

**9.5(5) *Request granted or deferred.*** If a request for such confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

**9.5(6) *Request denied and opportunity to seek injunction.*** If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian shall notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8, or other applicable provision of law. However, such a record shall not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian shall notify requester in writing of the time period allowed to seek injunctive relief or the reasons for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received, or if a court directs the custodian to treat it as a confidential record, or to the extent permitted by another applicable provision of law, or with the consent of the person requesting access.

**9.5(7) Rights to request privacy protection for protected health information.** When the subject is requesting a restriction or confidential communication of protected health information, the department shall follow the provisions of this subrule, as applicable, in addition to the provisions of subrules 9.5(1) through 9.5(6).

*a. Restriction of uses and disclosures.*

(1) The subject may request that the department restrict uses or disclosures of the subject's protected health information:

1. To carry out treatment, payment, or health care operations; and
2. To persons involved in the subject's care or for notification purposes as permitted under subrule 9.7(3).

(2) The subject shall submit a request to the department on Form 470-3953, Request to Restrict Use or Disclosure of Health Information. If applicable, the subject shall provide verification that it is reasonable to anticipate the use or disclosure will endanger the subject.

(3) The department is not required to agree to a restriction. The department shall deny any restriction when the restriction would adversely affect the quality of the subject's care or services, the restriction would limit or prevent the department from making or obtaining payment for services, or federal or state law requires the use or disclosure. The department shall approve the request for restriction only when the use or disclosure would endanger the subject and none of the above reasons for denial apply.

(4) The department shall send the subject a written notice to accept or deny the restriction.

(5) If the department agrees to a restriction, it may not use or disclose protected health information in violation of the restriction. EXCEPTION: The department may use restricted protected health information or disclose the information to a health care provider when needed for the emergency treatment of the subject who requested the restriction. If restricted protected health information is disclosed to a health care provider for emergency treatment, the department shall request that the health care provider not further use or disclose the information.

(6) A restriction agreed to by the department under paragraph 9.5(7) "a" shall not prevent disclosures of protected health information to the Secretary of Health and Human Services to investigate or determine the department's compliance with federal HIPAA regulations. Also, a restriction shall not prevent uses or disclosures permitted or required for the categories listed in subparagraphs 9.14(5) "a"(1) through (11).

(7) The department may terminate its agreement to a restriction in writing if:

1. The subject agrees to or requests the termination in writing;
2. The subject orally agrees to the termination and the oral agreement is documented; or
3. The department informs the subject that it is ending its agreement to a restriction for protected health information created or received after it has so informed the subject.

*b. Confidential communications.* Subjects may ask to receive communications of protected health information by alternative means or at alternative locations. The department shall accommodate reasonable requests. For Medicaid and HAWK-I, the subject is required to clearly indicate the reason for requesting the confidential communication. Facilities shall not require the subject to explain the basis for the request as a condition of providing confidential communications.

(1) The subject shall request a confidential communication from the department using Form 470-3947, Request to Change How Health Information Is Provided.

(2) The department may require the subject to provide:

1. When appropriate, information as to how payment, if any, will be handled; and
2. An alternative address or other method of contact.

**441—9.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records.**

**9.6(1) All programs.** Except as otherwise provided by law, a subject may file a request with the custodian to review, and to have a written statement of additions, dissents, or objections entered into, a record containing personally identifiable information pertaining to that subject. However, the subject is

not authorized to alter the original copy of the record or to expand the official record of any department proceeding.

*a.* The subject shall send the request to review such a record or the written statement of additions, dissents, or objections to the custodian or to the office of policy analysis.

*b.* The request to review such a record or the written statement of additions, dissents, or objections must be dated and signed by the subject, and shall include the current address and telephone number of the subject or the subject's representative.

**9.6(2) Additional procedures for protected health information.**

*a. Right to amend.* A subject may request that the department amend protected health information or a record about the subject in a designated record set for as long as the protected health information is maintained in the designated record set. A subject shall submit a request to the department using Form 470-3950, Request to Amend Health Information. The subject shall provide a reason to support the requested amendment.

*b. Timely action.*

(1) The department shall act on a subject's request for an amendment no later than 60 days after receipt of the request.

(2) If the department is unable to act on the amendment within 60 days, the department may extend the due date one time, for a period not to exceed 30 days. In order to extend the due date, the department shall provide the subject with a written statement of the reasons for the delay and the date by which the department will complete its action on the request. The department shall provide this written statement within the 60-day period after receipt of the request.

*c. Action on amendment.* If the department grants the requested amendment, in whole or in part, the department shall comply with the following requirements.

(1) The department shall timely inform the subject that the amendment is accepted. The subject shall identify relevant persons with whom the amendment needs to be shared and agree to have the department share the amendment with these persons.

(2) The department shall make the appropriate amendment to the protected health information or record by, at a minimum, identifying the records in the designated record set that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.

(3) The department shall make reasonable efforts to inform and provide the amendment to:

1. Persons identified by the subject as having received protected health information about the subject and as needing the amendment; and

2. Persons, including business associates, that the department knows have the subject's protected health information and that may have relied, or could foreseeably rely, on the information to the detriment of the subject.

*d. Denial of amendment.* The department may deny a subject's request for amendment, if the department determines that the protected health information or record that is the subject of the request:

(1) Was not created by the department, unless the subject provides a reasonable basis for the department to find that the originator of the protected health information is no longer available to act on the requested amendment;

(2) Is not part of the designated record set;

(3) Would not be available for inspection under rule 441—9.9(17A,22); or

(4) Is accurate and complete.

*e. Action on denial of amendment.* If the department denies the requested amendment, in whole or in part, the department shall provide the subject with a timely, written denial.

(1) The subject may submit to the department a written statement of disagreement with the denial of all or part of a requested amendment and the basis of the disagreement, in accordance with 45 CFR 164.526 as amended to August 14, 2002. The subject shall submit the statement of disagreement by filing an appeal request under subrule 9.14(7). The appeal request constitutes the statement of disagreement.

(2) The department shall prepare a written rebuttal to the subject's statement of disagreement, in accordance with 45 CFR 164.526 as amended to August 14, 2002. The appeal decision constitutes

the rebuttal statement. The department shall provide a copy of the appeal decision to the subject who submitted the appeal request.

*f. Record keeping of disputed amendments.* The department shall, as appropriate, identify the record or protected health information in the designated record set that is the subject of the disputed amendment. The department shall append or otherwise link the subject's request for an amendment, the department's denial of the request, and the subject's appeal and the final decision, if any, to the designated record set.

*g. Future disclosures regarding disputed amendments.*

(1) If an appeal has been submitted by the subject, the department shall include the material appended in accordance with paragraph 9.6(2) "f" or, at the election of the department, an accurate summary of the information, with any subsequent disclosure of the protected health information to which the disagreement relates.

(2) If the subject has not submitted an appeal, the department shall include the subject's request for amendment and its denial, or an accurate summary of the information, with any subsequent disclosure of the protected health information only if the subject has requested this action.

(3) When a subsequent disclosure is made using a standard transaction that does not permit the additional material to be included with the disclosure, the department may separately transmit the material required by subparagraph 9.6(2) "g"(1) or (2), as applicable, to the recipient of the standard transaction.

*h. Actions on notices of amendment.* When the department is informed by another covered entity of an amendment to a subject's protected health information, the department shall amend the protected health information in designated record sets as provided by subparagraph 9.6(2) "c"(2).

**441—9.7(17A,22,228) Consent to disclosure by the subject of a confidential record.** To the extent permitted by any applicable provision of law, the subject of a confidential record may have a copy of the portion of that record concerning the subject disclosed to a third party. A request for such a disclosure must be in writing and must identify the particular record or records to be disclosed, the particular person or class of persons to whom the record may be disclosed, and the time period during which the record may be disclosed. The subject of the record and, where applicable, the person to whom the record is to be disclosed may be required to provide proof of identity.

No confidential information about clients of the department shall be released without the client's consent, except as provided in rule 441—9.10(17A,22). Release of information includes:

1. Granting access to or allowing the copying of a record,
2. Providing information either in writing or orally, or
3. Acknowledging information to be true or false.

**9.7(1) Forms.**

*a. General.* Department staff shall use Form 470-2115, Authorization for the Department to Release Information, for releases by the subject that do not involve health information requiring use of the authorization form described in paragraph 9.7(1) "c."

*b. Obtaining information from a third party.* The department is required to obtain information to establish eligibility, determine the amount of assistance, and provide services. Requests to third parties for this information involve release of confidential identifying information about clients. Except as provided in rule 441—9.9(17A,22), the department may make these requests only when the client has authorized the release on one of the following forms.

- (1) Form 470-0461, Authorization for Release of Information.
- (2) Form 470-1630, Household Member Questionnaire.
- (3) Form 470-1631, Bank or Credit Union Information.
- (4) Form 470-4670, Addendum for Application and Review Forms for Release of Information.
- (5) Form 470-1638, Request for School Verification.
- (6) Form 470-2844, Employer's Statement of Earnings.
- (7) Form 470-1640, Verification of Educational Financial Aid.
- (8) Form 470-3742, Financial Institution Verification.

(9) Form 470-3951, Authorization to Obtain or Release Health Care Information.

*c. Health information.*

(1) When consent or authorization for use or disclosure of health information is required, facilities and department staff responding to third-party requests for health information shall use Form 470-3951, Authorization to Obtain or Release Health Care Information, or a form from another source that meets HIPAA requirements.

The department shall not require a subject to sign a HIPAA authorization form as a condition of treatment, payment, enrollment in a health plan, or eligibility for benefits. The department as a health care provider may require a subject to sign a HIPAA authorization form for the use or disclosure of protected health information for research, as a condition of the subject's receiving research-related treatment.

A subject may revoke a HIPAA authorization provided under subparagraph 9.7(1) "c"(1) at any time, provided that the revocation is in writing using Form 470-3949, Request to End an Authorization, except to the extent that the department has taken action in reliance thereon.

(2) Except as provided in subparagraph 9.7(1) "c"(1), department staff shall release mental health or substance abuse information only with authorization on Form 470-0429, Consent to Obtain and Release Information, or a form from another source that meets requirements of law.

*d. Photographs and recordings.* The department uses Form 470-0060, Authorization to Take and Use Photographs, and Form 470-0064, Authorization to Take and Use Photographs of Minor or Ward, for permission to use photographs in department publications. The department shall obtain authorization from the subject or person responsible for the subject (such as a guardian, custodian, or personal representative) before taking photographs or making any type of recording for any purpose other than those specifically allowed by law or for internal use within an institution.

**9.7(2) Exceptions to use of forms.**

*a. Counsel.* Appearance of counsel before the department on behalf of the subject of a confidential record is deemed to constitute consent for the department to disclose records about the subject to the subject's attorney.

*b. Public official.* A letter from the subject to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the department shall be treated as an authorization to release information. The department shall release sufficient information about the subject to the official to resolve the matter.

*c. Medical emergency.* Department staff may authorize release of confidential information to medical personnel in a medical emergency if the subject is unable to give or withhold consent. As soon as possible after the release of information, the subject shall be advised of the release.

*d. Abuse information.* Consent to release information is not required to gather information for investigations of child abuse or dependent adult abuse.

**9.7(3) Opportunity for subject to agree or object.** This subrule describes when the department may use or disclose protected health information, without a written authorization, to persons involved in the subject's care and for notification purposes. However, the department shall give the subject an opportunity to agree or object, unless this requirement is waived as specified in paragraph 9.7(3) "e."

*a. Involvement in the subject's care.* The department may disclose protected health information that is directly relevant either to a subject's care or to payment related to the subject's care, provided payment is relevant to the person's involvement in the subject's care. The person involved must be:

- (1) A family member;
- (2) Another relative;
- (3) A close personal friend of the subject; or
- (4) Any other person identified by the subject.

*b. Notification purposes.* The department may use or disclose protected health information to notify, or assist in notifying, identifying or locating a family member, a personal representative of the subject, or another person responsible for the care of the subject of the subject's location, general condition or death. For disaster relief purposes, the use or disclosure shall be in accordance with paragraph 9.7(3) "f."

*c. Uses and disclosures with the subject present.* If the subject is present for, or available before, a use or disclosure permitted by this subrule and has the capacity to make health care decisions, the department may use or disclose the protected health information if the department:

- (1) Obtains the subject's agreement;
- (2) Provides the subject with the opportunity to object to the disclosure, and the subject does not express an objection; or
- (3) Reasonably infers from the circumstances, based on the exercise of professional judgment, that the subject does not object to the disclosure.

*d. Informing the subject.* The department may orally inform the subject of and obtain the subject's oral agreement or objection to a use or disclosure permitted by this subrule.

*e. Limited uses and disclosures when the subject is not present.* When the subject is not present, or the opportunity to agree or object to the use or disclosure cannot practicably be provided because of the subject's incapacity or an emergency circumstance, the department may, in the exercise of professional judgment, determine that disclosure is in the best interest of the subject.

(1) When the department determines that disclosure is in the subject's best interest, the department may disclose only the protected health information that is directly relevant to the person's involvement with the subject's health care.

(2) The department may use professional judgment and its experience with common practice to make reasonable inferences of the subject's best interest in allowing a person to act on behalf of the subject to pick up filled prescriptions, medical supplies, X-rays, or other similar forms of protected health information.

*f. For disaster relief purposes.* The department may use protected health information or disclose protected health information to a public or private organization authorized by law or by its charter to assist in disaster relief efforts for the purpose of coordinating with these organizations the uses or disclosures permitted by paragraph 9.7(3) "b." The requirements in paragraphs 9.7(3) "c" and "d" apply to these uses and disclosures to the extent that the department, in the exercise of professional judgment, determines that the requirements do not interfere with the ability to respond to the emergency circumstances.

[ARC 0420C, IAB 10/31/12, effective 1/1/13]

**441—9.8(17A,22) Notice to suppliers of information.** When the department requests a person to supply information about that person, the department shall notify the person of how the information will be used, which persons outside the department might routinely be provided this information, which parts of the requested information are required and which are optional, and the consequences of a failure to provide the information requested.

**9.8(1)** This notice may be given in these rules, on the written form used to collect the information, on a separate fact sheet or letter, in brochures, in formal agreements, in contracts, in handbooks, in manuals, verbally, or by other appropriate means.

**9.8(2)** The notice shall generally be given at the first contact with the department and need not be repeated. Where appropriate, the notice may be given to a person's legal or personal representative. Notice may be withheld in an emergency or where it would compromise the purpose of a department investigation.

**9.8(3)** In general, the department requests information to determine eligibility and benefit levels for assistance, to provide appropriate services or treatment, and to perform regulatory and administrative functions. Information is routinely shared outside the department when required by rules or law. Consequences of failure to provide information include ineligibility for public assistance, denial of licensure or regulatory approval, or inadequate service provision.

**441—9.9(17A,22) Release to subject.**

**9.9(1) Access by subjects to protected health information.**

*a. Right of access.* Except as otherwise provided in paragraphs 9.9(1) "f" and "g," a subject has a right of access to inspect or to obtain a copy of the protected health information about the subject that



is maintained in a designated record set. Subjects shall submit all requests for access to the department using Form 470-3952, Request for Access to Health Information.

If the department does not maintain the protected health information that is the topic of the subject's request for access, and the department knows where the requested information is maintained, the department shall inform the subject where to direct the request for access.

*b. Timely action.*

(1) The department shall act on a request for access no later than 30 days after receipt of the request unless the protected health information is not maintained or accessible to the department on site.

(2) If the requested information is not maintained or accessible to the department on site, the department shall take action no later than 60 days from the receipt of the request.

(3) If the department is unable to act within 30 days or 60 days as appropriate, the department may extend the time for the action by no more than 30 days. Within the applicable time limit, the department shall provide the subject with a written statement of the reasons for the delay and the date by which the department will complete its action on the request. The department shall have only one extension of time for action on a request for access.

*c. Action on providing access.* If the department grants the request, in whole or in part, the department shall inform the subject that the request is accepted and shall provide the access requested. Access includes inspecting the protected health information about the subject in designated record sets, obtaining a copy of the information, or both. If the same protected health information that is the subject of a request for access is maintained in more than one designated record set or at more than one location, the department need only produce the protected health information once in response to a request for access.

(1) The department shall provide the subject with access to the protected health information in the form or format requested by the subject, if the requested format is readily producible. If the requested format is not readily producible, the department shall provide the information in a readable hard-copy form or other format as agreed to by the department and the subject.

(2) The department may provide the subject with a summary of the protected health information requested instead of providing access to the protected health information. The department may provide an explanation of the protected health information to which access has been provided. The subject must agree in advance to a summary or explanation and to any fees imposed by the department for the summary or explanation.

*d. Time and manner of access.* The department shall provide the access as requested by the subject in a timely manner as described in paragraph 9.9(1) "b." The department shall arrange with the subject for a time and place to inspect or obtain a copy of the protected health information that is convenient for both the subject and the department, or shall mail the copy of the protected health information at the subject's request. The department may discuss the scope, format, and other aspects of the request for access with the subject as necessary to facilitate the timely provision of access.

*e. Fees for access.* If the subject requests a copy of the protected health information or agrees to a summary or explanation of the information, the department may impose a reasonable, cost-based fee, as set forth in subrule 9.3(7).

*f. Mandatory reasons for denial of access.* The department shall deny a subject access to protected health information when the requested information is:

(1) Psychotherapy notes;

(2) Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding; or

(3) Protected health information maintained by the department that is:

1. Subject to the Clinical Laboratory Improvements Amendments of 1988, 42 U.S.C. Section 263a, to the extent the provision of access to the subject would be prohibited by law; or

2. Exempt from the Clinical Laboratory Improvements Amendments of 1988, pursuant to 42 CFR 493.3(a)(2).

*g. Optional reasons for denial of access.* The department may deny a subject access in the following circumstances.

(1) The department may temporarily suspend a subject's access to protected health information created or obtained by a covered health care provider in the course of research that includes treatment. The subject must have agreed to the denial of access when consenting to participate in the research that includes treatment. The suspension may last for as long as the research is in progress. The department shall inform the subject that the right of access will be reinstated upon completion of the research.

(2) The department may deny a subject's access to protected health information that is contained in records that are subject to the Privacy Act, 5 U.S.C. Section 552a, if the denial of access under the Privacy Act would meet the requirements of that law.

(3) The department may deny a subject's access if the protected health information was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.

(4) State or federal law prohibits a subject's access to protected health information, such as the state law limitations described in subrule 9.9(2).

(5) The department may deny a subject access, provided that the subject is given a right to have the denials reviewed as required by paragraph 9.9(1) "i," in the following circumstances:

1. A licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the subject or another person;

2. The protected health information makes reference to another person (unless the other person is a health care provider) and a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to the other person; or

3. The request for access is made by the subject's personal representative, subject to the more restrictive definition of personal representative for protected health information, and a licensed health care professional has determined, in the exercise of professional judgment, that the provision of access to the personal representative is reasonably likely to cause substantial harm to the subject or another person.

*h. Action on denial of access.* If the department denies access, in whole or in part, to protected health information, the department shall comply with the following requirements.

(1) The department shall, to the extent possible, give the subject access to any other protected health information requested, after excluding the protected health information to which the department has a reason to deny access.

(2) The department shall provide a timely, written denial to the subject, in accordance with paragraph 9.9(1) "b."

*i. Review of denial of access.* If access is denied for a reason permitted under subparagraph 9.9(1) "g"(5), a subject may submit a written request for a review of a denial. If the subject requests a review, the department shall promptly refer the request to a licensed health care professional who is designated by the department to act as a reviewing official and who did not participate in the original decision to deny.

(1) The designated reviewing official shall determine, within 30 days, whether or not to deny the access requested based on the standards in subparagraph 9.9(1) "g"(5).

(2) The department shall promptly provide written notice to the subject of the determination made by the designated reviewing official and shall take other action as required to carry out the designated reviewing official's determination.

**9.9(2) Access by subjects to other confidential information.** The department shall release confidential records to the subject of the record. However, when a record has multiple subjects with interest in the confidentiality of the record, the department may take reasonable steps to protect confidential information relating to another subject. The department need not release the following records to the subject:

*a.* Records need not be disclosed to the subject when they are the work product of an attorney or are otherwise privileged.

*b.* The identity of a person reporting suspected abuse to the department need not be disclosed to the subject. (See 441—subrule 175.41(2) and Iowa Code section 235A.19.)

c. The identity of a person providing information to the department need not be disclosed directly or indirectly to the subject of the information when that information is authorized to be held confidential pursuant to Iowa Code section 22.7(18).

d. Peace officers' investigative reports may be withheld from the subject, pursuant to Iowa Code section 22.7(5).

e. The department may withhold disclosure of confidential information when the department has reason to believe that disclosure of the information would cause substantial and irreparable harm and would not be in the public interest. The department may withhold disclosure to seek an injunction to restrain examination of the record according to procedures in Iowa Code section 22.8 or to notify the person who would be harmed to allow that person to seek an injunction.

f. The department may withhold information as otherwise authorized by law.

**441—9.10(17A,22) Use and disclosure without consent of the subject.** Open records are routinely disclosed without the consent of the subject. To the extent allowed by law, the department may also use and disclose confidential information without the consent of the subject or the subject's representative.

**9.10(1) Internal use.** Confidential information may be disclosed to employees and agents of the department as needed for the performance of their duties. The custodian of the record shall determine what constitutes legitimate need to use confidential records.

People affected by this rule include:

1. County-paid staff, field work students, and volunteers working under the direction of the department.

2. Council and commission members.

3. Policy review and advisory committees.

4. Consultants to the department.

**9.10(2) Audits and health oversight activities.**

a. *Audits.* Information concerning program expenditures and client eligibility is released to staff of the state executive and legislative branches who are responsible for ensuring that public funds have been managed correctly. Information is also released to auditors from federal agencies when those agencies provide program funds.

b. *Health oversight activities.* The department shall disclose protected health information to the Secretary of Health and Human Services to investigate or determine the department's compliance with federal HIPAA regulations.

(1) Except as specified in paragraph 9.10(2) "c," the department may also use protected health information, or disclose it to a health oversight agency, for other health oversight activities authorized by law. Health oversight activities include audits; civil, administrative, or criminal investigations; inspections; licensure or disciplinary actions; civil, administrative, or criminal proceedings or actions; or other activities necessary for appropriate oversight of:

1. The health care system;

2. Government benefits programs for which protected health information is relevant to client eligibility;

3. Organizations subject to government regulatory programs for which protected health information is necessary for determining compliance with program standards; or

4. Organizations subject to civil rights laws for which protected health information is necessary for determining compliance.

(2) If a health oversight activity or investigation is conducted in conjunction with an oversight activity or investigation relating to a claim for public benefits not related to health, the joint activity or investigation shall be considered a health oversight activity for purposes of subrule 9.10(2).

c. *Exception to health oversight activities.* For the purpose of the disclosures permitted by paragraph 9.10(2) "b," a health oversight activity shall not include an investigation or other activity in which the subject is also the subject of the investigation or activity, unless the investigation or other activity directly relates to:

(1) The receipt of health care;

- (2) A claim for public health benefits; or
- (3) Qualification for or receipt of public benefits or services, when a patient's health is integral to the claim for public benefits or services.

**9.10(3) Program review.** Information concerning client eligibility and benefits is released to state or federal officials responsible for determining whether the department is operating a program lawfully. These officials include the ombudsman office under Iowa Code section 2C.9, the auditor of state under Iowa Code section 11.2, the Office of Inspector General in the federal Department of Health and Human Services, and the Centers for Medicare and Medicaid Services.

**9.10(4) Contracts and agreements with agencies and persons.**

*a.* The department may enter into contracts or agreements with public or private agencies, such as the department of inspections and appeals, and business associates, such as, but not limited to, the Iowa Medicaid enterprise units, in order to carry out the department's official duties. Information necessary to carry out these duties may be shared with these agencies. The department may disclose protected health information to a business associate and may allow a business associate to create or receive protected health information on its behalf, if the department obtains satisfactory assurance that the business associate will appropriately safeguard the information.

*b.* The department may enter into agreements to share information with agencies administering federal or federally assisted programs which provide assistance or services directly to persons on the basis of need. Only information collected in the family investment program, the child care assistance program, the food assistance program, the refugee resettlement program, or the child support recovery program may be shared under these agreements.

*c.* To meet federal income and eligibility verification requirements, the department has entered into agreements with the department of workforce development, the United States Internal Revenue Service, and the United States Social Security Administration.

The department obtains information regarding persons whose income or resources are considered in determining eligibility and the amount of benefits for the family investment program, refugee cash assistance, child care assistance, food assistance, Medicaid, state supplementary assistance and foster care. Identifying information regarding clients of these programs is released to these agencies. The information received may be used for eligibility and benefit determinations.

*d.* To meet federal requirements under the Immigration Reform and Control Act of 1986 (IRCA) relating to the Systematic Alien Verification for Entitlements (SAVE) program, the department has entered into an agreement with the Bureau of Citizenship and Immigration Service (BCIS). Under the agreement, the department exchanges information necessary to verify alien status for the purpose of determining eligibility and the amount of benefits for the family investment program, refugee cash assistance, food assistance, Medicaid, state supplementary assistance and foster care assistance. Identifying information regarding these subjects is released to the BCIS. The information received may be used for eligibility and benefit determinations.

*e.* The department has entered into an agreement with the department of workforce development to provide services to family investment program clients participating in the PROMISE JOBS program as described at 441—Chapter 93. Information necessary to carry out these duties shall be shared with the department of workforce development, as well as with its subcontractors.

The department has entered into an agreement with the department of human rights to provide services to family investment program clients participating in the family development and self-sufficiency program as described at 441—Chapter 165. Information necessary to carry out these duties shall be shared with the department of human rights, as well as with that agency's subcontractors.

*f.* State legislation requires that all emergency assistance households apply for and accept benefits for which they may qualify from the energy assistance, county general relief and veteran's affairs programs before approval for emergency assistance. To meet this requirement, the department may enter into agreements with the agencies that administer these programs under which they may provide services to emergency assistance households as described at 441—Chapter 58. Information necessary to carry out these duties shall be shared with these agencies.

g. The department has entered into an agreement with the department of education, vocational rehabilitation, disability determination services, to assist with Medicaid disability determinations.

h. The department has entered into an agreement with the department of education to share information that assists both schools and department clients in carrying out the annual verification process required by the United States Department of Agriculture, Food and Nutrition Service. That federal agency requires the department of education and local schools to verify eligibility of a percentage of the households approved for free-meal benefits under the school lunch program.

When a department office receives a written request from the local school, the department office responds in writing with the current family investment program and food assistance program status of each recipient of free meals listed in the request. Other client-specific information is made available only with written authorization from the client.

**9.10(5) Release for judicial and administrative proceedings.** Information is released to the court as required in Iowa Code sections 125.80, 125.84, 125.86, 229.8, 229.10, 229.13, 229.14, 229.15, 229.22, 232.48, 232.49, 232.52, 232.71B, 232.81, 232.97, 232.98, 232.102, 232.111, 232.117 and 235B.3.

a. The department may disclose protected health information in the course of any judicial or administrative proceeding in response to an order of a court or administrative tribunal, provided that the department discloses only the protected health information expressly authorized by the order and the court makes the order knowing that the information is confidential.

b. When a court subpoenas information that the department is prohibited from releasing, the department shall advise the court of the statutory and regulatory provisions against disclosure of the information and shall disclose the information only on order of the court.

**9.10(6) Fraud.** Information concerning suspected fraud or misrepresentation to obtain department services or assistance is disclosed to the department of inspections and appeals and to law enforcement authorities.

**9.10(7) Service referrals.** Information concerning clients may be shared with purchase of service providers under contract to the department.

a. Information concerning the client's circumstances and need for service is shared with prospective providers to obtain placement for the client. If the client is not accepted for service, all written information released to the provider shall be returned to the department.

b. When the information needed by the provider is mental health information or substance abuse information, the subject's specific consent is required in subrule 9.3(4).

**9.10(8) Medicaid billing.** Only the following information shall be released to bona fide providers of medical services in the event that the provider is unable to obtain it from the subject and is unable to complete the Medicaid claim form without it:

- a. Patient identification number.
- b. Health coverage code as reflected on the subject's medical card.
- c. The subject's date of birth.
- d. The subject's eligibility status for the month that the service was provided.
- e. The amount of spenddown.
- f. The bills used to meet spenddown.

**9.10(9) County billing.** Information necessary for billing is released to county governments that pay part of the cost of care for intermediate care facility services for the mentally retarded under 441—subrule 82.14(2) or Medicaid waiver services under rule 441—83.70(249A) or 441—83.90(249A). This information includes client names, identifying numbers, provider names, number of days of care, amount of client payment, and amount of payment due.

**9.10(10) Child support recovery.** The child support recovery unit has access to information from most department records for the purpose of establishing and enforcing support obligations. Information about absent parents and recipients of child support services is released according to the provisions of Iowa Code chapters 234, 252A, 252B, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, 252K, 598, 600B, and any other support chapter. Information is also released to consumer reporting agencies as specified in rule 441—98.116(252B).

**9.10(11) Refugee resettlement program.** Contacts with both sponsor and resettlement agencies are made as a part of the verification process to determine eligibility or the amount of assistance. When a refugee applies for cash or Medicaid, the refugee's name, address, and telephone number are given to the refugee's local resettlement agency.

**9.10(12) Abuse investigation.** The central abuse registry disseminates child abuse information and dependent adult abuse information as provided in Iowa Code sections 235A.15 and 235B.7, respectively. Reports of child abuse and dependent adult abuse investigations are submitted to the county attorney as required in Iowa Code sections 232.71B and 235B.3. Results of the investigation of a report by a mandatory reporter are communicated to the reporter as required in Iowa Code sections 235A.17(2) and 235A.15(2) "b"(5).

**9.10(13) Foster care.** Information concerning a child's need for foster care is shared with foster care review committees or foster care review boards and persons named in the case permanency plan.

**9.10(14) Adoption.** Adoptive home studies completed on families who wish to adopt a child are released to licensed child-placing agencies, to the United States Immigration and Naturalization Service, and to adoption exchanges. Information is released from adoption records as provided in Iowa Code sections 600.16 and 600.24.

**9.10(15) Disclosures to law enforcement.**

*a. Disclosures by workforce members who are crime victims.* The department is not considered to have violated the requirements of this chapter if a member of its workforce who is the victim of a criminal act discloses confidential information to a law enforcement official, provided that:

(1) The confidential information disclosed is about the suspected perpetrator of the criminal act and intended for identification and location purposes; and

(2) The confidential information disclosed is limited to the following information:

1. Name and address.

2. Date and place of birth.

3. Social security number.

4. ABO blood type and Rh factor.

5. Type of injury.

6. Date and time of treatment.

7. Date and time of death, if applicable.

8. A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.

*b. Crime on premises.* The department may disclose to a law enforcement official protected health information that the department believes in good faith constitutes evidence of criminal conduct that occurred on the premises of the department.

*c. Decedents.* The department may disclose protected health information to a law enforcement official about a subject who has died when the death resulted from child abuse or neglect or the death occurred in a department facility.

*d. Other.* The department may disclose confidential information to a law enforcement official when otherwise required or allowed by this chapter, such as disclosures about victims of child abuse or neglect; disclosures to avert a threat to health or safety, or to report suspected fraud; disclosures required by due process of law, such as disclosures for judicial and administrative proceedings; or other disclosures required by law.

**9.10(16) Response to law enforcement.** The address of a current recipient of family investment program benefits may be released upon request to a federal, state or local law enforcement officer if the officer provides the name of the recipient, and the officer demonstrates that:

*a.* The recipient is a fugitive felon who is fleeing prosecution, custody or confinement after conviction under state or federal law, or who is a probation or parole violator under state or federal law, or

*b.* The recipient has information that is necessary for the officer to conduct the officer's official duties, and

*c.* The location or apprehension of the recipient is within the officer's official duties.

**9.10(17) Research.** Information that does not identify individual clients may be disclosed for research purposes with the consent of the division administrator responsible for the records. The division administrator shall investigate the credentials of the researcher.

*a.* Mental health information may be disclosed for purposes of scientific research as provided in Iowa Code section 228.5, subsection 3, and section 229.25. Requests to do research involving records of a department facility shall be approved by the designated authority.

*b.* Abuse registry information may be disclosed for research purposes as provided in rules 441—175.42(235A) and 441—176.12(235B) and authorized by Iowa Code sections 235A.15(2) “e”(1) and 235B.6(2) “e”(1).

*c.* For research relating to protected health information, the researcher shall provide the department with information about the nature of the research, the protocol, the type of information being requested, and any other relevant information that is available concerning the request. If the researcher feels that contact with the subject is needed, the researcher shall demonstrate to the department that the research cannot be conducted without contact with the subject. The researcher shall pay for the costs of obtaining authorizations needed to contact the subjects and for the cost of files and preparation needed for the research.

**9.10(18) Threat to health or safety.**

*a.* All programs. A client’s name, identification, location, and details of a client’s threatened or actual harm to department staff or property may be reported to law enforcement officials. Other information regarding the client’s relationship to the department shall not be released.

When a department staff person believes a client intends to harm someone, the staff person may warn the intended victim or police or both. Only the name, identification, and location of the client and the details of the client’s plan of harm shall be disclosed.

*b.* Protected health information. The department may, consistent with applicable law and standards of ethical conduct, use or disclose protected health information, if the department, in good faith, believes the use or disclosure:

(1) Is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; and is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat; or

(2) Is necessary for law enforcement purposes as described in this chapter.

*c.* When the department uses or discloses protected health information pursuant to paragraph 9.10(18) “b,” the department is considered to have acted in good faith if the action is based on the department’s actual knowledge or on a credible representation by a person with apparent knowledge or authority.

**9.10(19) Required by law.**

*a.* Information is shared with other agencies without a contract or written agreement when federal law or regulations require it.

*b.* The department may use or disclose protected health information to the extent that use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of the law.

*c.* State law shall preempt rules in this chapter about protected health information when any one of the following conditions exists:

(1) Exception granted by Secretary of Health and Human Services. A determination is made by the Secretary of Health and Human Services under 45 CFR 160.204 as amended to August 14, 2002, that the provision of state law:

1. Is necessary:

- To prevent fraud and abuse related to the provision of or payment for health care;
- To ensure appropriate state regulation of insurance and health plans to the extent expressly authorized by statute or regulation;
- For state reporting on health care delivery or costs; or

- For purposes of serving a compelling need related to public health, safety, or welfare, and, if a requirement under this chapter is at issue, the Secretary of Health and Human Services determines that the intrusion into privacy is warranted when balanced against the need to be served; or

2. Has as its principal purpose, the regulation of the manufacture, registration, distribution, dispensing, or other control of any controlled substances, as defined in 21 U.S.C. 802, or that is deemed a controlled substance by state law.

(2) State law more stringent. The provision of state law relates to the privacy of protected health information and is more stringent than a requirement of this chapter, within the meaning of “more stringent” found at 45 CFR 160.202 as amended to August 14, 2002.

(3) Reporting requirements. The provision of state law, including state procedures established under the law, as applicable, provides for the reporting of disease or injury, child abuse, birth, or death, or for the conduct of public health surveillance, investigation, or intervention.

(4) Requirements related to audits, monitoring, evaluation, licensing, and certification. The provision of state law requires a health plan to report, or to provide access to, information for the purpose of management audits, financial audits, program monitoring and evaluation, or the licensure or certification of facilities and persons.

**9.10(20)** Reserved.

**9.10(21)** *Treatment, payment, or health care operations.*

a. The department may use or disclose protected health information for treatment, payment, or health care operations, as described in this paragraph, except for psychotherapy notes, which are subject to the limits described in paragraph 9.10(21) “b.” The use or disclosure shall be consistent with other applicable requirements of this chapter.

(1) The department may use or disclose protected health information for its own treatment, payment, or health care operations.

(2) The department may disclose protected health information for treatment activities of a health care provider.

(3) The department may disclose protected health information to another covered entity or a health care provider for the payment activities of the person or organization that receives the information.

(4) The department may disclose protected health information to another covered entity for health care operations activities of the covered entity that receives the information, if each covered entity either has or had a relationship with the person who is the subject of the protected health information being requested, the protected health information pertains to the relationship, and the disclosure is:

1. For a purpose listed in numbered paragraph “1” or “2” of the definition of health care operations in 45 CFR 164.501 as amended to August 14, 2002; or

2. For the purpose of health care fraud and abuse detection or compliance.

b. The department may use or disclose psychotherapy notes without an authorization for any one of the following reasons:

(1) To carry out the following treatment, payment, or health care operations:

1. Use by the originator of the psychotherapy notes for treatment.

2. Use or disclosure by the department for its own training programs in which students, trainees, or practitioners in mental health learn under supervision to practice or improve their skills in group, joint, family, or individual counseling.

3. Use or disclosure by the department to defend itself in a legal action or other proceeding brought by the subject.

(2) When required by the Secretary of Health and Human Services to investigate or determine the department’s compliance with federal HIPAA regulations.

(3) For health oversight activities, as described at subrule 9.10(2), with respect to the oversight of the originator of the psychotherapy notes.

(4) When necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public as described at subrule 9.10(18).

(5) When required by law as described at subrule 9.10(19).



(6) To disclose protected health information in the designated record set to a coroner or medical examiner as described at subrule 9.10(24).

**9.10(22) *Public health activities.*** The department may disclose protected health information for the public health activities and purposes described in this subrule. This disclosure is in addition to any other disclosure to a public health authority allowed by this chapter, such as a disclosure to report child abuse or neglect. For the purposes of this subrule, a public health authority includes state and local health departments, the Food and Drug Administration (FDA), and the Centers for Disease Control and Prevention.

*a.* The department may disclose protected health information to a public health authority that is authorized by law to collect or receive the information for the purpose of preventing or controlling disease, injury, or disability.

(1) The information that may be disclosed includes, but is not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions.

(2) At the direction of a public health authority, the department may also report this information to an official of a foreign government agency that is acting in collaboration with a public health authority.

*b.* The department may disclose protected health information to a person or organization that is subject to the jurisdiction of the FDA for public health purposes related to the quality, safety, or effectiveness of an FDA-regulated product or activity for which that person or organization has responsibility. These purposes include:

(1) To collect or report adverse events (or similar activities with respect to food or dietary supplements), product defects or problems (including problems with the use or labeling of a product).

(2) To track FDA-regulated products.

(3) To enable product recalls, repairs, or replacement, or lookback (including locating and notifying subjects who have received products that have been recalled, withdrawn, or are the subject of lookback).

(4) To conduct postmarketing surveillance.

*c.* The department may disclose protected health information to a person who is at risk of contracting or spreading a disease or condition. The disclosure must be necessary to carry out public health interventions or investigations or to notify a person that the person has been exposed to a communicable disease to prevent or control the spread of the disease.

**9.10(23) *Victims of domestic violence.*** The department shall disclose confidential information about an individual whom the department reasonably believes to be a victim of domestic violence when required by state law.

**9.10(24) *Disclosures to coroners, medical examiners, and funeral directors.***

*a. Coroners and medical examiners.* The department may disclose protected health information about a subject that is contained in the designated record set to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law.

*b. Funeral directors.* The department may disclose protected health information about a subject that is contained in the designated record set to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to the decedent. If necessary for funeral directors to carry out their duties, the department may disclose the protected health information before, and in reasonable anticipation of, the subject's death.

**9.10(25) *Disclosures for cadaveric organ, eye or tissue donation purposes.*** The department may disclose protected health information about a subject that is contained in the designated record set to organ procurement organizations or other organizations engaged in the procurement, banking, or transplantation of cadaveric organs, eyes, or tissue for the purpose of facilitating organ, eye or tissue donation and transplantation. The department shall make a disclosure only when the disclosure has been approved by the deceased subject's authorized legal representative and there is evidence that the decedent had given approval for organ, eye, or tissue donation procedures before the decedent's death.

**9.10(26) *Specialized government functions.*** Protected health information may be shared under the circumstances described at 45 CFR 164.512, paragraph "k," as amended to August 14, 2002, if

otherwise allowable under state law, such as sharing protected health information with the Social Security Administration in determining Medicaid eligibility for supplemental security income applicants and recipients.

**9.10(27) *Whistle blowers.*** The department is not considered to have violated the requirements of this chapter when a member of its workforce or a business associate discloses protected health information, provided that:

*a.* The workforce member or business associate has a good-faith belief that the department or a business associate has engaged in conduct that is unlawful or otherwise violates professional or clinical standards, or has provided care, services, or conditions that potentially endanger one or more patients, workers, or the public; and

*b.* The disclosure is made to one of the following:

(1) A health oversight agency or public health authority authorized by law to investigate or oversee conduct or conditions for the purpose of reporting the allegation of failure to meet professional standards or misconduct.

(2) An appropriate health care accreditation organization.

(3) An attorney retained by or on behalf of the workforce member or business associate for the purpose of determining the legal options of the workforce member or business associate.

**9.10(28) *Secondary to a use or disclosure of protected health information.*** The department may use or disclose protected health information that is secondary to a use or disclosure otherwise permitted or required by these rules, such as when a visitor in a facility overhears a doctor speaking to a subject about the subject's health.

**9.10(29) *De-identified data or a limited data set.***

*a. De-identified information.* The department may use or disclose protected health information to create information that is de-identified under the conditions specified in 45 CFR 164.514, paragraphs "a" through "c," as amended to August 14, 2002.

*b. Limited data set.* The department may use or disclose a limited data set under the conditions specified at 45 CFR 164.514, paragraph "e," as amended to August 14, 2002, when the department enters into a data use agreement for research, public health, or health care operations.

[ARC 5417C, IAB 2/10/21, effective 4/1/21]

**441—9.11(22) Availability of records.** This rule lists the department records which are open to the public, those which are confidential, and those which are partially open and partially confidential.

Department records are listed by category according to the legal basis for confidential treatment (if any). A single record may contain information from several categories.

The department administers several federally funded programs and is authorized by Iowa Code section 22.9 to enforce confidentiality standards from federal law and regulation as required for receipt of the funds. Where federal authority is cited in this rule, the department has determined that the right to examine and copy public records under Iowa Code section 22.2 would cause the denial of funds, services, or essential information from the United States government that would otherwise be available to the department.

The chart indicates whether the records in this category contain personally identifiable information and indicates the legal authority for confidentiality and for the collection of personally identifiable information.

Abbreviations are used in the chart as follows:

<u>Code</u>	<u>Meaning</u>
O	The records are open for public inspection.
C	The records are confidential and are not open to public inspection.
O/C	The record is partly open and partly confidential.
PI	Personally identifiable information
NA	Not applicable

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
Records of council, commission and statutory committees	O/C	Iowa Code 21.5(4)	No	NA
Pharmaceutical and therapeutics committee records (including information related to the prices manufacturers or wholesalers charge for pharmaceuticals)	O/C	42 U.S.C. §1396r(8)(b)(3)(D) and Iowa Code 550	No	NA
Rule making	O	NA	No	NA
Declaratory order records	O/C	Iowa Code 217.30	No	NA
Rules and policy manuals	O	NA	No	NA
State plans	O	NA	No	NA
Publications	O	NA	No	NA
Statistical reports	O	NA	No	NA
Financial and administrative records	O	NA	No	NA
Personnel records	O/C	Iowa Code 22.7(11)	Yes	Iowa Code 217.1
Contracts and interagency agreements	O	NA	No	NA
Grant records				
• Child abuse prevention	O	NA	No	NA
• Mental health/mental retardation general allocation	O	NA	No	NA
• Mental health/mental retardation special allocation	O	NA	No	NA
• Developmental disabilities basic	O	NA	No	NA
• Alcohol/drug abuse/mental health block	O	NA	No	
• National Institute of Mental Health	O	NA	No	
• Pregnancy prevention	O	NA	No	NA
• Juvenile community-based services	O	NA	No	NA
• Runaway prevention	O	NA	No	NA
Collection service center payment records	C	Iowa Code 252B.9(2); 42 U.S.C. §654a(d); 45 CFR §307.13	Yes	Iowa Code 252B.9, 252B.13A, 252B.16
Licensing, registration and approval				
• Juvenile detention and shelter care facilities	O/C	Iowa Code 217.30	No	NA
• Adoption investigators	O	NA	Yes	Iowa Code 600.2
• Supervised apartment living arrangement	O	NA	No	NA
• Mental health providers	O	NA	No	NA
• Family-life homes	O/C	Iowa Code 217.30	Yes	Iowa Code 234.6
• Foster care facilities	O/C	Iowa Code 237.9	Yes	Iowa Code 237
• Child care facilities	O/C	Iowa Code 237A.7	Yes	Iowa Code 237A
• Child-placing agencies	O/C	Iowa Code 238.24	No	NA
• Health care facilities	O/C	Iowa Code 135C.19	No	NA
Appeal records	O/C	Iowa Code 217.30	Yes	Iowa Code 217.1
Litigation files	O/C	Iowa Code 217.30, 22.7(4), 622.10	Yes	Iowa Code 217.1

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
Service provider records				
• Purchase of service providers	O/C	Iowa Code 217.30	Yes	Iowa Code 234.6
• Medicaid providers	O/C	Iowa Code 217.30, 42 U.S.C. §1396a(7), 42 CFR 431.300 to 307 as amended to November 13, 1996	Yes	Iowa Code 249A.4
• Residential care facilities	O/C	Iowa Code 217.30	No	NA
All service or assistance client records	C	Iowa Code 217.30	Yes	Iowa Code 217.1
• Family investment program	C	Iowa Code 217.30; 42 U.S.C. §602(a)(1) and §1306a	Yes	Iowa Code 239B
• Child care assistance	C	Iowa Code 237A.13	Yes	Iowa Code 237A
• State Supplementary Assistance	C	Iowa Code 217.30	Yes	Iowa Code 249
• Medicaid	C	Iowa Code 217.30; 42 U.S.C. §1396a(7); 42 CFR 431.300 to 307 as amended to November 13, 1996	Yes	Iowa Code 249A.4
• HAWK-I	C	Iowa Code 514I; 42 CFR 457.1110 as amended to January 11, 2001	Yes	Iowa Code 514I.4
• Food assistance	C	Iowa Code 217.30; 7 U.S.C. §2020(e)8 and 7 CFR 272.1 (c) and (d) as amended to January 1, 1987	Yes	Iowa Code 234.6
• Foster care	C	Iowa Code 237.9	Yes	Iowa Code 237.3 to 237.5
• Title IV-E foster care and adoption assistance	C	Iowa Code 217.30; 42 U.S.C. §671(a)(8); 45 CFR 1355.30(1) as amended to November 23, 2001	Yes	Iowa Code 217.1, Iowa Code 600.17 to 600.22
• Refugee resettlement	C	Iowa Code 217.30; 45 CFR 400.27 as amended to March 22, 2000	Yes	Iowa Code 217.1
• Substance abuse	C	Iowa Code 125.37 and 125.93; 42 U.S.C. §29 dd. 3 and ee. 3; 42 CFR Part 2 as amended to October 1, 2002; 38 U.S.C. §4132	Yes	Iowa Code 125, 218, 219 and 234.6 and 249A.4
• State institution resident records	C	Iowa Code 218.22, 229.24 and 229.25	Yes	Iowa Code 218.1
Program records				
• Child support recovery	C	Iowa Code 252B.9 and 252G.5; 42 U.S.C. §654(26), 42 U.S.C. §654a(d); 45 CFR §303.21 and 307.13	Yes	Iowa Code 252A, 252B, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, 252K, and 144.13, 144.26, 232.147, 234.39, 595.4, 598.22B, and 600.16A
• Child abuse	C	Iowa Code 235A.13, 235A.15, 235A.16, and 235A.17	Yes	Iowa Code 235A.14
• Dependent adult abuse	C	Iowa Code 235B.1, par 4(a)	Yes	Iowa Code 235B.1
• Adoption	C	Iowa Code 600.16 and 600.24	Yes	Iowa Code 600.8 and 600.16
Client records may contain information from restricted sources:				

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
• Federal tax returns	C	Iowa Code 422.20(2); 26 U.S.C. §6103	Yes	Iowa Code 217.1, 234.6(7), 239B, 249A, 252B
• Department of revenue	C	Iowa Code 421.17, 422.20(1)	Yes	Iowa Code 252B.5 and 252B.9
• Department of workforce development	C	Iowa Code 217.30; 42 U.S.C. §503(d) and (e)	Yes	Iowa Code 217.1, 234.6(7), 239B, 249A, 249C, 252B.9
• Income and eligibility verification system	C	Iowa Code 217.30; 42 U.S.C. §1230b-7	Yes	Iowa Code 217.1, 234.6(7), 239B, 249A
• Department of public safety	C	Iowa Code 692.2, 692.3, 692.8 and 692.18	Yes	Iowa Code 237.8, 237A.5, 252B.9
• United States Department of Health and Human Services	C	Iowa Code 217.30; 42 CFR Part 401.134(c) as amended to October 1, 2002	Yes	Iowa Code 217.1, 234.6(7), 239B, 249, 249A, 252B
• Peer review organization	C	Iowa Code 217.30; 42 U.S.C. §1320c-9	Yes	Iowa Code 249A.4
• Juvenile court	C	Iowa Code 232.48, 232.97 and 232.147 to 232.151	Yes	Iowa Code 232 and 234.6
Other information				
• Mental health information	C	Iowa Code 228.2(1)	Yes	Iowa Code 217, 219, 222, 229
• Information received by a licensed social worker	C	Iowa Code 154C.5	Yes	Iowa Code 217.1
• Debtors to the department	C	Iowa Code 537.7103(3)	Yes	Iowa Code 217.1
• Health care facility complaint and citation records	C	Iowa Code 135C.19	No	Iowa Code 249A.4, 135C.19
• Hospital records, medical records, and professional counselor records	C	Iowa Code 22.7(2)	Yes	Iowa Code 218, 219, 222, 229
• Privileged communication and work products of attorneys representing the department	C	Iowa Code 22.7(4), Iowa Code of Professional Responsibility for Lawyers, Canon 4	No	NA
• Identity of volunteer informant who does not consent to release	C	Iowa Code 22.7(18)	No	Iowa Code 217.1
• School records	C	Iowa Code 22.7(1)	Yes	Iowa Code 218.1 and 234.6
• Library circulation records	C	Iowa Code 22.7(13) and (14)	No	Iowa Code 217.1
• Sealed bids prior to public opening	C	Iowa Code 72.3	No	NA
• Protected health information	C	HIPAA	Yes	Iowa Code 218.1, 249A.4, 5141.4

[ARC 1262C, IAB 1/8/14, effective 3/1/14]

**441—9.12(22,252G) Personally identifiable information.** The confidentiality provisions affecting records described in this rule are addressed in rule 441—9.11(22).

**9.12(1) Nature and extent.** The personally identifiable information collected by the department in its administration of human services programs varies by the type of record. The nature and extent of personally identifiable information is described below:

*a. Recipients of assistance.* Several different types of department records contain personally identifiable information about recipients of assistance programs such as food assistance, Medicaid, the family investment program, child care assistance, state supplementary assistance, refugee cash and medical assistance, and commodity supplemental foods.

(1) Client case file. Local office case files contain identifying information, demographic information, household composition, and income and resource information about applicants for and recipients of assistance, as well as any other persons whose circumstances must be considered in

determining eligibility. Records may contain information about employment, disability, or social circumstances. Records identify the kind and amount of benefits received and what proof was obtained to verify the recipient's eligibility. Case files contain correspondence, appeal requests and decisions, and documentation of department actions.

(2) Local office administrative records. Client names and program data are kept in card files, appointment logs, worker case lists, and issuance records.

(3) Data processing systems. Client identifying information, eligibility data, and payment data are kept in the following systems. Some of these records are also kept on microfiche.

<u>System</u>	<u>Function</u>
Automated Benefit Calculation System	Determines eligibility for FIP, food assistance, Medicaid
Automated Child Abuse and Neglect System	Inactive child abuse/neglect system
Appeals Logging and Tracking System	Tracks client appeals
BCCT Program	Establishes Medicaid eligibility for breast and cervical cancer clients
Change Reporting System	Tracks client-reported changes and produces forms needed for client-reported changes
Diversion System	Tracks clients using diversion benefits
Electronic Payment Processing and Inventory Control System	Electronically issues food assistance
Eligibility Tracking System	Tracks clients' FIP eligibility and hardship status
Family and Children's Services System	Tracks foster care, adoption, family-centered and family preservation services
Food Stamps Case Reading Application	Food assistance accuracy tool used to record case reading information
Health Insurance Premium Payment System	Health insurance premium payment
Iowa Collection and Reporting System	Tracks child support recovery processes
Iowa Central Employee Registry	Child support new hire reporting system
Iowa Eligibility Verification System	Federal social security number verification and benefits
Individualized Services Information System	Used to establish facility eligibility, process data to and from ABC and Medicaid fiscal agent, establish waiver services, providers, and eligibility
Issuance History	Displays benefit issuances for FIP and food assistance
KACT System	Authorizes foster care service units
MEPD Premium Payment Program	Accounting system for billing and payment for Medicaid for employed people with disabilities program
Managed Health Care Program	Assigns managed health care providers to clients
Medicaid Management Information Systems	Process clients' Medicaid claims and assign Medicaid coverage to clients
Overpayment Recoupment System	Used to recover money from FIP, food assistance, Medicaid, child care assistance, PROMISE JOBS, and hawki clients
Public Information Exchange	Data exchange between states
PJCASE	Iowa workforce development interface with PROMISE JOBS

<u>System</u>	<u>Function</u>
Purchase of Social Services System	Purchased services (mostly child care and in-home health clients)
Presumptive Eligibility Program	Establishes Medicaid eligibility for presumptive eligibility clients
Quality Control System	Selects sample for quality control review of eligibility determination
RTS Claims Processing System	Processes rehabilitative treatment claims for federal match
State Data Exchange Display	State data exchange information for supplemental security income recipients
Social Security Buy-In System	Medicare premium buy-in
Social Services Reporting System	Services reporting system for direct and purchased services
Statewide Tracking of Assessment Reports	Tracks child abuse reports

(4) Quality control records. Files are developed containing data required to verify the correctness of department eligibility and benefit decisions for selected clients.

(5) Appeals. Records containing client eligibility and payment information are created by the department of inspections and appeals when a client (or, for Medicaid, a provider) requests a hearing on a department action.

(6) Fraud. When a client is suspected of fraud, the department of inspections and appeals generates an investigative record containing information pertinent to the circumstances of the case.

(7) Recoupment. When benefits have been overpaid, a record is established by the department of inspections and appeals concerning the circumstances of the overpayment and the client's repayment.

*b. Recipients of social services.* Several kinds of department records contain personally identifiable information about applicants for and recipients of direct or purchased social services.

(1) Client case records. Local offices create client case files containing identifying information and demographic information; income data; information substantiating the need for services, which may include medical, psychological or psychiatric reports; social history; the department evaluation of the client's situation; documentation of department actions; and provider reports. Records may contain court orders and reports.

(2) Local office administrative records. Client names and services data appear in records such as card files, case lists, and appointment logs.

(3) Data processing systems. Client identifying information, demographic data, and services eligibility data are stored in the service reporting system. The purchase of services system contains invoice and service payment data. The child and adult protection system contains information from abuse reports and investigations. Some of these records are also kept on microfiche.

(4) Appeals. Records containing client identifying information and eligibility information are created by the department of inspections and appeals when a client requests a hearing on a department action.

(5) Adoption records. The department keeps a master card file on all adoptions in Iowa as required in Iowa Code section 235.3, subsection 7. This record is also kept on microfilm.

The Iowa Adoption Exchange contains records on special needs children available for adoption and on families that have indicated an interest in adopting special needs children.

The department also keeps records on adoptions in which it has provided services. These files include the home study, information about the child, and legal documents. These records are also kept on microfiche.

(6) Abuse registry. Child and dependent adult abuse records contain names and information of the alleged victim and the victim's family, data on the reported abuse, details of injury, investigative data, name of alleged perpetrator, names of reporters, collateral contacts and findings.

(7) Interstate compact records. The department maintains records on placement of children across state lines. These records contain identifying information about the children and the conditions of their placement, as well as progress reports. Some of the records are kept on microfiche.

(8) Guardianship records. The department maintains records on all children under its guardianship. The records concern the children's characteristics and placements. Some of these records are kept on microfiche.

*c. Institutions.* Institution resident records may contain identifying and demographic information, medical and social histories, treatment records, treatment plans, educational information, admission procedures, financial accounts, county billings, residential unit notes, vocational information, economic data and information about personal effects. Some of this information is kept on microfiche.

Automated data processing systems associated with institutional client records include admission and discharge systems for the juvenile institutions and for the mental health and mental retardation institutions, institutional billing systems, client banking systems, and client data systems.

*d. Child support recovery unit (CSRU) records.* These records contain information such as client identifiers, demographic information, divorce decrees, child support orders, absent parent identifiers, employment history and physical characteristics of absent parents, payment history records, and termination of parental rights.

*e. Collection services center.* The collection services center maintains records of support orders issued or filed in Iowa that have been converted to the collection services center system. These records identify the person paying and the person receiving support, specify the support obligations, and contain a record of payments made. Most records are on an automated data processing system. Paper records may also be kept, including conversion documents, orders, and correspondence.

*f. Contractor records for individual providers.* Records of individual purchase of service and Medicaid providers contain information such as names of owners and employees, names of clients served, eligibility data, amounts of payment for clients, and kinds of services received by clients.

*g. Regulatory files on individual providers.* Files on persons who apply to be licensed, certified, registered, or approved by the department contain identifying information, a description of the person's operation or premises, and a department evaluation of the information collected. Files may contain data on criminal records and abuse registry records on the person and any employees. Files may contain information naming clients served (for example, in complaints or incident reports). Some of these records are also kept on microfilm.

*h. Personnel files.* The department maintains files containing information about employees, families and dependents, and applicants for paid or volunteer positions within the department. The files contain payroll records, biographical information, medical information pertaining to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding and information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship.

**9.12(2) Data processing matching.**

*a. Internal.* All data processing systems operated by the department which have comparable personally identifiable data elements permit the matching of personally identifiable information. (See subrule 9.12(1) for a description of these systems.) Matches which are routinely done include the following:

(1) Data from the service reporting system is matched with data from the purchase of service payment system for service eligibility and with the activity reporting system for cost allocation. Matches are also done with the state identification portion of the automated benefit calculation system.

(2) The automated benefit calculation system matches with the Medicaid eligibility system, the facility payment system, the child support collections system, the employment and training systems, the electronic payment processing and inventory control system, the eligibility tracking system, the Medicare buy-in system, the individualized services information system-waiver payment system, and the income eligibility and verification system.

(3) The Medicaid eligibility system matches information with the Medicaid management information system and the collection and recovery system.



*b. External.*

(1) The state data exchange matches information on department clients with records on recipients of supplemental security income.

(2) The Medicare buy-in system matches information with the Social Security Administration.

(3) The income and eligibility verification system matches information on department clients with income records from department of workforce development records on unemployment compensation and wages, tax records from the Internal Revenue Service, wage records and social security benefit records from the Social Security Administration, and public assistance records from other states.

(4) Data from the collections and reporting system is matched with state and federal tax records, and with client records on the automated benefit calculation system.

(5) Data on department clients is matched with the administering agency for the Workforce Investment Act and with private agencies working to help employers collect benefits under the work opportunity tax credit program.

(6) Reports on disqualified food stamp recipients from other states are received from the United States Department of Agriculture to ensure that recipients are not evading penalties by reapplying in Iowa.

(7) A list of recipients of benefits under the family investment program is released annually to the Internal Revenue Service for matching with records of dependents claimed.

(8) A list of applicants for and recipients of the family investment program (FIP), the Medicaid program, and the food assistance program is matched with records on Iowa motor vehicle registration files to assist in the identification of countable resources.

(9) The Medicaid management information system matches data on medical assistance recipients against data on insureds that is submitted by insurance carriers under rule 441—76.13(249A) in order to identify third-party payers for medical assistance recipients.

*c. Centralized employee registry (CER) database.* The CER receives data concerning employees and contractors who perform labor in Iowa. Information reported by Iowa employers about employees includes the employee's name, address, social security number, date of birth, beginning date of employment, whether health insurance is available, and when it may be available. Information reported by Iowa income payers about contractors is limited to the contractor's name, address, social security number, and date of birth, if known.

State agencies accessing the CER shall participate in proportionate cost sharing for accessing and obtaining information from the registry. Cost sharing shall include all costs of performing the match including costs for preparing the tapes and central processing unit time. Costs shall be specified in a 28E agreement with each agency. CER matches include the following data matches with:

(1) The child support collections and reporting system for the establishment and enforcement of child and medical support obligations.

(2) Other department of human services systems for the purpose of gathering additional information and verification for use in the determination of eligibility or calculation of benefits.

(3) The department of employment services for the determination of eligibility or calculation of unemployment benefits, and to monitor employer compliance with job insurance tax liability requirements.

(4) The department of workforce development to verify employment of participants in the PROMISE JOBS program.

(5) The department of revenue for the recoupment of debts to the state.

(6) The department of inspections and appeals for the recoupment of debts owed to the department of human services.

[ARC 5305C, IAB 12/2/20, effective 2/1/21; ARC 7711C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

**441—9.13(217) Distribution of informational materials.**

**9.13(1) Requirements for distribution.** All material sent or distributed to clients, vendors, or medical providers shall:

*a.* Directly relate to the administration of the program.

- b. Have no political implications.
- c. Contain the names only of persons directly connected with the administration of the program.
- d. Identify them only in their official capacity with the agency.

**9.13(2) *Distribution prohibited.*** The department shall not distribute materials such as holiday greetings, general public announcements, voting information, and alien registration notices.

**9.13(3) *Distribution permitted.*** The department may distribute materials directly related to the health and welfare of clients, such as announcements of free medical examinations, availability of surplus food, and consumer protection information.

**441—9.14(17A,22) Special policies and procedures for protected health information.**

**9.14(1) *Minimum necessary.*** When using or disclosing protected health information or when requesting protected health information from another covered entity, the department shall make reasonable efforts, as described in paragraphs 9.14(1)“a” through “e,” to limit protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request.

a. This requirement does not apply in the following circumstances:

- (1) Disclosures to or requests by a health care provider for treatment.
- (2) Uses or disclosures made to the subject.
- (3) Uses or disclosures made pursuant to an authorization.
- (4) Disclosures made to the Secretary of Health and Human Services.
- (5) Uses or disclosures that are required by law.
- (6) Uses or disclosures that are required for compliance with this chapter.

b. The department shall take the following actions:

- (1) Identify those persons or classes of persons, as appropriate, in its workforce who need access to protected health information to carry out their duties.
- (2) For each person or class of persons, identify the category or categories of protected health information to which access is needed and any conditions appropriate to the access.
- (3) Make reasonable efforts to limit the access of these persons or classes.

c. For any type of disclosure that it makes on a routine and recurring basis, the department shall implement policies and procedures (which may be standard protocols) that limit the amount of the protected health information disclosed to that reasonably necessary to achieve the purpose of the disclosure.

For all other disclosures, the department shall develop criteria designed to limit the protected health information disclosed to the information reasonably necessary to accomplish the purpose for which disclosure is sought. The department shall review requests for disclosure on an individual basis in accordance with the criteria.

The department may rely, if reasonable under the circumstances, on a requested disclosure as the minimum necessary for the stated purpose when:

- (1) Making permitted disclosures to a public official, provided the public official indicates that the information requested is the minimum necessary for the stated purposes;
- (2) The information is requested by another covered entity; or
- (3) The information is requested for the purpose of providing professional services to the department by a professional who is a workforce member or business associate of the department if the professional indicates that the information requested is the minimum necessary for the stated purpose.

d. Minimum necessary requests.

(1) When requesting information from other covered entities, the department shall limit any request for protected health information to that which is reasonably necessary to accomplish the purpose for which the request is made.

(2) For a request that is made on a routine and recurring basis, the department shall implement policies and procedures (which may be standard protocols) that limit the protected health information requested to the amount reasonably necessary to accomplish the purpose for which the request is made.

(3) For all other requests, the department shall develop criteria designed to limit the request for protected health information to the information reasonably necessary to accomplish the purpose for which the request is made and to review requests for disclosure on an individual basis in accordance with the criteria.

*e.* For all uses, disclosures, or requests to which the minimum necessary requirements apply, the department shall not use, disclose or request an entire medical record, except when the entire medical record is specifically justified as the amount that is reasonably necessary to accomplish the purpose of the use, disclosure, or request.

**9.14(2)** *Uses and disclosures for premium rating and related purposes.* If a health plan receives protected health information for the purpose of premium rating or other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and if the health insurance or health benefits are not placed with the health plan, the health plan shall not use or disclose the protected health information for any other purpose, except as may be required by law.

**9.14(3)** *Verification and documentation.*

*a.* Before any disclosure of protected health information, the department shall obtain verification or documentation as follows:

(1) Verify the identity of a person requesting protected health information and the person's authority to access protected health information, if the department does not know the identity or authority of the person. This requirement is waived for disclosures to persons involved in the subject's care or for notification purposes, as described at subrule 9.7(3).

(2) Obtain any oral or written documentation, including statements and representations, from the person requesting the protected health information when this is a condition of the disclosure under this chapter.

*b.* The following constitute appropriate verification or documentation, if reasonable under the circumstances:

(1) Documentation, statements, or representations. The department may rely on documentation, statements, or representations that, on their face, meet the applicable requirements.

(2) Identity of public officials. When disclosure of protected health information is requested by a public official or a person acting on behalf of the public official, the department may rely on any of the following to verify identity:

1. In-person presentation of an agency identification badge, other official credentials, or other proof of government status.

2. A written request on the appropriate government letterhead.

3. A written statement on appropriate government letterhead that the person is acting under the government's authority or other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes the person is acting on behalf of the public official.

(3) Authority of public officials. When the disclosure of protected health information is requested by a public official or a person acting on behalf of the public official, the department may rely on any of the following to verify authority:

1. A written statement of the legal authority under which the information is requested.

2. If a written statement would be impracticable, an oral statement of the legal authority.

3. An order issued by a judicial or administrative tribunal.

(4) Exercise of professional judgment. The requirements of this subrule are met if the department relies on the exercise of professional judgment in use or disclosure to persons involved in the subject's care or for notification purposes, in accordance with subrule 9.7(3), or acts on a good-faith belief in making a disclosure to avert a serious threat to health or safety, in accordance with subrule 9.10(18).

**9.14(4)** *Notice of privacy practices for protected health information.* A subject has a right to adequate notice of the uses and disclosures of protected health information that may be made by the department, and of the subject's rights and the department's legal duties with respect to protected health information.

**9.14(5) Right to receive an accounting of disclosures.** Within the limits described in this subrule, a subject has a right to receive an accounting of the disclosures of protected health information listed in paragraph 9.14(5)“a,” including disclosures to or by business associates of the department. A subject shall request an accounting using Form 470-3985, Request for a List of Disclosures.

*a. Disclosures that may be included in an accounting.* A subject’s right to receive an accounting of disclosures made by the department, or to or by business associates of the department, is limited to the following disclosures that do not require an authorization or an opportunity for the subject to agree or object:

- (1) For health oversight activities described at subrule 9.10(2).
- (2) For judicial and administrative proceedings described at subrule 9.10(5).
- (3) For law enforcement purposes described at subrule 9.10(15).
- (4) For averting a threat to health or safety described at subrule 9.10(18).
- (5) To meet requirements of law described at subrule 9.10(19).
- (6) For public health activities described at subrule 9.10(22).
- (7) For disclosures about suspected victims of domestic violence described at subrule 9.10(23).
- (8) For disclosures about suspected victims of abuse or neglect described in 441—Chapter 9.
- (9) To coroners, medical examiners, and funeral directors described at subrule 9.10(24).
- (10) For cadaveric organ, eye, or tissue donation described at subrule 9.10(25).
- (11) For specialized government functions described at subrule 9.10(26), except those made for national security or intelligence purposes.
- (12) By whistle blowers as described at subrule 9.10(27).

*b. Content of the accounting.* The department shall provide the subject who submits Form 470-3985, Request for a List of Disclosures, with a written accounting of disclosures that meets the following requirements.

(1) The accounting shall include disclosures of protected health information that occurred during the six years (or the shorter time requested by the subject) before the date of the request. However, disclosures that occurred before April 14, 2003, are not included in an accounting.

(2) Except for limitations regarding multiple disclosures to the same person or organization, the accounting shall include for each disclosure:

1. The date of the disclosure.
2. The name of the organization or person who received the protected health information and, if known, the address of the organization or person.
3. A brief description of the protected health information disclosed.
4. A brief statement of the purpose of the disclosure that reasonably informs the subject of the basis for the disclosure or, instead of the statement, a copy of a written request for a disclosure.

(3) If, during the period covered by the accounting, the department has made multiple disclosures of protected health information to a person or organization requesting a disclosure, the accounting may, with respect to the multiple disclosures, provide:

1. The information required by subparagraph 9.14(5)“b”(2), for the first disclosure during the accounting period;
2. The frequency, periodicity, or number of the disclosures made during the accounting period; and
3. The date of the last disclosure during the accounting period.

*c. Time limits for providing the accounting.* The department shall act on the subject’s request for an accounting no later than 60 days after receipt of a request, as follows:

- (1) The department shall provide the subject with the accounting requested; or
- (2) If the department is unable to provide the accounting within these 60 days, the department may extend the due date one time, for a period not to exceed 30 days. In order to extend the due date, the department shall provide the subject with a written statement of the reasons for the delay and the date by which the department shall provide the accounting. The department shall provide this written statement within the 60-day period after receipt of the request for an accounting.

*d. Fee for accounting.* The department shall provide to a subject one accounting without charge in any 12-month period. The department may impose a reasonable, cost-based fee for each subsequent request for an accounting by the same subject within the 12-month period, as set forth in subrule 9.3(7), provided that the department:

- (1) Informs the subject in advance of the fee; and
- (2) Provides the subject with an opportunity to withdraw or modify the request for a subsequent accounting in order to avoid or reduce the fee.

*e. Suspension of right.* The department shall temporarily suspend a subject's right to receive an accounting of disclosures made to a health oversight agency or law enforcement official, as permitted in this chapter, if the agency or official provides the department with a statement that the accounting would likely impede the agency's activities and specifies the time for which a suspension is required.

(1) If the agency or official statement is submitted in writing, the department shall suspend the right to receive accounting for the time specified by the agency or official.

(2) If the agency or official statement is made orally, the department shall:

1. Document the statement, including the identity of the agency or official making the statement;
2. Temporarily suspend the subject's right to an accounting of disclosures subject to the statement;

and

3. Limit the temporary suspension to no longer than 30 days from the date of the oral statement, unless the agency or official statement is submitted in writing during that time.

**9.14(6) Complaint procedure.** A person who believes the department is not complying with the rules on protected health information or with the applicable requirements of 45 CFR Part 160 as amended to August 14, 2002, or with the applicable standards, requirements, and implementation specifications of 45 CFR of Subpart E of Part 164 as amended to August 14, 2002, may file a complaint with the department's privacy office or with the Secretary of Health and Human Services.

*a.* Complaints to the department's privacy office shall be in writing and may be delivered personally or by mail to the DHS Privacy Office, 1305 E. Walnut Street, First Floor, Des Moines, Iowa 50319-0114. Complaints regarding facilities may be sent to the applicable facility.

*b.* Complaints to the Secretary of Health and Human Services shall be made using the procedures set forth in 45 CFR 160.306 as amended to August 14, 2002.

**9.14(7) Appeal rights.**

*a.* If the subject disputes a decision by the privacy officer, the department's designated licensed health care professional, or the facility administrator on any of the following requests, the subject may appeal the decision in accordance with 441—Chapter 7.

- (1) A request for restriction on use or disclosure of protected health information.
- (2) A request for confidential communication of protected health information.
- (3) A request for access to protected health information.
- (4) A request to amend protected health information.
- (5) A request for accounting of disclosures.

*b.* The privacy officer or facility shall assist the subject in making the appeal, if needed.

*c.* Appeals shall be:

(1) Mailed to the Appeals Section, Fifth Floor, Iowa Department of Human Services, 1305 E. Walnut Street, Des Moines, Iowa 50319-0114; or

(2) Submitted electronically at [dhs.iowa.gov/appeals](https://dhs.iowa.gov/appeals).

**9.14(8) Record retention.** Notwithstanding any other department rule to the contrary, protected health information shall be retained for at least six years from the date of creation or the date when the information last was in effect, when required by 45 CFR 164.530, paragraph "j," as amended to August 14, 2002.

#### **441—9.15(17A,22) Person who may exercise rights of the subject.**

**9.15(1) Adults.** When the subject is an adult, including an emancipated minor, the subject's rights under this rule may also be exercised by the subject's legal or personal representative, except as provided in subrule 9.15(3).

**9.15(2) Minors.** Within the limits of subrule 9.15(3), when the subject is an unemancipated minor, the subject's rights under this rule shall be exercised only by the subject's legal representative, except as follows:

*a.* When the department otherwise deals with the minor as an adult, as in the case of minor parents under the family investment program.

*b.* When otherwise specifically provided by law. However, minor subjects shall be granted access to their own records upon request, subject to the limits in rule 441—9.9(17A,22).

**9.15(3) Exceptions.**

*a. Scope of authority.* Legal and personal representatives may act only within the scope of their authority. For protected health information, the designation must reflect the subject's ability to make health care decisions and receive protected health information. For example, court-appointed conservators shall have access to and authority to release only the following information:

- (1) Name and address of subject.
- (2) Amounts of assistance or type of services received.
- (3) Information about the economic circumstances of the subject.

*b. Mental health information.* Only an adult subject or a subject's legal representative may consent to the disclosure of mental health information. Records of involuntary hospitalization shall be released only as provided in Iowa Code section 229.24. Medical records of persons hospitalized under Iowa Code chapter 229 shall be released only as provided in Iowa Code section 229.25.

*c. Substance abuse information.* Only the subject may consent to the disclosure of substance abuse information, regardless of the subject's age or condition.

*d. Failure to act in good faith.* If the department has reason to believe that the legal or personal representative is not acting in good faith in the best interests of the subject, the department may refuse to release information on the authorization of the legal or personal representative.

*e. Abuse, neglect, and endangerment situations.* Notwithstanding a state law or any other requirement of this chapter, the department, in the exercise of professional judgment, may elect not to treat a person as a subject's personal representative if:

- (1) The department has reason to believe that the subject has been or may be subjected to domestic violence, abuse, or neglect by the person; or
- (2) The department has reason to believe that treating the person as a personal representative could endanger the subject.

*f. Protected health information.* A parent, guardian, or other person acting in place of a parent who does not represent the minor for protected health information may still access protected health information about the minor if required by law.

*g. Deceased subjects.* If, under applicable law, an executor, administrator, or other person has authority to act on behalf of a deceased subject or of the subject's estate, the department shall treat that person as a personal representative.

*h. Other.* If, under applicable law, the subject of a confidential record is precluded from having a copy of a record concerning the subject disclosed to a third party, the department shall not treat the third party as a personal representative.

**441—9.16(22) Personally identifiable information—human rights programs.** This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 441—9.1(17A,22). For each record system, this rule describes the legal authority for the collection or maintenance of that information; the means of storage of that information and indicates when applicable; if a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system; and when the record system is confidential, indicates the statutory authority. The record systems maintained within the agency are:

**9.16(1) Personnel records.**

*a.* The agency maintains files containing information about employees, families and dependents, and applicants for staff positions within the agency. These files include, but are not limited to, payroll

records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports and other information concerning employees and related issues. Some of this information is confidential under Iowa Code section 22.7(11).

*b.* The legal authority for maintaining the records for state-funded programs is Iowa Code section 8A.106 and chapter 216A. The legal authority for maintaining the records for federally funded programs is the Omnibus Budget Reconciliation Act, P.L. 97-35; Freedom of Information Act, 5 U.S.C. 552a; Juvenile Justice and Delinquency Prevention Act, P.L. 93-415; Victims Compensation and Assistance Act, P.L. 98-473; and other federal statutes from which federal funds are granted.

*c.* The information is maintained on paper and some parts are on a data processing system that matches, collates or permits the comparison of some personally identifiable information within the state's automated data processing system.

*d.* Certain information contained within this record system is confidential under the authority of Iowa Code section 22.7(11).

**9.16(2) Advocacy records.**

*a.* The agency maintains files containing information pertaining to clients receiving advocacy or referral services to help alleviate or solve a problem. Such information may include, but is not limited to, names and addresses of clients, documents or other material relating to advocacy issues, social or economic conditions or circumstances of particular clients, department evaluations of information about clients, medical or psychiatric data provided to the department concerning a client, and legal data related to the client. These files may be indexed by advocacy files, client files, interpreting files or any direct service involving individual client assistance set forth in this rule or by statute.

*b.* The authority for maintaining these records is Iowa Code chapter 216A; the Omnibus Budget Reconciliation Act, P.L. 97-35; Juvenile Justice and Delinquency Prevention Act, P.L. 93-415; Victims Compensation and Assistance Act, P.L. 98-473; and other federal statutes from which federal funds are granted.

*c.* Information is maintained on paper, electronically, and in other available mediums.

*d.* Information contained within this record system is confidential under the authority of Iowa Code sections 22.7(18) and 216A.6.

**9.16(3) Fiscal records.**

*a.* The agency maintains files containing fiscal information for state-funded programs and federally funded grants or contracts that may contain personally identifiable information.

*b.* The authority for maintaining these records is Iowa Code chapter 216A and federal statutes from which federal funds are granted.

*c.* These records are stored on paper and on the state's automated data processing system that matches, collates or permits the comparison of some personally identifiable information.

*d.* Certain information contained within this record system is confidential under the authority of Iowa Code section 22.7(11).

**9.16(4) General correspondence, mailing lists, and program or grant data.**

*a.* The agency maintains correspondence files, grant notices and applications, conference or committee listings and reports, board and commission meeting minutes, mailing lists, program and grant information including surveys or specialized reports and activities that contain some personally identifiable information that may include names, addresses or other descriptive data.

*b.* The authority for maintaining these records is Iowa Code chapter 216A; the Omnibus Budget Reconciliation Act, as amended, P.L. 97-35; Juvenile Justice and Prevention Act, P.L. 93-415; Victims Compensation and Assistance Act, P.L. 98-473; and other federal statutes from which federal funds are granted.

*c.* The information is maintained on paper and in computer systems.

*d.* These records are generally open to the public unless otherwise authorized to be confidential by law.

**9.16(5) Criminal and juvenile justice information obtained from other agencies.**

*a.* The agency maintains files containing criminal and juvenile justice information obtained from other agencies to conduct research and evaluations, to provide data and analytical information to federal, state and local governments, and to assist other agencies in the use of criminal and juvenile justice data. These files may contain personally identifiable information.

*b.* The agency maintains these records pursuant to the authority of Iowa Code sections 216A.136 and 216A.138 and by interagency agreements.

*c.* The information is maintained on paper, some of which is also in computer files, or in computer files and not on paper, or on a data processing system. Some of these files and systems are capable of matching, collating or permitting the comparison of some personally identifiable information.

*d.* Certain criminal and juvenile justice information contained within these records and record systems is confidential under state or federal law or rule.

[ARC 6101C, IAB 12/29/21, effective 2/2/22; Editorial change: IAC Supplement 6/14/23]

**441—9.17(22) Personally identifiable information—child advocacy board.** This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems. For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are:

1. Files are maintained by the child's name in the child advocacy board offices. Those files are kept in locked filing cabinets. (Iowa Code section 237.18(2) "a")

2. The foster care registry (Iowa Code section 237.17) is a computerized tracking system of the children reported to the child advocacy board. The information of each case is personally identifiable by name.

3. Personnel files for each employee of the child advocacy board. These may be confidential pursuant to Iowa Code section 22.7(11).

[ARC 1375C, IAB 3/19/14, effective 4/23/14; ARC 6676C, IAB 11/16/22, effective 12/21/22; Editorial change: IAC Supplement 6/14/23]

**441—9.18(17A,22) Personally identifiable information—aging programs.** This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 441—9.1(17A,22). For each record system, this rule describes the legal authority for collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. Some of the record systems described in the accompanying chart as "open" may contain confidential information under 17—subrule 19.13(2). The record systems maintained by the agency are:

Abbreviations are used in the chart as follows:

Code	Meaning
O/C	The record is partly open and partly confidential.
O	The records are open for public inspection.
C	The records are confidential and are not open to the public.
PI	Personally identifiable information.
NA	Not Applicable.



DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
Record of Commission and Statutory Committees	O/C	Iowa Code 21.5(4)	No	NA
Rule Making	O	NA	No	NA
Declaratory Rulings	O	NA	No	NA
Rules and Policy Manuals	O	NA	No	NA
State Plans	O	NA	No	NA
Publications	O	NA	No	NA
Statistical Reports	O	NA	No	NA
Financial and Administrative Records	O	NA	No	NA
Contracts and Interagency Agreements	O	NA	No	NA
Grant Records				
• Title III	O	NA	No	NA
• Title V	O	NA	No	NA
• Discretionary	O	NA	No	NA
• USDA	O	NA	No	NA
• Title IV	O	NA	No	NA
Program Records				
• Notice of Grant Awards	O	NA	No	NA
• Senior Community Service Employment	O/C	20 CFR 674.203b-3	Yes	20 CFR 674.203b-3
			name address age race eligibility info. area medical info. phone no.	
• Elder Abuse	O	NA	No	NA
• Retired Iowan	O	NA	No	NA
Employment				
• Elderlaw	O	NA	No	NA
• Retired Senior Volunteer	O	NA	No	NA
• Elderly Services	O	NA	No	NA
• Insurance Information	O	NA	No	NA
• Alzheimer's Disease	O	NA	No	NA
• JTPA	O	NA	No	NA
• Long-Term Care	O	NA	No	NA
Coordinating Unit				
• Housing	O	NA	Yes	Iowa Code 231.23
• Advocacy				
			name address	
• Training Information	O	NA	Yes	Iowa Code 231.23
			name address	
Care Review Committees	O	NA	Yes	Iowa Code 231.44

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
Older Iowan Legislature	O	NA	name address county PSA phone no. training info.	Iowa Code 231.23
State Advisory Council	O	NA	name address district phone no.	Iowa Code 231.23
Ombudsman Complaints	C	Iowa Code 135C.37, 231.42	PSA Yes	Iowa Code 135C.37 231.42
Newsletter Mailing Lists, Conference Lists, Interested Individuals and Group Lists, Resource Lists	O	NA	name address county facility level of care lic. administrator patient pay status complainant complaint description cat. receiver of complaint investigator method & date verification scope of facility complaint	Iowa Code 231.23
			name address telephone no.	

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
Centenarians Registry	O	NA	Yes name address area county facility phone no. birth date death date sex	Iowa Code 231.23

**9.18(1) *Litigation files.*** These files or records contain information regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorney’s notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials which are confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons wishing copies of pleadings and other documents filed in litigation should obtain them from the clerk of the appropriate court which maintains the official copy.

**9.18(2) *Personnel files.*** The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).  
[ARC 8489B, IAB 1/27/10, effective 1/7/10; Editorial change: IAC Supplement 6/28/23]

**441—9.19(17A,22) Availability of records—volunteer service commission.** This rule lists the agency records which are open to the public, those which are confidential, and those which are partially open and partially confidential.

Agency records are listed by category, according to the legal basis for confidential treatment (if any). The commission administers federally funded programs to enforce confidentiality standards for federal law and regulations as are required for receipt of the funds. A single record may contain information from several categories.

The chart indicates whether the record contains personally identifiable information and indicates the legal authority for confidentiality and for the collection of personally identifiable information.

Abbreviations used in the chart are defined as follows:

<u>Code</u>	<u>Meaning</u>	<u>Code</u>	<u>Meaning</u>
O	Open for public inspection	O/C	Partially open and partially confidential
C	Confidential/Not open to the public	O/E	Partially open to members of the public and partially exempt from disclosure
E	Exempt from mandatory disclosure		
NA	Not Applicable		

Description of Record	Type of Record	Legal Authority For Confidentiality	Personally Identifiable Information
Records of Commission and Committees	O/E	Iowa Code 21.5	No
Rule Making	O	NA	No
Declaratory Rulings	O/C	Iowa Code 22.7	No
Policy Manuals	O	NA	No
General Correspondence	O/E/C	Iowa Code 22.7	Yes
Publications	O	NA	No
Financial and Administrative Records	O/E/C	Iowa Code 22.7	Yes
Contracts and Agreements	O/C	Iowa Code 22.7(3)	Yes
Appeal Records	O/C	Iowa Code 22.7	Yes
Litigation Files	O/E/C	Iowa Code 22.7	Yes
Privileged Communications and Products of Attorneys	E/C	Iowa Code 22.7	No

[Editorial change: IAC Supplement 6/14/23]

**441—9.20(17A,22) Personally identifiable information—public health programs.** This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the department by personal identifiers in record systems as defined in rule 441—9.1(17A,22). For each record system, this rule describes the legal authority for the collection of that information and the means of storage of that information. A data processing system does not match, collate, or permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system unless so indicated. The record systems maintained by the department are as follows:

**9.20(1) Public health program records.**

*a.* Records of reportable diseases and other diseases and health conditions collected pursuant to Iowa Code chapter 139A. These records are stored on paper, electronically, or both, depending on the specific type of record. Except for statistical reports, these records are confidential as outlined in 641—paragraph 175.13(2)“*a.*”

*b.* Records of reportable sexually transmitted diseases or infections collected pursuant to Iowa Code chapter 139A. These records are stored on paper, electronically, or both, depending on the specific type of record. Except for statistical reports, these records are confidential as outlined in 641—paragraph 175.13(2)“*b.*”

*c.* Records of the veterinary public health program collected pursuant to Iowa Code chapter 139A. These records are stored on paper. Certain medical information in these records may be confidential as outlined in 641—paragraph 175.13(2)“*a.*”

*d.* Records of the emergency medical services program collected pursuant to Iowa Code chapter 147A. These records are stored on paper, electronically, or both, depending on the specific type of record. Some of these records are confidential as outlined in 641—paragraph 175.13(2)“*a.*”

*e.* Records of the AIDS drug reimbursement program collected for purposes of implementing a federal grant program authorized by HR 1827. These records are stored on paper. Certain patient records are confidential as outlined in 641—paragraph 175.13(2)“*a.*”

*f.* Personnel records containing information about employees, families and dependents, and applicants for positions with the department. Some of this information is confidential under Iowa Code sections 22.7(11) and 22.7(18).

- g.* Records of the certificate of need program collected pursuant to Iowa Code sections 135.61 to 135.83. These records are stored on paper.
- h.* Annual hospital surveys collected pursuant to Iowa Code sections 135.74 and 135.75. These records are stored on paper and electronically.
- i.* Vital records collected pursuant to Iowa Code chapter 144, including records of births, deaths, fetal deaths, adoptions, marriages, divorces, annulments and related data and correspondence. These records are stored on paper, on microfiche, and electronically. These records are confidential as noted in 641—paragraph 175.13(2)“*b.*”
- j.* Licensing records of the professional licensing boards. These records are identified in rules filed by the individual licensing boards (see Professional Licensure Division, IAC 645). They contain information about individuals, some of which is confidential.
- k.* An electronic inventory of records maintained by the department, which indicates the type of information contained in the record, contact person for the record, how the record is stored, whether the record is confidential, and whether it contains personally identifiable information. This inventory is maintained by the information management bureau.
- l.* Fiscal records, including itemized vouchers collected from individuals pursuant to Iowa Code section 8A.514. These records are stored on paper and electronically.
- m.* Records of substance abuse programs of this division are identified in rules adopted by the board of health in 641—Chapter 155.
- n.* Records of the domestic abuse death review team collected pursuant to Iowa Code section 135.110. These records are stored on paper, electronically, or both. Except for statistical reports, these records are confidential as outlined in 641—paragraph 175.13(2)“*c.*”
- o.* Records which identify a person named in a report to the central registry for brain or spinal cord injuries collected pursuant to Iowa Code section 135.22. These records are stored on paper, electronically, or both. Except for statistical reports, these records are maintained as confidential pursuant to Iowa Code section 135.22 and rule 641—21.6(135).
- p.* Records which identify brain injury service program recipients collected pursuant to Iowa Code section 135.22B. These records are stored on paper, electronically, or both.
- q.* Records of the environmental health programs collected pursuant to Iowa Code section 135.11(1) and PL 96-510, Section 104(d)(1), 40 CFR 763 effective June 28, 1983, and 40 CFR 761 effective May 31, 1979, dealing with asbestos, PCB and other environmental health factors. These records are stored on paper, electronically, or both, depending on the specific type of record. Certain medical information in the work-related disease program file may be confidential as outlined in 641—paragraph 175.13(2)“*d.*” Certain asbestos and PCB inspection records are collected under contract with the federal Environmental Protection Agency, and requests for such records will be referred to that agency.
- r.* Records of the radiological health program collected pursuant to Iowa Code chapters 136B and 136C. These records are stored on paper, electronically, or both, depending on the specific record. Certain of these records are confidential as outlined in 641—paragraph 175.13(2)“*d.*”
- s.* Records of reportable diseases and other diseases and health conditions, including lead and other heavy metal poisonings, collected pursuant to Iowa Code chapter 139A. These records are stored on paper, electronically, or both, depending on the specific type of record. Except for statistical reports, these records are confidential as outlined in 641—paragraph 175.13(2)“*a.*”
- t.* Records of the childhood lead poisoning prevention program collected pursuant to Iowa Code sections 135.100 to 135.105. These records are stored on paper, electronically, or both. Certain of these records are confidential as outlined in 641—paragraph 175.13(2)“*d.*” Data processing systems will link certain client data in these programs with client data in the maternal and child health program, WIC program, and refugee health program.
- u.* Records of the maternal and child health programs collected pursuant to Iowa Code section 135.11(20). These records are stored on paper, electronically, or both, depending on the specific type of record. Data processing systems will link certain client data in these programs with client data in the WIC program.

v. Records of the nutrition and WIC (supplemental food program for women, infants and children) programs collected pursuant to Iowa Code section 135.11(1) and Chapter 17 of the federal Child Nutrition Act of 1966 as amended. These records are stored on paper, electronically, or both, depending on the specific type of record. Data processing systems will link certain client data in this program with client data in maternal and child health programs.

w. Records of the center for congenital and inherited disorders collected pursuant to Iowa Code chapter 136A. These records are stored on paper.

x. Records of the dental health programs collected pursuant to Iowa Code section 135.11(19), funded primarily by maternal and child health funds. These records are stored on paper or electronically, depending on the specific type of record.

y. Records of the newborn and infant hearing screening program collected pursuant to Iowa Code section 135.131. These records are stored on paper, electronically, or both, depending on the specific type of record. Information which identifies an individual patient is confidential as outlined in 641—paragraph 175.13(2) “e.”

z. Refugee health program records collected pursuant to Iowa Code section 135.11(1) and Section 412(c)(3) of the federal Immigration and Naturalization Act. These records are stored on paper, electronically, or both, depending on the specific type of record. Certain medical information in these records is confidential as outlined in 641—paragraph 175.13(2) “f.”

aa. Records of the bureau of chronic disease prevention and management collected pursuant to Iowa Code section 135.11(1), including the Well-Integrated Screening and Evaluation for Women Across the Nation (WISEWOMAN) program and the Breast and Cervical Cancer Early Detection Program (BCCEDP). Certain medical information in these records is confidential as outlined in 641—paragraph 175.13(2) “f.” The medical information from wellness programs and screening programs is stored on paper, electronically, or both, depending on the specific type of record. Data processing systems will link certain client data in these programs with client data in the University of Iowa’s health registries.

**9.20(2) Reserved.**

[Editorial change: IAC Supplement 6/28/23]

These rules are intended to implement Iowa Code sections 17A.3, 22.11, 217.6 and 217.30, Iowa Code chapters 228 and 252G, and the Health Insurance Portability and Accountability Act of 1996.

[Filed emergency 11/25/75—published 12/15/75, effective 11/25/75]

[Filed 12/17/76, Notice 11/3/76—published 1/12/77, effective 2/16/77]

[Filed 9/6/79, Notice 7/11/79—published 10/3/79, effective 11/7/79]

[Filed 4/23/81, Notice 3/4/81—published 5/13/81, effective 6/17/81]

[Filed emergency 2/10/84—published 2/29/84, effective 2/10/84]

[Filed 3/4/85, Notice 12/19/84—published 3/27/85, effective 5/1/85]

[Filed 7/25/86, Notice 5/21/86—published 8/13/86, effective 10/1/86]

[Filed 11/14/86, Notice 10/8/86—published 12/3/86, effective 2/1/87]

[Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]

[Filed 4/22/88, Notice 2/10/88—published 5/18/88, effective 7/1/88]

[Filed without Notice 12/8/88—published 12/28/88, effective 2/1/89]

[Filed emergency 6/29/89 after Notice 5/3/89—published 7/26/89, effective 7/1/89]

[Filed 10/10/89, Notice 8/23/89—published 11/1/89, effective 1/1/90]

[Filed 12/15/89, Notice 7/26/89—published 1/10/90, effective 3/1/90]

[Filed emergency 10/12/90 after Notice 8/22/90—published 10/31/90, effective 11/1/90]

[Filed 10/12/90, Notice 8/22/90—published 10/31/90, effective 1/1/91]

[Filed 12/13/90, Notice 10/31/90—published 1/9/91, effective 3/1/91]

[Filed emergency 6/14/91 after Notice 5/1/91—published 7/10/91, effective 7/1/91]

[Filed 8/12/93, Notice 6/23/93—published 9/1/93, effective 11/1/93]

[Filed 1/11/95, Notice 11/23/94—published 2/1/95, effective 4/1/95]

[Filed emergency 6/12/97—published 7/2/97, effective 7/1/97]

[Filed 9/16/97, Notice 7/2/97—published 10/8/97, effective 12/1/97]

[Filed 11/12/97, Notice 9/10/97—published 12/3/97, effective 2/1/98]

[Filed 8/12/98, Notice 6/17/98—published 9/9/98, effective 11/1/98]  
[Filed 9/12/00, Notice 7/12/00—published 10/4/00, effective 12/1/00]  
[Filed emergency 10/10/03—published 10/29/03, effective 11/1/03]  
[Filed emergency 6/14/04—published 7/7/04, effective 7/1/04]  
[Filed 9/23/04, Notice 7/7/04—published 10/13/04, effective 11/17/04]  
[Filed 9/23/04, Notice 8/4/04—published 10/13/04, effective 11/17/04]  
[Filed without Notice 5/4/05—published 5/25/05, effective 7/1/05]  
[Filed 8/12/05, Notice 6/8/05—published 8/31/05, effective 11/1/05]  
[Filed emergency 1/19/07—published 2/14/07, effective 1/20/07]  
[Filed ARC 0420C (Notice ARC 0255C, IAB 8/8/12), IAB 10/31/12, effective 1/1/13]  
[Filed ARC 1262C (Notice ARC 1045C, IAB 10/2/13), IAB 1/8/14, effective 3/1/14]  
[Filed ARC 5305C (Notice ARC 5167C, IAB 9/9/20), IAB 12/2/20, effective 2/1/21]  
[Filed ARC 5417C (Notice ARC 5274C, IAB 11/18/20), IAB 2/10/21, effective 4/1/21]  
[Editorial change: IAC Supplement 6/14/23]  
[Editorial change: IAC Supplement 6/28/23]  
[Filed ARC 7711C (Notice ARC 7062C, IAB 8/23/23), IAB 3/6/24, effective 7/1/24]<sup>1</sup>

<sup>1</sup> The effective date of **ARC 7711C** was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.





CHAPTER 1  
PURPOSE AND FUNCTION  
[Prior to 3/23/88, see Foster Care Review Board[445] Ch 1]

**489—1.1(237) Purpose.** The child advocacy board is established by Iowa Code section 237.16 to carry out all duties described in Iowa Code section 237.18. The board is charged with the responsibility of establishing a foster care registry, establishing local review boards to review cases of children in foster care, establishing a training program for members of the state board, establishing procedures and protocols for administering the local foster care review board and court appointed special advocate program, receiving and administering funds received for the state board's programs and annually reporting findings and making recommendations to the governor, the general assembly, the department, child-placing agencies, and the state court administrator for dissemination to the supreme court and the chief judge of each judicial district.

**1.1(1) Location.** The child advocacy board is located in the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; telephone (866)448-4608. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, except on state holidays. The child advocacy board is created within the department of health and human services.

**1.1(2) Definitions.** The following definitions apply to the rules of the child advocacy board.

*"Case permanency plan"* means the same as defined in Iowa Code section 232.2(4), except the plan shall also include, but not be limited to:

1. Time frames to meet the stated permanency goal and short-term objectives.
2. The care and services that will be provided to the child, biological parents, the child's fictive kin, and foster parents.
3. The efforts to place the child with a relative or fictive kin.
4. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out of state.

*"Child receiving foster care"* means a child defined in Iowa Code section 237.15(2) who is described by any of the following circumstances:

1. The child's foster care placement is the financial responsibility of the state pursuant to Iowa Code section 234.35.
2. The child is under the guardianship of the department.
3. The child has been involuntarily hospitalized for mental illness pursuant to Iowa Code chapter 229.
4. The child is at risk of being placed outside the child's home, the department or court is providing or planning to provide services to the child, and the department or court has requested the involvement of the state or local board.

*"Court appointed special advocate"* means a person duly certified by the child advocacy board created in Iowa Code section 237.16 for participation in the court appointed special advocate program and appointed by the court to carry out the duties pursuant to Iowa Code section 237.24 as enacted by 2022 Iowa Acts, House File 2507, section 65.

*"Department"* means the department of health and human services.

*"Family"* means the social unit consisting of the child and the biological or adoptive parent, stepparent, brother, sister, stepbrother, stepsister, and grandparent of the child.

*"Fictive kin"* means an adult person who is not a relative of a child but who has an emotionally positive significant relationship with the child or the child's family.

*"Local board"* means a local citizen foster care review board created pursuant to Iowa Code section 237.19.

*"Person or court responsible for the child"* means the department, including but not limited to the department of health and human services, agency, or individual who is the guardian of a child by court order issued by the juvenile or district court and has the responsibility of the care of the child, or the court having jurisdiction over the child.

“*State board*” means the child advocacy board created pursuant to Iowa Code section 237.16. [ARC 3054C, IAB 5/10/17, effective 6/14/17; ARC 6676C, IAB 11/16/22, effective 12/21/22; ARC 7698C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

This rule is intended to implement Iowa Code sections 17A.3, 237.15, and 237.16.

[Filed emergency 5/30/85—published 6/19/85, effective 5/30/85]

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed 3/3/88, Notice 1/27/88—published 3/23/88, effective 4/27/88]

[Filed 9/2/88, Notice 6/15/88—published 9/21/88, effective 10/26/88]

[Filed ARC 3054C (Notice ARC 2974C, IAB 3/15/17), IAB 5/10/17, effective 6/14/17]

[Filed ARC 6676C (Notice ARC 6544C, IAB 9/21/22), IAB 11/16/22, effective 12/21/22]

[Filed ARC 7698C (Notice ARC 7065C, IAB 8/23/23), IAB 3/6/24, effective 7/1/24]<sup>1</sup>

<sup>1</sup> The effective date of ARC 7698C was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.

CHAPTER 2  
RULES AND OPERATION FOR THE STATE BOARD  
[Prior to 3/23/88, see Foster Care Review Board[445] Ch 2]

**489—2.1(237) Membership and term.**

**2.1(1) *Membership and terms.*** The child advocacy board is created within the department of health and human services. The state board consists of nine members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor. One member shall be an active court appointed special advocate volunteer, one member shall be an active member of a local citizen foster care review board, and one member shall be a judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch. The appointment is for a term of four years that begins and ends as provided in Iowa Code section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made. An employee of the department of health and human services, an employee of a child-placing agency, an employee of an agency with which the department of health and human services contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board. However, the judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch in accordance with Iowa Code section 237.16(1) shall be eligible to serve on the state board.

**2.1(2) *Officers.*** The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members may be entitled to receive reimbursement for actual and necessary expenses incurred in the performance of their duties, subject to available funding. Each member of the state board may also be eligible to receive compensation as provided in Iowa Code section 7E.6.

**2.1(3) *Meetings.*** The state board shall meet at least twice a year. Notice of a meeting is published at least seven days in advance of the meeting and will be provided to interested persons upon request. The notice shall contain the specific date, time and place of the meeting. The agenda will be made available to any interested person not less than seven days in advance of the meeting. All meetings will be open to the public, pursuant to Iowa Code chapter 21, unless a closed session is voted by a quorum. The operation of the state board meetings will be governed by the following rules of procedure.

*a.* A quorum shall consist of a majority of the members. When a quorum is present, a position is carried by an affirmative vote of a majority of the members present.

*b.* Minutes of state board meetings are prepared and are available at the board office for inspection during office hours. Copies may be obtained without charge by contacting the office.

*c.* At each meeting the state board shall set the time, date and place of the next meeting.

(1) Notice of the meeting shall be given pursuant to Iowa Code chapter 21.

(2) When the chairperson of the state board determines that a special or electronic meeting is required, the meeting shall be held in accordance with Iowa Code section 21.4 or 21.8.

(3) Persons wishing to appear before the state board shall submit the request to the state board office not less than ten days prior to the meeting. Presentations may be made at the discretion of the chairperson and only upon matters appearing on the agenda. Persons wishing to submit written material should do so at least ten days in advance of the scheduled meeting to ensure that state board members have adequate time to receive and evaluate the material.

(4) Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. The presiding officer may request a person using such a device to discontinue its use when it is obstructing the meeting. If a person fails to comply with this request, the presiding officer shall order that person excluded from the meeting.

(5) The presiding officer may exclude any person from the meeting for repeated behavior that disrupts or obstructs the meeting.

(6) Cases not covered by these rules shall be governed by Robert's Rules of Order.

**2.1(4) Powers and duties.** The powers and duties of the state board are enumerated in Iowa Code section 237.18.

This rule is intended to implement Iowa Code sections 17A.3, 237.16, and 237.18.  
[ARC 3055C, IAB 5/10/17, effective 6/14/17; ARC 6676C, IAB 11/16/22, effective 12/21/22; ARC 7698C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

**489—2.2(237) Administrator.**

**2.2(1)** The director appoints an administrator for the child advocacy board. The administrator is responsible for the ongoing administration of the state and local boards' activities and of the court appointed special advocate program.

**2.2(2)** The administrator:

*a.* Applies for and administers funds necessary for operations of the child advocacy board and the foster care review board and the court appointed special advocate program.

*b.* Employs, discharges, trains, and supervises foster care review board and court appointed special advocate program employees.

*c.* Develops and implements policies and procedures needed to implement requirements of federal law and regulations and state law and administrative rules.

*d.* Develops and recommends administrative rules for promulgation by the state board as needed to govern the operation of the state board, the foster care review board program and the court appointed special advocate program.

*e.* Ensures training is provided for state and local board members, court appointed special advocates and coaches and any other volunteers supporting the state board's programs.

*f.* Ensures that relationships are developed and maintained between the local board and judges, juvenile court referees, local departments, juvenile court services, and advocacy groups.

*g.* Coordinates efforts to ensure community awareness of state and local boards and the court appointed special advocate program.

*h.* Works closely with allied agencies and associations to ensure that efforts relating to state and local boards and the court appointed special advocate program are coordinated and consistent.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18(5).  
[ARC 3055C, IAB 5/10/17, effective 6/14/17; ARC 6676C, IAB 11/16/22, effective 12/21/22; ARC 7698C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

**489—2.3(237) Foster care registry.** The state board shall establish a registry of the placements of all children receiving foster care. The agency responsible for placement shall notify the state board of each placement in accordance with written protocols adopted pursuant to Iowa Code section 237.16(4) as enacted by 2022 Iowa Acts, House File 2390, section 3. The notification shall include information identifying the child receiving foster care and placement information for that child.

This rule is intended to implement Iowa Code sections 17A.3 and 237.17.  
[ARC 3055C, IAB 5/10/17, effective 6/14/17; ARC 6676C, IAB 11/16/22, effective 12/21/22]

**489—2.4(237) Confidentiality of records—penalty.** The state and local boards, court appointed special advocates and coaches and child advocacy employees shall adhere to the confidentiality requirements established in Iowa Code section 237.21.

This rule is intended to implement Iowa Code sections 17A.3 and 237.21.  
[ARC 3055C, IAB 5/10/17, effective 6/14/17]

[Filed emergency 5/30/85—published 6/19/85, effective 5/30/85]

[Filed emergency 7/22/85—published 8/14/85, effective 8/14/85]

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed 3/3/88, Notice 1/27/88—published 3/23/88, effective 4/27/88]

[Filed 9/2/88, Notice 6/15/88—published 9/21/88, effective 10/26/88]

[Filed ARC 3055C (Notice ARC 2975C, IAB 3/15/17), IAB 5/10/17, effective 6/14/17]

[Filed ARC 6676C (Notice ARC 6544C, IAB 9/21/22), IAB 11/16/22, effective 12/21/22]

[Filed ARC 7698C (Notice ARC 7065C, IAB 8/23/23), IAB 3/6/24, effective 7/1/24]<sup>1</sup>

<sup>1</sup> The effective date of **ARC 7698C** was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.



CHAPTER 3  
LOCAL FOSTER CARE REVIEW BOARDS  
[Prior to 3/23/88, see Foster Care Review Board[445] Ch 3]

**489—3.1(237) Local boards.** The child advocacy board shall establish local foster care boards throughout the state. The number of local boards needed and established shall be determined by the child advocacy board based on the number of children in foster care and available funding.

**3.1(1)** The child advocacy board is responsible for establishment of policy and procedures consistent with the Iowa Code. Local boards are required to comply with policies and procedures. If a local board does not agree with a policy or procedure, the local board may bring that issue to the child advocacy board for discussion and request a change by the board. If the child advocacy board upholds the policy, local boards must comply.

**3.1(2)** Day-to-day implementation of policy is delegated by the child advocacy board to administrative staff. Staff is responsible for bringing questions about policy issues to the child advocacy board for clarification or changes of policy.

**3.1(3)** Any written communication from a local review board or local board member, in the member's capacity as a board member, to state officials or media shall be sent to the child advocacy board office and reviewed by the administrator prior to its release.

This rule is intended to implement Iowa Code sections 17A.3 and 237.19.  
[ARC 2322C, IAB 12/23/15, effective 1/27/16; ARC 6676C, IAB 11/16/22, effective 12/21/22]

**489—3.2(237) Membership.**

**3.2(1)** The child advocacy board delegates responsibility to the administrator to develop and for local board coordinators to implement an application, recruitment, screening and training process for appointments to vacated local board positions:

*a.* The process includes the coordinator's conducting a personal interview with the applicant, obtaining character references, and completing background checks on the applicant.

*b.* The process will include consultation between the coordinator and coordinator's direct supervisor.

**3.2(2)** A person employed by the department of health and human services or the judicial department, an employee of an agency with which the department of health and human services contracts for services for children under foster care, a foster parent providing foster care, or a child-placing agency shall not serve on a local board.

**3.2(3)** Vacancies on a local board shall be filled in the same manner as original appointments are made.

**3.2(4)** The term of a local board member's appointment shall not exceed four years. The child advocacy board shall fix the tenure of individual appointments so that no more than one-third of the membership's terms expire in a given year. A local board member may serve continuous successive terms.

**3.2(5)** The administrator shall develop a local board member evaluation process. The local board coordinator shall complete the evaluation process at least once for each local board member during the member's four-year term. The local board coordinator, in consultation with the coordinator's direct supervisor, shall consider the results of the evaluation when determining whether to approve reappointment of the local board member to a successive term. Prior to any reappointment, the member shall complete updated background checks and a progress evaluation.

**3.2(6)** A quorum is established when a majority of local review board members or alternates are present. A quorum shall be present before cases can be reviewed and recommendations are formulated.

This rule is intended to implement Iowa Code sections 17A.3 and 237.19.

[ARC 2322C, IAB 12/23/15, effective 1/27/16; ARC 6676C, IAB 11/16/22, effective 12/21/22; ARC 7698C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

**489—3.3(237) Removal of a local board member.** Rescinded ARC 6676C, IAB 11/16/22, effective 12/21/22.

**489—3.4(237) Duties of local board.**

**3.4(1)** Local board reviews. At least every six months, the case of each child receiving foster care assigned to a local board shall be reviewed in accordance with the written protocols adopted pursuant to Iowa Code section 237.16(4) as enacted by 2022 Iowa Acts, House File 2390, section 3, to determine whether satisfactory progress is being made towards the goals of the case permanency plan pursuant to Iowa Code section 237.2. Whenever possible, reviews shall be conducted prior to court review of the cases.

*a.* Each review will consider the following:

(1) The past, current, and future status of the child and placement as shown through the case permanency plan and case progress reports submitted by the agency responsible for the placement of the child and other information the board may require.

(2) The efforts of the agency responsible for the placement of the child to locate and provide services to the child's biological or adoptive parents, legal guardians, or fictive kin providing the majority of the child's daily food, lodging, and support.

(3) The efforts of the agency responsible for the placement of the child to facilitate the return of the child to the home or to find an alternative permanent placement other than foster care if reunion with the parent or previous custodian is not feasible. The agency shall report to the board all factors which either favor or mitigate against a decision or alternative with regard to these matters.

*b.* The local board may request an investigation of any problems, solutions, or alternatives with regard to the best interest of the child or of the state.

*c.* Each review shall include any oral, written, or recorded statements submitted by any person notified pursuant to Iowa Code section 237.20(4).

*d.* A person who gives an oral statement has the right to representation by counsel at the review. An oral statement may, upon the request of an interested party or upon motion of the local board, be given in a private setting. Local board questions shall pertain to the permanency plan and shall not include issues that do not pertain to the permanency plan.

**3.4(2)** Findings and recommendations. The local board shall submit the findings and recommendations to the appropriate court and the department within 15 days after the review. The findings and recommendations shall include the proposed date of the next review by the local board. The report to the court shall include information regarding the permanency plan and the progress in attaining the permanency goals. The local board shall send a copy of the findings and recommendations to the persons specified in subrule 3.4(3) within 15 days following the review.

**3.4(3)** The local board shall notify the following persons at least ten days prior to the review of the case of a child receiving foster care:

*a.* The person, court, or agency responsible for the child.

*b.* The parent or parents of the child unless termination of parental rights has occurred pursuant to Iowa Code section 232.117 or chapter 600A.

*c.* The foster care provider of the child.

*d.* The child receiving foster care, if the child is 14 years of age or older. The child shall be informed of the review's purpose and procedure, and of the right to have a guardian ad litem present.

*e.* The guardian ad litem of the foster child. The guardian ad litem shall be eligible for compensation through Iowa Code section 232.141(2).

*f.* The department.

*g.* The county attorney.

*h.* The person providing services to the child.

*i.* The child's attorney.

*j.* Any intervenor.

The notice shall include a statement that the person notified has the right to representation by counsel at the review.



**3.4(4)** The local board shall encourage placement of the child in the most appropriate setting reflecting the provisions of Iowa Code chapter 232.

This rule is intended to implement Iowa Code sections 17A.3 and 237.20.  
[ARC 2322C, IAB 12/23/15, effective 1/27/16; ARC 6676C, IAB 11/16/22, effective 12/21/22]

**489—3.5(237) Local board coordinator.** Rescinded ARC 6676C, IAB 11/16/22, effective 12/21/22.

**489—3.6(237) Children eligible for review.**

**3.6(1)** To be eligible for review, the child shall meet the requirements set forth in Iowa Code sections 234.1(2), 234.35 and 237.15.

**3.6(2)** If the child is not receiving foster care when the six-month review is scheduled, the review may be held if the child has received foster care for a minimum of two months during that six-month period.

**3.6(3)** If parental rights are terminated, the child's case will continue to be reviewed every six months until the child is placed in an adoptive home and the adoption is finalized.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.  
[ARC 6676C, IAB 11/16/22, effective 12/21/22]

[Filed emergency 5/30/85—published 6/19/85, effective 5/30/85]

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed 3/3/88, Notice 1/27/88—published 3/23/88, effective 4/27/88]

[Filed 9/2/88, Notice 6/15/88—published 9/21/88, effective 10/26/88]

[Filed ARC 2322C (Notice ARC 2223C, IAB 10/28/15), IAB 12/23/15, effective 1/27/16]

[Filed ARC 6676C (Notice ARC 6544C, IAB 9/21/22), IAB 11/16/22, effective 12/21/22]

[Filed ARC 7698C (Notice ARC 7065C, IAB 8/23/23), IAB 3/6/24, effective 7/1/24]<sup>1</sup>

<sup>1</sup> The effective date of ARC 7698C was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.



CHAPTER 4  
COURT APPOINTED SPECIAL ADVOCATE PROGRAM

**489—4.1(237) Purpose.** The child advocacy board is required by Iowa Code section 237.18 to establish procedures and protocols for administering the court appointed special advocate program.

**4.1(1) Definitions.**

*“Administrator”* means the person selected by the director to lead, direct and manage the staff and programs established by the board.

*“Certified,”* when used as a descriptor of a court appointed special advocate, means that an applicant has been determined by the child advocacy board to have the required qualifications to become a court appointed special advocate and has completed the application requirements, background checks, screening and selection process and training established pursuant to the rules in this chapter.

*“Coach”* or *“CASA coach”* means a duly certified court appointed special advocate volunteer who has received additional training to assist the coordinator by overseeing facets of the court appointed special advocate’s case work.

*“Coordinator”* means the staff member of the child advocacy board who is responsible for planning and implementation of the court appointed special advocate program in a county or cluster of counties in the state.

*“Court appointed special advocate”* or *“CASA volunteer”* or *“CASA”* or *“advocate”* means a person who is duly certified by the child advocacy board for participation in the court appointed special advocate program and appointed by the court to represent the interest of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from the proceeding. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the duties of a court appointed special advocate with respect to a child pursuant to Iowa Code section 237.24 as enacted by 2022 Iowa Acts, House File 2390, section 15, shall include the following:

1. Conducting in-person interviews with the child every 30 days, if the child’s age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child, if authorized by counsel.
2. Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including each time placement is changed.
3. Interviewing any person providing medical, mental health, social, educational, or other services to the child.
4. Obtaining firsthand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the court appointed special advocate is appointed.
5. Attending any depositions, hearings, and trial proceedings in the matter in which the court appointed special advocate is appointed for the purpose of supporting the child and advocating for the child’s protection.
6. Assisting the transition committee in the development of a transition plan if the child’s case permanency plan calls for the development of a transition plan.
7. Submitting a written report to the juvenile court and to each of the parties identified in Iowa Code section 237.21(4) as amended by 2022 Iowa Acts, House File 2390, section 13, prior to each court hearing, unless otherwise ordered by the court. The report shall include, but not be limited to, the identified strengths and concerns of the child and the child’s family, along with recommendations about the child’s placement and best interest.

**4.1(2) Program mission.** CASA of Iowa trains and supports community volunteers to advocate for a safe and permanent home for children who have experienced abuse and neglect, and works collaboratively to ensure their voice is heard.

**4.1(3) Program goal.** The CASA program will provide certified advocates for every child who has experienced abuse or neglect and for whom an advocate is authorized by an Iowa court.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[ARC 1375C, IAB 3/19/14, effective 4/23/14; ARC 6676C, IAB 11/16/22, effective 12/21/22; ARC 7698C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

**489—4.2(237) Program requirements.**

**4.2(1) Establishing additional procedures and protocols.**

a. The state board is responsible for establishment of procedures and protocols consistent with the Iowa Code.

b. Responsibility is delegated by the state board to the administrator to establish and submit to the board for approval a program policy and procedures manual that provides detailed guidance to child advocacy board staff and volunteers on application of these rules and the statutes that govern the operation of the court appointed special advocate program.

c. Child advocacy board staff and volunteers are required to comply with the protocols and procedures established by the state board and the provisions of the policy and procedures manual established by the administrator and approved by the board.

d. Day-to-day implementation of program policy is delegated by the state board to administrative staff. Staff is responsible for bringing questions about policy issues to the state board for clarification or changes of state policy.

**4.2(2) Operation requirements.**

a. The state board delegates responsibility to the administrator to hire, train, and manage staff throughout the state to implement CASA programming. The administrator shall determine the number of court appointed special advocates or coaches an individual coordinator may supervise.

b. The state board delegates responsibility to the administrator to provide additional information or guidance in the program's policy and procedures manual regarding the analysis of applicant qualifications and requirements for the final selection of CASA volunteers and coaches.

c. The coordinator is responsible for recruiting, screening, selecting, training and supervising court appointed special advocates.

d. The CASA selection is made in a manner that provides the best match available between the knowledge, skills, abilities, and availability of the advocate and the needs of the child. The assignments shall be made in a manner that avoids conflicts of interest, risk to the child's or advocate's safety, and jeopardy to the program's integrity.

e. Upon selection of the CASA who will serve on an individual case, the court and all interested parties are notified of the selection.

f. The selected CASA continues to serve on the case until the assignment is terminated by the court.

**4.2(3) CASA advocate qualifications.** Potential coaches and advocates shall meet the following qualifications:

a. Possess a genuine interest in advocating for children and their rights and needs.

b. Have availability to complete mandatory duties.

c. Commit to serve on a case until terminated by the court.

d. Have the ability to interact with persons involved in the child welfare system.

e. Have the ability to communicate effectively both in verbal and written presentations.

f. Be at least 19 years of age or older.

g. Not be a person employed by the state board, the department of health and human services, the district court, or an agency with which the department of health and human services contracts for services for children.

h. Agree to use the child advocacy board's data management system for case work.

**4.2(4) Application requirements for CASA volunteers.** All CASA volunteer applicants shall complete the following requirements:

a. Submit a program application to the program office.

- b. Provide the names and addresses of at least three nonrelative personal references.
- c. Participate in at least one personal interview with the local coordinator.
- d. Complete mandatory CASA preservice training.
- e. Take a confidentiality oath, administered by the presiding juvenile court judge, or designee, for whom the CASA will be performing official duties.

f. Authorize a release of information for the CASA program to conduct a complete criminal history check of the applicant's background, including, but not limited to, checking records in the court jurisdiction in which the applicant has resided, state criminal records, Federal Bureau of Investigation or other national criminal database, sex offender registry, child abuse registry, and social security number verification. Applicants who refuse to sign required background check releases will not be considered for the CASA program.

g. Individuals with a negative background check finding may be approved to be a court appointed special advocate in accordance with the CASA of Iowa child abuse registry/criminal background check exemption policy.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[ARC 6676C, IAB 11/16/22, effective 12/21/22; ARC 7698C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

**489—4.3(237) Training.** All child advocacy board staff and court appointed special advocate volunteers shall complete preservice and continuing education requirements.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[ARC 6676C, IAB 11/16/22, effective 12/21/22]

**489—4.4(237) Adherence to national guidelines.** The National Court Appointed Special Advocate/Guardian ad Litem Association for Children has established a national quality assurance system for CASA programs. The primary goal of the system is to strengthen CASA organizations and support their efforts to provide high-quality child advocacy and achieve the maximum level of excellence. CASA of Iowa shall continue to maintain compliance with the standards and, within the limits of available funding, shall deploy resources to maintain compliance in the future.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[ARC 1375C, IAB 3/19/14, effective 4/23/14; ARC 6676C, IAB 11/16/22, effective 12/21/22]

**489—4.5(237) Children eligible for assignment of a court appointed special advocate.** CASA of Iowa serves any child for whom the court appoints a court appointed special advocate as long as the resources to do so are available.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[ARC 1375C, IAB 3/19/14, effective 4/23/14; ARC 6676C, IAB 11/16/22, effective 12/21/22]

**489—4.6(237) Annual program report.** The child advocacy board shall issue an annual report to the general assembly, the governor and the supreme court. The report shall provide information about the number of volunteers providing service through the court appointed special advocate program, the number of children served by the program, and the benefits children and their families have obtained from the program.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

[ARC 1375C, IAB 3/19/14, effective 4/23/14]

[Filed ARC 1375C (Notice ARC 1285C, IAB 1/8/14), IAB 3/19/14, effective 4/23/14]

[Filed ARC 6676C (Notice ARC 6544C, IAB 9/21/22), IAB 11/16/22, effective 12/21/22]

[Filed ARC 7698C (Notice ARC 7065C, IAB 8/23/23), IAB 3/6/24, effective 7/1/24]<sup>1</sup>

<sup>1</sup> The effective date of ARC 7698C was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.



CHAPTER 5  
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES  
Rescinded **ARC 7698C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

<sup>1</sup> The effective date of **ARC 7698C** was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.





CHAPTER 13  
SPORTS WAGERING

**491—13.1(99F) Definitions.** As used in these rules, unless the context otherwise requires, the following definitions apply:

*“Administrator”* means the administrator of the racing and gaming commission or the administrator’s designee.

*“Advance deposit sports wagering”* means a method of sports wagering in which an eligible individual may, in an account established with a licensee under Iowa Code section 99F.7A, deposit moneys into the account and use the account balance to pay for sports wagering. Prior to January 1, 2021, an account must be established by an eligible individual in person with a licensee.

*“Advance deposit sports wagering operator”* means an advance deposit sports wagering operator licensed by the commission who has entered into an agreement with a licensee under Iowa Code section 99F.7A to provide advance deposit sports wagering.

*“Authorized sporting event”* means a professional sporting event, collegiate sporting event, international sporting event, or professional motor race event. “Authorized sporting event” does not include a race as defined in Iowa Code section 99D.2, a fantasy sports contest as defined in Iowa Code section 99E.1, minor league sporting event, or any athletic event or competition of an interscholastic sport as defined in Iowa Code section 9A.102.

*“Collegiate sporting event”* means an athletic event or competition of an intercollegiate sport as defined in Iowa Code section 9A.102.

*“Commission”* means the racing and gaming commission created under Iowa Code section 99D.5.

*“Designated sports wagering area”* means an area, as designated by a licensee and approved by the commission, in which sports wagering is conducted.

*“Eligible individual”* means an individual who is at least 21 years of age or older who is located within this state.

*“Facility”* means an entity licensed by the commission to conduct pari-mutuel wagering, gaming or sports wagering operations in Iowa.

*“International sporting event”* means an international team or individual sporting event governed by an international sports federation or sports governing body, including but not limited to sporting events governed by the international olympic committee and the international federation of association football.

*“Licensee”* means any person licensed under Iowa Code section 99F.7 or 99F.7A.

*“Minor league sporting event”* means a sporting event conducted by a sports league which is not regarded as the premier league in the sport as determined by the commission.

*“Professional sporting event”* means an event, excluding a minor league sporting event, at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event.

*“Sports wagering”* means the acceptance of wagers on an authorized sporting event by any system of wagering as authorized by the commission. “Sports wagering” does not include placing a wager on the performance or nonperformance of any individual athlete participating in a single game or match of a collegiate sporting event in which a collegiate team from this state is a participant, or placing a wager on the performance of athletes in an individual international sporting event governed by the international olympic committee in which any participant in the international sporting event is under 18 years of age.

*“Sports wagering net receipts”* means the gross receipts less winnings paid to wagerers on sports wagering.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—13.2(99F) Conduct of all sports wagering.**

**13.2(1) Commission policy.** It is the policy of the commission to require that all industry participants conduct sports wagering in a manner suitable to protect the public health, safety, morals, good order, and general welfare of the state. Responsibility for selecting, implementing, and maintaining suitable methods of operation rests with the facility, vendor, and advance deposit sports wagering operator.

Willful or persistent use or toleration of methods of operation deemed unsuitable in the sole discretion of the commission will constitute grounds for disciplinary action, up to and including revocation.

**13.2(2) *Activities prohibited.*** A facility, vendor, or advance deposit sports wagering operator is expressly prohibited from the following activities:

*a.* Failing to conduct advertising and public relations activities in accordance with decency, dignity, good taste, and honesty.

*b.* Failing to comply with or make provision for compliance with all federal, state, and local laws and rules pertaining to the operation of a facility or advance deposit sports wagering operation including, but not limited to, payment of license fees, withholding payroll taxes, and violations of alcoholic beverage laws or regulations.

*c.* Permitting cheating, failing to discover cheating that should have been discovered with reasonable inquiry, or failing to take action to prevent cheating.

*d.* Failing to conduct sports wagering operations in accordance with proper standards of custom, decorum, and decency; or permitting any type of conduct that reflects negatively on the state or commission or acts as a detriment to the sports wagering industry.

*e.* Performing any type of sports wagering activity, at any time, that is contrary to the representation made to the commission, commission representatives, or the public.

*f.* Denying a commissioner or commission representative, upon proper and lawful demand, information, documents, or access to inspect any portion of the sports wagering operation.

**13.2(3) *Wagers.*** Wagers may only be made by persons 21 years of age or older and on activities authorized pursuant to Iowa Code chapter 99F which are approved by the commission.

**13.2(4) *Public notice.***

*a.* The public shall have access to the sports wagering rules, available wagers, odds or payouts, the payout period, and the source of the information used to determine the outcome of a sports wager. All licensees and advance deposit sports wagering operators shall require participants to follow the rules of play. The sports wagering rules shall be:

(1) Displayed in the licensee's sports wagering area.

(2) Posted on the Internet site or mobile application used to conduct advance deposit sports wagering.

(3) Included in any terms and conditions disclosure statements of the advance deposit sports wagering system.

*b.* During account setup and login, advance deposit sports wagering operators shall display the following information on any interface that accepts wagers:

(1) Account sharing is prohibited.

(2) Persons under the age of 21 are prohibited from wagering.

(3) Any other disclosures, as required by the administrator.

**13.2(5) *Bond.*** A licensee shall post a bond or irrevocable letter of credit, at an amount determined by the commission, to the state of Iowa to guarantee that the licensee and any vendor or advance deposit sports wagering operator licensed in conjunction with the licensee faithfully makes the payments, keeps its books and records and makes reports, and conducts its gambling games and sports wagering in conformity with Iowa Code chapter 99F and the rules adopted by the commission.

**13.2(6) *Reserve.*** A reserve in the form of cash or cash equivalents segregated from operational funds, an irrevocable letter of credit, payment processor reserves and receivables, a bond, or a combination thereof shall be maintained in the amount necessary to cover the outstanding vendor sports wagering liability and advance deposit sports wagering liability. An accounting of this reserve shall be made available for inspection to the commission upon request.

*a.* The method of reserve shall be submitted to and approved by the administrator prior to implementation.

*b.* Reserve calculation shall include the following: patron accounts, future wagers liability, unpaid wagers and pending withdrawals.

*c.* If, at any time, the licensee's total reserve is less than the amount required by the reserve calculation, the licensee shall notify the commission of this deficiency within 72 hours.

*d.* On a form provided by the commission, the controller or an employee of higher authority shall file a monthly attestation to the commission that the reserve funds have been safeguarded pursuant to this subrule. The attestation shall be provided to the commission no later than 15 days after the end of each month.

**13.2(7) Internal controls.** Licensees and advance deposit sports wagering operators shall submit a description of internal controls to the administrator. The submission shall be made at least 30 days before sports operations are to commence unless otherwise approved by the administrator. All internal controls must be approved by the administrator prior to commencement of sports operations. The operator shall submit to the administrator any changes to the internal controls previously approved at least 15 days before the changes are to become effective unless otherwise directed by the administrator. It shall be the affirmative responsibility and continuing duty of each licensee and advance deposit sports wagering operator and their employees to follow and comply with all internal controls. The submission shall include controls and reasonable methods that provide for the following:

*a.* To prohibit wagering by coaches, athletic trainers, officials, players, or other individuals who participate and persons employed in a position with direct involvement with coaches, athletic trainers, officials, players or other individuals who participate in an authorized sporting event in which wagers may be accepted. Licensees shall demonstrate the capability, subject to review and approval by the administrator, to prevent prohibited persons from wagering on events on which they are not allowed to wager by implementing one of the following:

(1) Organize and maintain a list of prohibited persons.

(2) Participate in a third-party association or group that organizes and maintains a list of prohibited persons.

*b.* To identify and suspend accounts opened by individuals on behalf of persons under the age of 21.

*c.* To promptly report to the commission any criminal or disciplinary proceedings commenced against the licensee or its employees.

*d.* To promptly report to the commission, in a format approved by the administrator, any abnormal wagering activity or patterns that may indicate a concern about the integrity of an authorized sporting event or events, and any other conduct with the potential to corrupt a wagering outcome of an authorized sporting event for purposes of financial gain, including but not limited to match fixing, and suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, account sharing, or use of false identification. Integrity-monitoring procedures shall also provide for the sharing of information with other licensees, other governing authorities, and accredited sports governing entities by participating in an integrity-monitoring association or group or by another method as approved by the administrator.

*e.* Written notification to the commission for any incident where there is a violation involving criminal activity, Iowa Code chapter 99F, a commission rule or order, or an internal control within 72 hours of detection. The licensee or advance deposit sports wagering operator shall provide a written report detailing the violation as required by and in a format approved by the administrator.

*f.* The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of the employee's duties.

*g.* User access controls for all sensitive and secure, physical and virtual, areas and systems within a sports wagering operation.

*h.* Treatment of problem gambling by:

(1) Identifying problem gamblers.

(2) Complying with the process established by the commission pursuant to Iowa Code section 99F.4(22) and 491—subrule 5.4(12).

(3) Cooperating with the Iowa gambling treatment program in creating and establishing controls.

(4) Including information on the availability of the gambling treatment program in a substantial number of the licensee's advertisements and printed materials.

*i.* Setoff winnings of customers who have a valid lien established under Iowa Code chapter 99F.

**13.2(8) Revenue reporting.** Reports generated from the sports wagering system shall be made available as determined by the commission. The reporting system shall be capable of issuing reports by wagering day, wagering month, and wagering year. Wagering data shall not be purged unless approved by the commission. The reporting system shall provide for a mechanism to export the data for the purposes of data analysis and auditing or verification. The reporting system shall be able to provide, at a minimum, the following sports wagering information:

- a. The date and time each event started and ended.
- b. Total amount of wagers collected.
- c. Total amount of winnings paid to players.
- d. Total amount of wagers canceled, voided, and expired.
- e. Commission or fees collected.
- f. Total value of promotional play or free play used to purchase or execute a sports wager.
- g. Event status.
- h. Total amount held by the operator for the player accounts.
- i. Total amount of wagers placed on future events.
- j. Total amount of winnings owed but unpaid by the operator on winning wagers.
- k. The date, time, stake amount, win amount and individual associated with each event where winnings are required to be reported on Internal Revenue Service form W-2G, as recorded by the reporting system.

**13.2(9) Unclaimed winnings and abandoned accounts.** Unclaimed winnings and abandoned accounts are subject to the following requirements:

- a. Abandoned player accounts under this rule are subject to Iowa Code chapter 556.
- b. Player accounts are considered abandoned if no activity by the account holder has occurred for three years. Player activity includes making a wager, making an account deposit, or withdrawing funds.
- c. No licensee or advance deposit sports wagering operator shall charge an administration fee or maintenance fee for any inactive player account derived from state of Iowa residents at any time for any reason.

**13.2(10) Annual audit.** If a vendor is conducting sports wagering for a casino licensee, an audit of the sports wagering operations for the vendor or parent company of the vendor shall be conducted by certified public accountants authorized to practice in the state of Iowa, and the audit shall be provided to the commission within 90 days of the vendor's fiscal year and meet the following conditions:

- a. Inclusion of an internal control letter, audited balance sheet, and audited profit-and-loss statement including a breakdown of expenditures and subsidiaries of sports wagering activities.
- b. Inclusion of a supplement schedule indicating financial activities on a calendar-year basis if the vendor's fiscal year does not correspond to the calendar year.
- c. Inclusion of a supplement schedule for all Iowa locations in which the vendor operates.
- d. Report of any material errors, irregularities that may be discovered during the audit, or notice of any audit adjustments.
- e. Availability, upon request, of an engagement letter for the audit between the vendor or parent company of the vendor and the auditing firm.

**13.2(11) Revenue reports.** Licensees and advance deposit sports wagering operators shall provide additional reports, as determined necessary by the administrator, that detail the revenue submission required by 491—paragraph 5.4(10)“d.” Reports shall be provided to the commission in a format approved by the administrator. The administrator shall provide written notice to any licensee if additional reports are determined necessary. In addition, the administrator shall provide adequate time to any licensee if a report needs to be created to satisfy this requirement.

**13.2(12) Ticket payouts.** A method shall be available for players to collect at any time during the facility's hours of operation winnings from wagers made in person at a facility. Winnings required to be reported on Internal Revenue Service Form W-2G are exempt from this requirement.

**13.2(13) Records.** Licensees shall provide all information requested by the commission. Access to this information shall be prompt, and copies of the information shall be delivered within seven days or less as ordered or requested by the commission. The licensees shall ensure all books and records

and the retention of all books and records comply with 491—subrule 5.4(14). All records pertaining to wagers shall be available to allow for player complaint resolution. All records pertaining to the accounts of persons who registered or have account activity in Iowa shall be available to allow for audits and investigations.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; see Suspension note at end of chapter; ARC 5016C, IAB 4/8/20, effective 5/13/20; see Delay note at end of chapter; ARC 5422C, IAB 2/10/21, effective 3/17/21; ARC 6169C, IAB 2/9/22, effective 3/16/22; ARC 6895C, IAB 2/22/23, effective 3/29/23; ARC 7634C, IAB 2/21/24, effective 3/27/24; see Delay note at end of chapter]

#### **491—13.3(99F) Approval of sports wagers.**

**13.3(1) Approval.** Prior to offering a sports wager, a facility or advance deposit sports wagering operator shall request that the administrator investigate and approve the sports wager for compliance with commission rules and any other standards as required by the commission. The administrator may require the facility or advance deposit sports wagering operator, at the facility's or operator's own expense, to provide additional information as deemed necessary to make a determination. Prior to approval, the administrator may require a trial period of any sports wager offering. Once a sports wager is approved by the administrator, unless it is subsequently disapproved for any reason deemed appropriate by the administrator, the sports wager is available for all operators under the conditions approved and subject to subrule 13.3(2).

**13.3(2) Sports wager submissions.** Prior to conducting a sports wager approved pursuant to subrule 13.3(1), a licensee or advance deposit sports wagering operator shall submit proposals for the wager, including but not limited to wagering rules, payout information, source of the information used to determine the outcome of the sports wager, and any restrictive features of the wager. The sports wager submission, or requests for modification to an approved wager, shall be submitted in writing and approved by the administrator prior to implementation.

**13.3(3) Sports promotional contests, tournaments, or promotional activities.** Sports promotional contests, tournaments, or promotional activities may be permitted by the licensee, vendor, or advance deposit sports wagering operator providing the following:

- a. Rules shall be made available to participants for review prior to registering. Rules shall include, at a minimum: all conditions registered players must meet to qualify to enter or advance through the event, available prizes or awards, fees, and distribution of prizes or awards based on specific outcomes.
- b. Rules are followed. Changes to rules shall not be made after participants have registered.
- c. Results shall be made available for the registered players to review at the same location at which or in the same manner in which players registered. Results shall include, at a minimum: name of the event, date of the event, total number of entries, amount of entry fees, total prize pool, and amount paid for each winning category.
- d. Fees collected, less cash prizes paid, are subject to the wagering taxes pursuant to Iowa Code section 99F.11(4). In determining sports wagering net receipts, to the extent that cash prizes paid out exceed fees collected, the licensee or advance deposit sports wagering operator shall be deemed to have paid the fees for the participants.
- e. Rules include terms and conditions. All emails or digital advertisements promoting contests, tournaments, and promotional activities shall include a link or other easily obtainable source that includes rules or terms and conditions.
- f. There is compliance with all other federal, state, and local laws and rules outside of the commission's jurisdiction.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 5422C, IAB 2/10/21, effective 3/17/21]

**491—13.4(99F) Designated sports wagering area.** A floor plan identifying the designated sports wagering area, including the location of any device used to assist in the placement, resolution or collection of any sports wager, shall be filed with the administrator for review and approval. Modification to a previously approved plan must be submitted for approval at least ten days prior to implementation. Designated wagering areas shall contain conspicuous signage which denotes that an individual must be at least 21 years of age to wager on sports. Exceptions to this rule must be approved

in writing by the administrator. The sports wagering area is subject to compliance with 491—subrule 5.4(7).

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 6169C, IAB 2/9/22, effective 3/16/22]

**491—13.5(99F) Advance deposit sports wagering.**

**13.5(1) Authorization to conduct advance deposit sports wagering.** A licensee or advance deposit sports wagering operator shall receive specific authorization from the commission to conduct advance deposit sports wagering prior to conducting advance deposit sports wagering. The granting of an advance deposit sports wagering license or approval of any agreements between a licensee and an advance deposit sports wagering operator to conduct advance deposit sports wagering does not constitute authorization. Any entity authorized to conduct advance deposit sports wagering is expected to comply with all requirements of this chapter, except for rule 491—13.4(99F), and all other applicable federal, state, local, and commission requirements.

**13.5(2) Account registration.** A person must have an established account in order to place advance deposit sports wagers. The process for establishing an account is subject to the administrator's approval. An account may be established through on-site registration under procedures previously approved by the administrator, or through remote registration. To establish an account, an application for an account shall be signed or otherwise authorized in a manner approved by the administrator and shall include the applicant's full legal name, principal residential address, date of birth, last four digits of the social security number, and any other information required by the administrator. The account registration process shall also include:

- a. Age verification to prevent persons under the legal age for sports wagering from establishing an account.
- b. An applicant verification process that includes an exact match of the following:
  - (1) Date of birth, including month, date and year of birth.
  - (2) The last four digits of the social security number.
  - (3) Last name.
- c. An applicant verification process that permits a flexible match by allowing the following:
  - (1) First name may include nicknames and abbreviations.
  - (2) Address may include abbreviations.
- d. Authentication of identification by:
  - (1) Answering knowledge-based questions based on the applicant's public or private data; or
  - (2) Verifying that device ID and phone number match the applicant's publicly known data; or
  - (3) Comparing of valid government-issued ID to applicant's picture taken at time of account registration; or
  - (4) Another method as approved by the administrator.
- e. Verification that the applicant is not on the statewide self-exclusion list set forth in Iowa Code section 99F.4(22) prior to establishing an account.
- f. Availability and acceptance of a set of terms and conditions that is also readily accessible to the player before and after registration and noticed when updated. Notices shall include, at a minimum, the following:
  - (1) Explanation of rules in which any unrecoverable malfunctions of hardware/software are addressed including, but not limited to, if the unrecoverable malfunction, wagering event cancellation, or other catastrophic malfunction results in the voiding of any wagers.
  - (2) Procedures to deal with interruptions caused by the suspension of data flow from the network server during an event.
  - (3) Specifications advising players to keep their account credentials secure.
  - (4) Statement that no underage individuals are permitted to participate in wagering.
  - (5) Explanation of conditions under which an account is declared inactive and actions undertaken on the account once this declaration is made.
- g. Availability and acceptance of a privacy policy that is also readily accessible to the player before and after registration and noticed when updated and that includes, at a minimum, the following:

(1) Statement of information that is collected, the purpose for information collection, and the conditions under which information may be disclosed.

(2) Statement that any information obtained in respect to player registration or account establishment must be done in compliance with the privacy policy.

(3) Requirement that any information about player accounts which is not subject to disclosure pursuant to the privacy policy must be kept confidential, except where the release of that information is required by law.

(4) Requirement that all player information must be securely erased from hard disks, magnetic tapes, solid state memory, and other devices before the device is properly disposed of by the licensee. If erasure is not possible, the storage device must be destroyed.

*h.* If an advance deposit sports wagering operator has an agreement with more than one licensee, the advance deposit sports wagering operator shall submit an agreement to the administrator that indicates the manner in which customer net receipts shall be assigned with its licensee partners. The agreement shall include all partnering licensees and their respective qualified sponsoring organizations, and the net receipts shall be allocated using one of the following methods:

(1) Make available an option for new remotely registered customers to select the licensee at which net receipts are assigned.

(2) Allocate new remotely registered customer net receipts to the licensee which is located nearest to the customer's principal residential address.

(3) Distribute all customer receipts evenly between all licensees for which an agreement exists.

(4) An alternative allocation agreement that complies with local, state and federal law.

The agreement shall be made available for public inspection.

**13.5(3) *Operation of an account.*** The advance deposit sports wagering operator or a licensee shall submit controls, approved by the commission, that include the following for operating an account:

*a.* Specific procedures and technology partners to fulfill the requirements set forth in subrule 13.5(2).

*b.* Location detection procedures to reasonably detect and dynamically monitor the location of a player attempting to place any wager or perform other account activities as identified by the advance deposit sports wagering operator or licensee, related to an Iowa authorized account. Account activity-based location detection controls shall be informed by industry best practices and any commission guidelines for the detection of fraud or other unauthorized or illegal activity. The advance deposit sports wagering operator or licensee shall utilize and monitor geolocation activity to detect potential fraudulent and suspicious activity, which shall be reported in accordance with paragraph 13.2(7) "d." A player outside the permitted boundary attempting to make a wager shall be rejected, and the player shall be notified. The confidence radius shall be entirely located within the permitted boundary.

*c.* Specific controls set forth in subrule 13.2(7).

*d.* Limitation of one active account, per individually branded website, at a time unless otherwise authorized by the commission.

*e.* Authentication for login using a multifactor authentication process or other secure alternative means as authorized by the commission. After successful login, multifactor authentication will need to be performed at least every 14 days for each unique device. Processes for retrieving lost usernames and passwords shall be available, secure, and clearly disclosed to the player. Players shall be allowed to change their passwords.

*f.* Immediate notification to the player when changes are made to any account used for financial transactions or to registration information or when financial transactions are made unless other notification preferences are established by the player.

*g.* Process to immediately notify a player following an unusual login attempt. In the event that the unusual login attempt constitutes suspicious activity or if other suspicious activity is detected, an account shall be locked. A multifactor authentication process must be employed for the account to be unlocked.

*h.* Process for players to easily impose limitations or notifications for wagering parameters including, but not limited to, deposits and wagers. Self-imposed limitations must be applied

automatically, take effect immediately, and be implemented as indicated by the player. No changes can be made reducing the severity of the self-imposed limitations for at least 24 hours.

*i.* Process for players to easily self-exclude from wagering for a specified period of time and indefinitely. Self-exclusions must be applied automatically, take effect immediately, and be implemented as indicated by the player. No changes can be made to reduce the severity of the self-exclusion limitations for at least 24 hours. In the event of indefinite self-exclusion, the advance deposit sports wagering operator or licensee must ensure that the player is paid in full for the player's account balance within a reasonable time provided that the advance deposit sports wagering operator or licensee acknowledges that the funds have cleared. Players must be easily and obviously directed via a link to exclude themselves pursuant to Iowa Code section 99F.4(22). This control does not supersede the requirements set forth in Iowa Code section 99F.4(22).

*j.* Process to review and deactivate accounts of newly enrolled participants of the statewide self-exclusion program set forth in Iowa Code section 99F.4(22). The operator must ensure that players are paid in full for their account balance within a reasonable time provided that the operator acknowledges that the funds have cleared.

*k.* Provide for an easy and obvious method for a player to make a complaint and to enable the player to notify the commission if such complaint has not been or cannot be addressed by the advance deposit sports wagering operator or licensee.

**13.5(4) Account funds.** The following requirements apply to the maintenance of funds associated with a player account:

*a.* Positive player identification, including any personal identification number (PIN) entry or other approved secure methods, must be completed before the withdrawal of any moneys held by the advance deposit sports wagering operator or licensee can be made.

*b.* Payments from an account are to be paid directly to an account with a financial institution in the name of the player or made payable to the player and forwarded to the player's address or through another method that is not prohibited by state or federal law.

*c.* An advance deposit sports wagering operator or licensee must have in place security or authorization procedures to ensure that only authorized adjustments can be made to player accounts and that changes are auditable.

*d.* It shall not be possible to transfer funds between two player accounts.

*e.* An advance deposit sports wagering operator or licensee shall provide a transaction log or account statement history at no cost to players upon request. Information provided shall include sufficient information to allow players to reconcile the statement or log against their own financial records.

*f.* Requests for withdrawals shall not be unreasonably withheld and shall be completed in a timely manner.

*g.* An advance deposit sports wagering operator or licensee shall provide a fee-free method for players to deposit or withdraw funds from player accounts.

*h.* If the method of reserve utilized to comply with subrule 13.2(6) is not in the form of cash or cash equivalents segregated from operational funds, an advance deposit sports wagering operator or licensee shall segregate player account funds from operational funds.

**13.5(5) Annual audit.** An audit of the advance deposit sports wagering operations for the advance deposit sports wagering operator or licensee or parent company of the advance deposit sports wagering operator or licensee shall be conducted by certified public accountants authorized to practice in the state of Iowa and provided to the commission within 90 days of the licensee's fiscal year and meet the following conditions:

*a.* Inclusion of an internal control letter, audited balance sheet, and audited profit-and-loss statement including a breakdown of expenditures and subsidiaries of advance deposit sports wagering activities.

*b.* Inclusion of a supplement schedule indicating financial activities on a calendar-year basis if the advance deposit sports wagering operator's or licensee's fiscal year does not correspond to the calendar year.



c. Report of any material errors, irregularities that may be discovered during the audit, or notice of any audit adjustments.

d. Availability, upon request, of an engagement letter for the audit between the advance deposit sports wagering operator or licensee or parent company of the advance deposit sports wagering operator or licensee and the auditing firm.

e. Inclusion of a supplemental schedule for Iowa operations. A supplemental schedule shall include a breakdown of advance deposit sports wagering activities by each Iowa casino in which there is an agreement. The supplemental schedule provided to satisfy this requirement may be unaudited; however, the top financial officer of the company shall provide a statement attesting to the accuracy of the information provided to the commission.

**13.5(6) *Wagers.*** An advance deposit sports wagering operator shall display a player's wagers in a readily accessible manner.

**13.5(7) *Expiration or termination of an Iowa Code section 99F.7A operating agreement.*** In the event an advance deposit sports wagering operating agreement between a licensee under Iowa Code section 99F.7A and another entity expires, terminates, or is no longer valid, notice of termination must be given to the commission and all customers affiliated with the licensee. A customer shall be given an opportunity to close an account. If the advance deposit sports wagering operator has an operating agreement with other licensees in the state of Iowa, the customer shall have the option to select another partner licensee to which their net receipts shall be assigned, or the customer's net receipts shall be assigned to any remaining partner licensees in accordance with an agreement submitted to the administrator pursuant to paragraph 13.5(2) "h."

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 5422C, IAB 2/10/21, effective 3/17/21; ARC 6169C, IAB 2/9/22, effective 3/16/22; ARC 6895C, IAB 2/22/23, effective 3/29/23; ARC 7634C, IAB 2/21/24, effective 3/27/24; see Delay note at end of chapter]

#### **491—13.6(99F) Testing.**

**13.6(1) *Initial testing.*** All equipment and systems integral to the conduct of sports wagering and advance deposit sports wagering shall be tested and certified for compliance with commission rules and the standards required by a commission-designated independent testing laboratory. Certification and commission approval must be received prior to the use of any equipment or system to conduct sports wagering. The commission may designate more than one independent testing laboratory.

**13.6(2) *Change control.*** The licensees and advance deposit sports wagering operators shall submit change control processes that detail evaluation procedures for all updates and changes to equipment and systems to the administrator for approval at least 30 days prior to operation. These processes shall include, at a minimum, descriptions of the following areas of licensee operations:

- a. Process to classify all changes according to organizational risk.
- b. Process to designate whether changes must be submitted to an independent testing laboratory for review and certification.
- c. Process for emergency change determination and implementation.
- d. Process to log or note changes. Must include the details logged for each change, including but not limited to the following areas:
  - (1) Date and time of change or proposed date and time of change.
  - (2) Basic description of changes to be implemented.
  - (3) Change classification of change or changes, determined in accordance with the process established by paragraph 13.6(2) "a." If emergency designation is separate from other change classifications, this shall also be included in the log or note.
  - (4) Identification of whether a change was submitted to an independent testing laboratory, and the certification report number of any testing.
- e. Process to maintain logs or notify the commission of changes.

**13.6(3) *Annual testing.***

a. A system integrity and security risk assessment shall be performed annually on the advance deposit sports wagering system.

(1) The testing organization must be independent of the licensee and shall be qualified by the administrator.

(2) The system integrity and security risk assessment shall be completed no later than March 31 of each year.

(3) Results from the risk assessment shall be submitted to the administrator no later than 60 days after the assessment is completed. Results shall include a remediation plan to address any risks identified during the risk assessment.

(4) The risk assessment shall be conducted in accordance with current and accepted industry standard review requirements for risk assessments.

(5) The risk assessment shall include a review of licensee controls. Review of controls shall include but not be limited to a comparison of licensee controls to industry standard and best practice controls, and an audit of the licensee processes for compliance with those controls.

*b.* A geolocation system and integrity test shall be performed annually on the advance deposit wagering system.

(1) The testing organization must be independent of the licensee and the licensed geolocation vendor and shall be qualified by the administrator.

(2) The geolocation test shall be completed and the results submitted no later than March 31 of each year.

(3) Geolocation testing shall review existing licensee procedures for detecting and reporting fraudulent activity associated with any account activity detected by the geolocation system, and shall recommend updates to those procedures to align with any current or updated industry standard or commission guidance.

*c.* At the discretion of the administrator, additional assessments or specific testing criteria may be required.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 6169C, IAB 2/9/22, effective 3/16/22; ARC 6895C, IAB 2/22/23, effective 3/29/23; ARC 7634C, IAB 2/21/24, effective 3/27/24; see Delay note at end of chapter]

#### **491—13.7(99F) Licensing.**

**13.7(1) *Application and payment of fee.*** The commission shall, upon payment of an initial license fee of \$45,000 and submission of an application consistent with the requirements of Iowa Code section 99F.6, issue a license to conduct sports wagering to a facility.

**13.7(2) *Application procedure for a facility.*** Application for a license for a facility to conduct sports wagering shall be made to the commission. In addition to the application, the following must be completed and presented when the application is filed:

*a.* Name of the entity to be licensed by the commission to conduct sports wagering operations in Iowa.

*b.* Disclosure of agreements with entities to manage or operate sports wagering with or on behalf of the facility.

*c.* Disclosure of operating agreements for up to two, or three if authorized by the commission, individually branded internet sites to conduct advance deposit wagering for the facility.

*d.* Compliance with Iowa Code section 99F.6(4)“a”(2) and (3) requirements for qualified sponsoring organizations or horse racing purses.

*e.* A bond or irrevocable letter of credit on behalf of the facility in an amount to be determined by the commission.

*f.* A bank check, cashier’s check, or wire transfer made payable to Iowa Racing and Gaming Commission for \$45,000 for an initial license or \$10,000 for a renewal license.

**13.7(3) *Application procedure for an advance deposit sports wagering operator.*** Application for a license for an advance deposit sports wagering operator with an agreement with a facility shall be made to the commission for approval by the administrator. In addition to the application, the following must be completed and presented when the application is filed:

*a.* Disclosure of ownership interest, directors, or officers of applicant.

(1) An applicant or licensee shall notify the administrator of the identity of each director, corporate officer, owner, partner, joint venture participant, trustee, or any other person who has any beneficial interest of 5 percent or more, direct or indirect, in the business entity. For any of the above, as required by the administrator, the applicant or licensee shall submit background information on forms supplied by the division of criminal investigation and any other information the administrator may require.

For purposes of this rule, the term “beneficial interest” includes all direct and indirect forms of ownership or control, voting power, or investment power held through any contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise.

(2) For ownership interests of less than 5 percent, the administrator may request a list of these interests. The list shall include names, percentages owned, addresses, social security numbers, and dates of birth. The administrator may request the same information required of those individuals in subparagraph 13.7(3) “a”(1) above.

*b.* Investigative fees.

(1) Advance payment. The department of public safety may request payment of the investigative fee in advance as a condition to beginning investigation.

(2) Payment required. The administrator may withhold final action with respect to any application until all investigative fees have been paid in full.

*c.* A copy of each of the following:

(1) List of employees of the aforementioned who may have contact with persons within the state of Iowa.

(2) Agreement with facility to operate or manage the advance deposit sports wagering operation.

*d.* Any and all changes in the applicant’s legal structure, directors, officers, or the respective ownership interests must be promptly filed with the administrator.

*e.* The administrator may deny, suspend, or revoke the license of an applicant or licensee in which a director, corporate officer, or holder of a beneficial interest includes or involves any person or entity which would be, or is, ineligible in any respect, such as through want of character, moral fitness, financial responsibility, or professional qualifications, or due to failure to meet other criteria employed by the administrator, to participate in gaming regardless of the percentage of ownership interest involved. The administrator may order the ineligible person or entity to terminate all relationships with the licensee or applicant, including divestiture of any ownership interest or beneficial interest at acquisition cost.

*f.* Disclosure of the full nature and extent of all beneficial interests may be requested by the administrator and shall include the names of individuals and entities, the nature of their relationships, and the exact nature of their beneficial interest.

*g.* Public disclosure is made for the benefit of the public, and documents pertaining to the ownership filed with the administrator shall be available for public inspection in accordance with 491—Chapter 3.

**13.7(4) *Supplementary information.*** Each applicant shall promptly furnish the administrator with all additional information pertaining to the application or the applicant which the administrator may require. Failure to supply the requested information within five days after the request has been received by the applicant shall constitute grounds for delaying consideration of the application.

**13.7(5) *Temporary license certificates.***

*a.* A temporary license certificate may be issued at the discretion of the administrator.

*b.* Any temporary license certificate issued at the discretion of the administrator shall be valid for a maximum of 120 calendar days from the date of issue. Failure to obtain a permanent license within the designated time may result in revocation of license eligibility, fine, or suspension.

**13.7(6) *Withdrawal of application.*** A written notice of withdrawal of application may be filed by an applicant at any time prior to final action. No application shall be permitted to be withdrawn unless the administrator determines the withdrawal to be in the public interest. No fee or other payment relating to any application shall become refundable by reason of withdrawal of the application.

**13.7(7) *Record keeping.***

*a.* Record storage required. Licensees and advance deposit sports wagering operators shall maintain adequate records of business operations, which shall be made available to the administrator upon request. These records shall include:

- (1) All correspondence with the administrator and other governmental agencies on the local, state, and federal level.
- (2) All correspondence between the licensee and advance deposit sports wagering operators and any of their customers who are applicants or licensees under Iowa Code chapter 99F.
- (3) A personnel file on each employee of the licensee and advance deposit sports wagering operator, including sales representatives.
- (4) Financial records of all transactions with facilities and all other licensees and advance deposit sports wagering operators under these rules.

*b.* Record retention. Records other than those listed in subrule 13.2(8) shall be retained as required by 491—subrule 5.4(14).

**13.7(8) *Violation of laws or regulations.*** Violation of any provision of any laws of the state or of the United States of America or of any rules of the commission may constitute an unsuitable method of operation, subjecting the licensee to limiting, conditioning, restricting, revoking or suspending the license, or fining the licensee or advance deposit sports wagering operator, or any combination of the above. The commission has the discretion to suspend mobile gaming operations of its licensees by written order if necessary.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 5422C, IAB 2/10/21, effective 3/17/21]

These rules are intended to implement Iowa Code chapters 99D and 99F.

[Filed Emergency ARC 4618C, IAB 8/28/19, effective 7/31/19]<sup>1</sup>

[Filed ARC 5016C (Amended Notice ARC 4807C, IAB 12/18/19; Notice ARC 4617C, IAB 8/28/19), IAB 4/8/20, effective 5/13/20]<sup>2</sup>

[Filed ARC 5422C (Notice ARC 5269C, IAB 11/18/20), IAB 2/10/21, effective 3/17/21]

[Filed ARC 6169C (Notice ARC 6056C, IAB 11/17/21), IAB 2/9/22, effective 3/16/22]

[Filed ARC 6895C (Notice ARC 6610C, IAB 11/2/22), IAB 2/22/23, effective 3/29/23]

[Filed ARC 7634C (Notice ARC 7070C, IAB 9/20/23), IAB 2/21/24, effective 3/27/24]<sup>3</sup>

<sup>1</sup> Applicability of paragraph 13.2(7)“i” suspended until the adjournment of the 2020 session of the General Assembly by the Administrative Rules Review Committee at its meeting held August 12, 2019. Suspension superseded by adoption of paragraph 13.2(7)“i” in ARC 5016C, effective 5/13/20.

<sup>2</sup> Applicability of paragraph 13.2(7)“i” delayed until the adjournment of the 2021 session of the General Assembly by the Administrative Rules Review Committee at its meeting held May 8, 2020.

<sup>3</sup> March 27, 2024, effective date of Items 8 through 16 of ARC 7634C delayed until the adjournment of the 2024 Legislative Session of the General Assembly by the Administrative Rules Review Committee at its meeting held March 11, 2024.

CHAPTER 14  
FANTASY SPORTS CONTESTS

**491—14.1(99E) Definitions.** As used in these rules, unless the context otherwise requires, the following definitions apply:

*“Administrator”* means the administrator of the racing and gaming commission or the administrator’s designee.

*“Applicant”* means an internet fantasy sports contest service provider applying for a license to conduct internet fantasy sports contests under this chapter.

*“Commission”* means the state racing and gaming commission created under Iowa Code section 99D.5.

*“Entry fee”* means cash or cash equivalent that is required to be paid by an internet fantasy sports contest player to an internet fantasy sports contest service provider in order to participate in a fantasy sports contest.

*“Fantasy sports contest”* or *“contest”* means a fantasy or simulated game or contest in which:

1. The fantasy sports contest operator is not a participant in the game or contest;
2. The value of all prizes and awards offered to winning participants are established and made known to the participants in advance of the contest;
3. All winning outcomes reflect the relative knowledge and skill of the participants;
4. The outcome shall be determined by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events; and
5. No winning outcome is solely based on the score, point spread, or any performance or performances of any single actual team or solely on any single performance of an individual athlete or player in any single actual event.

*“Fantasy sports contest service provider”* means a person, including a licensee under Iowa Code chapter 99D, 99E or 99F, who conducts an internet fantasy sports contest as authorized by this chapter.

*“Highly experienced player”* means a person who has entered more than 1,000 contests conducted by a single fantasy sports contest service provider or has won more than three fantasy sports contest prizes of \$1,000 or more from a single fantasy sports contest service provider. A fantasy sports contest provider may declare other players a “highly experienced player” so long as the provider’s criteria for declaration would include players previously declared a “highly experienced player” by the provider.

*“Internal controls”* means the fantasy sports contest service provider’s system of internal controls.

*“Licensee”* means any person licensed under Iowa Code section 99E.5 to conduct internet fantasy sports contests.

*“Location percentage”* means, for each internet fantasy sports contest, the percentage, rounded to the nearest tenth of a percent, equal to the total charges and fees collected from all internet fantasy sports contest players located in this state divided by the total charges and fees collected from all participants in the internet fantasy sports contest.

*“Net revenue”* means an amount equal to the total entry and administrative fees collected from all participants entering fantasy sports contests less winnings paid to participants in the contest, multiplied by the location percentage.

*“Player”* or *“customer”* means a person who is at least 21 years of age and participates in an internet fantasy sports contest operated by an internet fantasy sports contest service provider.

*“Prize”* means anything of value, including cash or a cash equivalent, contest credits, merchandise or entry to another contest in which a prize may be awarded.

*“Script”* means a list of commands that a fantasy sports-related computer program can execute and is created by fantasy sports players, or by third parties for the use of all players, to automate processes on a fantasy sports contest internet platform.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 6895C, IAB 2/22/23, effective 3/29/23]

**491—14.2(99E) Application for fantasy sports contest service provider license and licensing.** A fantasy sports contest service provider must be licensed by the commission to offer an internet fantasy

sports contest under Iowa Code chapter 99E. Any individuals who are required to be occupationally licensed by the commission shall comply with the license requirements of Iowa Code section 99E.5 and rules 491—6.2(99D,99E,99F,252J) to 491—6.13(99D,99F,272D). Occupational licensees are also subject to 491—Chapter 4.

**14.2(1) *Licensing standards.*** Standards which shall be considered when determining the qualifications of an applicant shall include, but are not limited to, financial stability; business ability and experience; good character and reputation of the applicant as well as all directors, officers, partners, and employees and integrity of financial backers. For the purposes of this rule, the term “applicant” includes each member of the board of directors or other governing body of an applicant.

*a.* The commission shall not grant a license to an applicant if there is substantial evidence that any of the following apply:

(1) A license issued to the applicant to conduct internet fantasy sports contests in another jurisdiction has been revoked, or a request for a license to conduct internet fantasy sports contests in another jurisdiction has been denied, by an entity licensing persons to conduct such contests in that jurisdiction.

(2) The applicant has not demonstrated financial responsibility sufficient to adequately meet the requirements of the enterprise proposed.

(3) The applicant does not adequately disclose the true owners of the enterprise proposed.

(4) The applicant has knowingly made a false statement of a material fact to the commission.

(5) The applicant has failed to meet a monetary obligation in connection with conducting an internet fantasy sports contest.

(6) The applicant is not of good repute and moral character or the applicant has pled guilty to, or has been convicted of, a felony.

(7) Any member of the board of directors or governing body of the applicant is not 21 years of age or older.

*b.* A person who knowingly makes a false statement on the application is guilty of an aggravated misdemeanor.

**14.2(2) *Application procedure.*** Application for an internet fantasy sports contest service provider license shall be made to the commission on the form prescribed and published by the commission. In addition to the application, the following must be completed and presented when the application is filed:

*a.* Disclosure of ownership interest, directors, or officers of applicant.

*b.* The identity and date of birth of each member of the board of directors or other governing body of the applicant.

*c.* The identity of each director, corporate officer, owner, partner, joint venture participant, trustee, or any other person who has any beneficial interest of 5 percent or more, direct or indirect, in the business entity. For any of the above, as required by the administrator, the applicant or licensee shall submit background information on forms supplied by the division of criminal investigation and any other information the administrator may require. For purposes of this rule, the term “beneficial interest” includes all direct and indirect forms of ownership or control, voting power, or investment power held through any contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise.

*d.* For ownership interests of less than 5 percent, the administrator may request a list of these interests. At a minimum, the list shall include names, percentages owned, addresses, social security numbers, and dates of birth. The administrator may request the same information required of those individuals in subrule 14.2(1).

*e.* A list of employees of the aforementioned who may be conducting business directly or indirectly on behalf of the applicant in the state of Iowa.

*f.* A bond or irrevocable letter of credit on behalf of the applicant or other satisfactory evidence, as determined by the commission, of a safe and reliable means of fulfilling the applicant’s obligations to customers and the state of Iowa in an amount determined by the commission.

**14.2(3) *Investigative fee.***

*a.* Advance payment. The department of public safety may request payment of the investigative fee in advance as a condition to beginning the investigation.

*b.* Payment required. The administrator may withhold final action with respect to any application until all investigative fees have been paid in full.

**14.2(4)** *Application fee.* A bank or cashier's check shall be made payable to Iowa Racing and Gaming Commission for \$5,000.

**14.2(5)** *Reporting of changes.* Any and all changes in the applicant's legal structure, directors, officers, or the respective ownership interests must be promptly filed with the administrator.

**14.2(6)** *Ineligibility.* The administrator may deny, suspend, or revoke the license of an applicant or licensee in which a director, corporate officer, or holder of a beneficial interest includes or involves any person or entity which would be, or is, ineligible in any respect, such as through want of character, moral fitness, financial responsibility, or professional qualifications, or due to failure to meet other criteria employed by the administrator, to participate in gaming regardless of the percentage of ownership interest involved. The administrator may order the ineligible person or entity to terminate all relationships with the licensee or applicant, including divestiture of any ownership interest or beneficial interest at acquisition cost.

**14.2(7)** *Disclosure.* Disclosure of the full nature and extent of all beneficial interests may be requested by the administrator and shall include the names of individuals and entities, the nature of their relationships, and the exact nature of their beneficial interest.

**14.2(8)** *Public disclosure.* Disclosure is made for the benefit of the public, and all documents pertaining to the ownership filed with the administrator shall be available for public inspection.

**14.2(9)** *Supplementary information.* Each applicant shall promptly furnish the administrator with all additional information pertaining to the application or the applicant which the administrator may require. Failure to supply the requested information within five days after the request has been received by the applicant shall constitute grounds for delaying consideration of the application.

**14.2(10)** *Requirements placed upon applicants and licensees.* For purposes of this chapter, the requirements placed upon an applicant shall become a requirement to the licensee once a license has been granted. Every license is granted upon the condition that the license holder shall accept, observe, and enforce the rules and regulations of the commission. It is the affirmative responsibility and continuing duty of each officer, director, and employee of said license holder to comply with the requirements of the application and conditions of license and to observe and enforce the rules. The holding of a license is a privilege. The burden of proving qualifications for the privilege to receive any license is on the licensee at all times. A licensee must accept all risks of adverse public notice or public opinion, embarrassment, criticism, or financial loss that may result from action with respect to a license. Licensees further covenant and agree to hold harmless and indemnify the Iowa racing and gaming commission from any claim arising from any action of the commission in connection with that license.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

#### **491—14.3(99E) Temporary license certificates.**

**14.3(1)** A temporary license certificate may be issued at the discretion of the administrator.

**14.3(2)** Any temporary license certificate issued at the discretion of the administrator shall be valid for a maximum of 120 calendar days from the date of issue. Failure to obtain a permanent license within the designated time may result in revocation of license eligibility, fine, or suspension.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—14.4(99E) Withdrawal of application.** A written notice of withdrawal of application may be filed by an applicant at any time prior to final action. No application shall be permitted to be withdrawn unless the administrator determines the withdrawal to be in the public interest. No fee or other payment relating to any application shall become refundable by reason of withdrawal of the application.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

#### **491—14.5(99E) Fees.**

**14.5(1) Initial license.** Once the commission is satisfied that the requirements of this chapter have been met, an applicant will be granted an initial license for up to three years.

**14.5(2) Annual license fee.** After the initial licensing period, a licensee shall pay an annual fee of \$1,000 for licensees with a yearly adjusted gross revenue under \$150,000 or \$5,000 for licensees with a yearly adjusted gross revenue of \$150,000 or greater. The administrator shall set the time period for determining a licensee's adjusted gross revenue. Licenses must be renewed annually in a manner established by the commission.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

#### **491—14.6(99E) Taxes.**

**14.6(1)** The licensee shall pay a tax rate pursuant to Iowa Code section 99E.6 on adjusted revenue from fantasy sports contests. "Adjusted revenue" means the amount equal to the total charges and fees collected from all participants entering the fantasy sports contest less winnings paid to participants in the contest, multiplied by the location percentage defined in Iowa Code section 99E.1. Charges and fees returned to participants due to a participant withdrawing the participant's entry from a fantasy sports contest shall not be considered when calculating the adjusted revenue. Contests resulting in negative adjusted revenue shall be considered promotional in nature and cannot be used to offset taxes owed pursuant to Iowa Code section 99E.6.

**14.6(2)** Voided and canceled transactions are not considered receipts for the purpose of this calculation.

**14.6(3)** Any offering used to directly participate in a contest shall be considered receipts for the purpose of this calculation.

**14.6(4)** Any other fee collected to participate in a fantasy sports contest shall be subject to the wagering tax pursuant to Iowa Code section 99E.6.

**14.6(5)** All moneys collected for and owed to the state of Iowa under Iowa Code chapter 99E for the payment of fantasy sports contests shall be accounted for and itemized on a monthly basis, in a format approved by the commission, by noon on Wednesday following a gaming week's end as defined by 491—subparagraph 5.4(10)"b"(1) in which the completed gaming week includes the last day of the month. All fantasy sports contest fees owed shall be received in the treasurer's office by 11 a.m. on the Thursday after accounting and itemization is due in the commission office.

**14.6(6)** Fantasy sports operators shall provide additional reports, as determined necessary by the administrator, that detail the taxes collected in accordance with this rule. Reports shall be provided to the commission in a format approved by the administrator. The administrator shall provide written notice to any licensee if additional reports are determined necessary. In addition, the administrator shall provide adequate time to any licensee if a report needs to be created to satisfy this requirement.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 5422C, IAB 2/10/21, effective 3/17/21]

**491—14.7(99E) Account registration.** A person must have an established account in order to participate in fantasy sports contests. To establish an account, an application for an account shall be authorized in a manner approved by the administrator and shall include the applicant's full legal name, principal residential address, date of birth and any other information required by the commission. The account registration process shall also include:

**14.7(1)** Age verification to prevent persons under the legal age from participating in fantasy sports contests and establishing an account.

**14.7(2) Customer verification.**

*a.* A customer verification process shall include an exact match of the following:

- (1) Date of birth, including month, date and year of birth.
- (2) The last four digits of the social security number.
- (3) Last name.

*b.* A customer verification process shall permit a flexible match by allowing the following:

- (1) First name may include nicknames and abbreviations.
- (2) Address may include abbreviations.



- c. A customer verification process shall authenticate identification by the following:
- (1) Answering knowledge-based questions based on the applicant's public or private data; or
  - (2) Verifying that device ID and phone number match the applicant's publicly known data; or
  - (3) Comparing a valid government-issued ID to a photo of the applicant taken at the time of account registration; or
  - (4) Another method as approved by the administrator.

**14.7(3)** Verification that the customer is not on the statewide self-exclusion list set forth in Iowa Code section 99F.4(22) prior to establishing an account.

**14.7(4)** Availability and acceptance of a set of terms and conditions that are also readily accessible to the customer before and after registration and noticed when updated. Notices shall include, at a minimum, the following:

- a. Explanation of rules in which any unrecoverable malfunctions of hardware/software are addressed including, but not limited to, if the unrecoverable malfunction, fantasy sports event cancellation, or any other catastrophic malfunction results in the voiding of any contests.
- b. Procedures to deal with interruptions caused by the suspension of data flow from the network server during a contest.
- c. Specifications advising customers to keep their account credentials secure.
- d. Statement that no underage individuals are permitted to participate in contests.

**14.7(5)** Availability and acceptance of a privacy policy that is also readily accessible to the customer before and after registration and noticed when updated that includes, at a minimum, the following:

- a. Statement of information that is collected, the purpose for information collection and the conditions under which information may be disclosed.
- b. Statement that any information obtained in respect to customer registration or account establishment must be done in compliance with the privacy policy.
- c. Requirement that any information about customer accounts which is not subject to disclosure pursuant to the privacy policy must be kept confidential, except where the release of that information is required by law.
- d. Requirement that all customer information must be securely erased from hard disks, magnetic tapes, solid state memory and other devices before the device is properly disposed of by the licensee. If erasure is not possible, the storage device must be destroyed.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 7634C, IAB 2/21/24, effective 3/27/24; see Delay note at end of chapter]

#### **491—14.8(99E) Fantasy sports contest service provider requirements.**

**14.8(1) Internal controls.** Licensees shall submit a description of internal controls to the administrator. The submission shall be made at least 30 days before fantasy sports contest operations are to commence unless otherwise approved by the administrator. All internal controls must be approved by the administrator prior to commencement of contest operations. The service provider shall submit to the administrator any changes to the internal controls previously approved at least 15 days before the changes are to become effective unless otherwise directed by the administrator. It shall be the affirmative responsibility and continuing duty of each licensee and its employees to follow and comply with all internal controls. The submission shall include controls and reasonable methods that comply with and provide for:

- a. Prevention of employees of the internet fantasy sports contest service provider and relatives living in the same household of such employees from competing in any internet fantasy sports contest on the service provider's digital platform in which the service provider offers a prize to the public.
- b. Verification that any fantasy sports contest player is 21 years of age or older.
- c. Restriction of entries from coaches, officials, athletes, contestants, or other individuals who participate in a game or contest that is the subject of an internet fantasy sports contest in which the outcome is determined, in whole or in part, by the accumulated statistical results of a team of individuals in the game or contest in which they participate. Licensees shall demonstrate the capability, subject to

review and approval by the administrator, to prevent prohibited persons from participating in contests in which they are not allowed to participate by implementing one of the following:

- (1) Organize and maintain a list of prohibited persons.
- (2) Participate in a third-party association or group that organizes and maintains a list of prohibited persons.
  - d.* An easy and obvious method for a player to make a complaint and to enable the player to notify the commission if such complaint has not been or cannot be resolved by the licensee.
  - e.* Measures used to determine the true identity, date of birth, and address of each player seeking to open an account.
  - f.* Standards and procedures used to monitor fantasy sports contests to detect the use of unauthorized scripts and restrict players found to have used such scripts from further fantasy sports contests.
  - g.* Prevention of unauthorized withdrawals from a registered player's account by the service provider or others.
  - h.* How the service provider will accept wagers within the permitted boundary.
  - i.* How the service provider will segregate fantasy sports contest player funds from operational funds.
  - j.* Protection of a fantasy sports contestant's personal and private information.

**14.8(2) Records.** Licensees shall provide all information requested by the commission. Access to this information shall be prompt, and copies of the information shall be delivered within seven days or less as ordered or requested by the commission. The licensees shall ensure all books and records and the retention of all books and records comply with 491—subrule 5.4(14). All records pertaining to contests shall be available to allow for player complaint resolution. All records pertaining to the accounts of persons who registered or have account activity in Iowa shall be available to allow for audits and investigations.

**14.8(3) Reporting.** The licensee shall provide prompt notification of any facts which the licensee has reasonable grounds to believe indicate a violation of law or commission rule committed by licensees, their key persons, or their employees, including without limitation the performance of licensed activities different from those permitted under their license. The licensee is also required to provide a detailed written report within seven business days, or a time frame otherwise approved by the administrator, from the discovery for any of the following:

- a.* Criminal or disciplinary proceedings commenced against the service provider or its employees in connection with its operations;
- b.* Abnormal contest activity or patterns that may indicate a concern about the integrity of an internet fantasy sports contest;
- c.* Any other conduct with the potential to corrupt an outcome of an internet fantasy sports contest for purposes of financial gain, including but not limited to match fixing;
- d.* Suspicious or illegal internet fantasy sports contest activities, including the use of funds derived from illegal activity, deposits of money to enter an internet fantasy sports contest to conceal or launder funds derived from illegal activity;
- e.* The use of agents to enter an internet fantasy sports contest or use of false identification.

**14.8(4) Technical and testing requirements.**

*a. Initial testing.* All equipment and systems integral to the conduct of fantasy sports contests shall be tested and certified for compliance with commission rules and the standards required by a commission-designated independent testing laboratory. Certification and commission approval must be received prior to the use of any equipment or system to conduct a fantasy sports contest. The commission may designate more than one independent testing laboratory.

*b. Change control.* The fantasy sports contest service providers shall submit change control processes that detail evaluation procedures for all updates and changes to equipment and systems to the administrator for approval. These processes shall include details for identifying criticality of updates and determining of submission of updates to an independent testing laboratory for review and certification.

*c. Annual testing.*

(1) A system integrity and security risk assessment shall be performed annually on the fantasy sports contest system.

1. The testing organization must be independent of the licensee and shall be qualified by the administrator.

2. The system integrity and security risk assessment shall be completed no later than March 31 of each year. Results shall include a remediation plan to address any risks identified during the risk assessment.

3. Results from the risk assessment shall be submitted to the administrator no later than 60 days after the assessment is completed.

4. The risk assessment shall be conducted in accordance with current and accepted industry standard review requirements for risk assessments.

5. The risk assessment shall include a review of licensee controls. Review of controls shall include but not be limited to a comparison of licensee controls to industry standard and best practice controls, and an audit of the licensee processes for compliance with those controls.

(2) At the discretion of the administrator, additional assessments or specific testing criteria may be required.

*d. Limit on number of websites and platforms.* A fantasy sports contest service provider is authorized to conduct no more than two websites or platforms maintained and operated by the service provider.

**14.8(5) Operating requirements.** A fantasy sports contest service provider shall ensure the following:

*a.* Players winning fantasy sports contests shall have winning funds deposited into their player account or be paid by other means approved by the administrator within 48 hours from the end of the contest. Players shall have a fee-free method to deposit or withdraw funds from their player account. If funds are unable to be placed in a player's account, the fantasy sports contest service provider shall mail the funds to the player's address on file within ten days.

*b.* Player withdrawal of funds maintained in the player account shall be completed within five business days of the request unless the licensed fantasy sports contest service provider believes, in good faith, that the player engaged in fraud or other illegal activity pursuant to Iowa Code chapter 99D, 99E or 99F.

*c.* Procedures allow for a player to close an account and to access the player's history, including all fantasy sports contests in which the player participated.

*d.* Employees of the licensee are prohibited from participation in any fantasy sports contest offered by the licensee in which a cash prize is offered to the public. This includes prohibiting relatives living in the same household as such employees from competing in any fantasy sports contests offered by any licensee.

*e.* Prohibition of the sharing of confidential information that could affect fantasy sports contest play with third parties until the information is made publicly available.

*f.* Players are allowed to voluntarily self-exclude in compliance with Iowa Code section 99F.4(22), and a fantasy sports contest service provider shall follow all resolutions associated with the process.

*g.* Authentication for login using a multifactor authentication process or other secure alternative means as authorized by the commission. After successful login, multifactor authentication will need to be performed at least every 14 days for each unique device. Processes for retrieving lost usernames and passwords shall be available, secure, and clearly disclosed to the player. Players shall be allowed to change their passwords.

*h.* During account setup and login, fantasy sports contest service providers shall display the following information on any interface that accepts fantasy sports contest entries:

(1) Account sharing is prohibited.

(2) Persons under the age of 21 are prohibited from entering fantasy sports contests.

(3) Any other disclosures, as required by the administrator.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 5423C, IAB 2/10/21, effective 3/17/21; ARC 6169C, IAB 2/9/22, effective 3/16/22; ARC 6895C, IAB 2/22/23, effective 3/29/23; ARC 7634C, IAB 2/21/24, effective 3/27/24; see Delay note at end of chapter]

#### **491—14.9(99E) Contest rules.**

**14.9(1)** Prior to conducting a new type of fantasy sports contest, a fantasy sports contest service provider shall submit proposed contest rules to the administrator. The contest submission shall be in writing and approved by the administrator prior to implementation. The administrator shall approve, deny, or request further information within three business days of submission. If the administrator takes no action within that period, the fantasy sports contest service provider may offer the requested contest unless the administrator issues a subsequent disapproval. Once a contest is approved, the contest is available for all fantasy sports contest service providers unless the contest format is subsequently disapproved by the administrator for any reason the commission deems appropriate. Fantasy sports contest service providers may offer minor variations of an approved contest type without seeking administrator approval. Minor variations include:

- a. Offering the contest format for any sport, league, association or organization previously approved by the administrator for any fantasy sports contest type;
- b. The size of the contest and number of entries permitted;
- c. Nonmaterial changes to entry fee and prize structure;
- d. The number of athletes that a contestant selects to fill a roster when completing an entry;
- e. The positions that must be filled when completing an entry;
- f. Adjustments to the scoring system; and
- g. Adjustments to a salary cap.

**14.9(2)** Licensees are required to comply with and ensure the following:

- a. Advertisements for contests and prizes offered by a licensee shall not target prohibited participants, underage persons, or self-excluded persons.
- b. The values of all prizes and awards offered to winning players must be established and made known to the players in advance of the contest.
- c. Introductory procedures for players are prominently displayed on the main page of the licensee's platform to explain contest play and how to identify a highly experienced player.
- d. Identification of all highly experienced players in every fantasy sports contest by a symbol attached to the players' usernames, or by other easily visible means, on all platforms supported by the licensee.
- e. Contests are not offered based on the performance of participants in high school or youth sports events.
- f. Representations or implications about average winnings from contests shall not be unfair or misleading.
- g. Prohibition of the use of unauthorized third-party scripts or unauthorized scripting programs for any contest and ensure that measures are in place to deter, detect, and prevent cheating to the extent reasonably possible. "Cheating" includes collusion and the use of cheating devices, including the use of software programs that submit entry fees or adjust the athletes selected by a player.
- h. Prominent display of information about the maximum number of entries that may be submitted for that contest for all advertised fantasy sports contests.
- i. Disclosure of the number of entries that a player may submit to each fantasy sports contest and provide reasonable steps to prevent players from submitting more than the allowable number.
- j. Opportunity for players to file a patron dispute.
- k. Conspicuously disclose the source of the data utilized in any results.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 6895C, IAB 2/22/23, effective 3/29/23]

#### **491—14.10(99E) Segregation account requirements and financial reserves.**

**14.10(1) Segregation.** Fantasy sports contest service providers shall segregate all fantasy sports contest player funds from operational funds.

**14.10(2) Financial reserves.** For the protection of the funds of contest participants held in paid fantasy sports accounts, the fantasy sports contest service provider shall maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, payment processor reserves and receivables, a bond, or a combination thereof in the amount of the deposits in internet fantasy sports contest player accounts.

*a.* The method of reserve shall be submitted and approved by the commission prior to implementation.

*b.* The amount of the reserve shall be equal to, at a minimum, the sum of all registered players' funds held in player accounts originating in Iowa.

*c.* If, at any time, the licensee's total reserve is less than the amount required by the reserve calculation, the licensee shall notify the commission of this deficiency within 72 hours.

*d.* Each licensee shall continuously monitor and maintain a record of all player deposits and the licensee's cash reserves to ensure compliance with the cash reserves requirement.

*e.* The licensee shall provide the commission with documentation including the amount of deposits in players' accounts and the amount in cash reserves as of the last day of each month. The information is due by the fifteenth day of the month for the preceding month.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 6169C, IAB 2/9/22, effective 3/16/22]

**491—14.11(99E) Annual audit.** An audit of the fantasy sports contest operations for the licensee or parent company of the licensee shall be conducted by certified public accountants authorized to practice in the state of Iowa and provided to the commission within 180 days of the licensee's fiscal year and meet the following conditions:

**14.11(1)** Inclusion of an internal control letter, audited balance sheet, and audited profit-and-loss statement including a breakdown of expenditures and subsidiaries of fantasy sports contest activities.

**14.11(2)** Inclusion of a supplement schedule indicating financial activities on a calendar-year basis if the licensee's fiscal year does not correspond to the calendar year.

**14.11(3)** Report of any material errors, irregularities that may be discovered during the audit, or notice of any audit adjustments.

**14.11(4)** Availability, upon request, of an engagement letter for the audit between the licensee or parent company of the licensee and the auditing firm.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—14.12(99E) Abandoned accounts.**

**14.12(1)** Abandoned player accounts under this rule are subject to Iowa Code chapter 556. Player accounts are considered abandoned if no activity by the account holder has occurred for three years. Player activity includes entering a contest, making an account deposit, or withdrawing funds.

**14.12(2)** No internet fantasy sports contest service provider shall charge an administration fee or maintenance fee for any inactive player account derived from state of Iowa residents at any time for any reason.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—14.13(99E) Problem gambling.**

**14.13(1)** The licensee shall adopt and implement the following:

*a.* Policies and procedures designed to identify compulsive play.

*b.* Policies and procedures designed to comply with the process established by the commission pursuant to Iowa Code section 99F.4(22).

*c.* Policies and procedures designed to cooperate with the Iowa gambling treatment program in creating and establishing controls.

*d.* Policies and procedures designed to make information available to customers concerning assistance for compulsive play in Iowa, including websites or toll-free numbers directing customers to reputable resources containing further information, which shall be free of charge.

*e.* A process for players to easily impose limitations or notifications for deposits and monetary participation in a contest. Limitations must be applied automatically, take effect immediately, and be implemented as indicated by the player. No changes can be made reducing the severity of the self-imposed limitations for at least 24 hours.

*f.* A process for players to easily self-exclude for a specified period of time and indefinitely. Self-exclusions must be applied automatically, take effect immediately, and be implemented as indicated by the player. No changes can be made to reduce the severity of the self-exclusion limitations for at least 24 hours. In the event of indefinite self-exclusion, the licensee must ensure that the player is paid in full for the player's account balance within a reasonable time provided that the licensee acknowledges that the funds have cleared. Players must be easily and obviously directed via a link to exclude themselves pursuant to Iowa Code section 99F.4(22). This control does not supersede the requirements set forth in Iowa Code section 99F.4(22).

*g.* A process to review and deactivate accounts of newly enrolled participants of the statewide self-exclusion program set forth in Iowa Code section 99F.4(22). The licensee must ensure that the player is paid in full for the player's account balance provided that the licensee acknowledges that the funds have cleared.

**14.13(2)** The licensee shall also include on the internet site or mobile application the statewide telephone number of the Iowa department of health and human services to provide problem gambling information and extensive responsible gaming features in addition to those described in Iowa Code section 99F.4(22).

**14.13(3)** Money forfeited by a voluntarily excluded person pursuant to Iowa Code section 99F.4(22) shall be withheld by the licensee and remitted to the general fund of the state by the licensee.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20; ARC 6169C, IAB 2/9/22, effective 3/16/22; Editorial change: IAC Supplement 11/1/23]

#### **491—14.14(99E) Licensing of internet fantasy sports contest service providers.**

**14.14(1) Operation.** The internet fantasy sports contest service provider shall submit the following for commission approval:

- a.* Internal controls for the operation of the account.
- b.* A detailed description and certification of systems and procedures used by the internet fantasy sports contest service provider to validate the identity, age and location of licensee account holders and to validate the legality of wagers accepted.
- c.* Certification of secure retention of all records related to internet fantasy sports contests and accounts for a period of not less than three years or such longer period as specified by the commission.
- d.* Certification of prompt commission access to all records relating to account holder identity, age and location in hard-copy or standard electronic format acceptable to the commission.
- e.* Verification that the player is not on the statewide voluntary self-exclusion list set forth in Iowa Code section 99F.4(22) prior to establishing an account.

**14.14(2) Record keeping.**

*a.* Record storage required. Internet fantasy sports contest service providers shall maintain adequate records of business operations, which shall be made available to the administrator upon request. These records shall include:

- (1) All correspondence with the administrator and other governmental agencies on the local, state, and federal level.
- (2) All correspondence between the licensee and any of its customers who are applicants or licensees under Iowa Code chapter 99E.
- (3) Financial records of all transactions with players and all other licensees under these regulations.

*b.* Record retention. The records listed in paragraph 14.14(2) "a" shall be retained as required by 491—subrule 5.4(14).

**14.14(3) Violation of laws or regulations.** Violation of any provision of any laws of the state or of the United States of America or of any rules of the commission may constitute an unsuitable method of operation, subjecting the licensee to limiting, conditioning, restricting, revoking or suspending the

license, or fining the licensee, or any combination of the above. The commission has the discretion to suspend fantasy sports contest operations of its licensees by written order if necessary.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

These rules are intended to implement Iowa Code chapters 99D, 99E and 99F.

[Filed Emergency ARC 4618C, IAB 8/28/19, effective 7/31/19]

[Filed ARC 5016C (Amended Notice ARC 4807C, IAB 12/18/19; Notice ARC 4617C, IAB 8/28/19),  
IAB 4/8/20, effective 5/13/20]

[Filed ARC 5422C (Notice ARC 5269C, IAB 11/18/20), IAB 2/10/21, effective 3/17/21]

[Filed ARC 5423C (Notice ARC 5315C, IAB 12/16/20), IAB 2/10/21, effective 3/17/21]

[Filed ARC 6169C (Notice ARC 6056C, IAB 11/17/21), IAB 2/9/22, effective 3/16/22]

[Filed ARC 6895C (Notice ARC 6610C, IAB 11/2/22), IAB 2/22/23, effective 3/29/23]

[Editorial change: IAC Supplement 11/1/23]

[Filed ARC 7634C (Notice ARC 7070C, IAB 9/20/23), IAB 2/21/24, effective 3/27/24]<sup>1</sup>

<sup>1</sup> March 27, 2024, effective date of Items 8 through 16 of ARC 7634C delayed until the adjournment of the 2024 Legislative Session of the General Assembly by the Administrative Rules Review Committee at its meeting held March 11, 2024.





## PUBLIC HEALTH DEPARTMENT[641]

Rules of divisions under this department “umbrella” include Professional Licensure[645], Dental Board[650], Medical Board[653],  
Nursing Board[655] and Pharmacy Board[657]

### CHAPTER 1

#### REPORTABLE DISEASES, POISONINGS AND CONDITIONS, AND QUARANTINE AND ISOLATION

- |  |  |
|--|--|
| 1.1(139A)  | Definitions  |
| 1.2(139A)  | Purpose and authority  |
| REPORTABLE COMMUNICABLE AND INFECTIOUS DISEASES      |  |
| 1.3(139A,141A)                                       | Reportable communicable and infectious diseases                                      |
| 1.4(135,139A)  | Reporting of reportable communicable and infectious diseases                         |
| REPORTABLE POISONINGS AND CONDITIONS—NONCOMMUNICABLE |  |
| 1.5(139A,135)  | Reportable poisonings and conditions   |
| 1.6(135,139A)  | Reporting poisonings and conditions  |
| INVESTIGATION  |  |
| 1.7(135,139A)  | Investigation of reportable diseases   |
| ISOLATION AND QUARANTINE                             |  |
| 1.8(139A)  | Isolation and quarantine   |
| 1.9(135,139A)  | Quarantine and isolation   |
| 1.10 and 1.11  | Reserved   |
| 1.12(135,137,139A)                                   | Quarantine and isolation—model rule for local boards                                 |
| 1.13(135,139A)                                       | Area quarantine  |
| SPECIFIC NONCOMMUNICABLE CONDITIONS                  |  |
| 1.14(139A)   | Cancer   |
| 1.15(144)  | Congenital and inherited disorders   |
| 1.16(139A)   | Agriculturally related injury  |
| CONFIDENTIALITY                                      |  |
| 1.17(139A,22)  | Confidentiality  |
| STATE HYGIENIC LABORATORY                            |  |
| 1.18(135,139A)                                       | Specimens for which the fee charged by the state hygienic laboratory shall be waived |

### CHAPTER 2

#### HEPATITIS PROGRAMS

- |  |   |
|--|---|
| VIRAL HEPATITIS PROGRAM—VACCINATIONS AND TESTING |   |
| 2.1(135)   | Definitions                                     |
| 2.2(135)   | Purpose   |
| 2.3(135)   | Exposure risks for hepatitis C virus            |
| 2.4(135)   | Information for public distribution             |
| 2.5(135)   | Hepatitis vaccination and testing program       |
| 2.6 to 2.8                                       | Reserved  |
| HEPATITIS C AWARENESS PROGRAM—VETERANS           |   |
| 2.9(135)   | Definitions                                     |
| 2.10(135)  | Purpose   |
| 2.11(135)  | Awareness materials                             |
| 2.12(135)  | Awareness information                           |
| 2.13(135)  | Resources for hepatitis follow-up and treatment |

CHAPTER 3  
EARLY HEARING DETECTION AND INTERVENTION (EHDI) PROGRAM

- EARLY HEARING DETECTION AND INTERVENTION (EHDI) PROGRAM
- 3.1(135) Definitions
  - 3.2(135) Purpose
  - 3.3(135) Goal and outcomes
  - 3.4(135) Program components
  - 3.5(135) Screening the hearing of all newborns
  - 3.6(135) Procedures required of birthing hospitals
  - 3.7(135) Procedures required of birth centers
  - 3.8(135) Procedures to ensure that children born in locations other than a birth center or birthing hospital receive a hearing screening
  - 3.9(135) Reporting hearing screening results and information to the department and child's primary care provider
  - 3.10(135) Conducting and reporting screening results and diagnostic audiologic assessments to the department and child's primary care provider
  - 3.11(135) Congenital cytomegalovirus (cCMV) testing for newborns who do not pass the initial newborn hearing screening
  - 3.12(135) Sharing of information and confidentiality
  - 3.13(135) Procedure to accommodate parental objection
  - 3.14(135) Civil/criminal liability
  - 3.15(135) Early hearing detection and intervention advisory committee
  - 3.16 Reserved

HEARING AIDS AND AUDIOLOGIC SERVICES FUNDING PROGRAM

- 3.17(83GA, HF811) Eligibility criteria
- 3.18(83GA, HF811) Covered services
- 3.19(83GA, HF811) Application procedures
- 3.20(83GA, HF811) Hearing aids and audiologic services funding wait list
- 3.21(83GA, HF811) Reimbursement of providers
- 3.22(83GA, HF811) Appeals

CHAPTER 4  
CENTER FOR CONGENITAL AND INHERITED DISORDERS

- 4.1(136A) Program overview
- 4.2(136A) Definitions
- 4.3(136A) Iowa newborn screening program (INSP)
- 4.4(136A) Iowa maternal prenatal screening program (IMPSP)
- 4.5(136A) Regional genetic consultation service (RGCS)
- 4.6(136A) Neuromuscular and other related genetic disease program (NMP)
- 4.7(136A) Iowa registry for congenital and inherited disorders (IRCID)
- 4.8(135) Iowa's early hearing detection and intervention program
- 4.9 and 4.10 Reserved

CENTER FOR CONGENITAL AND INHERITED DISORDERS ADVISORY COMMITTEE (CIDAC)

- 4.11(136A) Purpose
- 4.12(136A) Duties of the advisory committee
- 4.13(136A) Membership
- 4.14(136A) Meetings

CHAPTER 5  
MATERNAL DEATHS

- 5.1(135) Reporting of maternal deaths
- 5.2(135) Ascertainment of maternal deaths
- 5.3(135) Reviewing of maternal deaths

CHAPTER 6  
Reserved

CHAPTER 7  
IMMUNIZATION AND IMMUNIZATION EDUCATION: PERSONS ATTENDING ELEMENTARY  
OR SECONDARY SCHOOLS, LICENSED CHILD CARE CENTERS OR INSTITUTIONS OF  
HIGHER EDUCATION

- 7.1(139A) Definitions
- 7.2(139A) Persons included
- 7.3(139A) Persons excluded
- 7.4(139A) Required immunizations
- 7.5(139A) Required education
- 7.6(139A) Proof of immunization
- 7.7(139A) Provisional enrollment
- 7.8(139A) Records and reporting
- 7.9(139A) Providing immunization services
- 7.10(139A) Compliance
- 7.11(22) Statewide registry
- 7.12(22) Release of immunization and health screening information

CHAPTER 8  
IOWA CARE FOR YOURSELF (IA CFY) PROGRAM

- 8.1(135) Definitions
- 8.2(135) Components of the Iowa care for yourself (IA CFY) program
- 8.3(135) Participant eligibility criteria
- 8.4(135) Participant application procedures for IA CFY program services
- 8.5(135) Priority for program expenditures
- 8.6(135) Right to appeal
- 8.7(135) Verification for the breast or cervical cancer treatment (BCCT) option of Medicaid

CHAPTER 9  
OUTPATIENT DIABETES EDUCATION PROGRAMS

- 9.1(135) Scope
- 9.2(135) Definitions
- 9.3(135) Powers and duties
- 9.4(135) Application procedures for American Diabetes Association-recognized and Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators-accredited programs
- 9.5(135) Renewal procedures for American Diabetes Association-recognized and Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators-accredited programs
- 9.6(135) Application procedures for programs not recognized by the American Diabetes Association or accredited by the Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators
- 9.7(135) Diabetes program management for programs not recognized by the American Diabetes Association or accredited by the Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators

- 9.8(135) Program staff for programs not recognized by the American Diabetes Association or accredited by the Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators
- 9.9(135) Renewal application procedures for programs not recognized by the American Diabetes Association or accredited by the Association of Diabetes Care and Education Specialists/American Association of Diabetes Educators
- 9.10(135) Annual report
- 9.11(135) Enforcement
- 9.12(135) Complaints
- 9.13(135) Appeal process
- 9.14(135) Formal contest

## CHAPTER 10

## IOWA GET SCREENED: COLORECTAL CANCER PROGRAM

- 10.1(135) Purpose
- 10.2(135) Definitions
- 10.3(135) Components of the Iowa get screened (IGS): colorectal cancer program
- 10.4(135) Participant eligibility criteria
- 10.5(135) Participant application procedures for IGS program services
- 10.6(135) Priority for program expenditures
- 10.7(135) Right to appeal
- 10.8(135) Colorectal cancer treatment

## CHAPTER 11

## HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

- 11.1(139A,141A) Definitions
- 11.2(141A) HIV testing—obtaining consent—voluntary HIV-related tests for adults who are not pregnant
- 11.3(139A,141A) HIV testing—obtaining consent—voluntary HIV-related tests for minors who are not pregnant
- 11.4(141A) HIV testing—obtaining consent—voluntary HIV-related tests for pregnant women
- 11.5(141A) HIV test results—post-test counseling
- 11.6(141A) Reporting of diagnoses and HIV-related tests, events, and conditions to the department
- 11.7(141A) Penalties
- 11.8(141A) Immunity
- 11.9 and 11.10 Reserved

## TRAINING PROGRAMS

- 11.11(135) Purpose
- 11.12 to 11.14 Reserved

## PARTNER NOTIFICATION SERVICES AND DIRECT NOTIFICATION OF AN IDENTIFIABLE THIRD PARTY

- 11.15(139A,141A) Purpose
- 11.16(139A,141A) Definitions
- 11.17(139A,141A) Partner notification services by the department
- 11.18(141A) Direct notification of an identifiable third party by a physician, physician assistant or the department
- 11.19 and 11.20 Reserved

## CARE PROVIDERS EXPOSED TO CONTAGIOUS OR INFECTIOUS DISEASES

- 11.21(139A) Purpose
- 11.22(139A) Definitions

- 11.23(139A,141A) Exposures in non-clinical settings
- 11.24(139A,141A) Exposures in clinical settings
- 11.25(139A) Immunity
- 11.26(139A) Duty to test
- 11.27 to 11.29 Reserved

HIV-RELATED TEST FOR CONVICTED OR ALLEGED SEXUAL-ASSAULT OFFENDERS AND VICTIMS

- 11.30(915) Purpose
- 11.31(915) Definitions
- 11.32(915) HIV-related test—convicted or alleged sexual assault offender
- 11.33(915) Medical examination costs
- 11.34(915) Testing, reporting, and counseling—penalties
- 11.35 to 11.39 Reserved

AIDS DRUG ASSISTANCE PROGRAM (ADAP)

- 11.40(141A) Definitions
- 11.41(141A) Purpose
- 11.42(141A) Ensuring payer of last resort
- 11.43(141A) Eligibility requirements
- 11.44(141A) Enrollment process
- 11.45(141A) Discontinuation of services
- 11.46(141A) Distribution requirements
- 11.47(141A) ADAP waiting list
- 11.48(141A) Appeals
- 11.49(141A) Confidentiality

CHAPTER 12

APPROVAL OF CONFIRMATORY LABORATORIES FOR  
PRIVATE SECTOR DRUG-FREE WORKPLACE TESTING

- 12.1(730) Purpose
- 12.2(730) Definitions
- 12.3(730) Powers and duties
- 12.4(730) Application procedures and requirements
- 12.5(730) Requirements of laboratory personnel involved in confirmatory testing for alcohol or other drugs, or their metabolites
- 12.6(730) Quality assurance program and procedure manual requirements
- 12.7(730) Analytical quality control
- 12.8(730) Sample security and confidentiality of test results
- 12.9(730) Confirmatory testing
- 12.10(730) Documentation of the confirmatory testing process
- 12.11(730) Reporting of confirmed positive test results to the medical review officer
- 12.12(730) Reporting requirements to department
- 12.13(730) Approval, renewal, and inspection fees
- 12.14(730) Renewal
- 12.15(730) Reciprocity
- 12.16(730) Changes during approval periods
- 12.17(730) Enforcement
- 12.18(730) Denial, suspension, modification or revocation of approval
- 12.19(730) Restoration of approval
- 12.20(730) Appeals process
- 12.21(730) Complaints

CHAPTERS 13 and 14

Reserved

CHAPTER 15  
SWIMMING POOLS AND SPAS

- 15.1(135I) Applicability  
15.2(135I) Scope  
15.3(135I) Definitions and abbreviations

SWIMMING POOLS

- 15.4(135I) Swimming pool operations  
15.5(135I) Construction and reconstruction

ADMINISTRATION

- 15.6(135I) Enforcement  
15.7(135I) Waivers  
15.8(135I) Penalties  
15.9(135I) Registration  
15.10(135I) Training courses  
15.11(135I) Swimming pool/spa operator qualifications  
15.12(135I) Fees  
15.13(135I) 28E agreements  
15.14(135I) Application denial or partial denial—appeal  
15.15 to 15.50 Reserved

SPAS

- 15.51(135I) Spa operations  
15.52(135I) Construction and reconstruction

CHAPTERS 16 to 19  
Reserved

CHAPTER 20  
COMMUNITY WATER FLUORIDATION GRANT PROGRAM

- 20.1(135) Purpose  
20.2(135) Definitions  
20.3(135) Applications  
20.4(135) Review and rating of applications  
20.5(135) Project contracts  
20.6(135) Implementation procedures  
20.7(135) Reimbursement  
20.8(135) Termination  
20.9(135) Appeals

CHAPTER 21  
CENTRAL REGISTRY FOR  
BRAIN AND SPINAL CORD INJURIES

- 21.1(135) Purpose  
21.2(135) Definitions  
21.3(135) Reportable brain and spinal cord injuries  
21.4(135) Who reports and under what circumstances  
21.5(135) Method and frequency of reporting  
21.6(135) Confidentiality  
21.7(135) Quality assurance

CHAPTER 22  
PRACTICE OF TATTOOING

22.1(135)	Purpose
22.2(135)	Definitions
22.3(135)	General provisions
22.4(135)	Sanitation and infection control
22.5(135)	Equipment
22.6(135)	Procedures
22.7(135)	Permit issuance and renewal
22.8(135)	Fees
22.9(135)	Tattoo establishment permit requirements
22.10(135)	Tattoo artist permit requirements
22.11(135)	Temporary establishment permit requirements
22.12(135)	Mobile tattoo unit permit requirements
22.13(135)	Agreements
22.14(135)	Inspection requirements
22.15(135)	Tattoo inspector qualifications
22.16(135)	Enforcement
22.17(135)	Adverse actions and the appeal process

CHAPTER 23  
PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSEE PRACTICE

23.1(105)	Definitions
23.2(105)	Duties of all licensees, specialty licensees, and certificate holders
23.3(105)	Contractor license
23.4(105)	Master license
23.5(105)	Journeyman license
23.6(105)	Apprentice license
23.7(105)	Specialty licenses and certifications
23.8(105)	Inactive license

CHAPTER 24  
PRIVATE WELL TESTING, RECONSTRUCTION, AND  
PLUGGING—GRANTS TO COUNTIES

24.1(135)	Applicability
24.2(135)	Definitions
24.3(135)	Eligibility
24.4(135)	Goal and objectives
24.5(135)	Eligible grant costs
24.6(135)	Ineligible grant costs
24.7(135)	Performance requirements
24.8(135)	Contents of grant application
24.9(135)	Grant application submission
24.10(135)	Multicounty grant applications
24.11(135)	Grant period
24.12	Reserved
24.13(135)	Grant amendments
24.14(135)	Termination or forfeiture of grant funds

CHAPTER 25  
STATE PLUMBING CODE

25.1(105)	Adoption
25.2(105)	Applicability

- 25.3(105) Fuel gas piping
- 25.4(105) Amendments to Uniform Plumbing Code
- 25.5(105) Backflow prevention with containment

## CHAPTER 26

## BACKFLOW PREVENTION ASSEMBLY TESTER REGISTRATION

- 26.1(135K) Applicability
- 26.2(135K) Definitions
- 26.3(135K) Registration required
- 26.4(135K) Backflow prevention assembly tester training
- 26.5(135K) Registration
- 26.6(135K) Standards of conduct
- 26.7(135K) Penalty
- 26.8(135K) Denial, probation, suspension or revocation

## CHAPTER 27

## PLUMBING AND MECHANICAL SYSTEMS BOARD—ADMINISTRATIVE AND REGULATORY AUTHORITY

- 27.1(17A,105) Definitions
- 27.2(17A,105) Purpose of board
- 27.3(17A,105) Organization of board and proceedings
- 27.4(17A,105) Official communications
- 27.5(17A,105) Office hours
- 27.6(21) Public meetings

## CHAPTER 28

## PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSURE FEES

- 28.1(105) Fees
- 28.2(105) Annual review of fee schedule
- 28.3(105) Waiver of fees

## CHAPTER 29

## PLUMBING AND MECHANICAL SYSTEMS BOARD—APPLICATION, LICENSURE, AND EXAMINATION

- 29.1(105) Definitions
- 29.2(105) Available licenses and general requirements
- 29.3(105) Medical gas piping certification
- 29.4(105) Minimum qualifications for licensure
- 29.5(105) General requirements for application for licensure
- 29.6(105) Examination
- 29.7(105) License renewal
- 29.8(105) License reissue
- 29.9(105) Waiver from examination for military service
- 29.10(105) Reactivation of an inactive license
- 29.11(105) Review of applications
- 29.12(105) Grounds for denial of an application
- 29.13(105) Use of criminal convictions in eligibility determinations and initial licensing decisions



CHAPTER 30  
CONTINUING EDUCATION FOR PLUMBING AND  
MECHANICAL SYSTEMS PROFESSIONALS

30.1(105)	Definitions
30.2(105)	Continuing education requirements
30.3(105)	Continuing education programs/activities
30.4(105)	Course instructor(s)
30.5(105)	Compliance review of continuing education requirements
30.6(105)	Continuing education exemptions
30.7(105)	Continuing education extensions
30.8(105)	Continuing education reporting requirements

CHAPTER 31  
PLUMBING AND MECHANICAL SYSTEMS BOARD—WAIVERS FROM ADMINISTRATIVE  
RULES

31.1(17A,105,272C)	Definitions
31.2(17A,105,272C)	Scope of chapter
31.3(17A,105,272C)	Applicability of chapter
31.4(17A,105,272C)	Criteria for waiver
31.5(17A,105,272C)	Filing of petition
31.6(17A,105,272C)	Content of petition
31.7(17A,105,272C)	Additional information
31.8(17A,105,272C)	Notice
31.9(17A,105,272C)	Hearing procedures
31.10(17A,105,272C)	Ruling
31.11(17A,105,272C)	Public availability
31.12(17A,105,272C)	Reports to administrative code editor and administrative rules coordinator
31.13(17A,105,272C)	Cancellation of a waiver
31.14(17A,105,272C)	Violations
31.15(17A,105,272C)	Defense
31.16(17A,105,272C)	Judicial review

CHAPTER 32  
PLUMBING AND MECHANICAL SYSTEMS BOARD—LICENSEE DISCIPLINE

32.1(105,272C)	Definitions
32.2(105,272C)	Grounds for discipline
32.3(105,272C)	Method of discipline
32.4(272C)	Discretion of board
32.5(105)	Civil penalties
32.6(105,272C)	Collection of delinquent civil penalties and discipline-related debts

CHAPTER 33  
PLUMBING AND MECHANICAL SYSTEMS BOARD—CONTESTED CASES

33.1(17A,105,272C)	Scope and applicability
33.2(17A,105,272C)	Definitions
33.3(17A)	Time requirements
33.4(17A,272C)	Probable cause
33.5(17A,272C)	Informal settlement
33.6(17A)	Statement of charges
33.7(17A)	Requests for contested case proceeding
33.8(105)	Legal representation
33.9(17A,105,272C)	Presiding officer in a disciplinary contested case
33.10(17A)	Presiding officer in a nondisciplinary contested case

33.11(17A)	Disqualification
33.12(17A)	Consolidation—severance
33.13(17A)	Pleadings
33.14(17A)	Service and filing
33.15(17A)	Discovery
33.16(17A,272C)	Subpoenas in a contested case
33.17(17A)	Motions
33.18(17A)	Withdrawals
33.19(17A)	Intervention
33.20(17A)	Telephone proceedings
33.21(17A)	Prehearing conferences
33.22(17A)	Continuances
33.23(272C)	Settlement agreements
33.24(17A)	Hearing procedures
33.25(17A)	Evidence
33.26(17A)	Default
33.27(17A)	Ex parte communication
33.28(17A)	Recording costs
33.29(17A)	Interlocutory appeals
33.30(17A,272C)	Decisions
33.31(17A,272C)	Client notification
33.32(17A,272C)	Application for rehearing
33.33(17A)	Stays of board actions
33.34(17A)	No factual dispute contested cases
33.35(17A)	Emergency adjudicative proceedings
33.36(17A,105,272C)	License denial
33.37(17A,105,272C)	Denial of application to renew license
33.38(105,272C)	Recovery of hearing fees and expenses
33.39(17A)	Judicial review
33.40(17A,272C)	Reinstatement

#### CHAPTER 34

#### PLUMBING AND MECHANICAL SYSTEMS BOARD—COMPLAINTS AND INVESTIGATIONS

34.1(272C)	Complaints
34.2(272C)	Report of malpractice claims or actions or disciplinary actions
34.3(272C)	Report of acts or omissions
34.4(272C)	Investigation of complaints or reports
34.5(17A,272C)	Issuance of investigatory subpoenas
34.6(272C)	Peer review committees
34.7(17A)	Appearance

#### CHAPTER 35

#### PLUMBING AND MECHANICAL SYSTEMS BOARD—ALTERNATIVE LICENSURE PATHWAYS

35.1(105)	Definitions
35.2(105)	Reciprocity agreements
35.3(105)	Licensure by reciprocity
35.4(105)	Licensure by verification
35.5(105)	Licensure by work experience in jurisdictions without licensure requirements

CHAPTER 36  
PLUMBING AND MECHANICAL SYSTEMS BOARD—  
PETITIONS FOR RULE MAKING

36.1(17A)	Petition for rule making
36.2(17A)	Briefs
36.3(17A)	Inquiries
36.4(17A)	Board consideration

CHAPTER 37  
PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2  
QUANTITIES OF RADIOACTIVE MATERIAL

GENERAL PROVISIONS

37.1(136C)	Purpose and scope
37.2 to 37.4	Reserved
37.5(136C)	Definitions
37.6	Reserved
37.7(136C)	Communications
37.8 to 37.10	Reserved
37.11(136C)	Specific exemptions
37.12 to 37.20	Reserved
BACKGROUND INVESTIGATIONS AND ACCESS CONTROL PROGRAM	
37.21(136C)	Personnel access authorization requirements for category 1 or category 2 quantities of radioactive material
37.22	Reserved
37.23(136C)	Access authorization program requirements
37.24	Reserved
37.25(136C)	Background investigations
37.26	Reserved
37.27(136C)	Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material
37.28	Reserved
37.29(136C)	Relief from fingerprinting, identification, and criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted access to certain radioactive materials
37.30	Reserved
37.31(136C)	Protection of information
37.32	Reserved
37.33(136C)	Access authorization program review
37.34 to 37.40	Reserved

PHYSICAL PROTECTION REQUIREMENTS DURING USE

37.41(136C)	Security program
37.42	Reserved
37.43(136C)	General security program requirements
37.44	Reserved
37.45(136C)	LLEA coordination
37.46	Reserved
37.47(136C)	Security zones
37.48	Reserved
37.49(136C)	Monitoring, detection, and assessment
37.50	Reserved
37.51(136C)	Maintenance and testing

37.52	Reserved
37.53(136C)	Requirements for mobile devices
37.54	Reserved
37.55(136C)	Security program review
37.56	Reserved
37.57(136C)	Reporting of events
37.58 to 37.70	Reserved

#### PHYSICAL PROTECTION IN TRANSIT

37.71(136C)	Additional requirements for transfer of category 1 and category 2 quantities of radioactive material
37.72	Reserved
37.73(136C)	Applicability of physical protection of category 1 and category 2 quantities of radioactive material during transit
37.74	Reserved
37.75(136C)	Preplanning and coordination of shipment of category 1 or category 2 quantities of radioactive material
37.76	Reserved
37.77(136C)	Advance notification of shipment of category 1 quantities of radioactive material
37.78	Reserved
37.79(136C)	Requirements for physical protection of category 1 and category 2 quantities of radioactive material during shipment
37.80	Reserved
37.81(136C)	Reporting of events
37.82 to 37.100	Reserved

#### RECORDS

37.101(136C)	Form of records
37.102	Reserved
37.103(136C)	Record retention
37.104	Reserved
37.105(136C)	Inspections

### CHAPTER 38 GENERAL PROVISIONS FOR RADIATION MACHINES AND RADIOACTIVE MATERIALS

38.1(136C)	Purpose and scope
38.2(136C)	Definitions
38.3(136C)	Exemptions from the regulatory requirements
38.4(136C)	General regulatory requirements
38.5	Reserved
38.6(136C)	Prohibited uses
38.7(136C)	Communications
38.8(136C)	Fees
38.9(136C)	Administrative enforcement actions
38.10(136C)	Deliberate misconduct

#### CHAPTER 39

### REGISTRATION OF RADIATION MACHINE FACILITIES, LICENSURE OF RADIOACTIVE MATERIALS AND TRANSPORTATION OF RADIOACTIVE MATERIALS

39.1(136C)	Purpose and scope
39.2(136C)	Definitions
39.3(136C)	Requirements for registration of X-ray and other electronic machines that produce radiation

- 39.4(136C) Requirements for licensing of radioactive materials  
 39.5(136C) Transportation of radioactive material

## CHAPTER 40

## STANDARDS FOR PROTECTION AGAINST RADIATION

## GENERAL PROVISIONS

- 40.1(136C) Purpose and scope  
 40.2(136C) Definitions  
 40.3(136C) Implementation  
 40.4 to 40.9 Reserved

## RADIATION PROTECTION PROGRAMS

- 40.10(136C) Radiation protection programs  
 40.11 to 40.14 Reserved

## OCCUPATIONAL DOSE LIMITS

- 40.15(136C) Occupational dose limits for adults  
 40.16(136C) Compliance with requirements for summation of external and internal doses  
 40.17(136C) Determination of external dose from airborne radioactive material  
 40.18(136C) Determination of internal exposure  
 40.19(136C) Determination of prior occupational dose  
 40.20(136C) Planned special exposures  
 40.21(136C) Occupational dose limits for minors  
 40.22(136C) Dose equivalent to an embryo/fetus  
 40.23 to 40.25 Reserved

## RADIATION DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC

- 40.26(136C) Dose limits for individual members of the public  
 40.27(136C) Compliance with dose limits for individual members of the public

## RADIOLOGICAL CRITERIA FOR LICENSE TERMINATION

- 40.28(136C) Radiological criteria for license termination  
 40.29(136C) Radiological criteria for unrestricted use  
 40.30(136C) Criteria for license termination under restricted conditions  
 40.31(136C) Alternate criteria for license termination

## TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

- 40.32(136C) Testing for leakage or contamination of sealed sources  
 40.33 to 40.35 Reserved

## SURVEYS AND MONITORING

- 40.36(136C) Surveys and monitoring—general  
 40.37(136C) Conditions requiring individual monitoring of external and internal occupational dose  
 40.38 to 40.41 Reserved

## CONTROL OF EXPOSURE FROM EXTERNAL SOURCES IN RESTRICTED AREAS

- 40.42(136C) Control of access to high radiation areas  
 40.43(136C) Control of access to very high radiation areas  
 40.44(136C) Control of access to very high radiation areas—irradiators  
 40.45 to 40.47 Reserved

RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT  
INTERNAL EXPOSURE IN RESTRICTED AREAS

- 40.48(136C) Use of process or other engineering controls  
 40.49(136C) Use of other controls  
 40.50(136C) Use of individual respiratory protection equipment

40.51 to 40.53 Reserved

STORAGE AND CONTROL OF LICENSED OR REGISTERED  
SOURCES OF RADIATION

40.54 Reserved

40.55(136C) Security and control of licensed or registered sources of radiation

40.56 to 40.59 Reserved

PRECAUTIONARY PROCEDURES

40.60(136C) Caution signs

40.61(136C) Posting requirements

40.62(136C) Exceptions to posting requirements

40.63(136C) Labeling containers and radiation machines

40.64(136C) Exemptions to labeling requirements

40.65(136C) Procedures for receiving and opening packages

40.66 to 40.69 Reserved

WASTE DISPOSAL

40.70(136C) General requirements

40.71(136C) Method for obtaining approval of proposed disposal procedures

40.72(136C) Disposal by release into sanitary sewerage

40.73(136C) Treatment or disposal by incineration

40.74(136C) Disposal of specific wastes

40.75(136C) Transfer for disposal and manifests

40.76(136C) Compliance with environmental and health protection regulations

40.77(136C) Disposal of certain byproduct material

40.78 and 40.79 Reserved

RECORDS

40.80(136C) General provisions

40.81(136C) Records of radiation protection programs

40.82(136C) Records of surveys

40.83(136C) Records of tests for leakage or contamination of sealed sources

40.84(136C) Records of prior occupational dose

40.85(136C) Records of planned special exposures

40.86(136C) Records of individual monitoring results

40.87(136C) Records of dose to individual members of the public

40.88(136C) Records of waste disposal

40.89(136C) Records of testing entry control devices for very high radiation areas

40.90(136C) Form of records

40.91 to 40.94 Reserved

REPORTS

40.95(136C) Reports of stolen, lost, or missing licensed or registered sources of radiation

40.96(136C) Notification of incidents

40.97(136C) Reports of exposures, radiation levels, and concentrations of radioactive material  
exceeding the constraints or limits

40.98(136C) Reports of planned special exposures

40.99(136C) Reports of transactions involving nationally tracked sources

40.100(136C) Reports of individual monitoring

40.101(136C) Notifications and reports to individuals

40.102(136C) Reports of leaking or contaminated sealed sources

40.103 and 40.104 Reserved

## ADDITIONAL REQUIREMENTS

40.105(136C)	Vacating premises
40.106 to 40.109	Reserved
NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS	
40.110(136C)	Posting of notices to workers
40.111(136C)	Instructions to workers
40.112(136C)	Notifications and reports to individuals
40.113(136C)	Presence of representatives of licensees or registrants and workers during inspection
40.114(136C)	Consultation with workers during inspections
40.115(136C)	Requests by workers for inspections
40.116(136C)	Inspections not warranted—informal review
40.117(136C)	Employee protection

## CHAPTER 41

SAFETY REQUIREMENTS FOR THE USE OF  
RADIATION MACHINES AND CERTAIN USES  
OF RADIOACTIVE MATERIALS

41.1(136C)	X-rays in the healing arts
41.2(136C)	Use of radionuclides in the healing arts
41.3(136C)	Therapeutic use of radiation machines
41.4 and 41.5	Reserved
41.6(136C)	X-ray machines used for screening and diagnostic mammography
41.7(136C)	X-ray machines used for stereotactically guided breast biopsy

## CHAPTER 42

PERMIT TO OPERATE IONIZING RADIATION PRODUCING MACHINES  
OR ADMINISTER RADIOACTIVE MATERIALS

42.1(136C)	Purpose
42.2(136C)	Definitions
42.3(136C)	Exemptions

## PERMIT APPLICATION AND RENEWAL

42.4(136C)	Permit application and renewal
42.5(136C)	Permit to practice as a general radiologic technologist
42.6(136C)	Permit to practice as a general nuclear medicine technologist
42.7(136C)	Permit to practice as a radiation therapist
42.8(136C)	Permit to practice as a radiologist assistant
42.9(136C)	Permit to practice as a limited radiologic technologist with categories of chest, spine, extremities, shoulder, pediatric
42.10(136C)	Permit to practice as an X-ray equipment operator in either podiatric radiography or bone densitometry (dual energy X-ray absorptiometry)
42.11	Reserved
42.12(136C)	Closed classification or category permits
42.13(136C)	Combining permits for an individual qualifying for permits in more than one classification
42.14 to 42.17	Reserved

## PERMIT HOLDER SUBMISSION OF CONTINUING EDUCATION

42.18(136C)	Submission of proof of completion of continuing education by permit holder to meet continuing education requirements to renew or reinstate a permit
42.19 and 42.20	Reserved

## ADMINISTRATIVE ITEMS AND GROUNDS FOR DISCIPLINARY ACTION

- 42.21(136C) Administrative items
- 42.22(136C) Rules of conduct, self-reporting requirements, and enforcement actions for all permit holders or applicants
- 42.23(136C) Procedures for demand for information, notice of proposed action, and orders for penalties, suspensions, revocations, and civil penalties for all individuals under this chapter
- 42.24 to 42.29 Reserved

## FORMAL EDUCATION

- 42.30(136C) Requirements for formal education
- 42.31(136C) Standards for formal education for limited radiologic technologists
- 42.32(136C) Standards for formal education for X-ray equipment operators in podiatric radiography
- 42.33(136C) Standards for formal education for X-ray equipment operators in bone densitometry

## CHAPTER 43

## MINIMUM REQUIREMENTS FOR RADON TESTING AND ANALYSIS

- 43.1(136B) Purpose and scope
- 43.2(136B) Definitions
- 43.3(136B) General provisions
- 43.4(136B) Application for certification
- 43.5(136B) Enforcement actions
- 43.6(136B) Reporting requirements
- 43.7(136B) Training and continuing education programs
- 43.8(136B,280) School district employee measurement training
- 43.9(136B) Exemptions
- 43.10(136B) Enforcement
- 43.11(136B) Penalties
- 43.12(136B) Persons exempted from certification

## CHAPTER 44

## MINIMUM REQUIREMENTS FOR RADON MITIGATION

- 44.1(136B) Purpose and scope
- 44.2(136B) Definitions
- 44.3(136B) General provisions
- 44.4(136B) Application for credentialing
- 44.5(136B) Revocation of credentialing
- 44.6(136B) Additional record-keeping requirements
- 44.7(136B) Continuing education
- 44.8(136B) Exemptions
- 44.9(136B) Enforcement
- 44.10(136B) Penalties

## CHAPTER 45

## RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS, PARTICLE ACCELERATORS FOR NONHUMAN USE, ANALYTICAL X-RAY EQUIPMENT, AND WELL-LOGGING

- 45.1(136C) General requirements for industrial radiography operations
- 45.2(136C) Radiation safety requirements for the use of radiation machines in industrial radiography
- 45.3(136C) Radiation safety requirements for use of sealed sources of radiation in industrial radiography



- 45.4(136C) Radiation safety requirements for the use of particle accelerators for nonhuman use
- 45.5(136C) Radiation safety requirements for analytical X-ray equipment
- 45.6(136C) Radiation safety requirements for well-logging, wireline service operations and subsurface tracer studies

#### CHAPTER 46

##### MINIMUM REQUIREMENTS FOR TANNING FACILITIES

- 46.1(136D) Purpose and scope
- 46.2(136D) Definitions
- 46.3(136D) Exemptions
- 46.4(136D) Permits and fees
- 46.5(136D) Construction and operation of tanning facilities
- 46.6(136D) Inspections, violations and injunctions

#### CHAPTERS 47 to 49

Reserved

#### CHAPTER 50 ORAL HEALTH

- 50.1(135) Purpose
- 50.2(135) Definitions
- 50.3(135) Dental director responsibilities
- 50.4(135) Oral health bureau functions
- 50.5(135) Funding

#### CHAPTER 51 DENTAL SCREENING

- 51.1(135) Purpose
- 51.2(135) Definitions
- 51.3(135) Persons included
- 51.4(135) Persons excluded
- 51.5(135) Dental screening components
- 51.6(135) Dental screening providers
- 51.7(135) Time line for valid dental screening
- 51.8(135) Proof of dental screening
- 51.9(135) Dental screening documentation
- 51.10(135) Assuring dental screening services
- 51.11(135) Records
- 51.12(135) Reporting
- 51.13(135) Iowa's dental screening database
- 51.14(135) Release of dental screening information
- 51.15(135) Referral requirements
- 51.16(135) Provider training

#### CHAPTER 52 VISION SCREENING

- 52.1(135) Purpose
- 52.2(135) Definitions
- 52.3(135) Persons included and persons excluded
- 52.4(135) Child vision screening components
- 52.5(135) Time line for valid vision screening
- 52.6(135) Proof of child vision screening
- 52.7(135) Child vision screening reporting

- 52.8(135) School requirements
- 52.9(135) Iowa's child vision screening database module and follow-up
- 52.10(135) Referral requirements

## CHAPTER 53

Reserved

## CHAPTER 54

## CONCUSSION OR OTHER BRAIN INJURY RETURN-TO-PLAY PROTOCOL

- 54.1(280) Purpose
- 54.2(280) Definitions
- 54.3(280) Return-to-play protocol

## CHAPTER 55

## ADVISORY COUNCIL ON BRAIN INJURIES

- 55.1(135) Definitions
- 55.2(135) Mission of council
- 55.3(135) Council established
- 55.4(135) Officers
- 55.5(135) Duties of the council
- 55.6(135) Meetings
- 55.7(135) Minutes
- 55.8(135) Task forces
- 55.9(135) Expenses of advisory council members

## CHAPTER 56

## BRAIN INJURY SERVICES PROGRAM

- 56.1(135) Definitions
- 56.2(135) Purpose
- 56.3(135) Waiver-eligible component
- 56.4(135) Cost-share component
- 56.5(135) Application process
- 56.6(135) Service providers and reimbursement
- 56.7(135) Available services/service plan
- 56.8(135) Redetermination
- 56.9(135) Appeal rights

## CHAPTER 57

PLUMBING AND MECHANICAL SYSTEMS BOARD—  
DECLARATORY ORDERS

- 57.1(17A) Petition for declaratory order
- 57.2(17A) Notice of petition
- 57.3(17A) Intervention
- 57.4(17A) Briefs
- 57.5(17A) Inquiries
- 57.6(17A) Service and filing of petitions and other papers
- 57.7(17A) Consideration
- 57.8(17A) Action on petition
- 57.9(17A) Refusal to issue order
- 57.10(17A) Contents of declaratory order—effective date
- 57.11(17A) Copies of orders
- 57.12(17A) Effect of a declaratory order
- 57.13(17A) Petition for eligibility determination

CHAPTER 58  
PLUMBING AND MECHANICAL SYSTEMS BOARD—  
AGENCY PROCEDURE FOR RULE MAKING

58.1(17A)	Applicability
58.2(17A)	Advice on possible rules before notice of proposed rule adoption
58.3(17A)	Public rule-making docket
58.4(17A)	Notice of proposed rule making
58.5(17A)	Public participation
58.6(17A)	Regulatory analysis
58.7(17A)	Fiscal impact statement
58.8(17A)	Time and manner of rule adoption
58.9(17A)	Variance between adopted rule and published notice of proposed rule adoption
58.10(17A)	Exemptions from public rule-making procedures
58.11(17A)	Concise statement of reasons
58.12(17A)	Contents, style, and form of rule
58.13(17A)	Agency rule-making record
58.14(17A)	Filing of rules
58.15(17A)	Effectiveness of rules prior to publication
58.16(17A)	General statements of policy
58.17(17A)	Review by agency of rules

CHAPTER 59  
PLUMBING AND MECHANICAL SYSTEMS BOARD—FAIR INFORMATION  
PRACTICES AND PUBLIC RECORDS

59.1(17A,22)	Definitions
59.2(17A,22)	Statement of policy
59.3(17A,22)	Requests for access to records
59.4(17A,22)	Access to confidential records
59.5(17A,22)	Requests for treatment of a record as a confidential record and its withholding from examination
59.6(17A,22)	Procedure by which additions, dissents, or objections may be entered into certain records
59.7(17A,22)	Consent to disclosure by the subject of a confidential record
59.8(17A,22)	Notice to suppliers of information
59.9(17A,22)	Disclosures without the consent of the subject
59.10(17A,22)	Routine use
59.11(17A,22)	Consensual disclosure of confidential records
59.12(17A,22)	Release to subject
59.13(17A,22)	Availability of records
59.14(17A,22)	Personally identifiable information
59.15(17A,22)	Other groups of records routinely available for public inspection
59.16(17A,22)	Applicability

CHAPTER 60  
PLUMBING AND MECHANICAL SYSTEMS BOARD—  
NONCOMPLIANCE REGARDING CHILD SUPPORT, NONPAYMENT OF STATE DEBT,  
AND NONCOMPLIANCE REGARDING STUDENT LOAN REPAYMENT

60.1(252J)	Child support noncompliance
60.2(272D)	Nonpayment of state debt
60.3(272C)	Student loan repayment noncompliance

CHAPTER 61  
STATE MECHANICAL CODE

61.1(105)	Definitions
61.2(105)	Adoption by reference
61.3(105)	Amendments to International Mechanical Code
61.4(105)	Hospitals and health care facilities
61.5(105)	Enforcement

CHAPTER 62  
PLUMBING AND MECHANICAL SYSTEMS BOARD—  
MILITARY SERVICE, VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY SERVICE  
MEMBERS

62.1(272C)	Military service, veteran reciprocity, and spouses of active duty service members
62.2(272C)	Spouses of military members

CHAPTERS 63 to 66  
Reserved

CHAPTER 67  
BLOOD LEAD TESTING

67.1(135)	Purpose
67.2(135)	Definitions
67.3(135)	Persons included
67.4(135)	Persons excluded
67.5(135)	Blood lead testing requirement
67.6(135)	Time line for valid blood lead testing
67.7(135)	Proof of blood lead testing
67.8(135)	Referral requirements
67.9(135)	Blood lead testing documentation
67.10(135)	Records
67.11(135)	Provider training

CHAPTER 68  
CONTROL OF LEAD-BASED PAINT HAZARDS

68.1(135)	Applicability
68.2(135)	Definitions
68.3(135)	Elevated blood lead (EBL) inspections required
68.4(135)	Refusal of admittance
68.5(135)	Lead hazard reduction required
68.6(135)	Retaliation prohibited
68.7(135)	Enforcement
68.8(135)	Hearings
68.9(135)	Variances
68.10(135)	Injunction
68.11(135)	Effective date

CHAPTER 69  
RENOVATION, REMODELING, AND REPAINTING—  
LEAD HAZARD NOTIFICATION PROCESS

69.1(135)	Applicability
69.2(135)	Definitions
69.3(135)	Notification required in target housing
69.4(135)	Notification required in multifamily housing

69.5(135)	Emergency renovation, remodeling, or repainting in target housing
69.6(135)	Certification of attempted delivery in target housing
69.7(135)	Notification required in child-occupied facilities
69.8(135)	Emergency renovation, remodeling, or repainting in child-occupied facilities
69.9(135)	Certification of attempted delivery for child-occupied facilities
69.10(135)	Subcontracts
69.11(135)	Exemption
69.12(135)	Record-keeping requirements
69.13(135)	Compliance inspections
69.14(135)	Enforcement
69.15(135)	Waivers

CHAPTER 70  
LEAD-BASED PAINT ACTIVITIES

70.1(135)	Applicability
70.2(135)	Definitions
70.3(135)	Lead professional certification
70.4(135)	Course approval and standards
70.5(135)	Certification, interim certification, and recertification
70.6(135)	Work practice standards for lead professionals conducting lead-based paint activities in target housing and child-occupied facilities
70.7(135)	Firms
70.8	Reserved
70.9(135)	Compliance inspections
70.10(135)	Denial, suspension, or revocation of certification; denial, suspension, revocation, or modification of course approval; and imposition of penalties
70.11(135)	Waivers

CHAPTER 71  
EMERGENCY INFORMATION SYSTEM ON PESTICIDES FOR USE BY HEALTH CARE PROVIDERS DURING MEDICAL EMERGENCIES

71.1(139A)	Scope
71.2(139A)	Definitions
71.3(139A)	Operation of EIS

CHAPTER 72  
CHILDHOOD LEAD POISONING  
PREVENTION PROGRAM

72.1(135)	Definitions
72.2(135)	Approved programs
72.3(135)	Reallocation of funding
72.4(135)	Appeals

CHAPTER 73  
SPECIAL SUPPLEMENTAL NUTRITION PROGRAM  
FOR WOMEN, INFANTS, AND CHILDREN (WIC)

73.1(135)	Program explanation
73.2(135)	Adoption by reference
73.3(135)	Availability of rules and policy and procedure manual
73.4(135)	Definitions
73.5(135)	Staffing of contract agencies
73.6(135)	Certification of participants
73.7(135)	Food delivery

73.8(135)	Food package
73.9(135)	Education
73.10(135)	Health services
73.11(135)	Appeals and fair hearings—local agencies
73.12(135)	Right to appeal—participant
73.13(135)	Right to appeal—vendor
73.14(135)	State monitoring of contract agencies
73.15(135)	Migrant services
73.16(135)	Civil rights
73.17(135)	Audits
73.18(135)	Reporting
73.19(135)	WIC program violation
73.20(135)	Data processing
73.21(135)	Outreach
73.22(135)	Caseload management
73.23(135)	Grant application procedures for contract agencies
73.24(135)	Participant rights
73.25(135)	Confidentiality
73.26(135)	WIC online ordering project

## CHAPTER 74

## FAMILY PLANNING SERVICES

74.1(135)	Program explanation
74.2(135)	Adoption by reference
74.3(135)	Rule coverage
74.4(135)	Definitions
74.5(135)	Grant application procedures for contract agencies
74.6(135)	Funding levels for contract agencies
74.7(135)	Agency performance
74.8(135)	Reporting
74.9(135)	Fiscal management
74.10(135)	Audits
74.11(135)	Denial, suspension, revocation, or reduction of contracts with contract agencies
74.12(135)	Right to appeal—contract agency

## CHAPTER 75

## FAMILY PLANNING SERVICES FUNDING PRIORITIZATION, RESTRICTIONS AND REPORTING

75.1(88GA,ch85)	Program explanation
75.2(88GA,ch85)	Definitions
75.3(88GA,ch85)	Distribution of grant funds
75.4(88GA,ch85)	Indirect funds restrictions—abortion
75.5(88GA,ch85)	Report requirement

## CHAPTER 76

## MATERNAL AND CHILD HEALTH PROGRAM

76.1(135)	Program overview
76.2(135)	Adoption by reference
76.3(135)	Rule coverage
76.4(135)	Definitions
76.5(135)	MCH services
76.6(135)	Client eligibility criteria
76.7(135)	Client application procedures for MCH services

76.8(135)	Right to appeal—client
76.9(135)	Grant application procedures for community-based contract agencies
76.10(135)	Funding levels for community-based contract agencies
76.11(135)	Contract agency performance
76.12(135)	Reporting
76.13(135)	Fiscal management
76.14(135)	Audits
76.15	Reserved
76.16(135)	Denial, suspension, revocation or reduction of contracts with contract agencies
76.17(135)	Right to appeal—contract agency
76.18 to 76.20	Reserved

#### MATERNAL AND CHILD HEALTH ADVISORY COUNCIL

76.21(135)	Purpose
76.22(135)	Mission
76.23(135)	Membership
76.24(135)	Officers
76.25(135)	Duties of the council
76.26(135)	Meetings
76.27(135)	Executive committee
76.28(135)	Committees

#### CHAPTER 77

##### LOCAL BOARDS OF HEALTH

77.1(137)	Purpose
77.2(137)	Definitions
77.3(137)	Local boards of health—roles and responsibilities
77.4(137)	Organization of local boards of health
77.5(137)	Operation of local boards of health
77.6(137)	Expenses of local board of health members
77.7(137)	Dissolution of city boards
77.8(137)	Request to form district board of health
77.9(137)	Review, approval or denial of district board of health formation
77.10(137)	Adding to a district board of health
77.11(137)	Withdrawal from a district board of health

#### CHAPTER 78

##### PERSONAL RESPONSIBILITY EDUCATION PROGRAM AND TITLE V STATE SEXUAL RISK AVOIDANCE EDUCATION GRANT PROGRAM FUNDING AND RESTRICTIONS

78.1(88GA,HF766)	Purpose
78.2(88GA,HF766)	Definitions
78.3(88GA,HF766)	Distribution of grant funds

#### CHAPTER 79

Reserved

#### CHAPTER 80

##### LOCAL PUBLIC HEALTH SERVICES

80.1(135)	Purpose
80.2(135)	Definitions
80.3(135)	Contractor assurances
80.4(135)	Utilization of LPHS contract funding
80.5(135)	LPHS funds

## CHAPTER 81

## GENERAL RULES FOR MIGRATORY LABOR CAMPS

- 81.1(138) Shelters
- 81.2(138) Water supply
- 81.3(138) Waste disposal
- 81.4(138) Bathing facilities
- 81.5(138) Central dining facilities
- 81.6(138) Safety and fire

## CHAPTERS 82 to 85

Reserved

## CHAPTER 86

PLACES WHERE DEAD HUMAN BODIES ARE PREPARED  
FOR BURIAL OR ENTOMBMENT

- 86.1(156) Purpose
- 86.2(156) Definitions
- 86.3(156) Licensing
- 86.4(156) Public access areas
- 86.5(156) Preparation room
- 86.6(156) Crematorium chambers
- 86.7(156) Inspection fees

## CHAPTER 87

## HEALTHY FAMILIES IOWA (HFI)

- 87.1(135) Purpose
- 87.2(135) Definitions
- 87.3(135) Applicant eligibility
- 87.4(135) Participant eligibility
- 87.5(135) Program requirements
- 87.6(135) Contractor assurance
- 87.7(135) Applicant appeal process
- 87.8(135) Participant right to appeal

## CHAPTER 88

## VOLUNTEER HEALTH CARE PROVIDER PROGRAM

- 88.1(135) Purpose
- 88.2(135) Definitions
- 88.3(135) Eligibility for the volunteer health care provider program
- 88.4(135) Sponsor entity and protected clinic
- 88.5(135) Covered health care services
- 88.6(135) Defense and indemnification
- 88.7(135) Term of agreement
- 88.8(135) Reporting requirements and duties
- 88.9(135) Revocation of agreement
- 88.10(135) Procedure for revocation of agreement
- 88.11(135) Effect of suspension or revocation
- 88.12(135) Protection denied
- 88.13(135) Board notice of disciplinary action
- 88.14(135) Effect of eligibility protection
- 88.15(135) Reporting by a protected clinic or sponsor entity



CHAPTER 89  
 DECISION-MAKING ASSISTANCE PROGRAM  
 AND PARENTAL NOTIFICATION OF INTENT  
 TO TERMINATE A PREGNANCY THROUGH ABORTION

89.1(135L)  
 89.2(135L)  
 89.3(135L)  
 89.4 to 89.10

Title  
 Purpose and scope  
 Definitions  
 Reserved

DECISION-MAKING ASSISTANCE PROGRAM

89.11(135L)  
 89.12(135L)  
 89.13 to 89.20

Purpose  
 Initial appointment of a pregnant minor with a licensed physician from whom an abortion is sought and certification procedure for the decision-making assistance program  
 Reserved

NOTIFICATION PROCESS

89.21(135L)  
 89.22(135L)  
 89.23(135L)  
 89.24 and 89.25  
 89.26(135L)

Notification of parent prior to the performance of abortion on a pregnant minor  
 Exceptions to notification of parent  
 Physician compliance  
 Reserved  
 Fraudulent practice

CHAPTER 90  
 IOWA CHILD DEATH REVIEW TEAM

90.1(135)  
 90.2(135)  
 90.3(135)  
 90.4(135)  
 90.5(135)  
 90.6(135)  
 90.7  
 90.8(135)  
 90.9(135)  
 90.10(135)  
 90.11(135)

Purpose  
 Definitions  
 Agency  
 Membership  
 Officers  
 Meetings  
 Reserved  
 Team responsibilities  
 Liaisons  
 Confidentiality and disclosure of information  
 Immunity and liability

CHAPTER 91  
 IOWA DOMESTIC ABUSE DEATH REVIEW TEAM

91.1(135)  
 91.2(135)  
 91.3(135)  
 91.4(135)  
 91.5(135)  
 91.6(135)  
 91.7(135)  
 91.8(135)  
 91.9(135)  
 91.10(135)  
 91.11(135)

Purpose  
 Definitions  
 Agency  
 Membership  
 Officers  
 Meetings  
 Expenses of team members  
 Team duties and responsibilities  
 Liaisons  
 Confidentiality and disclosure of information  
 Immunity and liability

CHAPTER 92  
IOWA FATALITY REVIEW COMMITTEE

92.1(135)	Purpose
92.2(135)	Definitions
92.3(135)	Committee
92.4(135)	Formation of the committee
92.5(135)	Committee protocol for review
92.6(135)	Content of report
92.7(135)	Consultation with county attorney
92.8(135)	Supplemental report
92.9(135)	Confidentiality and disclosure of information
92.10(135)	Immunity and liability

CHAPTER 93  
Reserved

CHAPTER 94  
CHILD PROTECTION CENTER GRANT PROGRAM

94.1(135)	Scope and purpose
94.2(135)	Definitions
94.3(135)	Goals
94.4(135)	Review process
94.5(135)	Eligibility and criteria
94.6(135)	Appeals

CHAPTER 95  
VITAL RECORDS: GENERAL ADMINISTRATION

95.1(144)	Definitions
95.2(144)	Vital records and statistics
95.3(144)	Forms—property of department
95.4(144)	Information by others
95.5(144)	Handling of vital records
95.6(144)	Fees
95.7(144)	General public access of vital records in the custody of the county registrar
95.8(144)	Direct tangible interest in and entitlement to a vital record
95.9(144)	Search and issuance of a certified copy of a vital record
95.10(144)	Search and issuance for genealogy or family history
95.11(144)	Registrars' responsibility for maintenance of confidentiality
95.12(144)	Disclosure of data
95.13(144)	Preparation of certified copies
95.14(144)	Access to original certificate of birth prior to adoption
95.15(144)	Certificate of nonviable birth
95.16(144)	Cancellation of fraudulent records
95.17(144)	Unlawful acts
95.18(144)	Enforcement assistance

CHAPTER 96  
BIRTH REGISTRATION

96.1(144)	Definitions
96.2(144)	Forms—property of department
96.3(144)	Standard birth registration—up to seven days
96.4(144)	Standard birth registration—seven days to one year
96.5(144)	Birthing institutions

96.6(144)	Non-birthing institutions
96.7(144)	Non-institution birth
96.8(144)	Gestational surrogate arrangement birth registration
96.9(144)	Foundling birth registration
96.10(144)	Newborn safe haven registration
96.11(144)	Birth registration following a foreign-born adoption
96.12(144)	Birth registration fees
96.13(144)	Fee collection
96.14(144)	Waivers
96.15(144)	Fee deposit
96.16(144)	Responsibilities of institutions
96.17(144)	Responsibility for births occurring in non-institutions and non-birthing institutions
96.18(144)	Delayed birth registration—one year or more after event

#### CHAPTER 97

##### DEATH REGISTRATION AND DISPOSITION OF DEAD HUMAN BODIES

97.1(144)	Definitions
97.2(144)	Forms—property of department
97.3(144)	Standard registration of death—up to one year
97.4(144)	Standard registration of fetal death—up to one year
97.5(144)	Preparation of the certificate of death or fetal death
97.6(144)	Medical certification of death
97.7(144)	Medical certification of fetal death
97.8(144)	Medical certifier
97.9(144)	Report of autopsy findings
97.10(144)	Extension of time
97.11(144)	Removal of a dead human body or fetus
97.12(144)	Burial-transit permit
97.13(144)	Transportation and disposition of a dead human body or fetus
97.14(144)	Disinterment permits
97.15(144)	Delayed death registration—one year or more after event
97.16(144)	Registration of presumptive death
97.17(144)	Release or final disposition of a dead human body or fetus by an institution
97.18(144)	Additional record by funeral director

#### CHAPTER 98

##### MARRIAGE REGISTRATION

98.1(144,595)	Definitions
98.2(144,595)	Forms—property of department
98.3(144,595)	Standard registration of marriage—up to one year
98.4(144,595)	Application for a license to marry in Iowa
98.5(144,595)	License to marry
98.6(144, 595)	Certificate of marriage
98.7(144,595)	Delayed registration of marriage—one year or more after date of event
98.8(144,595)	Dissolution of marriage or annulment

#### CHAPTER 99

##### VITAL RECORDS MODIFICATIONS

99.1(144)	Definitions
99.2(144)	Forms—property of department
99.3(144)	Forms used in the establishment of new records
99.4(144)	Corrections of minor error in vital record—within one year of event

- 99.5(144) Amendment of certificate of live birth to add first or middle given name—within one year of event
- 99.6(144) Amendment of vital record—one year or more after the event
- 99.7(144) Method of amendment of vital records
- 99.8(144) Correction or amendment of same item more than once
- 99.9(144) Other amendments to certificate of live birth
- 99.10(144) Correction or amendment to medical certification of cause of death
- 99.11(144) Correction or amendment to a certificate of marriage
- 99.12(144) Correction to a report of dissolution of marriage or annulment
- 99.13(144) Minimum information required to establish a new certificate of live birth
- 99.14(144) Establishment of new certificate of live birth following adoption
- 99.15(144) Establishment of new certificate of live birth following a birth by gestational surrogate arrangement
- 99.16(144) Certificate of live birth following voluntary paternity affidavit
- 99.17(144) Certificate of live birth following court determination of paternity
- 99.18(144) Certificate of live birth following rescision of paternity affidavit or disestablishment of paternity
- 99.19(144) Certificate of live birth following court-ordered change of name
- 99.20(144) Certificate of live birth following sex designation change

#### CHAPTER 100

##### VITAL RECORDS REGISTRIES AND REPORTS

- 100.1(144) Definitions
- 100.2(144) Forms—property of department
- 100.3(144) Declaration of paternity registry established
- 100.4(144) Mutual consent voluntary adoption registry established
- 100.5(144) Statistical report of termination of pregnancy report

#### CHAPTERS 101 to 106

Reserved

#### CHAPTER 107

##### BOARD-CERTIFIED BEHAVIOR ANALYST AND BOARD-CERTIFIED ASSISTANT BEHAVIOR ANALYST (BCBA/BCaBA) GRANTS PROGRAM

- 107.1(135) Scope and purpose
- 107.2(135) Definitions
- 107.3(135) Eligibility criteria
- 107.4(135) Priority in grant awards
- 107.5(135) Amount of a grant
- 107.6(135) Use of funds
- 107.7(135) Review process
- 107.8(135) Reporting

#### CHAPTER 108

##### MEDICAL RESIDENCY TRAINING STATE MATCHING GRANTS PROGRAM

- 108.1(135) Scope and purpose
- 108.2(135) Definitions
- 108.3(135) Eligibility criteria—establishment or expansion
- 108.4(135) Eligibility criteria—support
- 108.5(135) Amount of grant
- 108.6(135) Application and review process

## CHAPTER 109

## PRESCRIPTION DRUG DONATION REPOSITORY PROGRAM

- 109.1(135M) Definitions
- 109.2(135M) Purpose
- 109.3(135M) Eligibility criteria for program participation by medical facilities and pharmacies
- 109.4(135M) Standards and procedures for accepting donated prescription drugs and supplies
- 109.5(135M) Standards and procedures for inspecting and storing donated prescription drugs and supplies
- 109.6(135M) Standards and procedures for dispensing donated prescription drugs and supplies
- 109.7(135M) Eligibility criteria for individuals to receive donated prescription drugs and supplies
- 109.8(135M) Forms and record keeping
- 109.9(135M) Handling fee
- 109.10(135M) List of drugs and supplies program will accept
- 109.11(135M) Exemption from disciplinary action, civil liability and criminal prosecution
- 109.12 and 109.13 Reserved
- 109.14(135M) Prescription drug donation repository in disaster emergencies

## CHAPTER 110

CENTER FOR RURAL HEALTH  
AND PRIMARY CARE

- 110.1(135) Purpose and scope
- 110.2(135,135B) Definitions
- 110.3(135) Responsibilities of the center
- 110.4 to 110.10 Reserved

## PRIMECARRE HEALTH CARE WORKFORCE AND COMMUNITY SUPPORT GRANT PROGRAM

- 110.11(135) Purpose
- 110.12 to 110.15 Reserved

## PRIMECARRE PRIMARY CARE PROVIDER LOAN REPAYMENT PROGRAM

- 110.16(135) Purpose

## CHAPTER 111

## IOWA NEEDS NURSES NOW INFRASTRUCTURE ACCOUNT

- 111.1(135) Scope and purpose
- 111.2(135) Definitions
- 111.3(135) Eligibility and criteria
- 111.4(135) Review process
- 111.5(135) Performance standards
- 111.6(135) Appeals

## CHAPTER 112

Reserved

## CHAPTER 113

## PUBLIC HEALTH RESPONSE TEAMS

- 113.1(135) Definitions
- 113.2(135) Purpose
- 113.3(135) Sponsor agency
- 113.4(135) Public health response team members
- 113.5(135) Public health response team
- 113.6(135) Legal and other protections
- 113.7(135) Reporting requirements and duties

CHAPTER 114  
PREPAREDNESS ADVISORY COMMITTEE

114.1(135)	Definitions
114.2(135)	Purpose
114.3(135)	Appointment and membership
114.4(135)	Officers
114.5(135)	Meetings
114.6(135)	Subcommittees
114.7(135)	Expenses of preparedness advisory committee voting members
114.8(135)	Committee composition

CHAPTERS 115 to 121  
Reserved

CHAPTER 122  
ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION FUND

122.1(142C)	Scope and purpose
122.2(142C)	Definitions
122.3(142C)	State agencies or nonprofit legal entities
122.4(142C)	Hospitals
122.5(142C)	Transplant recipients and donors

CHAPTER 123  
Reserved

CHAPTER 124  
INTERAGENCY COORDINATING COUNCIL  
FOR THE STATE MEDICAL EXAMINER

124.1(691)	Purpose
124.2(691)	Membership
124.3(691)	Meetings
124.4(691)	Duties
124.5(691)	Minutes

CHAPTER 125  
Reserved

CHAPTER 126  
STATE MEDICAL EXAMINER

126.1(144,331,691)	Definitions
126.2	Reserved
126.3(691)	Fees for autopsies and related services and reimbursement for related expenses
126.4(691)	Fees for tissue recovery

CHAPTER 127  
COUNTY MEDICAL EXAMINERS

127.1(144,331,691)	Definitions
127.2(331,691)	Duties of medical examiners—jurisdiction over deaths which affect the public interest
127.3(331,691)	Autopsies
127.4(331,691)	Fees
127.5(144,331,691)	Death certificates—deaths affecting the public interest
127.6(331,691)	Cremation
127.7(331,691)	County medical examiner investigators

- 127.8(331,691) Deputy county medical examiners
- 127.9(331,691) Failure to comply with rules
- 127.10(331,691,22) Confidentiality
- 127.11(331,691,670) Indemnification

CHAPTERS 128 and 129  
Reserved

CHAPTER 130

EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

- 130.1(147A) Definitions
- 130.2(147A) Purpose
- 130.3(147A) Appointment and membership
- 130.4(147A) Officers
- 130.5(147A) Meetings
- 130.6(147A) Subcommittees
- 130.7 Reserved
- 130.8(147A) Council composition

CHAPTER 131

EMERGENCY MEDICAL SERVICES—PROVIDERS—INITIAL CERTIFICATION—RENEWAL  
AND REACTIVATION—AUTHORITY—COMPLAINTS AND INVESTIGATIONS

- 131.1(147A) Purpose
- 131.2(147A,147D,272C) Definitions
- 131.3(147A,272C) Initial certification
- 131.4(147A) Background check results
- 131.5(147A) Authority
- 131.6(147A) Renewal standards, reactivation procedures, fees, and continuing education
- 131.7(147A,272C) Discipline—denial, citation and warning, probation, suspension, or revocation of certificates or renewal
- 131.8(147A) Certification denial
- 131.9(147A) Emergency adjudicative proceedings
- 131.10(147A) Complaints, investigations and appeals

CHAPTER 132

EMERGENCY MEDICAL SERVICES—SERVICE PROGRAM AUTHORIZATION

- 132.1(147A) Definitions
- 132.2(147A) Service program—authorization and renewal procedures and inspections
- 132.3(147A) Service program operations
- 132.4(147A) Waivers
- 132.5(147A) Complaints and investigations—denial, citation and warning, probation, suspension or revocation of service program authorization or renewal

CHAPTER 133

WHITE FLASHING LIGHT AUTHORIZATION

- 133.1(321) Definitions
- 133.2(321) Purpose
- 133.3(321) Application
- 133.4(321) Approval, denial, probation, suspension and revocation of authorization
- 133.5(321) Appeal of denial, probation, or revocation of authorization

CHAPTER 134  
TRAUMA CARE FACILITY CATEGORIZATION  
AND VERIFICATION

- 134.1(147A) Definitions
- 134.2(147A) Trauma care facility categorization and verification
- 134.3(147A) Complaints and investigations and appeals—denial, citation and warning, probation, suspension, and revocation of verification as a trauma care facility

CHAPTER 135  
TRAUMA TRIAGE AND TRANSFER PROTOCOLS

- 135.1(147A) Definitions
- 135.2(147A) Trauma triage and transfer protocols
- 135.3(147A) Offenses and penalties

CHAPTER 136  
TRAUMA REGISTRY

- 136.1(147A) Definitions
- 136.2(147A) Trauma registry
- 136.3(147A) Offenses and penalties

CHAPTER 137  
TRAUMA EDUCATION AND TRAINING

- 137.1(147A) Definitions
- 137.2(147A) Initial trauma education requirements
- 137.3(147A) Continuing trauma education requirements
- 137.4(147A) Offenses and penalties

CHAPTER 138  
TRAUMA SYSTEM ADVISORY COUNCIL

- 138.1(147A) Definitions
- 138.2(147A) Purpose and duties
- 138.3(147A) Appointment and membership
- 138.4(147A) Officers
- 138.5(147A) Meetings
- 138.6(147A) Subcommittees
- 138.7(147A) Confidentiality
- 138.8(147A) Documentation
- 138.9 Reserved
- 138.10(147A) Council composition

CHAPTER 139  
EMERGENCY MEDICAL SERVICES—TRAINING PROGRAMS—STUDENTS—COMPLAINTS  
AND INVESTIGATIONS

- 139.1(147A) Purpose
- 139.2(147A) Definitions
- 139.3(147A) Initial application, renewal application, inspection and approval
- 139.4(147A) Training program standards, student requirements and waivers
- 139.5(147A) Out-of-state training programs
- 139.6(147A) Failure to comply with rules
- 139.7(147A) Temporary waivers
- 139.8(147A) Continuing education providers—approval, record keeping and inspection



- 139.9(147A) Discipline—denial, citation and warning, probation, suspension, or revocation of training program approval or renewal  
 139.10(147A) Complaints, investigations and appeals

## CHAPTER 140

## EMERGENCY MEDICAL SERVICES SYSTEM DEVELOPMENT GRANTS FUND

- 140.1(135) Definitions  
 140.2(135) Purpose  
 140.3(135) County EMS associations  
 140.4(135) County EMS system development grants

## CHAPTER 141

## LOVE OUR KIDS GRANT

- 141.1(321) Definitions  
 141.2(321) Purpose  
 141.3(321) Funding limitations  
 141.4(321) Use of funds  
 141.5(321) Application process  
 141.6(321) Application denial—appeal

## CHAPTER 142

## OUT-OF-HOSPITAL DO-NOT-RESUSCITATE ORDERS

- 142.1(144A) Definitions  
 142.2(144A) Purpose  
 142.3(144A,147A) Responsibilities of the department  
 142.4(144A,147A) EMS providers  
 142.5(144A) Guidelines for non-EMS health care providers, patients, and organizations  
 142.6(144A) Revocation of the out-of-hospital do-not-resuscitate order  
 142.7(144A) Personal wishes of family members or other individuals who are not authorized to act on the patient's behalf  
 142.8(144A) Transfer of patients  
 142.9(144A) Application to existing orders

## CHAPTER 143

## AUTOMATED EXTERNAL DEFIBRILLATOR MAINTENANCE

- 143.1(613) Purpose  
 143.2(613) Definition  
 143.3(613) AED maintenance

## CHAPTER 144

## EMERGENCY MEDICAL SERVICES—AIR MEDICAL SERVICE PROGRAM AUTHORIZATION

- 144.1(147A) Definitions  
 144.2(147A) Authority of emergency medical care provider  
 144.3(147A) Air ambulance service program—authorization and renewal procedures, inspections and transfer or assignment of certificates of authorization  
 144.4(147A) Service program levels of care and staffing standards  
 144.5(147A) Air ambulance service program—off-line medical direction  
 144.6(147A) Complaints and investigations—denial, citation and warning, probation, suspension or revocation of service program authorization or renewal  
 144.7(147A) Temporary waivers  
 144.8(147A) Transport options for air medical services

CHAPTER 145  
IOWA PHYSICIAN ORDERS FOR SCOPE OF TREATMENT

- 145.1(144D) Definitions
- 145.2(144D) Purpose
- 145.3(144D) Responsibilities of the department

CHAPTER 146  
STROKE CARE REPORTING

- 146.1(135) Purpose
- 146.2(135) Definitions
- 146.3(135) Stroke care reporting
- 146.4(135) Method and frequency of reporting
- 146.5(135) Confidentiality
- 146.6(135) Penalties and enforcement

CHAPTERS 147 to 149  
Reserved

CHAPTER 150  
IOWA REGIONALIZED SYSTEM OF PERINATAL HEALTH CARE

- 150.1(135) Purpose and scope
- 150.2(135) Definitions
- 150.3(135) Perinatal guidelines advisory committee
- 150.4(135) Duties of statewide perinatal care team
- 150.5(135) Duties of the department
- 150.6(135) Maternal and neonatal levels of care—categorization and verification
- 150.7(135) Levels of maternal care
- 150.8(135) Maternal-fetal transport—all levels
- 150.9(135) Levels of neonatal care
- 150.10(135) Grant or denial of certificate of verification; and offenses and penalties
- 150.11(135) Prohibited acts
- 150.12(135) Construction of rules

CHAPTER 151  
TOBACCO USE PREVENTION AND CONTROL  
COMMUNITY PARTNERSHIP INITIATIVE

- 151.1(142A) Scope
- 151.2(142A) Community partnership areas
- 151.3(142A) Community partnerships
- 151.4(142A) Application requirements for community partnerships
- 151.5(142A) Performance indicators
- 151.6(142A) Application deadline
- 151.7(142A) Distribution of funding
- 151.8(142A) Gifts

CHAPTER 152  
TOBACCO USE PREVENTION AND CONTROL FUNDING PROCESS

- 152.1(78GA, HF2565) Scope and purpose
- 152.2(78GA, HF2565) Funding
- 152.3(78GA, HF2565) Appeals

CHAPTER 153  
SMOKEFREE AIR

- 153.1(82GA,HF2212) Purpose and scope
- 153.2(82GA,HF2212) Definitions
- 153.3(82GA,HF2212) Prohibition of smoking
- 153.4(82GA,HF2212) Areas where smoking not regulated
- 153.5(82GA,HF2212) Duties of employers, owners, operators, managers, and persons having custody or control of a public place, place of employment, area declared nonsmoking pursuant to 2008 Iowa Acts, House File 2212, section 5, or outdoor areas where smoking is prohibited
- 153.6(82GA,HF2212) Duties of other state agencies and political subdivisions
- 153.7(82GA,HF2212) Leases
- 153.8(82GA,HF2212) Complaints and enforcement
- 153.9(82GA,HF2212) Limitation of rules

CHAPTER 154  
MEDICAL CANNABIDIOL PROGRAM

- 154.1(124E) Definitions
- REGISTRATION CARDS
- 154.2(124E) Health care practitioner certification—duties and prohibitions
  - 154.3(124E) Medical cannabidiol registration card—application and issuance to patient
  - 154.4(124E) Medical cannabidiol registration card—application and issuance to primary caregiver
  - 154.5 Reserved
  - 154.6(124E) Denial and cancellation
  - 154.7(124E) Appeal
  - 154.8(124E) Duplicate card
  - 154.9(124E) Renewal
  - 154.10(124E) Confidentiality
  - 154.11 Reserved
  - 154.12(124E) Fees
  - 154.13(124E) Use of medical cannabidiol—smoking prohibited
  - 154.14(124E) Allowable forms of medical cannabidiol
  - 154.15 Reserved
- MANUFACTURING
- 154.16(124E) Duties of the department
  - 154.17(124E) Manufacturer operations
  - 154.18(124E) Security requirements
  - 154.19(124E) Location
  - 154.20(124E) Advertising and marketing
  - 154.21(124E) Packaging and labeling
  - 154.22(124E) Transportation of medical cannabidiol and plant material
  - 154.23(124E) Disposal of medical cannabidiol and plant material
  - 154.24(124E) Record-keeping requirements
  - 154.25(124E) Production requirements
  - 154.26(124E) Quality assurance and control
  - 154.27(124E) Supply and inventory
  - 154.28(124E) Inspection by department or independent consultant
  - 154.29(124E) Assessment of penalties
  - 154.30(124E) Suspension or revocation of a manufacturer license
  - 154.31(124E) Closure of operations

154.32 to 154.39 Reserved

DISPENSING

154.40(124E) Duties of the department  
 154.41(124E) Dispensary operations  
 154.42(124E) Security requirements  
 154.43(124E) Location  
 154.44(124E) Advertising and marketing  
 154.45(124E) Storage  
 154.46(124E) Dispensing  
 154.47(124E) Transportation of medical cannabidiol  
 154.48(124E) Disposal of medical cannabidiol  
 154.49(124E) Record-keeping requirements  
 154.50(124E) Quality assurance and control  
 154.51(124E) Inventory  
 154.52(124E) Inspection by department or independent consultant  
 154.53(124E) Assessment of penalties  
 154.54(124E) Suspension or revocation of a dispensary license  
 154.55(124E) Closure of operations  
 154.56 to 154.59 Reserved

MEDICAL CANNABIDIOL BOARD

154.60(124E) Purpose and duties of board  
 154.61(124E) Organization of board and proceedings  
 154.62(124E) Official communications  
 154.63(124E) Office hours  
 154.64(124E) Public meetings  
 154.65(124E) Petitions for the addition or removal of medical conditions, medical treatments  
 or debilitating diseases  
 154.66 to 154.68 Reserved

LABORATORY TESTING

154.69(124E) Requirements of the department  
 154.70(124E) Requirements of a laboratory  
 154.71(124E) Requirements of a manufacturer  
 154.72(124E) Content testing  
 154.73(124E) Reporting requirements  
 154.74(124E) Record-keeping requirements  
 154.75(124E) Quality control  
 154.76(124E) Security requirements

CHAPTER 155

LICENSURE STANDARDS FOR SUBSTANCE USE DISORDER AND  
 PROBLEM GAMBLING TREATMENT PROGRAMS

155.1(125,135) Definitions  
 155.2(125,135) Licensing  
 155.3(125,135) Types of licenses  
 155.4(125,135) Nonassignability  
 155.5(125,135) Application procedures  
 155.6(125,135) Technical assistance  
 155.7(125,135) Inspection of applicants  
 155.8(125,135) License—approval  
 155.9(125,135) Written corrective action plan  
 155.10(125,135) Grounds for denial of license

155.11(125,135)	Denial, suspension or revocation of a license
155.12(125,135)	Contested case hearing
155.13(125,135)	Rehearing application
155.14(125,135)	Judicial review
155.15(125,135)	Issuance of a license after denial, suspension or revocation
155.16(125,135)	Complaints and investigations
155.17(125,135)	License revision
155.18(125,135)	Deemed status
155.19(125,135)	Funding
155.20(125,135)	Inspection
155.21(125,135)	General standards for all programs
155.22(125,135)	Inpatient and residential program facilities
155.23(125,135)	Specific standards for inpatient and residential programs
155.24(125,135)	Specific standards for inpatient and residential programs licensed to provide services to juveniles
155.25(125,135)	Specific standards for substance use assessment and OWI evaluation-only programs
155.26 to 155.33	Reserved
155.34(125,135)	Specific standards for enhanced treatment services
155.35(125,135)	Specific standards for opioid treatment programs

TUBERCULOSIS (TB) SCREENING: HEALTH CARE WORKERS AND RESIDENTS

155.36(125,135)	Purpose
155.37(125,135)	Definitions
155.38(125,135)	Tuberculosis screening of staff and residents

CHAPTER 156

CONSUMABLE HEMP PRODUCTS

156.1(204)	Definitions
156.2(204)	Registration and posting
156.3(204)	Testing requirements and documentation
156.4(204)	Packaging and labeling requirements
156.5(204)	Applicability of other laws and regulations
156.6(204)	Prohibitions
156.7(204)	Violations and enforcement
156.8(204)	Denial, suspension, or revocation of registration
156.9(204)	Inspection and access to records
156.10(204)	Public examination of records
156.11(204)	Appeals

CHAPTER 157

STANDARDS FOR SUBSTANCE ABUSE TREATMENT AND  
ASSESSMENT PROGRAMS AND THE OPERATING A MOTOR VEHICLE  
WHILE INTOXICATED (OWI) LAW

157.1(125)	Definitions
157.2(125)	Screening, evaluation, treatment, and drinking drivers course
157.3(125)	Screening, evaluation, treatment, and drinking drivers course completion
157.4(125)	Cost of evaluation and treatment
157.5(125)	Timeliness
157.6(125)	Confidentiality
157.7(125)	Records
157.8(125)	Reciprocity

## CHAPTER 158

## REGIONS FOR SUBSTANCE ABUSE PREVENTION AND TREATMENT

158.1(125)	Service areas established
158.2(125)	Request for a change in service areas
158.3(125)	Application
158.4(125)	Notification of affected parties
158.5(125)	Public hearing
158.6(125)	Proposed decision
158.7(125)	Change during term of contract
158.8(125)	State board of health review
158.9(125)	State board of health decision

## CHAPTERS 159 to 175

Reserved

## CHAPTER 176

## CRITERIA FOR AWARDS OR GRANTS

176.1 to 176.6	Reserved
176.7(135,17A)	Public notice of available funds

## CHAPTER 177

## HEALTH DATA

177.1(76GA,ch1212)	Purpose
177.2(76GA,ch1212)	Definitions
177.3(76GA,ch1212)	Description of data to be submitted
177.4(76GA,ch1212)	Department studies
177.5(76GA,ch1212)	Fees
177.6(76GA,ch1212)	Patient confidentiality
177.7	Reserved
177.8(76GA,ch1212)	Address and specification for data submissions

## CHAPTERS 178 to 190

Reserved

## CHAPTER 191

## ADVISORY BODIES OF THE DEPARTMENT

191.1(135)	Definitions
191.2(135)	Purpose
191.3(135)	Appointment
191.4(135)	Officers
191.5(135)	Meetings
191.6(135)	Subcommittees
191.7(135)	Expenses of advisory body members
191.8(135)	Gender balance

## CHAPTER 192

## CHILD SUPPORT NONCOMPLIANCE

192.1(252J)	Definitions
192.2(252J)	Issuance or renewal of a license—denial
192.3(252J)	Suspension or revocation of a license
192.4(17A,22,252J)	Sharing of information

## CHAPTER 193

## MODEL RULES FOR LICENSEE REVIEW COMMITTEE

193.1(272C)	Definitions
193.2(272C)	Purpose
193.3(272C)	Composition of the committee
193.4(272C)	Eligibility
193.5(272C)	Terms of participation in the impaired practitioner recovery program
193.6(272C)	Confidentiality

## CHAPTER 194

## NONPAYMENT OF STATE DEBT

194.1(272D)	Definitions
194.2(272D)	Issuance or renewal of a license—denial
194.3(272D)	Suspension or revocation of a license
194.4(272D)	Sharing of information

## CHAPTER 195

## Reserved

## CHAPTER 196

## MILITARY SERVICE, VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY SERVICE MEMBERS

196.1(272C)	Definitions
196.2(272C)	Military education, training, and service credit
196.3(272C)	Veteran and active duty military spouse reciprocity

## CHAPTERS 197 to 201

## Reserved

## CHAPTER 202

## CERTIFICATE OF NEED PROGRAM

202.1(135)	Definitions
202.2(135)	Letter of intent
202.3(135)	Determination of reviewability
202.4(135)	Submission of application
202.5(135)	Organizational procedures
202.6(135)	Public hearing on application
202.7(135)	Summary review
202.8(135)	Extension of review time
202.9(135)	Rehearing of certificate of need decision
202.10(135)	Status reports to affected persons
202.11(135)	Finality
202.12(135)	Project progress reports
202.13(135)	Request for extension of certificate
202.14(135)	Application changes after approval
202.15(135)	Sanctions
202.16(135)	Reporting requirements

## CHAPTER 203

## STANDARDS FOR CERTIFICATE OF NEED REVIEW

203.1	Reserved
203.2(135)	Cardiac catheterization and cardiovascular surgery standards
203.3(135)	Radiation therapy standards
203.4(135)	Computerized tomography standards

203.5(135)	Long-term care
203.6 and 203.7	Reserved
203.8(135)	Financial and economic feasibility
203.9 to 203.11	Reserved
203.12(135)	Magnetic resonance imaging services standards
203.13(135)	Positron emission tomography services standards



CHAPTERS 159 to 161  
Reserved

CHAPTER 162  
LICENSURE STANDARDS FOR PROBLEM GAMBLING TREATMENT PROGRAMS

[Prior to 7/3/96, see Human Services Department, 441—Ch 162]

Rescinded IAB 6/2/10, effective 7/1/10

CHAPTERS 163 to 169  
Reserved

CHAPTER 170  
ORGANIZATION OF THE DEPARTMENT

[Prior to 7/29/87, Health Department[470] Ch 170]

Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

CHAPTER 171  
PETITIONS FOR RULE MAKING

[Prior to 7/29/87, Department of Health[470] Ch 171]

Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

CHAPTER 172  
DECLARATORY ORDERS

[Prior to 7/29/87, Health Department[470] Ch 172]

Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

CHAPTER 173  
CONTESTED CASES

[Prior to 7/29/87, Health Department[470] Ch 173]

Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

CHAPTER 174  
AGENCY PROCEDURE FOR RULE MAKING  
Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

CHAPTER 175  
FAIR INFORMATION PRACTICES AND PUBLIC RECORDS

Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24<sup>1</sup>

<sup>1</sup> The effective date of **ARC 7712C** was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.



CHAPTER 176  
CRITERIA FOR AWARDS OR GRANTS

**641—176.1(135,17A) Purpose.** Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24.<sup>1</sup>

**641—176.2(135,17A) Definitions.** Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24.<sup>1</sup>

**641—176.3(135,17A) Exceptions.** Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24.<sup>1</sup>

**641—176.4(135,17A) Requirements.** Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24.<sup>1</sup>

**641—176.5(135,17A) Review process (competitive applications only).** Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24.<sup>1</sup>

**641—176.6(135,17A) Opportunity for review and comment.** Rescinded IAB 1/30/08, effective 3/5/08.

**641—176.7(135,17A) Public notice of available funds.** The department shall post all competitive selection documents on the department of management's IowaGrants website at [www.IowaGrants.gov](http://www.IowaGrants.gov) for the duration of the application period.

[ARC 1750C, IAB 12/10/14, effective 1/14/15]

**641—176.8(135,17A) Appeals.** Rescinded **ARC 7712C**, IAB 3/6/24, effective 7/1/24.<sup>1</sup>

These rules are intended to implement Iowa Code chapters 17A and 135.

[Filed 3/13/92, Notice 1/8/92—published 4/1/92, effective 5/6/92]

[Filed 11/5/92, Notice 9/30/92—published 11/25/92, effective 12/30/92]

[Filed 9/17/99, Notice 6/16/99—published 10/6/99, effective 11/10/99]

[Filed 1/10/02, Notice 11/28/01—published 2/6/02, effective 3/13/02]

[Filed 1/10/08, Notice 11/21/07—published 1/30/08, effective 3/5/08]

[Filed ARC 1750C (Notice ARC 1656C, IAB 10/1/14), IAB 12/10/14, effective 1/14/15]

[Filed ARC 7712C (Notice ARC 7064C, IAB 8/23/23), IAB 3/6/24, effective 7/1/24]<sup>1</sup>

<sup>1</sup> The effective date of **ARC 7112C** was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.



CHAPTER 193  
MODEL RULES FOR LICENSEE REVIEW COMMITTEE

**641—193.1(272C) Definitions.** For the purpose of these rules, the following definitions apply:

“*Committee*” means the licensee review committee established by a licensing board pursuant to the authority of Iowa Code section 272C.3(1)“*k*.”

“*Contract*” means the written document establishing the terms for participation in the program.

“*Impairment*” means a condition identified in Iowa Code section 272C.3(1)“*k*” that renders or, if left untreated, is reasonably likely to render a licensee unable to practice the licensee’s profession with reasonable skill and safety.

“*Initial agreement*” means the written document establishing the initial terms for participation in the program.

“*Licensing board*” or “*board*” means the same as defined in Iowa Code section 272C.1(6).

“*Licensee*” means a person licensed by a licensing board.

“*Self-report*” means written notification provided by the licensee to the program that the licensee has had, has, or may have an impairment. A self-report can be made even if the applicable licensing board has received a complaint or a third party has alleged the same.

[ARC 7753C, IAB 4/3/24, effective 5/8/24]

**641—193.2(272C) Purpose.** The committee assists and monitors the recovery or rehabilitation of practitioners who self-report potential impairments or who are referred by the board. The program is both an advocate for participant health and a means to protect the health and safety of the public.

[ARC 7753C, IAB 4/3/24, effective 5/8/24]

**641—193.3(272C) Composition of the committee.** The division of licensing appoints the members of the committee.

**193.3(1) Membership.** The committee may be composed of but not limited to members with the following qualifications:

*a.* A health care professional who has expertise in the area of substance use and addiction treatment.

*b.* A health care professional who has expertise in the diagnosis and treatment of mental health conditions.

*c.* A psychiatrist who holds a current, active Iowa license as defined in rule 653—9.1(147,148,150,150A).

*d.* A licensee who has maintained recovery for a period of no less than two years since successfully completing a recovery program, a board-ordered probation for substance use, or a comparable monitoring program.

*e.* A licensed physician, physician assistant or advanced registered nurse licensee whose specialty area is family practice, internal medicine, or emergency medicine or who has expertise in substance use disorders, mental health conditions or both.

*f.* A licensed psychiatric pharmacist.

*g.* A public member.

*h.* Non-voting members, which may include the board’s executive director, the bureau chief or designee, the bureau chief of monitoring, and, if requested to join the committee for consultation during a participant review, an executive officer or board member under which a participant is regulated.

**193.3(2) Officers.** At the last meeting of each calendar year, the committee elects co-chairpersons to serve a one-year term beginning January 1.

**193.3(3) Terms.** Committee members are appointed for a three-year term, for a maximum of three terms. Each term expires on December 31 of the third year of the term. Initial terms are for a period of one to three years as designated by the division to provide continuity to the committee.

[ARC 7753C, IAB 4/3/24, effective 5/8/24]

**641—193.4(272C) Eligibility.**

**193.4(1) Eligibility.** To be eligible for participation in the program, a prospective participant must self-report or be referred by the board for an impairment or potential impairment. The committee will determine for each self-report or referral whether the prospective participant is an appropriate candidate for participation in the program. A prospective participant is ineligible if the committee finds sufficient evidence that the prospective participant:

- a. Diverted medication for distribution to third parties or for personal profit;
- b. Adulterated, misbranded, or otherwise tampered with medication intended for a patient;
- c. Provided inaccurate, misleading, or fraudulent information or failed to fully cooperate with the committee; or
- d. Caused injury or harm to a patient or client.

**193.4(2) Board referral.** The board may refer a licensee to the program privately, in a public disciplinary order, or other public order if a complaint or investigation reveals an impairment or potential impairment or the board determines that the licensee is an appropriate candidate for review by the committee.

**193.4(3) Discretion.** Eligibility for participation in the program is at the sole discretion of the committee. No person is entitled to participate in the program.

**193.4(4) Limitations.** The committee establishes the terms and monitors a participant's compliance with the program specified in the contract. The committee is not responsible for participants who fail to comply with the terms of the program or successfully complete the program. Participation in the program shall not relieve the participant's board of any duties nor divest the board of any authority or jurisdiction otherwise provided. Any violation of the statutes or rules governing the practice of the participant's profession and unrelated to their impairment will be referred to the board for appropriate action.

[ARC 7753C, IAB 4/3/24, effective 5/8/24]

**641—193.5(272C) Terms of participation in the impaired practitioner recovery program.** A participant is responsible for complying with the terms of participation established in the initial agreement and the contract, and for all expenses incurred to comply with the terms imposed by the program. Terms of participation specified in the contract shall include, but not be limited to:

**193.5(1) Duration.** Length of participation in the program may vary depending upon the review of all relevant information and the nature of the impairment.

**193.5(2) Noncompliance.** Participants are responsible for notifying the committee of any instance of noncompliance. Notification of noncompliance made to the committee by the participant, a monitoring provider, or another party may result in notice to the board for its consideration of disciplinary action.

a. *First instance.* After a first instance of significant noncompliance, including a relapse, the committee may give notice to the board identifying the participant by number, describing the relevant terms of the participant's contract and the noncompliance, and including the committee's recommendation for continued participation in the program.

b. *Second instance.* After a second instance of significant noncompliance, including a relapse, the committee may refer the case and the participant's identity to the board. In its referral, the committee may make recommendations as to continued participation in the program.

c. *Referral at any time.* The committee may make a referral to the board for noncompliance that identifies the participant by name at any time the circumstances warrant such a referral.

**193.5(3) Practice limitations.** The committee may impose limitations on a participant's practice as a term of the contract until such time as the committee receives a report from an approved evaluator that the licensee is capable of practicing with reasonable safety and skill. Participation in the program is conditioned upon participants agreeing to limit practice as requested by the committee and established in accordance with the terms specified in the contract. If a participant refuses to agree to or comply with the limitations established in the initial agreement or contract, the committee will refer the licensee to the board for appropriate action.

**193.5(4) Staff discretion.** Staff, in consultation with legal counsel, may provide guidance and direction to participants between regularly scheduled committee meetings, including program descriptions, interim limitations on practice, and negotiation and execution of initial agreements and

contracts on behalf of the committee. The committee retains authority to review all interim decisions at its discretion. Staff may consult with the committee chairperson or medical director if needed.

[ARC 7753C, IAB 4/3/24, effective 5/8/24]

**641—193.6(272C) Confidentiality.** Information in the possession of the board or the committee is subject to the confidentiality requirements of Iowa Code section 272C.6.

**193.6(1)** Participants must report their participation to the applicable monitoring program or licensing authority in any state in which the participant is currently licensed or in which the participant seeks licensure.

**193.6(2)** The committee is authorized to communicate information about a participant to any person assisting in the participant's treatment, recovery, rehabilitation, monitoring, or maintenance for the duration of the initial agreement or contract.

**193.6(3)** The committee is authorized to communicate information about a participant to the board if a participant does not comply with the terms of the contract as set forth in rule 641—193.5(272C).

**193.6(4)** The committee is authorized to communicate information about a current or former participant to the board if reliable information held by the committee reasonably indicates that a significant risk to the public exists.

**193.6(5)** If the board initiates disciplinary or other action against a participant or former participant as a result of communication from the committee, the board may include information from the program file in the public documents.

[ARC 7753C, IAB 4/3/24, effective 5/8/24]

These rules are intended to implement Iowa Code chapter 272C.

[Filed emergency 6/27/96 after Notice 4/10/96—published 7/17/96, effective 6/27/96]

[Filed ARC 8799B (Notice ARC 8634B, IAB 3/24/10), IAB 6/2/10, effective 7/7/10]

[Filed ARC 7753C (Notice ARC 7287C, IAB 1/10/24), IAB 4/3/24, effective 5/8/24]





## **TRANSPORTATION DEPARTMENT[761]**

Rules transferred from agency number [820] to [761] to conform with the reorganization numbering scheme in general IAC Supp. 6/3/87.

### *GENERAL*

#### CHAPTER 1

##### ORGANIZATION OF THE DEPARTMENT OF TRANSPORTATION

- |               |                             |
|---------------|-----------------------------|
| 1.1(307)      | Definitions                 |
| 1.2(17A)      | Mission                     |
| 1.3(17A)      | Location and business hours |
| 1.4(17A)      | Information and forms       |
| 1.5(307)      | History                     |
| 1.6(17A,307A) | Commission                  |
| 1.7(17A,307)  | Director of transportation  |
| 1.8(17A,307)  | Divisions                   |

#### CHAPTER 2

##### PROVISIONS APPLICABLE TO ALL RULES

- |          |             |
|----------|-------------|
| 2.1(307) | Definitions |
|----------|-------------|

#### CHAPTER 3

Reserved

#### CHAPTER 4

##### PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

(Uniform Rules)

- |             |   |
|-------------|---|
| 4.1(22,305) | General provisions  |
| 4.2(22)     | Statement of policy and purpose   |
| 4.3(22)     | Access to records   |
| 4.4(22)     | Access to confidential records  |
| 4.5(22)     | Consent to release a confidential record to a third party                         |
| 4.6(22)     | Requests for confidential treatment   |
| 4.7(22)     | Procedure by which additions, dissents, or objections may be entered into records |
| 4.8(22)     | Notice to suppliers of information  |
| 4.9(22)     | Confidential records  |

#### CHAPTERS 5 to 9

Reserved

#### CHAPTER 10

##### ADMINISTRATIVE RULES

- |           |                           |
|-----------|---------------------------|
| 10.1(17A) | General                   |
| 10.2(17A) | Rule making               |
| 10.3(17A) | Petitions for rule making |

#### CHAPTER 11

##### WAIVER OF RULES

- |           |  |
|-----------|--|
| 11.1(17A) | Purpose and scope                        |
| 11.2(17A) | Authority to grant waiver                |
| 11.3(17A) | Criteria, considerations and limitations |
| 11.4(17A) | Decision on waiver                       |
| 11.5(17A) | Petition for waiver                      |
| 11.6(17A) | Action on petition                       |
| 11.7(17A) | Modification or cancellation of waiver   |
| 11.8(17A) | Records                                  |

CHAPTER 12  
DECLARATORY ORDERS

- 12.1(17A) Definitions
- 12.2(17A) Petition for declaratory order
- 12.3(17A) Notice of petition
- 12.4(17A) Action on petition
- 12.5(17A) Effect of a declaratory order

CHAPTER 13  
CONTESTED CASES

- 13.1(17A) Definitions
- 13.2(17A) Applicability
- 13.3(17A) Initiation of contested case
- 13.4(17A) Submission of request for informal settlement or hearing
- 13.5(17A) Informal settlement
- 13.6(17A) Contested case decision
- 13.7(17A) Appeal
- 13.8(17A) Motion for review
- 13.9(17A) Rehearings
- 13.10(17A) Maintenance of records
- 13.11(17A) Use of legal assistants or paralegals
- 13.12(17A) Communications
- 13.13(17A) Default
- 13.14 to 13.19 Reserved
- 13.20(17A) Additional procedures when the department is not a party

CHAPTERS 14 to 19  
Reserved

CHAPTER 20  
PROCUREMENT OF EQUIPMENT, MATERIALS, SUPPLIES AND SERVICES

- 20.1(307) Scope and applicability
- 20.2(307) Definitions
- 20.3(307) Procurement policy
- 20.4(307) Formal advertising procedures and requirements
- 20.5(307) Limited solicitation procedures and requirements
- 20.6(307) Professional and technical services
- 20.7(307) Sole source or emergency selection
- 20.8(307) Conflicts with federal requirements
- 20.9 Reserved
- 20.10(307) Negotiation—architectural, landscape architectural, engineering and related professional and technical services

CHAPTERS 21 to 24  
Reserved

CHAPTER 25  
COMPETITION WITH PRIVATE ENTERPRISE

- 25.1(23A) Interpretation
- 25.2(23A) Exemptions

CHAPTER 26  
Reserved

CHAPTER 27  
INTEREST ON RETAINED FUNDS

27.1(573) Interest on retained funds

CHAPTER 28  
IOWA TRANSPORTATION MAP

28.1(307) Definition  
28.2(307) Information  
28.3(307) Policy

CHAPTERS 29 to 39  
Reserved

CHAPTER 40  
RECOVERY OF DAMAGES TO HIGHWAYS OR HIGHWAY STRUCTURES

40.1(321) Scope  
40.2(321) Definitions  
40.3(321) Information  
40.4(321) Accident scene  
40.5(321) Repair of facilities  
40.6(321) Recovery of damages

CHAPTERS 41 to 99  
Reserved

*HIGHWAYS*

CHAPTER 100  
Reserved

CHAPTER 101  
FARM-TO-MARKET REVIEW BOARD

101.1(306) Purpose  
101.2(306) Definitions  
101.3(306) Composition and membership of the farm-to-market review board  
101.4(306) Collection of system modification requests and frequency of meetings  
101.5(306) Procedure for requesting modifications to the farm-to-market road system  
101.6(306) Review criteria for determining eligibility for inclusion of additional roads into the farm-to-market road system  
101.7(306) Voting and approval of requested modifications  
101.8(306) Report of board decision to applicant county  
101.9(306) Reapplication for modification  
101.10(306) Judicial review  
101.11(306) Adoption and modification of rules  
101.12(306) Severability clause

CHAPTER 102  
SECONDARY ROAD FUND DISTRIBUTION COMMITTEE

102.1(312) Purpose  
102.2(312) Formulas  
102.3 and 102.4 Reserved  
102.5(312) Composition and membership of the secondary road fund distribution committee  
102.6(312) Terms of office and rotation of seats  
102.7(312) Committee meetings  
102.8 and 102.9 Reserved

102.10(312)	Considerations for a new or modified distribution formula
102.11(312)	Process for approval of a new or modified distribution formula
102.12(312)	Judicial review
102.13(312)	Severability clause

CHAPTERS 103 and 104  
Reserved

CHAPTER 105  
HOLIDAY REST STOPS

105.1(307,314)	Purpose
105.2(307)	General
105.3(307,314)	Conditions
105.4(307,314)	Holiday rest stops on interstate highways
105.5(307,314)	Holiday rest stops on primary highways

CHAPTER 106  
PROMOTION OF IOWA AGRICULTURAL PRODUCTS AT REST AREAS

106.1(307)	Purpose
106.2(307)	Definitions
106.3(307)	Information
106.4(307)	Request
106.5(307)	Time frame
106.6(307)	Conditions
106.7(307)	Site location

CHAPTERS 107 to 109  
Reserved

*RIGHT-OF-WAY AND ENVIRONMENT*

CHAPTER 110  
Reserved

CHAPTER 111  
REAL PROPERTY ACQUISITION AND RELOCATION ASSISTANCE

111.1(316)	Acquisition and relocation assistance manual
------------	--

CHAPTER 112  
PRIMARY HIGHWAY ACCESS CONTROL

112.1(306A,318)	Scope and contact information
112.2(306A,321)	Definitions
112.3(306A)	General provisions
112.4(17A,306A,318)	Permitting process
112.5(306A)	Access types and the primary highway category system
112.6(306A)	Location and design
112.7(306A)	Access construction
112.8(306A)	Drainage requirements for access connection approvals
112.9(306A,318)	Violations at access connections

CHAPTERS 113 and 114  
Reserved

CHAPTER 115  
UTILITY ACCOMMODATION

115.1(306A)	General information
115.2(306A)	Definitions
115.3	Reserved
115.4(306A)	General requirements for occupancy of the right-of-way
115.5(306A)	General design provisions
115.6(306A)	Scenic enhancement
115.7(306A)	Liability
115.8(306A)	Utility accommodation permit
115.9(306A)	Traffic protection
115.10(306A)	Construction responsibilities and procedures
115.11(306A)	Vertical overhead clearance requirements
115.12(306A)	Utility facility attachments to bridges
115.13(306A)	Underground utility facilities
115.14(306A)	Freeways
115.15(306A)	Transverse installations on freeways
115.16(306A)	Longitudinal installations on freeways
115.17(306A)	Nonfreeway primary highways
115.18(306A)	Longitudinal installations on nonfreeway primary highways
115.19(306A)	Maintenance and emergency work
115.20(306A)	Abandonment or removal of utility facilities
115.21 to 115.24	Reserved
115.25(306A)	Utility facility adjustments for highway improvement projects
115.26(306A)	Notice of project
115.27(306A)	First plan submission, preliminary work plan and agreement
115.28(306A)	Second plan submission, final work plan and permit application
115.29(306A)	Notice of work
115.30(306A)	Miscellaneous adjustment provisions

CHAPTER 116  
JUNKYARD CONTROL

116.1(306C)	Definitions
116.2(306C)	Junkyards prohibited—exceptions
116.3(306C)	Screening or removal
116.4(306C)	Acquisition
116.5(306C)	Screening
116.6(306C)	Nuisance—injunction
116.7(17A)	Hearings and appeals
116.8(306C)	Contact information

CHAPTER 117  
OUTDOOR ADVERTISING

117.1(306B,306C)	Definitions
117.2(306B,306C)	General provisions
117.3(306B,306C,306D)	General criteria
117.4	Reserved
117.5(306B,306C)	Location, size and spacing requirements
117.6(306C)	Outdoor advertising permits and fees required
117.7	Reserved
117.8(306B,306C)	Removal procedures

- 117.9(306B,306C) Acquisition of advertising devices that have been issued provisional permits  
 117.10(17A,306C) Contested cases

CHAPTER 118  
 LOGO SIGNING

- 118.1(306C) Introduction  
 118.2(306C) Definitions  
 118.3(306C) Erection and location of specific service signs and placement of business signs  
 118.4(306C) Eligibility for placement of business signs on main line specific service signs  
 118.5(306C) Application, drawing, and fees  
 118.6(306C) Business sign blank specifications  
 118.7(306C) Business sign face specifications

CHAPTER 119  
 TOURIST-ORIENTED DIRECTIONAL SIGNING

- 119.1(321) Definitions  
 119.2(321) General  
 119.3(321) Eligibility requirements for a destination  
 119.4 Reserved  
 119.5(321) Application and approval procedure  
 119.6(321) Installation, maintenance, replacement and removal

CHAPTER 120  
 Reserved

CHAPTER 121  
 ADOPT-A-HIGHWAY PROGRAM

- 121.1(307) Purpose  
 121.2(307) Information  
 121.3(307) Program guidelines  
 121.4(307) Sponsors  
 121.5 Reserved  
 121.6(307) Procedure

CHAPTERS 122 and 123  
 Reserved

CHAPTER 124  
 HIGHWAY HELPER SPONSORSHIP PROGRAM

- 124.1(307) Introduction and purpose  
 124.2(307) Contact information  
 124.3(307) Definitions  
 124.4(307) General provisions  
 124.5(307) Sponsorship agreements  
 124.6(307) Acknowledgment sign criteria

*CONSTRUCTION*

CHAPTERS 125 to 129  
 Reserved

*TRAFFIC OPERATIONS*CHAPTER 130  
SIGNING MANUAL

130.1(321) Manual

CHAPTER 131  
SIGNING ON PRIMARY HIGHWAYS

131.1(321) Destination signs at an intersection  
 131.2(321) Erection of signs for numbered business routes  
 131.3(321) Erection of signs for schools  
 131.4(321) Erection of camping service signs on interstate highways  
 131.5(321) Erection of signs for sanitary landfills  
 131.6(321) Erection of signs for special events  
 131.7(321) Erection of signs for organized off-highway camps  
 131.8(321) Erection of signs for county conservation parks  
 131.9(321) Erection of no parking signs  
 131.10(321) Signing for named routes and memorial bridges  
 131.11(314) Signing for Iowa medal of honor highway  
 131.12 to 131.14 Reserved  
 131.15(321) Information and address

CHAPTER 132  
IOWA BYWAYS PROGRAM

132.1(306D) Purpose, overview and information  
 132.2(306D) Definitions  
 132.3(306D) General requirements  
 132.4(306D) Application and approval process  
 132.5(306D) Reevaluation  
 132.6(306D) Promotional and tourism efforts

CHAPTERS 133 and 134  
ReservedCHAPTER 135  
WARNING LIGHTS ON VEHICLES OR EQUIPMENT NOT OWNED AND OPERATED BY THE  
DEPARTMENT WHEN USED IN ROAD WORK ZONES

135.1(321) Warning lights on vehicles or equipment in road work zones

CHAPTER 136  
LIGHTING

136.1(306,318) Lighting of primary-secondary intersections  
 136.2(306,318) Destination lighting  
 136.3 to 136.5 Reserved  
 136.6(306,318) Warrants and design requirements for lighting

CHAPTERS 137 to 139  
Reserved

CHAPTER 140  
TRAFFIC SIGNALS AND BEACONS  
ON PRIMARY ROADS

140.1(321)      Erection of traffic signals and beacons on primary highways

CHAPTER 141  
Reserved

CHAPTER 142  
SPEED ZONING ON PRIMARY HIGHWAYS

142.1(321)      Adjustment of speed zones on primary highways

CHAPTER 143  
TRAFFIC SIGNAL SYNCHRONIZATION

143.1(364)      Definitions  
143.2(364)      Applicability  
143.3              Reserved  
143.4(364)      Required synchronization

CHAPTERS 144 to 149  
Reserved

*PRIMARY ROAD EXTENSIONS*

CHAPTER 150  
IMPROVEMENTS AND MAINTENANCE ON PRIMARY ROAD EXTENSIONS

150.1(306)      Definitions  
150.2(306)      Improvements and maintenance on extensions of freeways  
150.3(306)      Improvements and maintenance on extensions of nonfreeway primary highways  
150.4(306)      General requirements for primary road extensions  
150.5(307)      Special circumstances

CHAPTER 151  
CITY REQUESTS FOR CLOSURE OF  
PRIMARY ROAD EXTENSIONS

151.1(321)      Closing primary road extensions

CHAPTERS 152 to 159  
Reserved

*SPECIAL HIGHWAY PROGRAMS*

CHAPTER 160  
COUNTY AND CITY BRIDGE CONSTRUCTION FUNDS

160.1(312)      Purpose  
160.2(312)      Contact information  
160.3(312)      Source of funds  
160.4(312)      Administration of funds

CHAPTER 161  
HIGHWAY BRIDGE PROGRAM FOR CITIES AND COUNTIES

161.1(307)      Purpose  
161.2(307)      Information  
161.3(307)      Source of funds  
161.4(313)      Swapping of funds  
161.5(307)      Administration of funds



CHAPTER 162  
SURFACE TRANSPORTATION BLOCK GRANT PROGRAM

162.1(307)	Purpose
162.2(307)	Information
162.3(307)	Source of funds
162.4(313)	Swapping of funds
162.5(307)	Administration of funds

CHAPTER 163  
RISE PROGRAM

163.1(315)	Definitions
163.2(315)	Information and forms
163.3(315)	Purpose of RISE program
163.4(315)	Administration of RISE program
163.5(315)	Source, allocation, and use of RISE funds
163.6(315)	Project financing and funding shares
163.7(315)	Eligibility of applicants and joint applications
163.8(315)	Project activities eligible and ineligible for RISE funds
163.9(315)	Advance eligibility of land acquisition and preliminary design costs incurred prior to funding commitment by commission
163.10(315)	Immediate opportunity projects
163.11(315)	Local development projects
163.12(315)	Project administration

CHAPTER 164  
TRAFFIC SAFETY IMPROVEMENT PROGRAM

164.1(312)	Definitions
164.2(312)	Information and forms
164.3(312)	Program administration
164.4(312)	Applicant eligibility
164.5(312)	Project eligibility
164.6(312)	Eligible project costs
164.7(312)	Ineligible project costs
164.8(312)	Applications
164.9(312)	Processing the application
164.10(312)	Project agreement

CHAPTER 165  
RECREATIONAL TRAILS PROGRAM

165.1(465B)	Definitions
165.2(465B)	Information and forms
165.3 and 165.4	Reserved
165.5(465B)	Program administration
165.6 to 165.8	Reserved
165.9(465B)	Applicant eligibility
165.10 and 165.11	Reserved
165.12(465B)	Project eligibility
165.13 and 165.14	Reserved
165.15(465B)	Eligible project costs
165.16	Reserved
165.17(465B)	Ineligible project costs
165.18	Reserved

165.19(465B)	Advance eligibility of land acquisition and preliminary design costs incurred prior to funding commitment by commission
165.20 and 165.21	Reserved
165.22(465B)	Application
165.23(465B)	Application procedure
165.24 and 165.25	Reserved
165.26(465B)	Evaluation and approval
165.27 to 165.29	Reserved
165.30(465B)	Project agreement
165.31 and 165.32	Reserved
165.33(465B)	Noncompliance

## CHAPTERS 166 to 169

Reserved

*LOCAL SYSTEMS*

## CHAPTER 170

## ALLOCATION OF FARM-TO-MARKET ROAD FUNDS

170.1(310)	Purpose
170.2(310)	Contact information
170.3(310)	Temporary allocation

## CHAPTER 171

Reserved

## CHAPTER 172

AVAILABILITY OF INSTRUCTIONAL MEMORANDUMS  
TO LOCAL PUBLIC AGENCIES

172.1(307)	Purpose
172.2(307)	Contact information
172.3(307)	Instructional memorandums to local public agencies

## CHAPTER 173

PREPARATION OF SECONDARY ROAD CONSTRUCTION PROGRAMS,  
BUDGETS, AND COUNTY ANNUAL REPORTS

173.1(309)	Purpose
173.2(309)	Contact information
173.3(309)	Secondary road construction program
173.4(309)	County secondary road budget
173.5(309)	County annual report

## CHAPTER 174

## REIMBURSABLE SERVICES AND SUPPLIES

174.1(307)	Purpose
174.2(307)	Contact information
174.3(307)	Reimbursable services and supplies

## CHAPTERS 175 to 177

Reserved

CHAPTER 178  
PROJECT COST REPORTING REQUIREMENTS  
FOR CITIES AND COUNTIES

178.1(314)	Purpose
178.2(314)	Contact information
178.3(314)	Definitions
178.4(314)	Detailed instructions furnished to cities and counties
178.5(314)	Project reporting

CHAPTER 179  
Reserved

CHAPTER 180  
QUOTATION PROCESS FOR GOVERNMENTAL ENTITIES FOR PUBLIC IMPROVEMENT  
FOR VERTICAL INFRASTRUCTURE

180.1(314)	Purpose
180.2(314)	Contact information
180.3(26,314)	Definitions
180.4	Reserved
180.5(314)	Solicitation of quotations
180.6(314)	Submission of competitive quotation by governmental entity
180.7(314)	Form and content of competitive quotations
180.8(314)	Evaluation of competitive quotations
180.9(314)	Award of contract and subsequent procedures
180.10(314)	Retained funds

CHAPTER 181  
STATEWIDE STANDARD FOR PERMITTING  
CERTAIN IMPLEMENTS OF HUSBANDRY

181.1(321)	Statewide standard
------------	--------------------

CHAPTERS 182 to 300  
Reserved

*VEHICLES*

CHAPTER 301  
DRIVER'S PRIVACY PROTECTION—MOTOR VEHICLE RECORDS

301.1(321)	Applicability
301.2(321)	Adoption
301.3(321)	Definitions
301.4(17A)	Information and addresses
301.5(321)	Requirements and procedures
301.6(321)	Electronic motor vehicle records files
301.7(321,321A)	Certified abstract of operating records

CHAPTERS 302 to 379  
Reserved

CHAPTER 380  
MOTOR VEHICLES OPERATED BY AN AUTOMATED DRIVING SYSTEM

380.1(321)	Applicability
380.2(321)	Definitions
380.3(17A)	Information and addresses
380.4(321)	Identification of driverless-capable vehicles in registration

- 380.5(321) Operational restrictions
- 380.6(321) Identification of driverless-capable vehicle networks
- 380.7(17A,321) Driverless-capable vehicle exemption

## CHAPTERS 381 to 399

Reserved

## CHAPTER 400

## VEHICLE REGISTRATION AND CERTIFICATE OF TITLE

- 400.1(321,322,544) Definitions
- 400.2(321,322) Vehicle registration, certificate of title, receipt, validation sticker and registration plates—general provisions
- 400.3(321) Application for certificate of title or registration for a vehicle
- 400.4(321) Supporting documents required
- 400.5(321) Where to apply for registration or certificate of title
- 400.6(17A) Addresses, information and forms
- 400.7(321) Information appearing on title or registration
- 400.8(321) Release form for cancellation of security interest
- 400.9 Reserved
- 400.10(321) Assignment of security interest
- 400.11(321) Sheriff's levy, restitution lien, and forfeiture lien noted as security interests
- 400.12(321) Replacement certificate of title
- 400.13(321) Bond required before title issued
- 400.14(321) Transfer of ownership
- 400.15(321) Cancellation of a certificate of title
- 400.16(321) Application for certificate of title or original registration for a specially constructed, reconstructed, street rod or replica motor vehicle
- 400.17 and 400.18 Reserved
- 400.19(321) Temporary use of vehicle without plates or registration card
- 400.20(321) Registration of motor vehicle weighing 55,000 pounds or more
- 400.21(321) Registration of vehicles on a restricted basis
- 400.22(321) Transfers of ownership by operation of law
- 400.23(321) Junked vehicle
- 400.24(321) New vehicle registration fee
- 400.25(321) Fees established by the department
- 400.26(321) Anatomical gift
- 400.27(321,322) Vehicles held for resale or trade by dealers
- 400.28(321) Special trucks
- 400.29 Reserved
- 400.30(321) Registration of vehicles registered in another state or country
- 400.31 Reserved
- 400.32(321) Vehicles owned by nonresident members of the armed services
- 400.33 and 400.34 Reserved
- 400.35(321) Registration of vehicles equipped for persons with disabilities
- 400.36(321) Land and water-type travel trailers registration fee
- 400.37(321) Motorcycle or autocyce primarily designed or converted to transport property
- 400.38 Reserved
- 400.39(321) Conversion of motor vehicles
- 400.40(321) Manufactured or mobile home converted to or from real property
- 400.41 Reserved
- 400.42(321) Church bus registration fee
- 400.43(321) Storage of vehicles

400.44(321)	Penalty on registration fees
400.45(321)	Suspension, revocation or denial of registration
400.46(321)	Termination of suspension of registration
400.47(321)	Raw farm products
400.48 and 400.49	Reserved
400.50(321,326)	Refund of registration fees
400.51(321)	Assigned identification numbers
400.52(321)	Odometer statement
400.53(321)	Stickers
400.54(321)	Registration card issued for trailer-type vehicles
400.55(321)	Damage disclosure statement
400.56(321)	Hearings
400.57	Reserved
400.58(321)	Motorized bicycles
400.59(321)	Registration documents lost or damaged in transit through the United States postal service
400.60(321)	Credit of registration fees
400.61(321)	Reassignment of registration plates
400.62(321)	Storage of registration plates, certificate of title forms and registration forms
400.63(321)	Disposal of surrendered registration plates
400.64(321)	County treasurer's report of motor vehicle collections and funds
400.65 to 400.69	Reserved
400.70(321)	Removal of registration and plates by peace officer under financial liability coverage law
400.71	Reserved
400.72(321)	Electronic lien and title

CHAPTER 401  
SPECIAL REGISTRATION PLATES

401.1(321)	Definition
401.2(321)	Application, issuance and renewal
401.3	Reserved
401.4(321)	Gift certificates
401.5(321)	Amateur radio call letter plates
401.6(321)	Personalized plates
401.7(321)	Collegiate plates
401.8(321)	Medal of Honor plates
401.9(321)	Firefighter plates
401.10(321)	Emergency medical services plates
401.11(321)	Natural resources plates
401.12(321)	Blackout plates
401.13(321)	Disabled veteran plates
401.14(321)	Flying our colors plates
401.15(17A,321)	Nonprofit organization decal
401.16(17A,321)	Special plates with space reserved for a nonprofit organization decal
401.17	Reserved
401.18(321)	Combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, combat medical badge, fallen peace officers and civil war sesquicentennial plates
401.19(321)	Legion of Merit plates
401.20(321)	Persons with disabilities plates
401.21(321)	Ex-prisoner of war plates

401.22(321)	National guard plates
401.23(321)	Pearl Harbor plates
401.24(321)	Purple Heart, Silver Star and Bronze Star plates
401.25(321)	U.S. armed forces retired plates
401.26 to 401.30	Reserved
401.31(321)	Veteran plates
401.32(321)	Surrender of plates
401.33(321)	Validation fees
401.34(321)	Reassignment of plates
401.35(321)	Revocation of special registration plates—appeal
401.36(321)	Refund of fees

## CHAPTERS 402 to 404

Reserved

## CHAPTER 405

## SALVAGE

405.1(321)	Applicability
405.2(321,321H)	Definitions
405.3(321)	Salvage title
405.4 and 405.5	Reserved
405.6(321)	Iowa salvage title required
405.7(321)	Converting salvage title to regular title
405.8(321)	Foreign vehicles
405.9(321)	Records check
405.10(321,322G)	Designations
405.11 to 405.14	Reserved
405.15(321)	Salvage theft examination

## CHAPTERS 406 to 409

Reserved

## CHAPTER 410

## SPECIAL MOBILE EQUIPMENT

410.1(321)	General
410.2(321E)	Special mobile equipment transported on a registered vehicle

## CHAPTER 411

## PERSONS WITH DISABILITIES PARKING PERMITS

411.1(321L)	Information and applications
411.2(321L)	Definitions
411.3(321L)	Application for persons with disabilities parking permit
411.4(321L)	Removable windshield placards
411.5(321L)	Persons with disabilities special registration plate parking stickers
411.6(321L)	Persons with disabilities special registration plates
411.7(321L)	Return of persons with disabilities parking permit
411.8(321L)	Revocation of a persons with disabilities parking permit
411.9(321L)	Appeal

## CHAPTERS 412 to 423

Reserved

CHAPTER 424  
TRANSPORTER PLATES

424.1(321)	General
424.2 and 424.3	Reserved
424.4(321)	Transporter plates

CHAPTER 425  
MOTOR VEHICLE AND TOWABLE RECREATIONAL VEHICLE DEALERS,  
MANUFACTURERS, DISTRIBUTORS AND WHOLESALERS

425.1(322)	Introduction
425.2	Reserved
425.3(322)	Definitions
425.4 to 425.9	Reserved
425.10(322)	Application for dealer's license
425.11(322)	Motor vehicle dealer licensing for final-stage manufacturers
425.12(322)	Motor vehicle dealer's principal place of business
425.13(321,322)	Business records of a motor vehicle dealer with multiple licenses
425.14(322)	Towable recreational vehicle dealer's place of business
425.15 and 425.16	Reserved
425.17(322)	Extension lot license
425.18(322)	Supplemental statement of changes
425.19	Reserved
425.20(322)	Fleet vehicle sales and retail auction sales
425.21 to 425.23	Reserved
425.24(322)	Miscellaneous requirements
425.25	Reserved
425.26(322)	State fair, fairs, shows and exhibitions
425.27 and 425.28	Reserved
425.29(322)	Classic car permit
425.30(322)	Motor truck display permit
425.31(322)	Firefighting and rescue show permit
425.32 to 425.39	Reserved
425.40(322)	Salespersons of dealers
425.41 to 425.49	Reserved
425.50(322)	Manufacturers, distributors, and wholesalers
425.51 and 425.52	Reserved
425.53(322)	Wholesaler's financial liability coverage
425.54 to 425.59	Reserved
425.60(322)	Right of inspection
425.61	Reserved
425.62(322)	Denial, suspension or revocation
425.63 to 425.69	Reserved
425.70(321)	Dealer plates
425.71	Reserved
425.72(321)	Demonstration permits

CHAPTERS 426 to 429  
Reserved

CHAPTER 430  
MOTOR VEHICLE LEASING LICENSES

430.1(321F)	General
430.2(321F)	Application

- 430.3(321F) Supplemental statements  
 430.4(321F) Separate licenses required

CHAPTER 431  
 VEHICLE RECYCLERS

- 431.1(321H) General  
 431.2(321H) Criteria for a vehicle recycler license  
 431.3(321H) Application  
 431.4(321H) Firm name  
 431.5(321H) Denial, suspension or revocation of license  
 431.6(321) Right of inspection

CHAPTERS 432 to 449

Reserved

CHAPTER 450  
 MOTOR VEHICLE EQUIPMENT

- 450.1(321) Addresses, information and forms  
 450.2(321) Equipment requirements for specially constructed, reconstructed, street rod, and replica motor vehicles, other than autocycles, motorcycles and motorized bicycles  
 450.3(321) Mud and snow tire  
 450.4(321) Minimum requirements for constructing and equipping specially constructed or reconstructed motorcycles or motorized bicycles  
 450.5(321) Minimum requirements for constructing and equipping specially constructed or reconstructed autocycles  
 450.6(321) Safety requirements for the movement of implements of husbandry on a roadway  
 450.7(321) Front windshields, windows or sidewings

CHAPTER 451  
 EMERGENCY VEHICLE CERTIFICATE

- 451.1(321) Information  
 451.2(321) Authorized emergency vehicle certificate  
 451.3(17A,321) Application denial or certificate revocation

CHAPTER 452  
 REFLECTIVE DEVICES ON SLOW-MOVING VEHICLES

- 452.1 and 452.2 Reserved  
 452.3(321) Alternative reflective device

CHAPTER 453  
 Reserved

CHAPTER 454  
 TOWING WRECKED OR DISABLED VEHICLES

- 454.1(321) Definitions

CHAPTERS 455 to 479  
 Reserved

CHAPTER 480  
 ABANDONED VEHICLES

- 480.1(321) Definitions  
 480.2(321) Location  
 480.3(321) General requirements  
 480.4(321) Advertising



480.5(321)	Bidder registry
480.6(321)	Odometer statement
480.7(321)	Abandoned vehicle report
480.8(321)	Time limits

## CHAPTERS 481 to 499

Reserved

*MOTOR CARRIERS*

## CHAPTER 500

## INTERSTATE REGISTRATION AND OPERATION OF VEHICLES

500.1(326)	Definitions
500.2(17A,326)	General information
500.3(17A,326)	Waiver of rules
500.4(326)	Renewal for IRP registration
500.5(321)	Deadline for placing a vehicle in storage
500.6(321,326)	Payment, delinquency and suspension
500.7(326)	Self-certification of IRP registration plate and validation sticker destruction
500.8(326)	IRP credentials
500.9(326)	Nonrenewal vehicle additions
500.10(326)	Nonrenewal vehicle deletions
500.11(326)	Voluntary cancellation of registration
500.12(326)	Policy on registration credit
500.13(326)	Penalty for late filing of vehicle schedule
500.14 to 500.16	Reserved
500.17(326)	Duplicate credentials
500.18 and 500.19	Reserved
500.20(326)	Making claim for refund
500.21	Reserved
500.22(326)	Registration of vehicles with non-Iowa titles
500.23(326)	Record retention
500.24(326)	Trip permits
500.25(326)	Electronic information

## CHAPTERS 501 to 504

Reserved

## CHAPTER 505

## INTERSTATE MOTOR VEHICLE FUEL LICENSES AND PERMITS

505.1(452A)	Definitions
505.2(452A)	General information
505.3(452A)	General stipulations
505.4(452A)	Quarterly reports
505.5(452A)	Audits—required reports
505.6(452A)	Hearings

## CHAPTERS 506 to 510

Reserved

CHAPTER 511  
SPECIAL PERMITS FOR OPERATION AND MOVEMENT OF  
VEHICLES AND LOADS OF EXCESS SIZE AND WEIGHT

511.1(321E)	Definitions
511.2(321E)	Location and general information
511.3(321E)	Movement under permit
511.4(321E)	Permits
511.5(321,321E)	Fees and charges
511.6(321E)	Insurance and bonds
511.7(321,321E)	Annual oversize permits
511.8(321,321E)	Annual oversize/overweight permits
511.9(321,321E)	Annual all-systems oversize permits
511.10(321,321E)	Annual all-systems overweight permits
511.11(321,321E)	Multitrip permits
511.12(321E)	Compacted rubbish vehicle permits
511.13(321,321E)	Single-trip permits
511.14(321,321E)	Annual raw forest products permits
511.15(29C,321,321E)	Emergency interstate permit
511.16(321,321E)	Annual fluid milk products permits
511.17(321,321E)	Maximum axle weights and maximum gross weights for vehicles and loads moved under permit
511.18(321,321E)	Movement of vehicles with divisible loads exceeding statutory size or weight limits
511.19(321E)	Towing units
511.20(321E)	Escorting
511.21(321,321E)	Permit violations
511.22(321)	Movement of combination vehicles on economic export corridors

CHAPTERS 512 to 523

Reserved

CHAPTER 524

FOR-HIRE INTRASTATE MOTOR CARRIER AUTHORITY

524.1(325A)	Purpose and applicability
524.2(325A)	General information
524.3(325A)	Applications and supporting documents
524.4(325A)	Issuance of motor carrier permit or motor carrier certificate
524.5(325A)	Duplicate motor carrier permit or motor carrier certificate
524.6(325A)	Amendment to a motor carrier permit or motor carrier certificate
524.7(325A)	Insurance—suspension
524.8(325A)	Self-insurance for motor carriers of passengers
524.9(325A)	Safety self-certification
524.10(325A)	Financial statement
524.11(325A)	Safety education seminar
524.12 and 524.13	Reserved
524.14(325A)	Lease of a vehicle
524.15(325A)	Tariffs
524.16	Reserved
524.17(325A)	Suspension, revocation or reinstatement
524.18(325A)	Hearings

CHAPTERS 525 to 528

Reserved

## CHAPTER 529

## FOR-HIRE INTERSTATE MOTOR CARRIER AUTHORITY

- 529.1(327B) Motor carrier regulations
- 529.2(327B) Registering interstate authority in Iowa
- 529.3(327B) Waiver of rules

## CHAPTERS 530 to 539

Reserved

## CHAPTER 540

## TRANSPORTATION NETWORK COMPANIES

- 540.1(321N) Purpose and applicability
- 540.2(321N) Definitions
- 540.3(321N) General information
- 540.4(321N) Application for transportation network company permit and supporting documents
- 540.5(321N) Issuance of permit
- 540.6(321N) Amendment to transportation network company permit
- 540.7(321N) Suspension
- 540.8(321N) Revocation
- 540.9(321N) Appeal
- 540.10(321N) Renewal
- 540.11(321N) Record review

## CHAPTERS 541 to 599

Reserved

*DRIVER LICENSES*

## CHAPTER 600

## GENERAL INFORMATION

- 600.1(321) Definitions
- 600.2(17A) Information and location
- 600.3(321) Seat belt exemptions

## CHAPTER 601

## APPLICATION FOR LICENSE

- 601.1(321) Application for license
- 601.2(321) Surrender of license and nonoperator's identification card
- 601.3(321) Emergency contact information
- 601.4 Reserved
- 601.5(321) Proofs submitted with application
- 601.6(321) Parent's, guardian's or custodian's consent
- 601.7(321) REAL ID driver's license

## CHAPTER 602

## CLASSES OF DRIVER'S LICENSES

- 602.1(321) Driver's licenses
- 602.2(321) Information and forms
- 602.3 Reserved
- 602.4(321) Definitions of immediate family
- 602.5 to 602.10 Reserved
- 602.11(321) Class C noncommercial driver's license
- 602.12(321) Class D noncommercial driver's license (chauffeur)
- 602.13(321) Class M noncommercial driver's license (motorcycle)

602.14(321)	Transition from five-year to eight-year licenses
602.15 to 602.17	Reserved
602.18(321)	Motorcycle instruction permit
602.19(321)	Noncommercial instruction permit
602.20	Reserved
602.21(321)	Special noncommercial instruction permit
602.22	Reserved
602.23(321)	Chauffeur's instruction permit
602.24(321)	Motorized bicycle license
602.25(321)	Minor's restricted license
602.26(321)	Minor's school license

## CHAPTER 603

Reserved

## CHAPTER 604

## LICENSE EXAMINATION

604.1(321)	Authority and scope
604.2(321)	Definitions
604.3(17A)	Information and forms
604.4 to 604.6	Reserved
604.7(321)	Examination
604.8 and 604.9	Reserved
604.10(321)	Vision screening
604.11(321)	Vision standards
604.12(321)	Vision referrals
604.13(321)	Vision screening results
604.14 to 604.19	Reserved
604.20(321)	Knowledge test
604.21(321)	Knowledge test requirements and waivers
604.22 to 604.29	Reserved
604.30(321)	Driving test
604.31(321)	Driving test requirements and waivers for noncommercial driver's licenses
604.32 to 604.34	Reserved
604.35(321)	Determination of gross vehicle weight rating
604.36 to 604.39	Reserved
604.40(321)	Failure to pass examination
604.41 to 604.44	Reserved
604.45(321)	Reinstatement
604.46 to 604.49	Reserved
604.50(321)	Special reexaminations

## CHAPTER 605

## LICENSE ISSUANCE

605.1(321)	Scope
605.2(321)	Definitions
605.3(321)	Persons exempt
605.4(252J,321)	Persons not to be licensed
605.5(321)	Contents of license
605.6(321)	License class
605.7(321)	Endorsements
605.8(321)	Restrictions
605.9(321)	License term for temporary foreign national

605.10(321)	Fees for driver's licenses
605.11(321)	Duplicate license
605.12(321)	Address changes
605.13 and 605.14	Reserved
605.15(321)	License extension
605.16(321)	Military extension
605.17 to 605.19	Reserved
605.20(321)	Fee adjustment for upgrading license
605.21 to 605.24	Reserved
605.25(321)	License renewal
605.26(321)	Graduated driver's license upgrades

## CHAPTER 606

Reserved

## CHAPTER 607

## COMMERCIAL DRIVER LICENSING

607.1(321)	Scope
607.2(17A)	Information
607.3(321)	Definitions
607.4 and 607.5	Reserved
607.6(321)	Exemptions
607.7(321)	Records
607.8 and 607.9	Reserved
607.10(321)	Adoption of federal regulations
607.11 to 607.14	Reserved
607.15(321)	Application
607.16(321)	Commercial driver's license (CDL)
607.17(321)	Endorsements
607.18(321)	Restrictions
607.19	Reserved
607.20(321)	Commercial learner's permit
607.21 to 607.24	Reserved
607.25(321)	Examination for a commercial driver's license
607.26(321)	Vision screening
607.27(321)	Knowledge tests
607.28(321)	Skills test
607.29	Reserved
607.30(321)	Third-party testing
607.31(321)	Test results
607.32(321)	Knowledge and skills testing of nondomiciled military personnel
607.33 and 607.34	Reserved
607.35(321)	Issuance of commercial driver's license and commercial learner's permit
607.36	Reserved
607.37(321)	Commercial driver's license renewal
607.38(321)	Transfers from another state
607.39(321)	Disqualification
607.40(321)	Sanctions
607.41 to 607.44	Reserved
607.45(321)	Reinstatement
607.46 to 607.48	Reserved
607.49(321)	Restricted commercial driver's license

- 607.50(321) Self-certification of type of driving and submission of medical examiner's certificate
- 607.51(321) National drug and alcohol clearinghouse
- 607.52(321) Determination of gross vehicle weight rating

CHAPTERS 608 to 614  
Reserved

CHAPTER 615  
SANCTIONS

- 615.1(321) Definitions
- 615.2(321) Scope
- 615.3(17A) Information and address
- 615.4(321) Denial for incapability
- 615.5 and 615.6 Reserved
- 615.7(321) Cancellations
- 615.8 Reserved
- 615.9(321) Habitual offender
- 615.10 Reserved
- 615.11(321) Periods of suspension or revocation
- 615.12(321) Suspension of a habitually reckless or negligent driver
- 615.13(321) Suspension of a habitual violator
- 615.14(321) Suspension for incapability
- 615.15(321) Suspension for unlawful use of a license
- 615.16(321) Suspension for out-of-state offense
- 615.17(321) Suspension for a serious violation
- 615.18(321) Suspension under the nonresident violator compact
- 615.19(321) Suspension for a charge of vehicular homicide
- 615.20(321) Suspension for moving violation during driving probation
- 615.21(321) Suspension of a minor's school license and minor's restricted license
- 615.22(321) Suspension for nonpayment of fine, penalty, surcharge or court costs
- 615.23(321) Suspensions for juveniles
- 615.24(252J) Suspension upon receipt of a certificate of noncompliance
- 615.25 Reserved
- 615.26(321) Suspension for violation of a license restriction
- 615.27 and 615.28 Reserved
- 615.29(321) Mandatory revocation
- 615.30(321) Revocation for out-of-state offense
- 615.31 Reserved
- 615.32(321) Extension of suspension or revocation period under Iowa Code chapter 321J
- 615.33(321) Revocation of a minor's license
- 615.34 and 615.35 Reserved
- 615.36(321) Effective date of suspension, revocation, disqualification or bar
- 615.37(321) Service of notice
- 615.38(17A,321) Hearing and appeal process
- 615.39(321) Surrender of license
- 615.40(321) License reinstatement or reissue
- 615.41(321) Investigation of convictions based on fraud
- 615.42(321) Remedial driver improvement action under Iowa Code section 321.180B
- 615.43(321) Driver improvement program
- 615.44 Reserved
- 615.45(321) Temporary restricted license (work permit)

## CHAPTERS 616 to 619

Reserved

## CHAPTER 620

## OWI AND IMPLIED CONSENT

620.1	Reserved
620.2(321J)	Information and location
620.3(321J)	Issuance of temporary restricted license
620.4(321J)	Hearings and appeals
620.5(321J)	Reinstatement
620.6(321J)	Issuance of temporary restricted license after revocation period has expired
620.7 to 620.9	Reserved
620.10(321J)	Revocation for deferred judgment
620.11 to 620.14	Reserved
620.15(321J)	Substance abuse evaluation and treatment or rehabilitation services
620.16(321J)	Drinking drivers course

## CHAPTERS 621 to 624

Reserved

## CHAPTER 625

DRIVER'S LICENSES FOR UNDERCOVER  
LAW ENFORCEMENT OFFICERS

625.1(321)	Purpose
625.2(321)	Application
625.3(321)	Issuance
625.4	Reserved
625.5(321)	Cancellation
625.6(321)	Records

## CHAPTERS 626 to 629

Reserved

## CHAPTER 630

## NONOPERATOR'S IDENTIFICATION

630.1(321)	General information
630.2(321)	Application and issuance
630.3(321)	Duplicate card
630.4(321)	Cancellation

## CHAPTERS 631 to 633

Reserved

## CHAPTER 634

## DRIVER EDUCATION

634.1(321)	Information and location
634.2(321)	Definitions
634.3	Reserved
634.4(321)	Driver education course standards and requirements
634.5	Reserved
634.6(321)	Instructor qualifications, application and certification
634.7(321)	Instructor disqualification, investigation and cancellation
634.8(321)	Private and commercial driver education schools

634.9 and 634.10 Reserved  
 634.11(321) Driver education—teaching parent

#### CHAPTER 635

##### MOTORCYCLE RIDER EDUCATION (MRE)

635.1(321) Definitions  
 635.2(321) Approved course in motorcycle rider education  
 635.3(321) Instructors  
 635.4(321) Responsibilities of sponsors  
 635.5(321) Use of motorcycle rider education fund  
 635.6(321) Information and location  
 635.7(321) License issuance

#### CHAPTER 636

##### MOTORIZED BICYCLE RIDER EDUCATION

636.1(321) Information and location  
 636.2(321) Definitions  
 636.3 Reserved  
 636.4(321) Approved program in motorized bicycle rider education  
 636.5(321) Course requirements  
 636.6(321) Instructor approval  
 636.7(321) Evaluation

#### CHAPTERS 637 to 639

Reserved

#### CHAPTER 640

##### FINANCIAL RESPONSIBILITY

640.1(321A) General provisions  
 640.2(321A) Hearing and appeal process  
 640.3(321A) Accident reporting requirements  
 640.4(321A) Security required following accident  
 640.5(321A) Judgments  
 640.6(321A) Proof of financial responsibility  
 640.7(321A) Transfer of suspended registration

#### CHAPTER 641

##### FINANCIAL LIABILITY COVERAGE CARDS

641.1(321) Purpose and applicability  
 641.2(321) Definitions  
 641.3(321) Content of financial liability coverage card  
 641.4(321) Responsibilities of insurer  
 641.5(321) Acquisition of additional or replacement motor vehicles  
 641.6(321) New policies

#### CHAPTERS 642 to 699

Reserved

#### *AERONAUTICS*

#### CHAPTER 700

##### AERONAUTICS ADMINISTRATION

700.1(328) Definitions  
 700.2(17A) Information and forms  
 700.3(17A) Hearing and appeal process



## CHAPTERS 701 to 709

Reserved

## CHAPTER 710

## AIRPORT IMPROVEMENT PROGRAM

710.1(328)	Purpose
710.2(328)	Definitions
710.3(17A)	Information and forms
710.4(330)	Federal airport improvement funds
710.5(328)	State airport improvement funds

## CHAPTERS 711 to 714

Reserved

## CHAPTER 715

## AIR SERVICE DEVELOPMENT PROGRAM

715.1(328)	Purpose
715.2(328)	Definitions
715.3(328)	Eligibility and funding
715.4(328)	Eligible project activities
715.5	Reserved
715.6(328)	Project selection criteria
715.7(328)	Application
715.8(328)	Project administration

## CHAPTER 716

## COMMERCIAL SERVICE VERTICAL INFRASTRUCTURE PROGRAM

716.1(328)	Purpose
716.2(328)	Definitions
716.3(328)	Information and forms
716.4(328)	Eligible airports
716.5(328)	Eligible project activities
716.6	Reserved
716.7(328)	Project application and review
716.8(328)	Project administration

## CHAPTER 717

## GENERAL AVIATION VERTICAL INFRASTRUCTURE PROGRAM

717.1(328)	Purpose
717.2(328)	Definitions
717.3(328)	Information and forms
717.4(328)	Applicant eligibility
717.5(328)	Eligible project activities
717.6	Reserved
717.7(328)	Funding
717.8(328)	Project priorities
717.9(328)	Project applications
717.10(328)	Review and approval
717.11(328)	Project administration

## CHAPTERS 718 and 719

Reserved

CHAPTER 720  
IOWA AIRPORT REGISTRATION

720.1(328)	Scope
720.2(328)	Definitions
720.3(328)	Contact information
720.4(328)	Public-use airport
720.5	Reserved
720.6(328)	Revocation or denial
720.7 to 720.9	Reserved
720.10(328)	Minimum safety standards
720.11 to 720.14	Reserved
720.15(328)	Airport closing

CHAPTERS 721 to 749  
Reserved

CHAPTER 750  
AIRCRAFT REGISTRATION

750.1(328)	Purpose
750.2(328)	Definitions
750.3(17A)	Information and forms.
750.4 to 750.8	Reserved
750.9(328)	Registration
750.10(328)	First registration procedure
750.11 to 750.14	Reserved
750.15(328)	Aircraft not airworthy
750.16 to 750.19	Reserved
750.20(328)	Renewal notice
750.21 to 750.28	Reserved
750.29(328)	Penalty on registration fees
750.30(328)	Application for special certificate
750.31(328)	Lien

CHAPTERS 751 to 799  
Reserved

*RAILROADS*

CHAPTER 800  
ITEMS OF GENERAL APPLICATION FOR RAILROADS

800.1(307)	Definitions
800.2(17A)	Location and submission of documents
800.3(327C)	Accounts
800.4(327C)	Annual reports
800.5 to 800.14	Reserved
800.15(327F)	Train speed ordinances
800.16 to 800.19	Reserved
800.20(327G)	Removal of tracks from crossings
800.21(327G)	Federal citations

CHAPTER 801  
Reserved

CHAPTER 802  
NOTIFICATION OF RAILROAD ACCIDENTS/INCIDENTS

- 802.1(327C) Written reports  
802.2(327C) Notification of railroad accidents/incidents

CHAPTERS 803 to 809  
Reserved

CHAPTER 810  
RAILROAD SAFETY STANDARDS

- 810.1(327C) Track safety standards  
810.2(327C) Track inspection  
810.3 Reserved  
810.4(327F) First aid and medical treatment for railroad employees  
810.5(327F) Worker transportation motor vehicle equipment  
810.6(327F) Worker transportation rest periods

CHAPTER 811  
HIGHWAY-RAILROAD GRADE CROSSING WARNING DEVICES

- 811.1(307) Standards  
811.2(307) Contact information

CHAPTER 812  
CLASSIFICATIONS AND STANDARDS FOR  
HIGHWAY-RAILROAD GRADE CROSSINGS

- 812.1(307) Purpose and contact information  
812.2(307) Classification  
812.3(307) Warning device standards and their implementation  
812.4(307) Effect of rules

CHAPTER 813  
CLOSE-CLEARANCE WARNING SIGNS ALONG RAILROAD TRACKS

- 813.1(327F) Purpose and scope  
813.2(327F) Applicability  
813.3(327F) Information  
813.4(327F) Definitions  
813.5(327F) Close-clearance dimensions  
813.6(327F) Signing requirements  
813.7 and 813.8 Reserved  
813.9(327F) Enforcement  
813.10(327F) Reimbursement

CHAPTERS 814 to 819  
Reserved

CHAPTER 820  
HIGHWAY GRADE CROSSING SAFETY FUND

- 820.1(327G) Definitions  
820.2(327G) Purpose  
820.3(327G) Information and submissions  
820.4(327G) Participation in the maintenance costs of eligible warning devices  
820.5(327G) Reimbursement

CHAPTER 821  
HIGHWAY-RAILROAD GRADE CROSSING SURFACE  
REPAIR FUND

821.1(327G)	Definitions
821.2(327G)	General information
821.3(327G)	Procedures for the use of grade crossing surface repair funds

CHAPTER 822  
RAILROAD REVOLVING LOAN AND GRANT FUND PROGRAM

822.1(327H)	Introduction and purpose
822.2(327H)	Definitions
822.3(327H)	Information
822.4	Reserved
822.5(327H)	Funding
822.6	Reserved
822.7(327H)	Applicant eligibility
822.8(327H)	Eligible and ineligible project costs
822.9	Reserved
822.10(327H)	Project application
822.11(327H)	Project evaluation and approval
822.12(327H)	Award acceptance
822.13(327H)	Project agreement and administration

CHAPTERS 823 to 899  
Reserved

*PUBLIC TRANSIT*

CHAPTERS 900 to 909  
Reserved

CHAPTER 910  
COORDINATION OF PUBLIC TRANSIT SERVICES

910.1(324A)	Definitions
910.2(17A)	Information and location
910.3(324A)	Statewide transportation coordination advisory council
910.4(324A)	Certification process
910.5(324A)	Standards for compliance
910.6(324A)	Noncompliance
910.7(324A)	Noncompliant sanctions
910.8(324A)	Revocation

CHAPTER 911  
SCHOOL TRANSPORTATION SERVICES PROVIDED  
BY REGIONAL TRANSIT SYSTEMS

911.1(321)	Purpose and information
911.2(321,324A)	Definitions
911.3(321)	Services to students as part of the general public
911.4(321)	Contracts for nonexclusive school transportation
911.5(321)	Adoption of federal regulations
911.6(321)	Driver standards
911.7(321)	Vehicle standards
911.8(321)	Maintenance

911.9(321) Safety equipment  
 911.10(321) Operating policies

CHAPTERS 912 to 919  
 Reserved

CHAPTER 920  
 STATE TRANSIT ASSISTANCE

920.1(324A) Statement of policy  
 920.2(324A) General information  
 920.3(324A) Definitions  
 920.4(324A) Types of projects  
 920.5(324A) Standards for projects  
 920.6(324A) Processing

CHAPTER 921  
 ADVANCED ALLOCATIONS OF STATE TRANSIT ASSISTANCE FUNDING

921.1(324A) Scope of chapter  
 921.2(324A) Advance allocations  
 921.3(324A) Application for advance allocations  
 921.4(324A) Application approval  
 921.5(324A) Consideration in determining the approval of advance allocation application  
 921.6 Reserved  
 921.7(324A) Reports, and suspension and termination of allocations  
 921.8(324A) Income derived from interest-bearing accounts and investments  
 921.9(324A) Joint participation agreement close and audits

CHAPTER 922  
 FEDERAL TRANSIT ASSISTANCE

922.1(324A) Projects for nonurbanized areas and private nonprofit transportation providers

CHAPTER 923  
 CAPITAL MATCH REVOLVING LOAN FUND

923.1(71GA,ch265) General information  
 923.2(71GA,ch265) Definitions  
 923.3(71GA,ch265) System eligibility  
 923.4(71GA,ch265) Project eligibility  
 923.5(71GA,ch265) Procedure

CHAPTER 924  
 PUBLIC TRANSIT INFRASTRUCTURE GRANT PROGRAM

924.1(324A) Purpose  
 924.2(324A) Definitions  
 924.3(324A) Information and forms  
 924.4 and 924.5 Reserved  
 924.6(324A) Project eligibility  
 924.7(324A) Eligible project activities  
 924.8(324A) Ineligible project activities  
 924.9 Reserved  
 924.10(324A) Funding  
 924.11(324A) Project applications  
 924.12 and 924.13 Reserved  
 924.14(324A) Project priorities

924.15(324A)

Review and approval

924.16(324A)

Project agreement, administration and ownership

CHAPTER 511  
SPECIAL PERMITS FOR OPERATION AND MOVEMENT OF  
VEHICLES AND LOADS OF EXCESS SIZE AND WEIGHT

[Appeared as Ch 2, Highway Commission, 1973 IDR; amended in July 1974 and January and July 1975 Supplements]

[Previously numbered as (07,E) Ch 12, transferred at the request of the department on 10/8/75]

[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 2]

**761—511.1(321E) Definitions.** As used in this chapter, unless the context otherwise requires:

“*Compacted rubbish vehicle*” means any vehicle hauling rubbish that has been mechanically compacted with a hydraulic, electric, or air-operated ram.

“*Department*” means the Iowa department of transportation.

“*Dimensions*” or “*size*” means length, width or height limits.

“*Emergency interstate permit*” means a permit issued under Iowa Code section 321E.29B.

“*Fluid milk product*” means the same as defined in Iowa Code section 321E.29B(3).

“*Indivisible load*” means any load or vehicle exceeding applicable length or weight limits which, if separated into smaller loads or vehicles, would:

1. Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended;
2. Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or
3. Require more than eight work hours to dismantle using appropriate equipment. The applicant for an indivisible load permit has the burden of proof as to the number of work hours required to dismantle the load.

“*Overdimensional*” or “*oversize*” means the exceeding of statutory length, width or height limits.

“*Permit*” means a permit issued under Iowa Code chapter 321E for the movement of an overdimensional or overweight vehicle, combination of vehicles, or vehicle with load. The term includes any additions or supplements thereto issued by the permit-issuing authority.

“*Permit-issuing authority*” means the:

1. Department’s motor vehicle division for permits for movement on the primary road system.
2. Authority responsible for the maintenance of a nonprimary system of highways or streets for permits for movement on that system. However, the motor vehicle division may issue single-trip permits on primary road extensions in cities in conjunction with movement on the rural primary road system.

“*Primary roads*” or “*primary road system*” is defined in Iowa Code section 306.3. The primary road system includes the interstate road system.

“*Raw forest products*” means the same as defined in Iowa Code section 321E.26.

“*Rubbish*” means any unwanted or useless material that has no commercial or practical value or use and that would normally be discarded.

“*Special or emergency situation*” means one or more of the following:

1. Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.
2. Circumstances where the movement is necessary to cooperate with national defense officials.
3. Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.
4. Circumstances where the movement is essential to ensure safety and protection of any person or property due to an event such as, but not limited to, pollution of natural resources, a potential fire or an explosion.
5. Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.
6. Circumstances where the movement involves emergency-type vehicles.
7. Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazards to the safety of the traveling public or undue damage to private or public property.
8. Other unique circumstances that warrant the issuance of a permit as determined by the permit-issuing authority.

“*Stafford Act*” means the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law No. 93-288, as amended, 42 U.S.C. §5121 et seq.

“*Statutory*” when used with size or weight limits refers to those limits found in Iowa Code chapter 321.

This rule is intended to implement Iowa Code sections 321E.9, 321E.15, 321E.26, 321E.29, 321E.29B, 321E.30 and 321E.34.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

#### **761—511.2(321E) Location and general information.**

**511.2(1)** Applications, forms, instructions and restrictions are available on the department’s website at [www.iowadot.gov](http://www.iowadot.gov) and by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3264; or by facsimile at (515)237-3257. Permits may be obtained electronically upon making application to the motor vehicle division.

**511.2(2)** No overdimensional or overweight vehicle, combination of vehicles, or vehicle with load shall be moved on the highways of this state without permit except as provided in Iowa Code section 321.453.

**511.2(3)** Rescinded IAB 2/7/01, effective 3/14/01.

**511.2(4)** Except as provided in rule 761—511.10(321,321E) or 761—511.18(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

- a. The statutory weight limits are not exceeded,
- b. One of the articles exceeds the statutory size limits, and
- c. The inclusion of other articles does not cause the statutory size limits to be exceeded by an additional amount.

**511.2(5)** Nothing in the permit shall be construed as waiving any load limits which have been or which might be established on any bridge or any road which is posted with embargo signs, unless specifically stated on the permit.

**511.2(6)** The state of Iowa, the department, and any other permit-issuing authority assume no responsibility for the property of the permit holder. Permit holders shall hold permit-issuing authorities harmless of any damages that may be sustained by the traveling public, adjacent property owners or the highways of this state on account of movements made under permit.

This rule is intended to implement Iowa Code sections 17A.3 and 321E.2.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 5428C, IAB 2/10/21, effective 3/17/21; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

#### **761—511.3(321E) Movement under permit.**

**511.3(1)** During the movement of a vehicle or object under permit, the permit holder shall comply with the terms and conditions of the permit and shall take all reasonable precautions to protect and safeguard the lives and property of the traveling public and adjacent property owners.

**511.3(2)** Movement shall be made only when roads are clear of ice and snow and visibility is at least one-quarter mile. Snow removal equipment operating under permit is exempt from this restriction while snow removal operations are conducted. EXCEPTION: Nothing in this subrule shall be construed to mean that the movement of a compacted rubbish vehicle permitted under rule 761—511.12(321E) shall be subject to this restriction.

**511.3(3)** Movement shall be permitted only during the hours from one-half hour before sunrise to one-half hour after sunset unless it is established by the permit-issuing authority that the movement can be better accomplished at another period of time because of traffic volume conditions.

**511.3(4)** Except as provided in Iowa Code section 321.457, no movement shall be permitted on the holidays of Memorial Day, Independence Day and Labor Day, after 12 noon on days preceding these holidays and holiday weekends, during holiday weekends, or during special events when abnormally



high traffic volumes can be expected. A holiday weekend occurs when the holiday falls on Friday, Saturday, Sunday or Monday. No movement shall be permitted until one-half hour before sunrise on the day after the holiday or holiday weekend.

**511.3(5)** Continuous moves. Vehicles and loads may travel by permit between one-half hour after sunset and one-half hour before sunrise if, in addition to the general provisions and general requirements specified by the permit, the following conditions are met.

- a. Dimensions shall not exceed:
  - (1) Width. 11 feet.
  - (2) Height. 14 feet, 6 inches.
  - (3) Length. 100 feet.
  - (4) Weight. Legal axle limits.
- b. Travel must be on roadways with a minimum width of 22 feet and minimum lane width of 11 feet.
- c. Safety lighting shall be provided at the widest part of a load. The lamps may be placed at the outer ends of the load itself or on appurtenances which are equal in width to the widest part of the load and positioned at both the extreme front and rear of the vehicle or trailer as follows:

- (1) One lighted red lamp on each side at the rear of the load.
- (2) One lighted yellow or amber lamp on each side at the front of the load.

This rule is intended to implement Iowa Code sections 321E.2 and 321E.11.  
[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.4(321E) Permits.** Permits issued shall be in writing or in electronic format and may be either single-trip, multitrip, annual oversize, annual oversize/overweight, annual raw forest products, annual small crane, compacted rubbish, emergency interstate, annual fluid milk products, annual all-systems oversize, or annual all-systems overweight permits.

**511.4(1) *Methods of issuance.***

a. Permits for movement on the primary road system may be obtained in person, by facsimile, online, or by mail at the address in subrule 511.2(1).

b. Reserved.

**511.4(2) *Forms.***

a. Applications for permits for movement on the primary road system shall be made online or in the form and manner prescribed by the department.

b. Any applications to other permit-issuing authorities made upon department forms shall be sufficient and accepted as properly made by these authorities.

c. Subject to the preceding paragraph, permit-issuing authorities may adopt, amend or modify these forms provided that the amended or modified forms adequately identify the applicant, the hauling vehicle and load, the manner and extent that the vehicle with load exceeds the statutory size and weight limits, the route, and the authorization of the issuing authority. However, the load for a multitrip permit does not have to be identified but the vehicle and load cannot exceed either the weight per axle or the total weight identified on the multitrip permit. Axle spacings cannot change.

**511.4(3) *Validity.***

a. Annual oversize, annual oversize/overweight, annual raw forest products, annual small crane, compacted rubbish, annual fluid milk products, annual all-systems oversize, and annual all-systems overweight permits shall expire one year from the date of issuance.

b. A single-trip permit shall be effective for five days.

c. The validity of a multitrip permit shall not exceed 60 calendar days.

d. Emergency interstate permits issued under Iowa Code section 321E.29B shall be effective for 30 calendar days. However, the permit shall not exceed the expiration of the applicable governor's proclamation of disaster emergency issued under Iowa Code section 29C.6 in conjunction with the presidential declaration allowing interstate travel under the Stafford Act or the expiration of the declaration of major disaster under the Stafford Act, whichever expires first.

**511.4(4) Duplicate permit.** If a permit is lost or destroyed before it has expired, a duplicate permit may be issued at the discretion of the permit-issuing authority. The expiration date on the duplicate permit shall be the same as on the original permit.

This rule is intended to implement Iowa Code sections 321E.2, 321E.3, 321E.8, 321E.9 and 321E.29B.

[ARC 0136C, IAB 5/30/12, effective 7/4/12; ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 5428C, IAB 2/10/21, effective 3/17/21; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23; ARC 7747C, IAB 4/3/24, effective 5/8/24]

#### **761—511.5(321,321E) Fees and charges.**

**511.5(1) Annual oversize permit.** A fee of \$50 shall be charged for each annual oversize permit issued pursuant to Iowa Code section 321E.8, payable prior to the issuance of the permit. Carriers purchasing annual oversize permits in advance of use cannot return unused permits for refunds.

**511.5(2) Special or emergency oversize permit for certain divisible loads.** A fee of \$25 may be charged for each single-trip permit issued pursuant to Iowa Code section 321E.29, payable prior to the issuance of the permit.

**511.5(3) Annual raw forest products permit.** A fee of \$175 shall be charged for each annual raw forest products permit issued pursuant to Iowa Code section 321E.26 for divisible loads of raw forest products, payable prior to the issuance of the permit.

**511.5(4) Annual oversize/overweight permit.** A fee of \$400 shall be charged for each annual oversize/overweight permit, payable prior to the issuance of the permit. Transfer of current annual oversize/overweight permit to a replacement vehicle may be allowed when the original vehicle has been damaged in an accident, junked or sold.

**511.5(5) Annual all-systems oversize permit.** A fee of \$160 shall be charged for each annual all-systems oversize permit issued pursuant to Iowa Code section 321E.8(1), payable prior to the issuance of the permit.

**511.5(6) Annual all-systems overweight permit.** A fee of \$500 shall be charged for each annual all-systems overweight permit issued pursuant to Iowa Code section 321E.8(2), payable prior to the issuance of the permit. Transfer of current annual all-systems overweight permit to a replacement vehicle may be allowed when the original vehicle has been damaged in an accident, junked or sold.

**511.5(7) Bridge-exempt permit.** A fee of \$25 shall be charged for each bridge-exempt permit issued pursuant to Iowa Code section 321E.7, payable prior to the issuance of the permit.

**511.5(8) Multitrip permit.** A fee of \$200 shall be charged for each multitrip permit, payable prior to the issuance of the permit.

**511.5(9) Raw milk permit.** A fee of \$25 shall be charged for each raw milk permit issued pursuant to Iowa Code section 321E.29A, payable prior to the issuance of the permit.

**511.5(10) Single-trip permit.** A fee of \$35 shall be charged for each single-trip permit, payable prior to the issuance of the permit.

**511.5(11) Special alternative energy multitrip permit.** A fee of \$600 shall be charged for each special alternative energy multitrip permit issued pursuant to Iowa Code section 321E.9B, payable prior to the issuance of the permit.

**511.5(12) Compacted rubbish permit.** A fee of \$100 shall be charged for each compacted rubbish permit, payable prior to the issuance of the permit.

**511.5(13) Annual fluid milk products permit.** A fee of \$400 shall be charged for each annual fluid milk products permit issued pursuant to Iowa Code section 321E.29B, payable prior to issuance of the permit.

**511.5(14) Annual small crane permit.** A fee of \$400 shall be charged for each annual small crane permit issued pursuant to Iowa Code section 321E.8(4), payable prior to issuance of the permit. Transfer of current annual small crane permit to a replacement vehicle may be allowed when the original vehicle has been damaged in an accident, junked or sold.

**511.5(15) Duplicate permit.** A fee of \$2 shall be charged for each duplicate permit, payable prior to the issuance of the permit.

**511.5(16) *Registration fee.*** A registration fee shall be charged for vehicles transporting buildings, except mobile homes and factory-built structures, on a single-trip basis. The vehicle shall be registered for the combined gross weight of the vehicle and load. The fee shall be 5 cents per ton exceeding the weight registered under Iowa Code section 321.122 per mile of travel and shall be payable prior to the issuance of the permit. Fees shall not be prorated for fractions of miles.

**511.5(17) *Fair and reasonable costs.*** Permit-issuing authorities may charge any permit applicant:

*a.* A fair and reasonable cost for the removal and replacement of natural obstructions or official signs and signals.

*b.* A fair and reasonable cost for measures necessary to avoid damage to public property including structures and bridges.

**511.5(18) *Methods of payment.*** Fees and costs required under this chapter shall be paid in the form and manner prescribed by the department.

This rule is intended to implement Iowa Code sections 321.12, 321.122, 321E.8, 321E.9, 321E.14, 321E.29, 321E.29A and 321E.30.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 5428C, IAB 2/10/21, effective 3/17/21; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23; ARC 7747C, IAB 4/3/24, effective 5/8/24]

## **761—511.6(321E) Insurance and bonds.**

### **511.6(1) *Insurance.***

*a.* Public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence, and \$50,000 property damage with an expiration date to cover the tenure of the annual oversize, annual oversize/overweight, annual raw forest products, annual small crane, annual all-systems oversize, annual all-systems overweight, multitrip, emergency interstate, annual fluid milk products or single-trip permit shall be required. In lieu of filing with the permit-issuing authority, a copy of the current certificate of public liability insurance in these amounts shall be carried in the vehicle for which the permit has been issued. Proof of liability insurance may be either in writing or in electronic format.

*b.* Notwithstanding paragraph “a” of this subrule, a carrier may act as a self-insurer if an application for self-insurance is filed with and approved by the department.

### **511.6(2) *Bond.***

*a.* The permit-issuing authority may require the applicant to file a bond, certified check or other assurance in an amount sufficient to cover the reasonably anticipated cost of damage or loss to private property, either real or personal, likely to be caused by or arising out of the movement of the vehicle and load or to ensure compliance with permit provisions.

*b.* The amount in the preceding paragraph may be reduced either in whole or in part by the applicant’s submission to the permit-issuing authority of written permission from an affected third party stating in substance that the third party either owns or has the right of exclusive possession and control over the affected property, does by the party’s signature consent to the move and that the applicant has in hand paid or secured the payment of the anticipated cost of loss or damage to the party’s property.

This rule is intended to implement Iowa Code sections 321E.8, 321E.9, 321E.13 and 321E.29B.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23; ARC 7747C, IAB 4/3/24, effective 5/8/24]

**761—511.7(321,321E) Annual oversize permits.** Annual oversize permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at [www.511ia.org](http://www.511ia.org) or the department’s website for the embargo bridge maps. Annual oversize permits are issued for the following:

**511.7(1)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

*a. Width.* 12 feet 5 inches including appurtenances.

- b. *Length.* 120 feet 0 inches overall.
- c. *Height.* 13 feet 10 inches.
- d. *Weight.* See rule 761—511.17(321,321E).
- e. *Distance.* Movement is allowed for unlimited distance; routing through the motor vehicle division is not required.

**511.7(2)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. *Width.* 14 feet 6 inches.
- b. *Length.* 120 feet 0 inches overall.
- c. *Height.* 15 feet 5 inches.
- d. *Weight.* See rule 761—511.17(321,321E).
- e. *Distance.* Movement is restricted to 50 miles unless trip routes are obtained from the motor vehicle division or the route continues on at least four-lane roads. Trip routes are valid for five days.

**511.7(3)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. *Width.* 16 feet 0 inches.
- b. *Length.* 120 feet 0 inches.
- c. *Height.* 15 feet 5 inches.
- d. *Weight.* See rule 761—511.17(321,321E).
- e. *Distance.* Trip routes must be obtained from the motor vehicle division.

**511.7(4)** Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

- a. *Width.* Not to exceed 10 feet 0 inches.
- b. *Length.* Overall combination length must comply with Iowa Code section 321.457.
- c. *Height.* Statutory: Not to exceed 13 feet 6 inches.
- d. *Weight.* See rule 761—511.17(321,321E).
- e. *Roadway width.* At least 24 feet 0 inches.
- f. *Limited movement.* Movement shall be solely for the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state and shall be on the most direct route necessary for the movement.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10 and 321E.29A.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 5428C, IAB 2/10/21, effective 3/17/21; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.8(321,321E) Annual oversize/overweight permits.** Annual oversize/overweight permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. Travel is not allowed on the interstate. However, a carrier moving under this annual oversize/overweight permit may operate under the same restrictions as an annual oversize permit under rule 761—511.7(321,321E) when the vehicle meets the dimensions required by that rule. Routing is subject to embargoed bridges and roads and posted speed limits. Annual oversize/overweight permits are issued for the following:

**511.8(1)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. *Width.* 13 feet 5 inches.
- b. *Length.* 120 feet 0 inches.
- c. *Height.* 15 feet 5 inches.
- d. *Weight.* See rule 761—511.17(321,321E).
- e. *Routing.* The owner or operator shall select a route using a vertical clearance map, bridge embargo map, pavement restrictions map, and construction and travel restrictions map provided by the department. Route, detour and road embargo information may be found online at [www.511ia.org](http://www.511ia.org) or the department's website for the embargo bridge maps.

**511.8(2)** Reserved.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8 and 321E.9.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 5428C, IAB 2/10/21, effective 3/17/21; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.9(321,321E) Annual all-systems oversize permits.** Annual all-systems oversize permits are issued by the motor vehicle division for indivisible vehicles or indivisible loads for travel on the primary road system and specified city streets and county roads when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The department will provide a map of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for the following:

**511.9(1)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. *Width.* 12 feet 5 inches including appurtenances.
- b. *Length.* 120 feet 0 inches overall.
- c. *Height.* 13 feet 10 inches.
- d. *Weight.* See rule 761—511.17(321,321E).
- e. *Distance.* Movement is allowed for unlimited distance; routing through the motor vehicle division and city and county jurisdictions is not required.

**511.9(2)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. *Width.* 14 feet 6 inches.
- b. *Length.* 120 feet 0 inches overall.
- c. *Height.* 15 feet 5 inches.
- d. *Weight.* See rule 761—511.17(321,321E).
- e. *Distance.* Movement is restricted to 50 miles unless trip routes are obtained from the motor vehicle division and city and county jurisdictions or the route continues on at least four-lane roads. Trip routes are valid for five days.

**511.9(3)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. *Width.* 16 feet 0 inches.
- b. *Length.* 120 feet 0 inches.
- c. *Height.* 15 feet 5 inches.
- d. *Weight.* See rule 761—511.17(321,321E).
- e. *Distance.* Trip routes must be obtained from the motor vehicle division and city and county jurisdictions.

**511.9(4)** Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

- a. *Width.* Not to exceed 10 feet 0 inches.
- b. *Length.* Overall combination length must comply with Iowa Code section 321.457.
- c. *Height.* Statutory: Not to exceed 13 feet 6 inches.
- d. *Weight.* See rule 761—511.17(321,321E).
- e. *Roadway width.* At least 24 feet 0 inches.
- f. *Limited movement.* Movement shall be solely for the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state and shall be on the most direct route necessary for the movement.

**511.9(5)** Necessary trip routes must be obtained from the appropriate city and county jurisdictions.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8 and 321E.10.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 5428C, IAB 2/10/21, effective 3/17/21; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.10(321,321E) Annual all-systems overweight permits.**

**511.10(1) Issuance.** Annual all-systems overweight permits are issued by the department for indivisible vehicles or indivisible or divisible loads for travel on the primary road system and specified city streets and county roads when the weight of the vehicle or load exceeds statutory limits but the dimensions are within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The department will provide a map of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for vehicles with divisible or indivisible loads provided the following are not exceeded:

- a. *Width.* Statutory: 8 feet 6 inches including appurtenances.
- b. *Length.* Statutory: 75 feet 0 inches overall.
- c. *Height.* Statutory: 13 feet 6 inches.
- d. *Weight.* See rule 761—511.17(321,321E).
- e. *Distance.* Movement is allowed for unlimited distance; routing through the motor vehicle division and city and county jurisdictions is not required.

**511.10(2) Distribution of monthly credit.** In accordance with Iowa Code section 312.2(18), the department shall allocate the monthly credit as follows:

- a. The department shall maintain a list of participating counties. The list shall be updated on a monthly basis as determined by the department after consultation with county officials through their representative organizations.
- b. The monthly credit shall be divided among the participating counties as determined by the department after consultation with county officials through their representative organizations.
- c. The funds from the monthly credit shall be distributed to each participating county based on the list of participating counties for the applicable month.

This rule is intended to implement Iowa Code sections 312.2, 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8 and 321E.10.

[ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.11(321,321E) Multitrip permits.** Multitrip permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. The permit shall be for unlimited trips along a specific route between one point of origin and one point of destination. Additional routes will require a new permit. Multitrip permits are issued for the following:

**511.11(1)** Multitrip permits may be issued for vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

- a. *Width.* 16 feet.
- b. *Length.* 120 feet.
- c. *Height.* 15 feet 5 inches.
- d. *Weight.* 156,000 pounds total gross weight.
- e. *Distance.* On routes specified by the permit-issuing authority.

**511.11(2)** Multitrip permits may be issued for all movements allowed under the single-trip permit provisions of rule 761—511.13(321,321E) provided the movement is within the size and weight limitations of subrule 511.11(1).

**511.11(3)** The dimensions listed on the permit are considered maximums. The movement is legal as long as the vehicle and load do not exceed these dimensions and the movement meets all other requirements of Iowa Code chapter 321E and this chapter of rules.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3 and 321E.9A.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.12(321E) Compacted rubbish vehicle permits.** All compacted rubbish vehicle permits issued by the department shall be subject to the following:

**511.12(1)** Permits issued shall be in writing or in an electronic format, shall be carried in the vehicle for which the permit has been issued and shall be available for inspection by any peace officer or authorized agent of any permit-granting authority.

**511.12(2)** Movements by permit shall be allowed day and night, seven days a week including holidays.

**511.12(3)** Vehicles traveling under permit shall be registered for the gross weight or combined gross weight of the vehicle and load.

**511.12(4)** Vehicles under permit must be in compliance with posted bridge and road embargoes and speed limits.

**511.12(5)** Maximum axle weight allowed on the interstate system shall be 20,000 pounds on a single axle and 34,000 pounds on a tandem axle.

This rule is intended to implement Iowa Code section 321E.30.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.13(321,321E) Single-trip permits.** Single-trip permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. The permit shall be for a specific route between an origin and destination. Single-trip permits are issued for the following:

**511.13(1)** Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

*a. Width.* Limited to the maximum physical limitations and clearances of the roadway and infrastructure along the intended route of travel.

*b. Length.* Limited to the maximum physical limitations and clearances of the roadway along the intended route of travel.

*c. Height.* Limited only to the height of underpasses, bridges, power lines, and other established height restrictions. The carrier shall be required to contact affected public utilities when the height of the vehicle with load exceeds 16 feet 0 inches. At the discretion of the permit-issuing authority, a written verification may be required from the affected utility.

*d. Weight.* See rule 761—511.17(321,321E).

*e. Distance.* Limited at the discretion of the permit-issuing authority. The following factors shall be considered:

Road conditions; road width; traffic volume; weather conditions; and roadside obstructions, including bridges, signs and overhead obstructions.

**511.13(2)** Reserved.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3 and 321E.9.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 5428C, IAB 2/10/21, effective 3/17/21; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.14(321,321E) Annual raw forest products permits.** Annual raw forest products permits are issued for vehicles transporting divisible loads of raw forest products when the weight exceeds statutory limits. Travel is not allowed on the interstate. The owner or operator shall select a route using the vertical clearance map, bridge embargo map, pavement restrictions map, and construction and travel restrictions map provided by the department. The owner or operator must contact the appropriate local authority for

route approval to use this permit on county roads or city streets. Detour and road embargo information may be found online at: [www.511ia.org](http://www.511ia.org). Routing is subject to embargoed bridges and roads and posted speed limits. Annual raw forest products permits are issued for the following:

**511.14(1)** Vehicles with divisible loads of raw forest products provided the following are not exceeded:

- a. *Width*. Statutory: 8 feet 6 inches.
- b. *Length*. Limited to the maximum dimensions in Iowa Code section 321.457.
- c. *Height*. Statutory: 13 feet 6 inches.
- d. *Weight*. See rule 761—511.17(321,321E).
- e. *Distance*. Unlimited.

**511.14(2)** Reserved.

This rule is intended to implement Iowa Code sections 321.463, 321E.2, 321E.3 and 321E.26. [ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.15(29C,321,321E) Emergency interstate permit.** Emergency interstate permits are issued for vehicles transporting divisible loads of relief supplies when the weight exceeds statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour, and road embargo information may be found online at [www.511ia.org](http://www.511ia.org) or the department's website for the embargo bridge maps. The owner or operator must contact the appropriate local authority for route approval to determine if additional permits are necessary for county roads or city streets. Emergency interstate permits are issued for the following:

**511.15(1)** Vehicles with divisible loads of relief supplies, which may exceed the weight limits established under Iowa Code section 321.463 on the interstate highway system, provided the following are not exceeded:

- a. *Width*. Statutory: 8 feet 6 inches including appurtenances.
- b. *Length*. Limited to the maximum dimensions in Iowa Code section 321.457.
- c. *Height*. Statutory: 13 feet 6 inches.
- d. *Weight*. See rule 761—511.17(321,321E).
- e. *Distance*. Movement is allowed for unlimited distance on the interstate for 30 days not to exceed the expiration of the applicable governor's proclamation issued in conjunction with the applicable declaration under the Stafford Act, or expiration of the applicable declaration under the Stafford Act, whichever expires sooner. In the event that more than one proclamation issued under Iowa Code section 29C.6 is in effect, only the proclamation issued in conjunction with the same event that caused the major disaster declaration under the Stafford Act shall govern the expiration date. Separate permits may be required for roads other than the interstate unless the governor, under the authority in Iowa Code section 29C.6, suspends applicable permitting provisions under proclamation for the same event.

**511.15(2)** Reserved.

This rule is intended to implement Iowa Code sections 29C.6, 321.457, 321.463 and 321E.29B. [ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.16(321,321E) Annual fluid milk products permits.** Annual fluid milk products permits are issued for indivisible loads of fluid milk products for travel when the weight of the vehicle or load exceeds statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Route, detour, road embargo and bridge embargo for fluid milk products information may be found online at [www.511ia.org](http://www.511ia.org) and the department's website.

**511.16(1)** The following shall not be exceeded:

- a. *Width*. Statutory: 8 feet 6 inches including appurtenances.
- b. *Length*. Statutory: 75 feet 0 inches overall.



- c. *Height.* Statutory: 13 feet 6 inches.
- d. *Weight.* See rule 761—511.17(321,321E).
- e. *Distance.* Movement is allowed for unlimited distance on the primary road system, including the interstate, provided the vehicle is transporting fluid milk products to or from a milk plant, receiving station, or transfer station; routing through the motor vehicle division is not required.

**511.16(2) Reserved.**

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10 and 321E.29A.

[ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.17(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.**

**511.17(1) Annual oversize, annual all-systems oversize, and annual all-systems overweight permits.**

- a. For movement under an annual oversize or annual all-systems oversize permit, the axle weight and combined gross weight shall not exceed the limits found in Iowa Code section 321.463(3).
- b. For movement under an all-systems overweight permit, the axle weight shall not exceed the limits found in Iowa Code sections 321.463(3) and 321E.8. The combined gross weight shall not exceed the gross weight authorized under Iowa Code section 321E.8(2).
- c. See subrule 511.17(8) for exceptions for special mobile equipment.

**511.17(2) Annual oversize/overweight permits or annual raw forest products permits.**

- a. For movement under an annual oversize/overweight permit or an annual raw forest products permit, the gross weight on any axle shall not exceed 20,000 pounds, with a maximum of 156,000 pounds total gross weight.
- b. See subrule 511.17(8) for exceptions for special mobile equipment.

**511.17(3) Multitrip permits.**

- a. For movement under a multitrip permit, the gross weight on any axle shall not exceed 20,000 pounds with a maximum of 156,000 pounds total gross weight.
- b. See subrule 511.17(8) for exceptions for special mobile equipment.

**511.17(4) Single-trip permits.**

- a. For movement under a single-trip permit, the gross weight on any axle shall not exceed 20,000 pounds unless authorized under Iowa Code section 321E.9(2).
- b. If the combined gross weight exceeds 100,000 pounds, a single-trip permit may be issued for the movement only if the permit-issuing authority determines that it would not cause undue damage to the road and is in the best interest of the public.
- c. Cranes may have a maximum of 24,000 pounds per axle for movement under a single-trip permit. Routes must be reviewed by the permit-issuing authority prior to issuance.
- d. See subrule 511.17(8) for exceptions for special mobile equipment.

**511.17(5) Emergency interstate permits.**

- a. For movement under this permit, the gross weight on any axle shall not exceed 20,000 pounds with a maximum of 90,000 pounds total gross weight.
- b. The maximum weight on any single axle shall not exceed by more than 12.5 percent the maximum axle weight limit in the nonprimary highway maximum gross weight table in Iowa Code section 321.463(6) "b" and must comply with posted limits on roads and bridges.

**511.17(6) Annual fluid milk products permits.** For movement under an annual fluid milk products permit, the gross weight on any axle shall not exceed 20,000 pounds with a maximum of 96,000 pounds total gross weight.

**511.17(7) Annual small crane permit.** For movement under an annual small crane permit, the gross weight on any axle shall not exceed 24,000 pounds with a maximum of 80,000 pounds total gross weight.

**511.17(8) Special mobile equipment.** Special mobile equipment may have a gross weight of 36,000 pounds on any single axle equipped with minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination

of vehicles does not exceed a maximum of 80,000 pounds for movement under an annual oversize or all-systems oversize permit and 126,000 pounds for movement under a single-trip, multitrip or annual oversize/overweight permit.

For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.

**511.17(9) Permitted tandem axle weights.**

a. Vehicles operating under an annual oversize permit, annual oversize/overweight permit, annual raw forest products permit, single-trip permit, or multitrip permit may have a gross weight not to exceed 46,000 pounds on a single-tandem axle of the truck tractor and a gross weight not to exceed 46,000 pounds on a single-tandem axle of the trailer or semitrailer if each axle of each tandem group has at least four tires.

b. The maximum weight of any single axle within a permitted tandem axle group shall be 24,000 pounds.

c. A permitted tandem axle shall not be a part of a larger group of axles whose centers are greater than 96 inches apart.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.8, 321E.9, 321E.9A, 321E.26, 321E.29B and 321E.32.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4345C, IAB 3/13/19, effective 4/17/19; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23; ARC 7747C, IAB 4/3/24, effective 5/8/24]

**761—511.18(321,321E) Movement of vehicles with divisible loads exceeding statutory size or weight limits.**

**511.18(1)** Vehicles with divisible loads exceeding statutory size or weight limits may be moved under a single-trip permit if the permit-issuing authority determines that a special or emergency situation warrants its issuance.

**511.18(2)** At the discretion of the permit-issuing authority, the combined gross weight may exceed the statutory weight, but the axle weights shall be subject to rule 761—511.17(321,321E).

**511.18(3)** Movement shall be subject to the routes established by the permit-issuing authority.

This rule is intended to implement Iowa Code sections 321.463 and 321E.29.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 5428C, IAB 2/10/21, effective 3/17/21; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.19(321E) Towing units.** The towing unit shall be a truck or truck tractor with dual wheels and with a gross vehicle weight rating of at least 10,000 pounds when towing mobile homes or loads exceeding 10,000 pounds.

This rule is intended to implement Iowa Code section 321.457.

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.20(321E) Escorting.**

**511.20(1) Escort qualification.** An escort shall be a person aged 18 or over who possesses a valid driver's license which allows driving unaccompanied and who carries proof of public liability insurance in the amounts of \$100,000/\$200,000/\$50,000.

**511.20(2) Escorting responsibilities.**

a. The escorting vehicle shall be a mid-size automobile or motor truck with sufficient mobility to be able to assist in an emergency and designed to afford clear and unobstructed vision both front and rear. The escorting vehicle shall not be used to tow a trailer while performing escorting duties. In questionable cases the permit-issuing authority shall determine if a vehicle meets these conditions.

b. The escorting vehicle shall have a flashing or strobe amber light that is visible for at least 500 feet and provides 360° warning. While escorting a permit load, the light shall be mounted on top of the escort vehicle and shall be burning. Additional escort vehicle markings may be approved or required by the permit-issuing authority.

c. An 18-inch by 18-inch red or orange fluorescent flag shall be mounted on each corner of the front bumper of the escort vehicle.

d. The escort shall remain a distance of approximately 300 feet in front or to the rear of the load. However, when traveling within the corporate limits of a city, the escort shall maintain a reasonable and proper distance consistent with existing traffic conditions.

e. A separate escort shall be provided for each load hauled under escort.

f. All traffic laws and provisions of the oversize permit for the load shall be obeyed.

g. The escort shall not assume responsibility for stopping traffic. An on-duty peace officer, as defined in Iowa Code section 321.1, shall be contacted to provide any traffic control needed.

h. Immediately prior to an escorting trip, the escort shall determine that the escorting vehicle is in a safe operational condition and that the dimensions of the vehicle and load are in compliance with the permit issued.

i. Escort fees charged by state and local authorities shall not exceed \$250 per day per escort vehicle.

j. A pole used for measuring vertical clearances shall be mounted on the front escort vehicle. The escort shall be required to measure all vertical clearances whenever the height of the permitted vehicle exceeds 14 feet 6 inches up to and including 20 feet.

**511.20(3) Requirements for escorts, flags, signs and lights.** The following chart explains the minimum escort and warning devices required for vehicles operating under permit.

Minimum Warning Devices and Escort Requirements  
For Vehicles Operating Under Permit

	Flags/Signs	Lights	Escorts	
			4-Lane	2-Lane
<b>Length</b>				
75'1" up to and including 85'	yes	not required	not required	not required
Over 85' up to and including 120'	yes	yes	not required	not required
Over 120'	yes	not required	rear	rear
<b>Projections</b>				
Front: over 25'	not required	yes	not required	not required
Rear: over 4' up to and including 10'	flags only	not required	not required	not required
Rear: over 10'	flags only	yes	not required	not required
<b>Height</b>				
Over 14'6" up to and including 20'	yes	not required	front with a height pole	front with a height pole
<b>Weight</b>				

Over 80,000 lbs.	not required	not required	not required	not required
<b>Width</b>				
Over 8'6" up to 12'0"	yes	not required	not required	not required
Over 12'0" up to and including 14'6"	yes	not required	rear *	front *
Over 14'6" up to and including 16'6"	yes	not required	rear *	front
Over 16'6" up to and including 18'	yes	not required	rear	front

\*In lieu of an escort, a carrier can display an amber light or strobe light on the power unit and on the rear extremity of the vehicle or load.

yes = required

Definitions:

Flags - Red or orange fluorescent flags at least 18" square must be mounted as follows: one flag at each front corner of the towing unit and one flag at each rear corner of the load. In addition, there must be a flag at any additional protrusion in the width of the load.

Signs - A sign reading "Oversize Load" must be used. The sign must be at least 18" high by 7' long with a minimum of 10" black letters, with a 1½" stroke, on a yellow background, and mounted on the front bumper and on the rear of the load. The rear sign for mobile homes and factory-built structures must be mounted at least 7' above the highway surface, measuring from the bottom of the sign.

Lights - A flashing or strobe amber light that is visible for at least 500 feet and provides 360° warning must be mounted on the towing unit and be visible from front and rear. More than one light may be necessary.

The permit-issuing authority may require additional escorts when deemed necessary. The signs or warning devices must be removed or covered when the vehicle is within legal dimensions.

This rule is intended to implement Iowa Code sections 321E.8, 321E.14, 321E.24 and 321E.34.  
[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.21(321,321E) Permit violations.** Permit violations are to be reported to the permit-issuing authority by the arresting officer and the permit holder. If a permit holder is found to have willfully violated permit provisions, the motor vehicle division may, after notice and hearing, suspend, modify or revoke the permit privileges of the permit holder consistent with Iowa Code section 321E.20. If the permit that is suspended, modified, or revoked is an emergency interstate permit that is issued for a fleet operating under the permit holder's interstate or intrastate motor carrier number, the department may issue emergency interstate permits to individual vehicles operating under the interstate or intrastate motor carrier number.

This rule is intended to implement Iowa Code sections 321.492, 321E.16, 321E.20 and 321E.29B.  
[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

**761—511.22(321) Movement of combination vehicles on economic export corridors.**

**511.22(1) Designation of economic export corridors.**

a. The department may in its discretion establish economic export corridors for the transportation of goods or products manufactured in Iowa to or through the state of South Dakota and for the return of unladen semitrailers or unladen full trailers used for the transportation of those goods or products. An economic export corridor shall not include any segment of the interstate system or any part of the national network of highways identified pursuant to 23 CFR Part 658. However, if appropriate, the department may petition the Federal Highway Administration to remove a road or road segment from the national network of highways for the purpose of including it in an economic export corridor.

b. The department may initiate designation of economic export corridors, or a request for economic export corridor designation may be submitted to the department by an interested party. If a proposed economic export corridor includes any roads or road segments that are under the jurisdiction of a city or a county, a resolution from all relevant local jurisdictions must be submitted to the department indicating their support for economic export corridor designation. The resolution must include a description of the proposed economic export corridor under local jurisdiction.

c. The department shall exercise due regard for the safety of the traveling public and the protection of the highway surfaces and structures when establishing an economic export corridor. Factors to be considered include ability of the proposed economic export corridor to safely accommodate combinations of vehicles described in subrule 511.22(2), taking into account physical configurations and restrictions and traffic demands and capacity, as well as connection to markets that will benefit from the established economic export corridor.

d. The department will post established economic export corridors on the department's website.

**511.22(2) *Combination vehicles that may be operated on an economic export corridor.***

a. In addition to combinations of vehicles lawful for operation on roads or road segments not designated as an economic export corridor, the following combinations of vehicles may be operated on an economic export corridor designated under subrule 511.22(1) if the combinations of vehicles meet the requirements in paragraph 511.22(2) "b":

(1) A truck tractor-semitrailer-semitrailer converted to a full trailer by use of a dolly equipped with a fifth wheel which is considered a part of the trailer for all purposes, and not a separate unit; or

(2) A truck tractor-semitrailer-full trailer; or

(3) A truck tractor-semitrailer-semitrailer combination, where the semitrailers are connected by a rigid frame extension including a fifth wheel connection point attached to the rear frame of the first semitrailer.

b. The combination of vehicles shall meet all of the following requirements:

(1) The length of the combination of vehicles, excluding the length of the truck tractor, shall not exceed 81½ feet.

(2) The length of either semitrailer or full trailer shall not exceed 45 feet.

(3) The weight of the second semitrailer or full trailer shall not exceed the weight of the first semitrailer by more than 3,000 pounds.

(4) The gross weight of the combination of vehicles shall not exceed 80,000 pounds and the combination of vehicles shall not exceed the gross axle weight limits of Iowa Code section 321.463(2).

(5) The load on each semitrailer or full trailer in the combination shall be an indivisible load. For the purpose of issuing permits for height or width under Iowa Code chapter 321E, the combination of vehicles shall be considered an indivisible load so long as the load on each semitrailer or full trailer in the combination remains an indivisible load.

c. The length of the frame extension shall not be included when determining the overall length of the first semitrailer in a truck tractor-semitrailer-semitrailer combination in which the semitrailers are connected by a rigid frame extension including a fifth wheel connection point attached to the rear frame of the first semitrailer.

d. For purposes of this subrule, "full trailer" means as defined in 49 CFR Section 390.5.

This rule is intended to implement Iowa Code section 321.457(2) "n."

[ARC 3193C, IAB 7/5/17, effective 8/9/17; ARC 4985C, IAB 3/11/20, effective 4/15/20; ARC 6061C, IAB 12/1/21, effective 1/5/22; ARC 6405C, IAB 7/13/22, effective 8/17/22; ARC 7079C, IAB 10/4/23, effective 11/8/23]

[Filed February 5, 1969; amended May 1, 1969, October 14, 1969, April 30, 1970, October 15, 1971, April 15, 1974, December 4, 1974, May 14, 1975; transferred to Department of Transportation, July 1, 1975]  
 [Filed 5/26/76, Notice 4/5/76—published 6/14/76, effective 7/19/76]  
 [Filed 9/16/77, Notice 7/13/77—published 10/5/77, effective 11/9/77]  
 [Filed 9/8/78, Notice 7/26/78—published 10/4/78, effective 11/8/78]  
 [Filed emergency 6/21/79—published 7/11/79, effective 6/21/79]  
 [Filed emergency 9/20/79—published 10/17/79, effective 9/20/79]

[Filed 1/28/80, Notice 12/12/79—published 2/20/80, effective 3/26/80]  
 [Filed emergency 2/14/80 after Notice 12/12/79—published 3/5/80, effective 3/26/80]  
 [Filed 6/2/81, Notice 4/15/81—published 6/24/81, effective 7/29/81]  
 [Filed 12/2/81, Notice 9/30/81—published 12/23/81, effective 1/27/82]  
 [Filed 12/16/82, Notice 10/27/82—published 1/5/83, effective 2/9/83]  
 [Filed emergency 3/31/83—published 4/27/83, effective 3/31/83]  
 [Filed 12/11/85, Notice 10/23/85—published 1/1/86, effective 2/5/86]  
 [Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]  
 [Filed 5/13/87, Notice 3/25/87—published 6/3/87, effective 7/8/87]  
 [Filed emergency 3/26/92—published 4/15/92, effective 4/29/92]  
 [Filed 4/8/93, Notice 3/3/93—published 4/28/93, effective 6/2/93]<sup>1</sup>  
 [Filed emergency 7/8/94—published 8/3/94, effective 7/8/94]  
 [Filed 9/8/94, Notice 8/3/94—published 9/28/94, effective 11/2/94]  
 [Filed 3/5/97, Notice 1/15/97—published 3/26/97, effective 4/30/97]  
 [Filed emergency 6/26/97—published 7/16/97, effective 7/1/97]  
 [Filed 8/27/97, Notice 7/16/97—published 9/24/97, effective 10/29/97]  
 [Filed 1/16/01, Notice 11/29/00—published 2/7/01, effective 3/14/01]  
 [Filed 12/19/01, Notice 11/14/01—published 1/23/02, effective 2/27/02]  
 [Filed 9/11/02, Notice 7/10/02—published 10/2/02, effective 11/6/02]  
 [Filed 9/14/05, Notice 8/3/05—published 10/12/05, effective 11/16/05]  
 [Filed 12/13/06, Notice 11/8/06—published 1/3/07, effective 2/7/07]  
 [Filed 12/12/07, Notice 11/7/07—published 1/2/08, effective 2/6/08]  
 [Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]  
 [Filed ARC 3193C (Notice ARC 3045C, IAB 5/10/17), IAB 7/5/17, effective 8/9/17]  
 [Filed ARC 4345C (Notice ARC 4231C, IAB 1/16/19), IAB 3/13/19, effective 4/17/19]  
 [Filed ARC 4985C (Notice ARC 4869C, IAB 1/15/20), IAB 3/11/20, effective 4/15/20]  
 [Filed ARC 5428C (Notice ARC 5292C, IAB 12/2/20), IAB 2/10/21, effective 3/17/21]  
 [Filed ARC 6061C (Notice ARC 5923C, IAB 9/22/21), IAB 12/1/21, effective 1/5/22]  
 [Filed ARC 6405C (Notice ARC 6311C, IAB 5/4/22), IAB 7/13/22, effective 8/17/22]  
 [Filed ARC 7079C (Notice ARC 7046C, IAB 7/12/23), IAB 10/4/23, effective 11/8/23]  
 [Filed ARC 7747C (Notice ARC 7491C, IAB 1/10/24), IAB 4/3/24, effective 5/8/24]

<sup>1</sup> Effective date of 511.2(1), 511.4(1)“a,” 511.4(2)“a” and “b,” 511.5(1), 511.5(6)“b”(3), 511.7, 511.8, 511.9(1) to 511.9(5), 511.14(2)“g” and “i,” 511.14(3)“e,” delayed 70 days by the Administrative Rules Review Committee at its meeting held May 12, 1993; delay lifted by this Committee June 8, 1993, effective June 9, 1993.

CHAPTER 607  
COMMERCIAL DRIVER LICENSING

**761—607.1(321) Scope.** This chapter applies to licensing persons for the operation of commercial motor vehicles. Unless otherwise stated, the provisions of this chapter are in addition to other motor vehicle licensing rules.

This rule is intended to implement Iowa Code chapter 321.

**761—607.2(17A) Information.**

**607.2(1) Information and location.** Applications, forms and information about the commercial driver's license (CDL) are available at any driver's license service center. Assistance is also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

**607.2(2) Manual.** A copy of a study manual for the commercial driver's license tests is available upon request at any driver's license service center and on the department's website.

This rule is intended to implement Iowa Code section 17A.3.

[ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 3689C, IAB 3/14/18, effective 4/18/18; ARC 4986C, IAB 3/11/20, effective 4/15/20; ARC 6168C, IAB 2/9/22, effective 3/16/22; Editorial change: IAC Supplement 11/29/23]

**761—607.3(321) Definitions.** The definitions in Iowa Code section 321.1 apply to this chapter of rules. In addition, the following definitions are adopted:

*"Air brake system"* means a system that uses air as a medium for transmitting pressure or force from the driver's control to the service brake. "Air brake system" shall include any braking system operating fully or partially on the air brake principle.

*"Air over hydraulic brakes"* means any braking system operating partially on the air brake and partially on the hydraulic brake principle.

*"Automatic transmission"* means any transmission other than a manual transmission.

*"CDLIS"* means "commercial driver's license information system" as defined in Iowa Code section 321.1.

*"Commercial driver's license downgrade"* or *"CDL downgrade"* means the same as defined in 49 CFR Section 383.5 (October 1, 2023).

*"Commercial motor vehicle"* or *"CMV"* as defined in Iowa Code section 321.1 does not include a motor vehicle designed as off-road equipment rather than as a motor truck, such as a forklift, motor grader, scraper, tractor, trencher or similar industrial-type equipment. "Commercial motor vehicle" also does not include self-propelled implements of husbandry described in Iowa Code subsection 321.1(32).

*"Controlled substance"* as used in Iowa Code section 321.208 means a substance defined in Iowa Code section 124.101.

*"Hazardous materials"* means any material that has been designated as hazardous under 49 U.S.C. Section 5103 and is required to be placarded under 49 CFR Part 172, Subpart F, or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.

*"Manual transmission"* means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or by foot. All other transmissions, whether semi-automatic or automatic, will be considered automatic.

*"Medical examiner"* means a person who is licensed, certified or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced registered nurse practitioners, and doctors of chiropractic.

*"Medical examiner's certificate"* means a certificate completed and signed by a medical examiner under the provisions of 49 CFR Section 391.43.

*"Medical variance"* means a driver has received one of the following from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

1. An exemption letter permitting operation of a commercial motor vehicle pursuant to 49 CFR Part 381, Subpart C, or 49 CFR Section 391.62, or 49 CFR Section 391.64.

2. A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 CFR Section 391.49.

“*National drug and alcohol clearinghouse*” means the database maintained by the Federal Motor Carrier Safety Administration as defined in 49 CFR Section 382.107 (October 1, 2023).

“*Passenger vehicle*” means either of the following:

1. A motor vehicle designed to transport 16 or more persons including the operator.

2. A motor vehicle of a size and design to transport 16 or more persons including the operator which is redesigned or modified to transport fewer than 16 persons with disabilities. The size of a redesigned or modified vehicle shall be any such vehicle with a gross vehicle weight rating of 10,001 or more pounds.

“*School bus*” means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events unless otherwise provided in Iowa Code section 321.1(69). “School bus” does not include a bus used as a common carrier.

“*Self-certification*” means a written certification of which category of type of driving an applicant for a commercial driver’s license engages in or intends to engage in, from the following categories:

1. Non-excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR Part 391, and is required to obtain a medical examiner’s certificate by 49 CFR Section 391.45.

2. Excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR Section 390.3(f), 391.2, 391.68 or 398.3 from all or parts of the qualification requirements of 49 CFR Part 391, and is therefore not required to obtain a medical examiner’s certificate by 49 CFR Section 391.45.

3. Non-excepted intrastate. The person certifies that the person operates only in intrastate commerce and is subject to state driver qualification requirements.

4. Excepted intrastate. The person certifies that the person operates only in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements as set forth in Iowa Code section 321.449.

“*State,*” as used in this chapter and in “another state” in Iowa Code subsection 321.174(2), “former state of residence” in Iowa Code subsection 321.188(5), or “any state” in Iowa Code subsection 321.208(1), means one of the United States or the District of Columbia unless the context means the state of Iowa.

This rule is intended to implement Iowa Code sections 321.1, 321.174, 321.188, 321.191, 321.193, 321.207 and 321.208.

[ARC 7902B, IAB 7/1/09, effective 8/5/09; ARC 9954B, IAB 1/11/12, effective 1/30/12; ARC 0031C, IAB 3/7/12, effective 4/11/12; ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 4986C, IAB 3/11/20, effective 4/15/20; ARC 7747C, IAB 4/3/24, effective 5/8/24]

**761—607.4** and **607.5** Reserved.

**761—607.6(321) Exemptions.**

**607.6(1) *Persons exempt.*** A person listed in Iowa Code section 321.176A is exempt from commercial driver licensing requirements.

**607.6(2) *Exempt until April 1, 1992.*** Rescinded IAB 6/23/93, effective 7/28/93.

This rule is intended to implement Iowa Code sections 321.1 and 321.176A.

**761—607.7(321) Records.** The operating record of a person who has been issued a commercial driver’s license or a commercial learner’s permit or a person who has been disqualified from operating



a commercial motor vehicle shall be maintained as provided in the department's "Record Management Manual" adopted in 761—Chapter 4.

This rule is intended to implement Iowa Code sections 22.11, 321.12 and 321.199.  
[ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16]

**761—607.8** and **607.9** Reserved.

**761—607.10(321) Adoption of federal regulations.**

**607.10(1) Code of Federal Regulations.** The department's administration of commercial driver's licenses shall be in compliance with the state procedures set forth in 49 CFR Section 383.73, and this chapter shall be construed to that effect. The department adopts the following portions of the Code of Federal Regulations which are referenced throughout this chapter of rules:

- a. 49 CFR Section 391.11 as adopted in 661—Chapter 22.
- b. 49 CFR Section 392.5 as adopted in 661—Chapter 22.
- c. 49 CFR Part 380, Subpart F.
- d. The following portions of 49 CFR Part 383 (October 1, 2022):
  - (1) Section 383.51, Disqualification of drivers.
  - (2) Subpart E—Testing and Licensing Procedures.
  - (3) Subpart G—Required Knowledge and Skills.
  - (4) Subpart H—Tests.
- e. 49 CFR Part 384, Subpart B (October 1, 2023).

**607.10(2) Copies of regulations.** Copies of the federal regulations may be reviewed at the state law library or through the Internet at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

This rule is intended to implement Iowa Code sections 321.187, 321.188, 321.207, 321.208 and 321.208A.

[ARC 7902B, IAB 7/1/09, effective 8/5/09; ARC 9954B, IAB 1/11/12, effective 1/30/12; ARC 0031C, IAB 3/7/12, effective 4/11/12; ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 2986C, IAB 3/15/17, effective 4/19/17; ARC 3840C, IAB 6/6/18, effective 7/11/18; ARC 4401C, IAB 4/10/19, effective 5/15/19; ARC 4986C, IAB 3/11/20, effective 4/15/20; ARC 5018C, IAB 4/8/20, effective 5/13/20; ARC 5547C, IAB 4/7/21, effective 5/12/21; ARC 6307C, IAB 5/4/22, effective 6/8/22; ARC 6970C, IAB 4/5/23, effective 5/10/23; Editorial change: IAC Supplement 7/26/23; ARC 7747C, IAB 4/3/24, effective 5/8/24]

**761—607.11** to **607.14** Reserved.

**761—607.15(321) Application.** An applicant for a commercial driver's license shall comply with the requirements of Iowa Code sections 321.180(2) "e," 321.182 and 321.188, and 761—Chapter 601, and must provide the proofs of citizenship or lawful permanent residence and state of domicile required by 49 CFR Section 383.71. If the applicant is domiciled in a foreign jurisdiction and applying for a nondomiciled commercial driver's license, the applicant must provide a document required by 49 CFR Section 383.71(f).

This rule is intended to implement Iowa Code sections 321.180, 321.182 and 321.188.  
[ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16]

**761—607.16(321) Commercial driver's license (CDL).**

**607.16(1) Classes.** The department may issue a commercial driver's license only as a Class A, B or C driver's license. The license class identifies the types of vehicles that may be operated. A commercial driver's license may have endorsements which authorize additional vehicle operations or restrictions which limit vehicle operations.

**607.16(2) Validity.**

a. A Class A commercial driver's license allows a person to operate a combination of commercial motor vehicles as specified in Iowa Code sections 321.1(11) and 321.189(1) "a" (1). With the required endorsements and subject to the applicable restrictions, a Class A commercial driver's license is valid to operate any vehicle. Before the department administers the skills test for a Class A commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

b. A Class B commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code sections 321.1(11) and 321.189(1) "a"(2). With the required endorsements and subject to the applicable restrictions, a Class B commercial driver's license is valid to operate any vehicle except a truck-tractor semitrailer combination as a chauffeur (Class D) or a vehicle requiring a Class A commercial driver's license. Before the department administers the skills test for a Class B commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

c. A Class C commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code sections 321.1(11) and 321.189(1) "a"(3) if the vehicle is designed to transport 16 or more passengers, including the driver, or is used in the transportation of hazardous materials as defined in 49 CFR Section 383.5. With the required endorsements and subject to the applicable restrictions, a Class C commercial driver's license is valid to operate any vehicle except a vehicle requiring a Class A or Class B commercial driver's license.

d. A commercial driver's license is valid for operating a motorcycle as a commercial motor vehicle only if the license has a motorcycle endorsement and a hazardous material endorsement. A commercial driver's license is valid for operating a motorcycle as a noncommercial motor vehicle only if the license has a motorcycle endorsement.

e. A commercial driver's license valid for eight years shall be issued to a qualified applicant who is at least 18 years of age but not yet 78 years of age. However, the expiration date of the license issued shall not exceed the licensee's 80th birthday.

f. A commercial driver's license valid for two years shall be issued to a qualified applicant 78 years of age or older. A two-year license may also be issued, at the discretion of the department, to an applicant whose license is restricted due to vision or other physical disabilities.

g. A commercial driver's license is valid for 60 days after the expiration date.

h. A person with a commercial driver's license valid for the vehicle operated is not required to obtain a Class D driver's license to operate the vehicle as a chauffeur.

**607.16(3) Requirements.**

a. The minimum age to obtain a commercial driver's license is set out in 49 CFR, Part 391, Subpart B, except that, for a person operating solely intrastate, the driver age qualifications are set out in Iowa Code section 321.449(3).

b. The applicant shall meet the requirements set forth in rule 761—607.15(321).

**607.16(4) Transition from five-year to eight-year licenses.** During the period January 1, 2014, to December 31, 2018, the department shall issue qualified applicants otherwise eligible for an eight-year license a five-year, six-year, seven-year, or eight-year license, subject to all applicable limitations for age and ability. The applicable period shall be randomly assigned to the applicant by the department's computerized issuance system based on a distribution formula intended to spread renewal volumes as equally as practical over the eight-year period beginning January 1, 2019, and ending December 31, 2026.

**607.16(5) License extension.**

a. As provided in 49 CFR Section 383.153, a person may apply for a 60-day extension of a commercial driver's license if the person:

- (1) Has a valid license,
- (2) Is eligible for further licensing, and
- (3) Is temporarily absent from Iowa or is temporarily incapacitated at the time for renewal.

b. The person shall apply for an extension by submitting Form 430027 to the department. The form may be obtained from and submitted to a driver's license service center. The person may also apply by letter to the address in 761—paragraph 605.12(1) "a."

c. A 60-day extension shall be added to the expiration date on the license. When the person appears to renew the license, the expiration date of the renewed license will be computed from the expiration date of the original license, notwithstanding the extension.

d. The department shall allow only one 60-day extension.

This rule is intended to implement Iowa Code sections 321.1(8) as amended by 2021 Iowa Acts, House File 389, 321.177, 321.182, 321.188, 321.189, 321.196, and 321.449 and 2013 Iowa Acts, chapter 104, section 2.

[ARC 1714C, IAB 11/12/14, effective 12/17/14; ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 4986C, IAB 3/11/20, effective 4/15/20; ARC 5495C, IAB 3/10/21, effective 4/14/21; ARC 5942C, IAB 10/6/21, effective 11/10/21; ARC 6307C, IAB 5/4/22, effective 6/8/22]

**761—607.17(321) Endorsements.** All endorsements except the hazardous material endorsement continue to be valid without retesting or additional fees when renewing or upgrading a license. The endorsements that authorize additional commercial motor vehicle operations with a commercial driver's license are:

**607.17(1) Hazardous material.** A hazardous material endorsement (H) is required to transport hazardous materials. The hazardous material endorsement is only valid when the applicant or holder of the endorsement complies with the Transportation Security Administration's security threat assessment standards specified in 49 CFR Sections 383.71(b)(8) and 383.141. Before the department administers the knowledge test for a hazardous material endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188. To obtain or retain the hazardous material endorsement, the applicant or holder must pass a knowledge test as required under 49 CFR Section 383.121 and pay the endorsement fee. Retesting and fee payment are also required when an applicant transfers a commercial driver's license from another state unless, as provided in 49 CFR Section 383.73, the transfer applicant provides evidence of passing the knowledge test as required under 49 CFR Section 383.121 within the preceding 24 months. A farmer or a person working for a farmer is not subject to the hazardous material endorsement while operating either a pickup or a special truck within 150 air miles of the farmer's farm to transport supplies to or from the farm.

**607.17(2) Passenger vehicle.** A passenger vehicle endorsement (P) is required to operate a passenger vehicle as defined in rule 761—607.3(321). Before the department administers the skills test for a passenger vehicle endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

**607.17(3) Tank vehicle.** A tank vehicle endorsement (N) is required to operate a tank vehicle as defined in Iowa Code section 321.1. A vehicle transporting a tank, regardless of the tank's capacity, which does not otherwise meet the definition of a commercial motor vehicle in Iowa Code section 321.1 is not a tank vehicle.

**607.17(4) Double/triple trailer.** A double/triple trailer endorsement (T) is required to operate a commercial motor vehicle with two or more towed trailers when the combination of vehicles meets the criteria for a Class A commercial motor vehicle. Operation of a triple trailer combination vehicle is not permitted in Iowa.

**607.17(5) Hazardous material and tank.** A combined endorsement (X) authorizes both hazardous material and tank vehicle operations.

**607.17(6) School bus.** A school bus endorsement (S) is required to operate a school bus as defined in rule 761—607.3(321). An applicant for a school bus endorsement must also qualify for a passenger vehicle endorsement. Before the department administers the skills test for a school bus endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

**607.17(7) Exceptions for towing operations.**

a. A driver who tows a vehicle in an emergency "first move" from the site of a vehicle malfunction or accident on a highway to the nearest appropriate repair facility is not required to have the endorsement(s) applicable to the towed vehicle. In any subsequent move, a driver who tows a vehicle from one repair or disposal facility to another is required to have the endorsement(s) applicable to the towed vehicle with one exception: A tow truck driver is not required to have a passenger endorsement to tow a passenger vehicle.

*b.* The double/triple trailer endorsement is not required to operate a commercial motor vehicle with two or more towed vehicles that are not trailers.

This rule is intended to implement Iowa Code sections 321.1, 321.176A, 321.188 and 321.189. [ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 4986C, IAB 3/11/20, effective 4/15/20]

**761—607.18(321) Restrictions.** The restrictions that may limit commercial motor vehicle operation with a commercial driver's license are listed in 761—subrule 605.8(3) and are explained below:

**607.18(1) Air brake.** The air brake restriction (L, no air brake equipped CMV) applies to a licensee who either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes and prohibits the operation of a commercial motor vehicle equipped with an air brake system until the licensee passes the required air brake tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

**607.18(2) Full air brake.** The full air brake restriction (Z, no full air brake equipped CMV) applies to a licensee who performs the skills test in a vehicle equipped with air over hydraulic brakes and prohibits the operation of a commercial motor vehicle equipped with any braking system operating fully on the air brake principle until the licensee passes the required air brake tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

**607.18(3) Manual transmission.** The manual transmission restriction (E, no manual transmission equipped CMV) applies to a licensee who performs the skills test in a vehicle equipped with automatic transmission and prohibits the operation of a commercial motor vehicle equipped with a manual transmission until the licensee passes the required tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

**607.18(4) Tractor-trailer.** The tractor-trailer restriction (O, no tractor trailer CMV) applies to a licensee who performs the skills test in a combination vehicle for a Class A commercial driver's license with the power unit and towed unit connected with a pintle hook or other non-fifth wheel connection and prohibits operation of a tractor-trailer combination connected by a fifth wheel that requires a Class A commercial driver's license until the licensee passes the required tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

**607.18(5) Class A passenger vehicle.** The Class A passenger vehicle restriction (M, no Class A passenger vehicle) applies to a licensee who applies for a passenger endorsement and performs the skills test in a passenger vehicle that requires a Class B commercial driver's license and prohibits operation of a passenger vehicle that requires a Class A commercial driver's license.

**607.18(6) Class A and B passenger vehicle.** The Class A and B passenger vehicle restriction (N, no Class A and B passenger vehicle) applies to a licensee who applies for a passenger endorsement and performs the skills test in a passenger vehicle that requires a Class C commercial driver's license and prohibits operation of a passenger vehicle that requires a Class A or Class B commercial driver's license.

**607.18(7) Intrastate only.** The intrastate only restriction (K, intrastate only) applies to a licensee who self-certifies to non-expected intrastate or expected intrastate driving and prohibits the operation of a commercial motor vehicle in interstate commerce.

**607.18(8) Medical variance.** The medical variance restriction (V, medical variance) applies to a licensee when the department is notified pursuant to 49 CFR Section 383.73(o)(3) that the driver has been issued a medical variance and indicates there is information about a medical variance on the CDLIS driver record.

This rule is intended to implement Iowa Code sections 321.189 and 321.191. [ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 4586C, IAB 7/31/19, effective 9/4/19]

**761—607.19** Reserved.

**761—607.20(321) Commercial learner's permit.**

**607.20(1) Validity.**

a. A commercial learner's permit allows the permit holder to operate a commercial motor vehicle when accompanied as required by Iowa Code section 321.180(2) "d."

b. A commercial learner's permit is valid for one year without retaking the general and endorsement knowledge tests required by Iowa Code section 321.188.

c. A commercial learner's permit is invalid after the expiration date of the underlying commercial or noncommercial driver's license issued to the permit holder or the expiration date of the permit whichever occurs first.

d. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is also a precondition to the upgrade of a commercial driver's license if the upgrade requires a skills test. If the permit holder is subject to the requirement to complete entry-level driver training as provided in Iowa Code section 321.188, the permit holder shall complete the training after the permit holder obtains the commercial learner's permit, but before the permit holder takes the required skills test. The holder of a commercial learner's permit is not eligible to take a required driving skills test for the first 14 days after the permit holder is issued the permit. The 14-day period includes the day the commercial learner's permit was issued.

EXAMPLE: The commercial learner's permit is issued on September 1. The earliest date the permit holder would be eligible to take the skills test is September 15.

e. A commercial learner's permit is not valid for the operation of a vehicle transporting hazardous materials.

**607.20(2) Requirements.**

a. An applicant for a commercial learner's permit must hold a valid Class A, B, C, or D driver's license issued in this state that is not an instruction permit, a special instruction permit, a motorized bicycle license or a temporary restricted license; must be at least 18 years of age; and must meet the requirements to obtain a valid commercial driver's license, including the requirements set forth in Iowa Code section 321.188. However, the applicant does not have to complete the driving skills tests required for a commercial driver's license to obtain a commercial learner's permit.

b. The applicant must successfully pass a general knowledge test that meets the federal standards contained in 49 CFR Part 383, Subparts F, G and H, for the commercial motor vehicle the applicant operates or expects to operate, including any endorsement for which the applicant applies.

**607.20(3) Endorsements.** A commercial learner's permit may include the following endorsements. All other endorsements are prohibited on a commercial learner's permit.

a. An applicant for a passenger endorsement (P) must take and pass the passenger endorsement knowledge test. A commercial learner's permit holder with a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d."

b. An applicant for a school bus endorsement (S) must take and pass the school bus endorsement knowledge test. A commercial learner's permit holder with a school bus endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d."

c. An applicant for a tank vehicle endorsement (N) must take and pass the tank vehicle endorsement knowledge test. A commercial learner's permit holder with a tank vehicle endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue.

**607.20(4) Restrictions.** A commercial learner's permit may include the air brake (L), medical variance (V), Class A passenger vehicle (M), Class A and B passenger vehicle (N) and intrastate only (K) restrictions described in rule 761—607.18(321). In addition, a commercial learner's permit may include the following restrictions that are specific to the commercial learner's permit:

a. *Passenger.* The passenger restriction (P, no passengers in CMV bus) applies to a permit holder who has a commercial learner's permit with a passenger or school bus endorsement and prohibits the

operation of a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2) "d."

*b. Cargo.* The cargo restriction (X, no cargo in CMV tank vehicle) applies to a permit holder who has a commercial learner's permit with a tank vehicle endorsement and prohibits the operation of any tank vehicle containing cargo or any tank vehicle that previously contained hazardous materials that has not been purged of any residue.

This rule is intended to implement Iowa Code sections 321.180, 321.186 and 321.188.  
[ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 3689C, IAB 3/14/18, effective 4/18/18; ARC 4986C, IAB 3/11/20, effective 4/15/20]

**761—607.21 to 607.24** Reserved.

**761—607.25(321) Examination for a commercial driver's license.** In addition to the requirements of 761—Chapter 604, an applicant for a commercial driver's license shall pass the knowledge and skills tests as required in 49 CFR Part 383, Subparts G and H.

This rule is intended to implement Iowa Code section 321.186.

**761—607.26(321) Vision screening.** An applicant for a commercial driver's license or commercial learner's permit must pass a vision screening test administered by the department. The vision standards are given in 761—604.11(321).

This rule is intended to implement Iowa Code sections 321.186 and 321.186A.  
[ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16]

**761—607.27(321) Knowledge tests.**

**607.27(1) General knowledge test.** The general knowledge test for a commercial driver's license is a written test of topics such as vehicle inspection, operation, safety and control in accordance with 49 CFR Section 383.111.

**607.27(2) Additional tests.** In addition to the general knowledge test for a commercial driver's license, an additional knowledge test is required for each of the following:

- a.* Class A license for combination vehicle operation as required in 49 CFR Section 383.111.
- b.* Hazardous material endorsement as required in 49 CFR Section 383.121. The knowledge test for a hazardous material endorsement shall not be administered orally or in a language other than English.
- c.* Passenger vehicle endorsement as required in 49 CFR Section 383.117.
- d.* Tank vehicle endorsement as required in 49 CFR Section 383.119.
- e.* Double/triple trailer endorsement as required in 49 CFR Section 383.115.
- f.* School bus endorsement as required in 49 CFR Section 383.123. The applicant must also qualify for a passenger vehicle endorsement.
- g.* Removal of the air brake restriction as required in 49 CFR Section 383.111.

**607.27(3) Test methods.** All knowledge tests shall be administered in compliance with 49 CFR Section 383.133(b). All tests other than the hazardous material endorsement test may be administered in written form, verbally, or in automated format and can be administered in a foreign language, provided no interpreter is used in administering the test. A verbal test shall be offered only at specified locations. Information about the locations is available at any driver's license service center.

**607.27(4) Waiver.** A waiver of any knowledge test is permitted only as provided in Iowa Code section 321.188(5) and this chapter. The burden of proof of having passed the hazardous material endorsement test within the preceding 24 months rests with the applicant.

**607.27(5) Military waiver.** The department may waive the requirement that an applicant pass a required knowledge test for an applicant who is a current or former military service member as defined in 49 CFR Section 383.5. An applicant for a waiver of the knowledge test under this subrule shall certify and provide evidence, as required by the department, that the following apply:

- a.* The applicant is regularly employed or was regularly employed within the past year in a military position specifically designated in 49 CFR Section 383.77.

*b.* The applicant is or was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate immediately preceding honorable separation from military service as evidenced by the applicant's certificate of release or discharge from active duty, commonly referred to as a DD form 214.

*c.* The applicant has not had more than one driver's license, other than a military license.

*d.* The applicant has not had any driver's license suspended, revoked, or canceled.

*e.* The applicant has not been convicted of an offense committed while operating any type of motor vehicle that is listed as a disqualifying offense in 49 CFR Section 383.51(b).

*f.* The applicant has not had more than one conviction for an offense committed while operating any type of motor vehicle that is listed as a serious traffic violation in 49 CFR Section 383.51(c).

*g.* The applicant has not had a conviction for violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which the applicant was at fault.

**607.27(6) Requirement.** An applicant must pass the applicable knowledge test(s) before taking the skills test. Passing scores for a knowledge test shall meet the standards contained in 49 CFR Section 383.135(a).

This rule is intended to implement Iowa Code sections 321.186 and 321.188.

[ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 4986C, IAB 3/11/20, effective 4/15/20]

#### **761—607.28(321) Skills test.**

**607.28(1) Content.** The skills test for a commercial driver's license is a three-part test as required in 49 CFR Part 383, Subparts E, G and H.

**607.28(2) Test methods.** All skills tests shall be administered in compliance with 49 CFR Section 383.133(c). Interpreters are prohibited during the administration of skills tests. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

**607.28(3) Order.** The skills test must be administered and successfully completed in the following order: pre-trip inspection, basic vehicle control skills, on-road skills. If an applicant fails one segment of the skills test, the applicant cannot continue to the next segment of the test, and scores for the passed segments of the test are only valid during initial issuance of the commercial learner's permit.

**607.28(4) Vehicle.** The applicant shall provide a representative vehicle for the skills test. "Representative vehicle" means a commercial motor vehicle that meets the statutory description for the class of license applied for.

*a.* To obtain a passenger vehicle endorsement applicable to a specific vehicle class, the applicant must take the skills test in a passenger vehicle, as defined in rule 761—607.3(321), satisfying the requirements of that class, as required in 49 CFR Section 383.117.

*b.* To obtain a school bus endorsement, the applicant must qualify for a passenger vehicle endorsement and take the skills test in a school bus, as defined in rule 761—607.3(321), in the same vehicle class as the applicant will drive, as required in 49 CFR Section 383.123.

*c.* To obtain a tank endorsement, the applicant must take the skills test in a representative vehicle for the class of license applied for, but the representative vehicle is not required to be a tank vehicle.

*d.* To remove an air brake or full air brake restriction, the applicant must take the skills test in a vehicle equipped with an air brake system, as defined in rule 761—607.3(321) and as required in 49 CFR Section 383.113.

*e.* To remove a manual transmission restriction, the applicant must take the on-road segment of the skills test in a vehicle equipped with a manual transmission, as defined in rule 761—607.3(321).

**607.28(5) Skills test scoring.** Passing scores for a skills test shall meet the standards contained in 49 CFR Section 383.135(b).

**607.28(6) Military waiver.** The department may waive the requirement that an applicant pass a required skills test for an applicant who is on active duty in the military service or who has separated

from such service in the past year, provided the applicant meets the requirements of Iowa Code subsection 321.188(6).

**607.28(7) Locations.** The skills test for a commercial driver's license shall be given only at specified locations where adequate testing facilities are available. An applicant may contact any driver's license service center for the location of the nearest skills testing center.

**607.28(8) Fees.** Fees authorized pursuant to Iowa Code sections 321.187A and 321M.6A will be collected by the department or a county treasurer location offering commercial driver's license skills tests.

*a.* Except as provided in paragraph 607.28(8) "c," the fee for an applicant to schedule the pre-trip vehicle inspection segment of the skills test with the department is \$25. No fees are due to the department for scheduling the basic vehicle control skills or on-road skills segment of the test.

*b.* Except as provided in paragraph 607.28(8) "c," the fee to schedule the pre-trip vehicle inspection segment of the skills test with a county treasurer is \$25. The fee for a county treasurer to administer the basic vehicle control skills segment is \$25, and the fee to administer the on-road skills segment of the test is \$25. However, if the applicant fails one segment of the driving skills test, no fee shall be due for a subsequent segment of the test.

*c.* If the applicant is an employee or volunteer of a government agency as defined in Iowa Code section 553.3, the following shall apply:

(1) The department shall not charge the pre-trip inspection scheduling fee under paragraph 607.28(8) "a."

(2) A county treasurer may charge only the pre-trip inspection fee under paragraph 607.28(8) "b."

(3) An applicant must provide the department or county treasurer with reasonable proof that the applicant is an employee or volunteer of a qualifying government agency and that a commercial driver's license is necessary for the applicant's employment or volunteer duties. Reasonable proof shall be provided on Form 430311. Alternatively, if the applicant is seeking a skills test from a county treasurer, reasonable proof may include payment of the pre-trip inspection fee by a government agency on behalf of the applicant.

*d.* If an applicant fails to appear for the pre-trip inspection segment of the skills test, the appointment shall be canceled and no other applicable fees are due.

*e.* Except as provided in paragraph 607.28(8) "g," new fees will apply if an applicant schedules a new skills test appointment.

*f.* The department or a county treasurer may collect any fees due and owed for the skills test at the same time any fees are collected as part of the commercial driver's license issuance transaction.

*g.* Any fees collected under this subrule are nonrefundable. However, nothing in this paragraph shall be construed as preventing the department or a county treasurer from transferring a fee charged for a pre-trip inspection to a new pre-trip inspection if rescheduling the appointment is determined necessary or appropriate as determined by the department or county treasurer upon a showing of good cause.

*h.* A skills test fee charged under this subrule that remains unpaid may be collected at the person's next driver's license renewal or replacement.

This rule is intended to implement Iowa Code sections 321.186, 321.187A, 321.188 and 321M.6A. [ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 3689C, IAB 3/14/18, effective 4/18/18; ARC 4986C, IAB 3/11/20, effective 4/15/20; ARC 5547C, IAB 4/7/21, effective 5/12/21; ARC 6168C, IAB 2/9/22, effective 3/16/22]

**761—607.29(321) Waiver of skills test.** Rescinded IAB 6/23/93, effective 7/28/93.

**761—607.30(321) Third-party testing.**

**607.30(1) Purpose and definitions.** The knowledge tests required by rule 761—607.27(321) and the skills test required by rule 761—607.28(321) may be administered by third-party testers and third-party test examiners approved and certified by the department. For the purpose of administering third-party testing and this rule, the following definitions shall apply:

"College or university" means an Iowa postsecondary school established under Iowa Code chapter 261B.



“*Community college*” means an Iowa community college established under Iowa Code chapter 260C.

“*Government agency*” means the same as defined in Iowa Code section 553.3.

“*Iowa business*” means a corporation, association, partnership, company, firm, or other aggregation of individuals that has an established place of business in this state and that is authorized to conduct business in this state.

“*Knowledge test*” means the knowledge tests required by rule 761—607.27(321).

“*Motor carrier*” means the same as defined in 49 CFR Section 390.5.

“*Nonprofit*” means a corporation or association that satisfies the requirements under Iowa Code chapter 498 or 504.

“*Permanent commercial driver training facility*” means a facility dedicated to a program of commercial driving instruction that is offered to employees or potential employees of the motor carrier as incident to the motor carrier’s commercial operations, that requires at least 40 hours of instruction, and that includes fixed and permanent structures and facilities for the off-road portions of commercial driving instruction, including classroom, pretrip inspection, and basic vehicle control skills. A permanent commercial driver training facility must include a fixed and paved or otherwise hard-surfaced area for basic vehicle control skills testing that is permanently marked and capable of inspection and measurement by the department.

“*Public transit system*” means the same as defined in Iowa Code section 324A.1.

“*Regional transit system*” means the same as defined in Iowa Code section 324A.1.

“*Skills test*” means the skills test required by rule 761—607.28(321).

“*Subsidiary*” means a company that is partly or wholly owned by a motor carrier that holds a controlling interest in the subsidiary company.

“*Third-party test examiner*” means the same as defined in Iowa Code section 321.187.

“*Third-party tester*” means the same as defined in Iowa Code section 321.187.

**607.30(2) Certification of third-party testers.**

a. The department may certify third-party testers to administer knowledge and skills tests. A third-party tester must be one of the following entities:

- (1) A college or university.
- (2) A community college.
- (3) A government agency.
- (4) An Iowa business.
- (5) A nonprofit.
- (6) A public transit system or regional transit system.

b. An entity listed in paragraph 607.30(2)“a” that seeks certification as a third-party tester shall contact the motor vehicle division and schedule a review of the proposed testing program, which shall include the proposed testing courses and facilities, information sufficient to identify all proposed third-party test examiners, and any other information necessary to demonstrate compliance with 49 CFR Parts 383 and 384 as amended to October 1, 2023, applicable to knowledge and skills testing.

c. No entity shall be certified to conduct third-party testing unless and until the entity enters an agreement with the department that meets the requirements of 49 CFR Section 383.75 and demonstrates sufficient ability to conduct knowledge and skills tests in a manner that consistently meets the requirements of 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing.

d. The department shall issue a certified third-party tester a certificate of authority that identifies the classes and types of vehicles for which knowledge and skills tests may be administered. The certificate shall be valid for the duration of the agreement executed pursuant to paragraph 607.30(2)“c,” unless revoked by the department for engaging in fraudulent activities related to conducting knowledge and skills tests or failing to comply with the requirements, qualifications, and standards of this chapter, the agreement, or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing.

*e.* The department shall revoke a certificate of authority issued after July 1, 2023, to a third-party tester if the third-party tester fails to administer a minimum of 50 percent of all knowledge and skills tests given in a calendar year to Iowa applicants. However, the department shall not revoke a certificate of authority of a third-party tester who administers a minimum of 10 percent of all knowledge and skills tests given in a calendar year to Iowa applicants if the remainder of the tests are given to current or prospective employees of the third-party tester. For the purpose of this paragraph, an “Iowa applicant” is defined as an individual who holds a valid commercial learner’s permit, commercial driver’s license, noncommercial driver’s license, or nonoperator identification card issued by the department or who otherwise qualifies as a resident of this state under Iowa Code section 321.1A(1).

**607.30(3)** *Certification of third-party test examiners.*

*a.* A certified third-party tester shall not employ or otherwise use as a third-party test examiner a person who has not been approved and certified by the department to administer knowledge or skills tests. Each certified third-party tester shall submit for approval the names of all proposed third-party test examiners to the department. The department shall not approve as a third-party test examiner a person who does not meet the requirements, qualifications, and standards of 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing, including but not limited to all required training and examination and a nationwide criminal background check. The criteria for passing the nationwide criminal background check shall include no felony convictions within the last ten years and no convictions involving fraudulent activities.

*b.* The department shall issue a certificate of authority for each person certified as a third-party test examiner that identifies the certified third-party tester for which the person will administer knowledge or skills tests and the classes and types of vehicles for which the person may administer knowledge or skills tests. The certificate shall be valid for a period of four years from the date of issuance of the certificate.

*c.* The department shall revoke the certificate of authority for a third-party test examiner to administer skills tests if the person holding the certificate does not administer skills tests to at least ten different applicants per calendar year; does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years; is involved in fraudulent activities related to conducting knowledge or skills tests; or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing. Notwithstanding anything in this paragraph to the contrary, as provided in 49 CFR Section 383.75, if the person does not administer skills tests to at least ten different applicants per calendar year, the certificate will not be revoked for that reason if the person provides proof of completion of the examiner refresher training in 49 CFR Section 384.228 to the department or successfully completes one skills test under the observation of a department examiner.

*d.* The department shall revoke the certificate of authority for a third-party test examiner to administer knowledge tests if the person holding the certificate does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years, is involved in fraudulent activities related to conducting knowledge or skills tests or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge testing.

*e.* A third-party test examiner certified by the department to administer skills tests who is also a skills instructor shall not administer a skills test to an applicant who received skills training from that third-party test examiner.

*f.* A third-party test examiner may only administer CDL tests for the examiner’s primary employer, unless authorized by the department to administer CDL tests for another county or third-party tester.

**607.30(4)** *Bond.* As a condition of certification in accordance with 49 CFR Section 383.75, a third-party tester that is not a government agency as defined in Iowa Code section 553.3 must maintain a bond in the amount of \$50,000 to pay for the retesting of drivers in the event that the third-party tester or one or more of its third-party test examiners are involved in fraudulent activities related to conducting tests of CDL applicants.

**607.30(5) Training and refresher training for third-party test examiners.** All training and refresher training required under this rule shall be provided by the department, in form and content that meet the recommendations of the American Association of Motor Vehicle Administrators' International Third-Party Examiner/Tester Certification Program.

This rule is intended to implement Iowa Code section 321.187.  
[ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 4986C, IAB 3/11/20, effective 4/15/20; ARC 6168C, IAB 2/9/22, effective 3/16/22; ARC 6706C, IAB 11/30/22, effective 1/4/23; ARC 7747C, IAB 4/3/24, effective 5/8/24]

**761—607.31(321) Test results.**

**607.31(1) Period of validity.** Passing knowledge and skills test results shall remain valid for a period of one year.

**607.31(2) Retesting.** Subject to rule 761—607.28(321), an applicant shall be required to repeat only the knowledge test(s) or part(s) of the skills test that the applicant failed. An applicant who fails a test shall not be permitted to repeat that test the same day. An applicant may be required to repeat a test if the department determines the test was improperly administered.

**607.31(3) Skills test results from other states.** As required by 49 CFR Section 383.79, the department shall accept the valid results of a skills test administered to an applicant who is domiciled in the state of Iowa and that was administered by another state, in accordance with 49 CFR Part 383, Subparts F, G and H, in fulfillment of the applicant's testing requirements under 49 CFR Section 383.71 and the state's test administration requirements under 49 CFR Section 383.73. The results must be transmitted directly from the testing state to the department as required by 49 CFR Section 383.79.

**607.31(4) Knowledge and skills test results from certified third-party testers.** A third-party tester certified under rule 761—607.30(321) shall transmit the test results of tests administered by the third-party tester through secure electronic means determined by the department. The department may retest any person who has passed a knowledge or skills test administered by a certified third-party tester if it appears to the department that the knowledge or skills test administered by the third-party tester was administered fraudulently or improperly, and as needed to meet the third-party test examiner oversight requirements of 49 CFR Parts 383 and 384 applicable to knowledge and skills testing.

**607.31(5) Downgrade or cancellation when retesting is required.**

*a.* When retesting is required under subrule 607.31(2) or 607.31(4), the department shall notify the person of the requirement to retake the applicable knowledge or skills test.

*b.* If the person fails to contact the department within 30 days after receipt of the notice, fails to appear for a scheduled retest, or fails the knowledge or skills test, the department shall, in accordance with the authority in 49 CFR Section 383.5 and Iowa Code section 321.201, take one of the following actions:

(1) Downgrade the person's commercial driver's license or commercial learner's permit if the person held valid noncommercial driving privileges prior to obtaining the license or permit.

(2) Cancel the person's commercial driver's license or commercial learner's permit pursuant to 761—subrule 615.7(3) if the applicant did not hold valid noncommercial driving privileges prior to obtaining the license or permit.

*c.* When a person's commercial driver's license or commercial learner's permit has been downgraded or canceled under this subrule, the person must comply with all applicable retesting requirements in order to regain the license or permit, in addition to any other applicable requirements for licensure.

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187 as amended by 2022 Iowa Acts, Senate File 2337, section 1, 321.188 and 321.201.

[ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 3689C, IAB 3/14/18, effective 4/18/18; ARC 4986C, IAB 3/11/20, effective 4/15/20; ARC 6307C, IAB 5/4/22, effective 6/8/22; ARC 6706C, IAB 11/30/22, effective 1/4/23]

**761—607.32(321) Knowledge and skills testing of nondomiciled military personnel.**

**607.32(1) Role of state of duty station.** The department may accept an application for a CLP or CDL, including an application for waiver of the knowledge test as provided in subrule 607.27(5), if

the applicant is an active duty military service member stationed, but not domiciled, in Iowa, and the department has an agreement to accept such applications with the applicant's state of domicile as provided in 49 CFR Section 383.79.

*a.* The applicant shall certify and provide evidence that the following apply:

- (1) The applicant is regularly employed or was regularly employed within the past year in a military position requiring operation of a commercial motor vehicle.
- (2) The applicant has a valid driver's license from the applicant's state of domicile.
- (3) The applicant has a valid active duty military identification card.
- (4) The applicant has a current copy of either the applicant's military leave and earnings statement or the applicant's orders.

*b.* If the applicant meets the requirements of paragraph 607.32(1) "a" and the department has an agreement with the applicant's state of domicile as provided in this subrule, the department may do either of the following:

- (1) Administer the knowledge and skills tests to the applicant as appropriate in accordance with 49 CFR Part 383, Subparts F, G, and H, if the state of domicile requires those tests; or
- (2) Waive the knowledge and skills tests in accordance with 49 CFR Section 383.77 and this chapter if the state of domicile also permits waiver of the knowledge and skills test.

*c.* The department may destroy the applicant's driver's license on behalf of the state of domicile unless the state of domicile requires the driver's license to be surrendered to the state of domicile's driver's licensing agency.

**607.32(2)** *Electronic transmission of application and test results.* The department shall transmit to the state of domicile the applicant's application, any supporting documents and the results of any skills or knowledge tests administered as provided under this rule.

**607.32(3)** *Role of state of domicile.* If the department has an agreement with the applicant's state of duty station, upon completion of the applicant's application pursuant to 49 CFR Section 383.71 and any testing administered by the applicant's state of duty station pursuant to 49 CFR Sections 383.71 and 383.73, the department may do all of the following:

- a.* Accept the completed application, any supporting documents, and the results of the knowledge and skills tests administered by the applicant's state of duty station.
- b.* Issue the applicant a CLP or CDL.

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187, and 321.188 and 49 CFR Part 383.

[ARC 4986C, IAB 3/11/20, effective 4/15/20]

**761—607.33** and **607.34** Reserved.

**761—607.35(321)** **Issuance of commercial driver's license and commercial learner's permit.** A commercial driver's license or commercial learner's permit issued by the department shall include the information and markings required by Iowa Code section 321.189(2) "b."

This rule is intended to implement Iowa Code section 321.189.

[ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16]

**761—607.36(321)** **Conversion to commercial driver's license.** Rescinded IAB 6/23/93, effective 7/28/93.

**761—607.37(321)** **Commercial driver's license renewal.** The department shall administer commercial driver's license renewals as required by 49 CFR Section 383.73.

**607.37(1)** *Licensee requirements.* To renew a commercial driver's license, the licensee shall apply at a driver's license service center and complete the following requirements:

- a.* The licensee shall make a written self-certification of type of driving as required by rule 761—607.50(321) and, if required, provide a current medical examiner's certificate unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration.

b. If the licensee has and wishes to retain a hazardous material endorsement, the licensee shall pass the test required in 49 CFR Section 383.121 and comply with the Transportation Security Administration security threat assessment standards specified in 49 CFR Sections 383.71(b)(8) and 383.141 for such endorsement. A lawful permanent resident of the United States must also provide the licensee's U.S. Citizenship and Immigration Services alien registration number.

c. The licensee shall provide proof of citizenship or lawful permanent residency and state of domicile as required by rule 761—607.15(321) and 49 CFR 383.73(d)(7). Proof of citizenship or lawful permanent residency is not required if the licensee provided such proof at initial issuance or a previous renewal or upgrade of the license and the department has a notation on the licensee's record confirming that the required proof of legal citizenship or legal presence check was made and the date on which it was made.

d. If the licensee is domiciled in a foreign jurisdiction and renewing a non-domiciled commercial driver's license, the licensee must provide a document required by 49 CFR 383.71(f) at each renewal.

**607.37(2) *Early renewal.*** A valid commercial driver's license may be renewed 90 days before the expiration date. If this is impractical, the department for good cause may renew a license earlier, not to exceed 364 days prior to the expiration date. The department may allow renewal earlier than 364 days prior to the expiration date for active military personnel being deployed due to actual or potential military conflict.

This rule is intended to implement Iowa Code sections 321.186, 321.188 and 321.196.  
[ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 4986C, IAB 3/11/20, effective 4/15/20; ARC 5547C, IAB 4/7/21, effective 5/12/21]

**761—607.38(321) Transfers from another state.** Upon initial application for an Iowa license, an Iowa resident who has a valid commercial driver's license from a former state of residence is not required to retest except as specified in Iowa Code subsection 321.188(5) but is required to pay the applicable endorsement and restriction removal fees.

This rule is intended to implement Iowa Code sections 321.188 and 321.191.

**761—607.39(321) Disqualification.**

**607.39(1) *Date.*** A disqualifying act, action or offense under Iowa Code section 321.208, that occurred before July 1, 1990, shall not be grounds for disqualification from operating a commercial motor vehicle.

**607.39(2) *Notice.*** A 30-day advance notice of disqualification shall be served by the department in accordance with rule 761—615.37(321). Pursuant to Iowa Code subsection 321.208(12), a peace officer on behalf of the department may serve the notice of disqualification immediately.

**607.39(3) *Hearing and appeal process.*** A person who has received a notice of disqualification may contest the disqualification in accordance with 761—615.38(17A,321).

**607.39(4) *Reduction of lifetime disqualification.***

a. As permitted by 49 CFR Section 383.51, a person subject to lifetime disqualification of the person's commercial driving privileges may apply to the department for reinstatement. The approval is subject to the discretion of the department and subject to the following requirements:

(1) The request may not be made prior to ten years from the effective date of the lifetime disqualification.

(2) The person must submit the request in a manner prescribed by the department.

(3) If the driving record contains alcohol-related or drug-related offenses that resulted in the lifetime disqualification, the person must have completed an alcohol or drug evaluation and have completed any recommended treatment which meets or exceeds the minimum standards approved by the Iowa department of health and human services. Evidence of a completed evaluation and treatment must be on file with the department or submitted with the application for reinstatement.

(4) Within the ten years preceding the request, the person must not have any of the following moving violation convictions:

1. A drug or alcohol offense.
2. Leaving the scene of an accident.

3. A felony involving the use of any motor vehicle.  
 4. Any moving violation while operating a commercial motor vehicle.  
 (5) The department may request, and the person shall provide, any additional information or documentation necessary to determine the person's eligibility for reinstatement or general fitness for licensure.

*b.* If the department finds the person is eligible for reinstatement under this subrule, the person shall do all of the following prior to reinstatement:

- (1) Pay all outstanding reinstatement fees.
- (2) Meet all outstanding reinstatement requirements.
- (3) Pass the required knowledge, vision, and skills tests as specified in Iowa Code section 321.188.
- (4) Complete any other courses or requirements as required by the director.

*c.* As provided in 49 CFR Section 383.51(a)(6), a person who has previously had the person's commercial driving privileges reinstated pursuant to this subrule shall not be eligible to apply for reinstatement following conviction of a subsequent disqualifying offense.

*d.* If the department determines the person is not eligible for reinstatement as provided in this subrule, the department shall send notice by first-class mail to the person's mailing address as shown on departmental records that the lifetime disqualification remains in effect.

**607.39(5) *Fraud related to testing and issuance.***

*a.* As required by 49 CFR Section 383.73(k) and Iowa Code section 321.201(2)“*b*,” the department shall disqualify the commercial driver's license or commercial learner's permit of a person convicted or suspected of fraud related to the testing for or issuance of a commercial driver's license or commercial learner's permit.

*b.* Upon receipt of a person's conviction of fraud related to the issuance of the commercial driver's license or commercial learner's permit, the department shall disqualify the person's commercial driver's license or commercial learner's permit for one year.

*c.* Upon receipt of credible evidence that a person is suspected of committing fraud relating to the issuance of a commercial driver's license or a commercial learner's permit, the department shall notify the person of the requirement to retake the applicable knowledge or skills test. Within 30 days of receiving notice from the department, the person is required to contact the department to retake the knowledge or skills test. If the person fails to contact the department within 30 days after the notice, or the person fails the knowledge or skills test, or does not take the test, the department shall disqualify the person's commercial driver's license or commercial learner's permit.

*d.* Once a person's commercial driver's license or commercial learner's permit has been disqualified, the person must reapply following the usual procedures as provided in Iowa Code section 321.188 and this chapter.

This rule is intended to implement Iowa Code chapter 17A and section 321.208.

[ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 4986C, IAB 3/11/20, effective 4/15/20; Editorial change: IAC Supplement 11/29/23]

**761—607.40(321) Sanctions.** When a person's motor vehicle license is denied, canceled, suspended, revoked or barred, the person is also disqualified from operating a commercial motor vehicle.

This rule is intended to implement Iowa Code section 321.208.

**761—607.41 to 607.44** Reserved.

**761—607.45(321) Reinstatement.** To reinstate a commercial driver's license after completion of a period of disqualification, a person shall appear at a driver's license service center. The person must also meet the vision standards for licensing, pass the applicable knowledge test(s) and the skills test, and pay the required reinstatement fee and the fees for a new license.

This rule is intended to implement Iowa Code sections 321.191 and 321.208.

[ARC 4986C, IAB 3/11/20, effective 4/15/20]

**761—607.46 to 607.48** Reserved.

**761—607.49(321) Restricted commercial driver's license.**

**607.49(1) Scope.** This rule pertains to the issuance of restricted commercial driver's licenses to employees of the following designated farm-related service industries: agrichemical businesses, custom harvesters, farm retail outlets and suppliers and livestock feeders as permitted by 49 CFR 383.3(f). A restricted commercial driver's license shall meet all requirements of a regular commercial driver's license, as set out in Iowa Code chapter 321 and this chapter, except as specified in this rule.

**607.49(2) Validity.**

*a.* A restricted commercial driver's license allows the licensee to drive a commercial motor vehicle for agricultural input purposes. The license is valid to:

(1) Operate Group B and Group C commercial motor vehicles including tank vehicles and vehicles equipped with air brakes, except passenger vehicles.

(2) Transport the hazardous materials listed in paragraph 607.49(2) "b."

(3) Operate only during the current, validated seasonal period.

(4) Operate between the employer's place of business and the farm currently being served, not to exceed 150 miles.

*b.* A restricted commercial driver's license is not valid for transporting hazardous materials requiring placarding, except as follows:

(1) Liquid fertilizers such as anhydrous ammonia may be transported in vehicles or implements of husbandry with total capacities of 3,000 gallons or less.

(2) Solid fertilizers such as ammonium nitrate may be transported provided they are not mixed with any organic substance.

(3) A hazardous material endorsement is not needed to transport the products listed in the preceding subparagraphs.

*c.* When not driving for agricultural input purposes, the license is valid for operating a noncommercial motor vehicle that may be legally operated under the noncommercial license held by the licensee.

**607.49(3) Requirements.**

*a.* The applicant must have two years of previous driving experience. This means that the applicant must have held a license that permits unaccompanied driving for at least two years. This does not include a motorized bicycle license, a minor's school license or a minor's restricted license.

*b.* The applicant must have a good driving record for the most recent two-year period, as defined in subrule 607.49(4).

*c.* An applicant who currently holds an unrestricted commercial driver's license is not eligible for issuance of a restricted commercial driver's license.

**607.49(4) Good driving record.** A "good driving record" means a driving record showing:

*a.* No multiple licenses.

*b.* No driver's license suspensions, revocations, disqualifications, denials, bars, or cancellations of any kind.

*c.* No convictions in any type of motor vehicle for:

(1) Driving under the influence of alcohol or drugs.

(2) Leaving the scene of an accident.

(3) Committing any felony involving a motor vehicle.

(4) Speeding 15 miles per hour or more over the posted speed limit.

(5) Reckless driving, drag racing, or eluding or attempting to elude a law enforcement officer.

(6) Improper or erratic lane changes.

(7) Following too closely.

(8) A moving violation that contributed to a motor vehicle accident.

(9) A violation deemed serious under rule 761—615.17(321).

*d.* No record of contributive accidents, as defined in rule 761—615.1(321).

**607.49(5) Issuance.**

*a.* The knowledge and skills tests described in rules 761—607.27(321) and 761—607.28(321) are waived.

*b.* A restricted commercial driver's license shall be coded with restriction "W" on the face of the driver's license, with the restriction explained in text on the back of the driver's license. In addition, the license shall be issued with a restriction stating the license's period of validity.

*c.* The expiration date for a restricted commercial driver's license that is converted to this license from another Iowa license shall carry the same expiration date as the previous license.

*d.* A restricted commercial driver's license may be renewed for the period of time specified in Iowa Code section 321.196. The licensee's good driving record shall be confirmed at the time of renewal.

*e.* The fee for a restricted commercial driver's license shall be as specified in Iowa Code section 321.191.

*f.* On or after January 1, 2023, a licensee may have up to three individual periods of validity for a restricted commercial driver's license, provided the cumulative period of validity for all individual periods does not exceed 210 days in any calendar year. An individual period of validity may be 70, 105, or 210 consecutive days, at the election of the licensee. A licensee may add 35 days to an individual period of validity by applying for an extension, subject to the 210-day cumulative maximum period of validity. A request for extension must be made no later than the date of expiration of the individual period of validity for which an extension is requested; a request for extension made after that date shall be treated as a request for a new individual period of validity. An extension shall be calculated from the date of expiration of the individual period of validity for which an extension is requested. Any period of validity authorized previously by another state's license shall be considered a part of the 210-day cumulative maximum period of validity.

*g.* A restricted commercial driver's license must be validated for commercial motor vehicle operation for each individual period of validity. This means that the applicant/licensee must have the person's good driving record confirmed at each application for an individual period of validity. Upon confirmation, the department shall issue a replacement license with a restriction validating the license for that individual period of validity, provided the person is otherwise eligible for the license. The fee for a replacement license shall be as specified in Iowa Code section 321.195.

*h.* The same process must be repeated for each individual period of validity within a calendar year.

This rule is intended to implement Iowa Code section 321.176B.

[ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 4986C, IAB 3/11/20, effective 4/15/20; ARC 6970C, IAB 4/5/23, effective 5/10/23; ARC 7747C, IAB 4/3/24, effective 5/8/24]

### **761—607.50(321) Self-certification of type of driving and submission of medical examiner's certificate.**

**607.50(1)** *Applicants for commercial learner's permit, restricted CDL, or new, transferred, renewed or upgraded CDL.*

*a.* A person shall provide to the department a self-certification of type of driving if the person is applying for:

- (1) A commercial learner's permit,
- (2) An initial commercial driver's license,
- (3) A transfer of a commercial driver's license from a prior state of domicile to the state of Iowa,
- (4) Renewal of a commercial driver's license,
- (5) A license upgrade for a commercial driver's license or an endorsement authorizing the operation of a commercial motor vehicle not covered by the current commercial driver's license, or
- (6) A restricted commercial driver's license.

*b.* The self-certification shall be on a form or in a format, which may be electronic, as provided by the department.

**607.50(2)** *Submission of medical examiner's certificate by persons certifying to non-excepted interstate driving.* Every person who self-certifies to non-excepted interstate driving must give the department a copy of the person's current medical examiner's certificate, unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration. The department shall not issue, transfer, renew, or upgrade a license until the department receives a medical examiner's certificate that complies with the requirements of this



subrule, or unless the person changes the person's self-certification of type of driving to a type other than non-excepted interstate driving. When the department receives a current medical examiner's certificate, the department shall post a medical certification status of "certified" on the person's CDLIS driver's record. A person who self-certifies to a type of driving other than non-excepted interstate shall have no medical certification status on the CDLIS driver's record.

**607.50(3) *Maintaining certified status.*** To maintain a medical certification status of "certified," a person who self-certifies to non-excepted interstate driving must give the department a copy of each subsequently issued medical examiner's certificate valid for the person unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration.

**607.50(4) *CDL downgrade.*** If the medical examiner's certificate or medical variance for a person self-certifying to non-excepted interstate driving expires or if the Federal Motor Carrier Safety Administration notifies the department that the person's medical variance was removed or rescinded, the department shall post a medical certification status of "not certified" to the person's CDLIS driver's record and shall initiate a downgrade of the person's commercial driver's license or commercial learner's permit. The medical examiner's certificate of a person who fails to maintain a medical certification status of "certified" as required by subrule 607.50(3) shall be deemed to be expired on the date of expiration of the last medical examiner's certificate filed for the person as shown by the person's CDLIS driver's record. The downgrade will be initiated and completed as follows:

*a.* The department shall give the person written notice that the person's medical certification status is "not certified" and that the commercial motor vehicle privileges will be removed from the person's commercial driver's license or commercial learner's permit 60 days after the date the medical examiner's certificate or medical variance expired or the medical variance was removed or rescinded unless the department receives a current medical certificate or medical variance or the person self-certifies to a type of driving other than non-excepted interstate.

*b.* If the department receives a current medical examiner's certificate or medical variance before the end of the 60-day period, the department shall post a medical certification status of "certified" on the person's CDLIS driver's record and shall terminate the downgrade of the person's commercial driver's license or commercial learner's permit.

*c.* If the person self-certifies to a type of driving other than non-excepted interstate before the end of the 60-day period, the department shall not remove the commercial motor vehicle privileges from the person's commercial driver's license or commercial learner's permit, and the person will have no medical certification status on the person's CDLIS driver's record.

*d.* If the requirements in either paragraph 607.50(4) "b" or "c" are not met before the end of the 60-day period, the department shall remove the commercial motor vehicle privileges from the person's commercial driver's license or commercial learner's permit and shall leave the person's medical certification status as "not certified" on the person's CDLIS driver's record.

**607.50(5) *Establishment or reestablishment of "certified" status.*** A person who has no medical certification status or whose medical certification status has been posted as "not certified" on the person's CDLIS driver's record may have the person's status established or reestablished as "certified" if the department receives a current medical examiner's certificate or medical variance. A person who has failed to self-certify to a type of driving or has self-certified to a type of driving other than non-excepted interstate must also make a self-certification of type of driving to non-excepted interstate driving. The department shall then post a medical certification status of "certified" on the person's CDLIS driver's record.

**607.50(6) *Reestablishment of the CDL privilege.*** A person whose commercial motor vehicle privileges have been removed from the person's commercial driver's license or commercial learner's permit under the provisions of paragraph 607.50(4) "d" may have the person's commercial motor vehicle privileges reestablished if either of the following occurs:

*a.* The department receives the person's current medical examiner's certificate or medical variance. A person who has failed to self-certify to a type of driving must also make an initial self-certification of type of driving to non-excepted interstate driving. The department shall then post

a medical certification status of “certified” on the person’s CDLIS driver’s record and reestablish the commercial motor vehicle privileges, provided that the person otherwise remains eligible for a commercial driver’s license or commercial learner’s permit.

*b.* The person self-certifies to a type of driving other than non-excepted interstate. The department shall then reestablish the commercial motor vehicle privileges, provided that the person otherwise remains eligible for a commercial driver’s license or commercial learner’s permit; the person will have no medical certification status on the driver’s CDLIS driver’s record.

**607.50(7) *Change of type of driving.*** A person may change the person’s self-certification of type of driving at any time. As required by subrule 607.50(2), the department must receive a copy of the person’s current medical examiner’s certificate prepared by a medical examiner for a person certifying to non-excepted interstate driving.

**607.50(8) *Record keeping.*** The department shall comply with the medical record-keeping requirements set forth in 49 CFR Section 383.73.

**607.50(9) *Medical examiner’s certificate conflict.*** As required by 49 CFR Sections 383.71 and 383.73, in the event of a conflict between the medical certification information provided electronically by the Federal Motor Carrier Safety Administration and a paper copy of the medical examiner’s certificate, the medical certification information provided electronically by the Federal Motor Carrier Safety Administration shall supersede.

This rule is intended to implement Iowa Code sections 321.182, 321.188 and 321.207.

[**ARC 9954B**, IAB 1/11/12, effective 1/30/12; **ARC 0031C**, IAB 3/7/12, effective 4/11/12; **ARC 2071C**, IAB 8/5/15, effective 7/14/15; **ARC 2337C**, IAB 1/6/16, effective 2/10/16; **ARC 2530C**, IAB 5/11/16, effective 6/15/16; **ARC 4986C**, IAB 3/11/20, effective 4/15/20; **ARC 5547C**, IAB 4/7/21, effective 5/12/21]

#### **761—607.51(321) National drug and alcohol clearinghouse.**

**607.51(1) *Applicability.*** This rule applies to:

- a.* An applicant for or holder of a commercial learner’s permit,
- b.* An applicant for or holder of a commercial driver’s license,
- c.* An applicant seeking to transfer a commercial driver’s license from a prior state of domicile to the state of Iowa,
- d.* An applicant seeking renewal of a commercial driver’s license,
- e.* An applicant seeking to upgrade a commercial driver’s license or add an endorsement authorizing the operation of a commercial motor vehicle not covered by the current commercial driver’s license, or
- f.* An applicant for or holder of a restricted commercial driver’s license.

**607.51(2) *Issuance procedures.*** Prior to issuing the license or permit, the department shall request information from the national drug and alcohol clearinghouse to determine if the person is prohibited from operating a commercial motor vehicle pursuant to 49 CFR 382.501(a). The department shall not issue, renew, transfer, or upgrade the license or permit if the person is prohibited from operating a commercial motor vehicle pursuant to 49 CFR 382.501(a). However, this subrule shall not take effect prior to the date established by the Federal Motor Carrier Safety Administration in 49 CFR Section 383.73 for state driver’s license agency compliance with national drug and alcohol clearinghouse requirements.

**607.51(3) *CDL downgrade.*** Upon receiving notification that pursuant to 49 CFR 382.501(a) the person is prohibited from operating a commercial motor vehicle, the department shall downgrade the license or permit and record the downgrade on the CDLIS driver record within 60 days of the department’s receipt of such notification. However, this subrule shall not take effect prior to the date established by the Federal Motor Carrier Safety Administration in 49 CFR Section 383.73 for state driver’s license agency compliance with national drug and alcohol clearinghouse requirements. The downgrade will be initiated and completed as follows:

- a.* The department shall give the person written notice that the person is prohibited from operating a commercial motor vehicle due to notification the department received from the national drug and alcohol clearinghouse that the person has engaged in conduct prohibited by 49 CFR 382.501(a) and that upon receipt of the notification, the department initiated a downgrade of the person’s CLP or CDL.

b. If the department receives notification that the person is no longer prohibited from operating a commercial motor vehicle before the downgrade is completed, the department shall terminate the downgrade process without removing the CLP or CDL privilege from the driver's license, transmit the information to the person's CDLIS driver record, and send written notice to the person.

c. If, after the downgrade is completed, the department receives notification from the national drug and alcohol clearinghouse that a driver is no longer prohibited from operating a commercial motor vehicle, the department shall record the end of the downgrade on the person's CDLIS driver record, reinstate the CLP or CDL privilege to the driver's license, and send written notice to the person.

d. If, after the downgrade is completed, the department receives notification from the national drug and alcohol clearinghouse that the person was erroneously identified as prohibited from operating a commercial motor vehicle, the department shall reinstate the CLP or CDL privilege to the driver's license as expeditiously as possible and remove from the CDLIS driver record and driving record any reference related to the person's erroneous prohibited status.

**607.51(4) *Limitation on hearing and appeal.*** An informal settlement, hearing, or appeal to contest the downgrade is limited to a determination of whether the facts required by Iowa Code sections 321.188 and 321.207 and this rule are true. The merits of the information conveyed by the national drug and alcohol clearinghouse to the department shall not be considered.

This rule is intended to implement Iowa Code sections 321.188 and 321.207.  
[ARC 7747C, IAB 4/3/24, effective 5/8/24]

**761—607.52(321) Determination of gross vehicle weight rating.**

**607.52(1) *Actual weight prohibited.*** In determining whether the vehicle is a representative vehicle for the skills test and the group of commercial driver's license for which the applicant is applying, the vehicle's gross weight rating or gross combination weight rating must be used, not the vehicle's actual gross weight or gross combination weight. For purposes of this rule, "gross weight rating" and "gross combination weight rating" mean as defined in 49 CFR Section 383.5.

**607.52(2) *Vehicle without legible manufacturer's certification label.*** To complete a skills test using a vehicle that has no legible manufacturer's certification label, whether a power unit or towed vehicle, the applicant must provide documentation of the vehicle's gross vehicle weight rating, such as a manufacturer's certificate of origin, a title, or the vehicle identification number information for the vehicle. In the absence of such documentation, the vehicle may not be used, either alone or in combination.

This rule is intended to implement Iowa Code section 321.1.  
[ARC 2071C, IAB 8/5/15, effective 7/14/15; ARC 2337C, IAB 1/6/16, effective 2/10/16; ARC 2530C, IAB 5/11/16, effective 6/15/16; ARC 7747C, IAB 4/3/24, effective 5/8/24]

[Filed emergency 10/24/90—published 11/14/90, effective 10/24/90]

[Filed emergency 1/10/91—published 2/6/91, effective 1/10/91]

[Filed 5/9/91, Notices 11/14/90, 2/20/91—published 5/29/91, effective 7/3/91]

[Filed 5/27/93, Notice 3/17/93—published 6/23/93, effective 7/28/93]

[Filed 1/11/95, Notice 11/23/94—published 2/1/95, effective 3/8/95]

[Filed 11/1/95, Notice 9/27/95—published 11/22/95, effective 12/27/95]

[Filed 10/30/96, Notice 9/25/96—published 11/20/96, effective 12/25/96]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed emergency 3/21/03—published 4/16/03, effective 3/21/03]

[Filed emergency 6/15/05 after Notice 5/11/05—published 7/6/05, effective 7/1/05]

[Filed 10/11/06, Notice 8/30/06—published 11/8/06, effective 12/13/06]

[Filed 12/12/07, Notice 11/7/07—published 1/2/08, effective 2/6/08]

[Filed ARC 7902B (Notice ARC 7721B, IAB 4/22/09), IAB 7/1/09, effective 8/5/09]

[Filed Emergency ARC 9954B, IAB 1/11/12, effective 1/30/12]

[Filed ARC 0031C (Notice ARC 9955B, IAB 1/11/12), IAB 3/7/12, effective 4/11/12]

[Filed ARC 1714C (Notice ARC 1601C, IAB 9/3/14), IAB 11/12/14, effective 12/17/14]

[Filed Emergency ARC 2071C, IAB 8/5/15, effective 7/14/15]

[Filed ARC 2337C (Notice ARC 2070C, IAB 8/5/15), IAB 1/6/16, effective 2/10/16]

[Filed ARC 2530C (Notice ARC 2451C, IAB 3/16/16), IAB 5/11/16, effective 6/15/16]  
[Filed ARC 2986C (Notice ARC 2878C, IAB 1/4/17), IAB 3/15/17, effective 4/19/17]  
[Filed ARC 3689C (Notice ARC 3532C, IAB 1/3/18), IAB 3/14/18, effective 4/18/18]  
[Filed ARC 3840C (Notice ARC 3700C, IAB 3/28/18), IAB 6/6/18, effective 7/11/18]  
[Filed ARC 4401C (Notice ARC 4256C, IAB 1/30/19), IAB 4/10/19, effective 5/15/19]  
[Filed ARC 4586C (Notice ARC 4476C, IAB 6/5/19), IAB 7/31/19, effective 9/4/19]  
[Filed ARC 4986C (Notice ARC 4836C, IAB 1/1/20), IAB 3/11/20, effective 4/15/20]  
[Filed ARC 5018C (Notice ARC 4895C, IAB 2/12/20), IAB 4/8/20, effective 5/13/20]  
[Filed ARC 5495C (Notice ARC 5384C, IAB 1/13/21), IAB 3/10/21, effective 4/14/21]  
[Filed ARC 5547C (Notice ARC 5411C, IAB 2/10/21), IAB 4/7/21, effective 5/12/21]  
[Filed ARC 5942C (Notice ARC 5804C, IAB 7/28/21), IAB 10/6/21, effective 11/10/21]  
[Filed ARC 6168C (Notice ARC 6065C, IAB 12/1/21), IAB 2/9/22, effective 3/16/22]  
[Filed ARC 6307C (Notice ARC 6207C, IAB 2/23/22), IAB 5/4/22, effective 6/8/22]  
[Filed ARC 6706C (Notice ARC 6519C, IAB 9/21/22), IAB 11/30/22, effective 1/4/23]  
[Filed ARC 6970C (Notice ARC 6822C, IAB 1/11/23), IAB 4/5/23, effective 5/10/23]  
[Editorial change: IAC Supplement 7/26/23]  
[Editorial change: IAC Supplement 11/29/23]  
[Filed ARC 7747C (Notice ARC 7491C, IAB 1/10/24), IAB 4/3/24, effective 5/8/24]

# **WORKFORCE DEVELOPMENT BOARD AND WORKFORCE DEVELOPMENT CENTER ADMINISTRATION DIVISION[877]**

[Prior to 9/24/86, see Employment Security[370], renamed Job Service Division[345]  
under the “umbrella” of Department of Employment Services by 1986 Iowa Acts, chapter 1245]  
[Prior to 3/12/97, see Job Service Division[345]]

## **CHAPTER 1**

### **WORKFORCE DEVELOPMENT BOARD**

- 1.1(84A,PL113-128) Composition
- 1.2(84A) Meetings
- 1.3(84A,PL113-128) Purpose and duties
- 1.4(84A) Records
- 1.5(84A) Coordination with the department of corrections on private sector employment projects
- 1.6(84A) Coordination with the department of corrections on construction and maintenance projects

## **CHAPTER 2**

### **MISSION AND STRUCTURE**

- 2.1(84A) Mission
- 2.2(84A) Overall organization
- 2.3(17A,84A) Criticism of agency rule
- 2.4(17A,ExecOrd11) Requests for waiver of rules

## **CHAPTER 3**

Reserved

## **CHAPTER 4**

### **COORDINATING SERVICE PROVIDER**

- 4.1(84A,84B) Purpose
- 4.2(84A,84B) Definitions
- 4.3(84A,84B) Regional advisory boards
- 4.4(84A,84B) Membership
- 4.5(84A,84B) 28E agreement
- 4.6(84A,84B) Responsibilities
- 4.7(84A,84B) Fiscal agent
- 4.8(84A,84B) Workforce development centers
- 4.9(84A,84B) Performance measures
- 4.10(84A,84B) Supervision of department staff
- 4.11(84A,84B) Rules and regulations
- 4.12(84A,84B) Contract
- 4.13(84A,84B) Vendors
- 4.14(84A,84B) Incentives and sanctions
- 4.15(84A,84B) Planning process

## **CHAPTER 5**

Reserved

## **CHAPTER 6**

### **REGIONAL ADVISORY BOARDS**

- 6.1(84A,PL113-128) Definitions
- 6.2(84A,PL113-128) Number of boards

6.3(84A,PL113-128)	Composition—voting members
6.4(84A,PL113-128)	Nomination process for voting members
6.5(84A,PL113-128)	Appointment process
6.6(84A,PL113-128)	Meetings
6.7(84A,PL113-128)	Duties
6.8(84A,PL113-128)	Board certification and decertification
6.9	Reserved
6.10(84A,PL113-128)	Member travel expenses
6.11(84A,PL113-128)	Records

## CHAPTER 7

## IOWA WORKFORCE INVESTMENT ACT PROGRAM

7.1(84A,PL105-220)	Designation of responsibility
7.2(84A,PL105-220)	Purpose
7.3(84A,PL105-220)	Definitions
7.4(84A,PL105-220)	Service delivery region designations
7.5(84A,PL105-220)	Chief elected official board
7.6(84A,PL105-220)	Regional workforce investment board
7.7(84A,PL105-220)	Regional workforce investment board/chief elected official board agreement
7.8(84A,PL105-220)	Youth advisory council
7.9(84A,PL105-220)	Selection of coordinating service provider
7.10(84A,PL105-220)	Selection of service providers
7.11(84A,PL105-220)	Memorandum of understanding
7.12(84A,PL105-220)	Performance measures
7.13(84A,PL105-220)	Regional customer service plan
7.14(84A,PL105-220)	Activities and services
7.15(84A,PL105-220)	Individual training accounts
7.16(84A,PL105-220)	Certification of training providers
7.17(84A,PL105-220)	Financial management
7.18(84A,PL105-220)	Auditing
7.19(84A,PL105-220)	Debt collection procedures
7.20(84A,PL105-220)	Grantee report requirements
7.21(84A,PL105-220)	Compliance review system
7.22	Reserved
7.23(84A,PL105-220)	Regional level complaint procedures
7.24(84A,PL105-220)	Department complaint procedures

## CHAPTER 8

## PLACEMENT

8.1(96)	Definitions
8.2(96)	Job application and related areas
8.3(96)	Job orders and related areas
8.4(96)	Order filling and related areas
8.5(96)	Complaints
8.6(96)	Iowa work permits
8.7(96)	Alien employment certification
8.8(96)	Defense manpower policy number 4 (DMP-4)
8.9(96)	Federal regulation (41 CFR 50-250)— Executive Order 11701
8.10(96)	PROMISE JOBS program
8.11(96)	Trade Act of 1974
8.12(96)	Food stamp program

CHAPTER 9  
LABOR-MANAGEMENT COOPERATION PROGRAM

- 9.1(77GA,ch1225) Purpose
- 9.2(77GA,ch1225) Definitions
- 9.3(77GA,ch1225) Requests for training funds
- 9.4(77GA,ch1225) Grant period and amount of grants
- 9.5(77GA,ch1225) Technical assistance
- 9.6(77GA,ch1225) Monitoring

CHAPTER 10  
YOUTH AFFAIRS

- 10.1(84A) Iowa conservation corps
- 10.2(84A) Summer component
- 10.3(84A) In-school public service employment program
- 10.4 Reserved
- 10.5(84A) Young adult component

CHAPTER 11  
WORK FORCE INVESTMENT PROGRAM

- 11.1(84A) Purpose
- 11.2(84A) Definitions
- 11.3(84A) Request for proposal process
- 11.4(84A) Maximum grant amounts
- 11.5 Reserved
- 11.6(84A) Allowable costs and limitations
- 11.7(84A) Eligible participants
- 11.8(84A) Displaced homemaker set-aside
- 11.9(84A) Administration
- 11.10(84A) Redistribution of funds

CHAPTER 12  
IOWA JOB TRAINING PARTNERSHIP PROGRAM

- 12.1(7B,PL97-300,PL102-367) Assumption of responsibility
- 12.2(7B,PL97-300,PL102-367) Purpose
- 12.3(7B,PL97-300,PL102-367) Definitions
- 12.4(7B,PL97-300,PL102-367) Service delivery area designations
- 12.5(7B,PL97-300,PL102-367) Service delivery area redesignation
- 12.6(7B,PL97-300,PL102-367) Consortium agreements
- 12.7(7B,PL97-300,PL102-367) Private industry council
- 12.8(7B,PL97-300,PL102-367) Private industry council/local elected official agreement
- 12.9(7B,PL97-300,PL102-367) Plan requirements
- 12.10(7B,PL97-300,PL102-367) Grant agreements
- 12.11(7B,PL97-300,PL102-367) Incentive grant award system
- 12.12(7B,PL97-300,PL102-367) Reallocation process
- 12.13(7B,PL97-300,PL102-367) Financial management
- 12.14(7B,PL97-300,PL102-367) Auditing
- 12.15(7B,PL97-300,PL102-367) Debt collection procedures
- 12.16(7B,PL97-300,PL102-367) Grantee report requirements
- 12.17(7B,PL97-300,PL102-367) Compliance review system
- 12.18(7B,PL97-300,PL102-367) Sanctions for violations of the Act
- 12.19(7B,PL97-300,PL102-367) Equal opportunity compliance
- 12.20(7B,PL97-300,PL102-367) SDA level complaint procedures
- 12.21(7B,PL97-300,PL102-367) Department complaint procedures

CHAPTER 13  
MENTOR ADVISORY BOARD

13.1(84A)	Purpose
13.2(84A)	Duties
13.3(84A)	Membership
13.4(84A)	Meetings

CHAPTER 14  
IOWA WELFARE-TO-WORK PROGRAM

14.1(84A,PL105-33)	Designation of responsibility
14.2(84A,PL105-33)	Purpose
14.3(84A,PL105-33)	Definitions
14.4(84A,PL105-33)	Private industry council
14.5(84A,PL105-33)	Certifications
14.6(84A,PL105-33)	Regional allocation formula
14.7(84A,PL105-33)	Eligible program operators
14.8(84A,PL105-33)	Proposal requirements
14.9(84A,PL105-33)	Matching requirements
14.10(84A,PL105-33)	Service requirements
14.11(84A,PL105-33)	Eligible activities
14.12(84A,PL105-33)	Grant agreements
14.13(84A,PL105-33)	Performance standards
14.14(84A,PL105-33)	Grant reporting and compliance review
14.15(84A,PL105-33)	Program operator sanctions
14.16(84A,PL105-33)	Financial management
14.17(84A,PL105-33)	Auditing
14.18(84A,PL105-33)	Debt collection procedures
14.19(84A,PL105-33)	Complaint procedures

CHAPTER 15  
STRATEGIC WORKFORCE DEVELOPMENT FUND

15.1(77GA,SF2296)	Purpose
15.2(77GA,SF2296)	Definitions
15.3(77GA,SF2296)	Regional advisory board
15.4(77GA,SF2296)	Regional allocation formula
15.5(77GA,SF2296)	Youth requirements
15.6(77GA,SF2296)	Matching requirements
15.7(77GA,SF2296)	Eligible activities
15.8(77GA,SF2296)	Services plan
15.9(77GA,SF2296)	Grant agreements
15.10(77GA,SF2296)	Grant reporting and compliance review

CHAPTER 16  
IOWA INDUSTRIAL NEW JOBS TRAINING PROGRAM

16.1(15,260E)	Authority
16.2(15,260E)	Purpose
16.3(15,260E)	Definitions
16.4(15,260E)	Agreements
16.5(15,260E)	Resolution on incremental property tax
16.6(15,260E)	New jobs withholding credit
16.7(15,260E)	Notice of intent to issue certificates
16.8(15,260E)	Standby property tax levy
16.9(15,260E)	Reporting



- 16.10(15,260E) Monitoring
- 16.11(15,260E) State administration
- 16.12(15,260E) Coordination with communities
- 16.13(15,76GA,SF2351) Supplemental 1½ percent withholding

#### CHAPTER 17

##### IOWA JOBS TRAINING PROGRAM

- 17.1(260F) Authority
- 17.2(260F) Purpose
- 17.3(260F) Definitions
- 17.4(260F) Program funding
- 17.5(260F) Funding for projects which include one business
- 17.6(260F) Funding for projects which include multiple businesses
- 17.7(260F) Funding for high technology apprenticeship programs
- 17.8(260F) Matching funds requirement
- 17.9(260F) Use of program funds
- 17.10(260F) Use of 260F earned interest
- 17.11 Reserved
- 17.12(260F) Separate account
- 17.13 to 17.17 Reserved
- 17.18(260F) Letter of intent
- 17.19(260F) Project commencement date
- 17.20(260F) Application process
- 17.21(260F) Application scoring criteria
- 17.22(260F) Training agreement
- 17.23(260F) Special requirements for community college consortium projects
- 17.24(260F) Special requirements for community college-sponsored business network projects
- 17.25(260F) Special requirements for authority-sponsored business network projects
- 17.26(260F) Special requirements for community college-sponsored high technology apprenticeship projects
- 17.27(260F) Special requirements for authority-sponsored high technology apprenticeship projects
- 17.28 and 17.29 Reserved
- 17.30(260F) Events of default
- 17.31(260F) Options and procedures on default
- 17.32(260F) Remedies upon default
- 17.33(260F) Return of unused funds
- 17.34(260F) Open records
- 17.35(260F) Required forms

#### CHAPTER 18

##### WORKFORCE DEVELOPMENT FUND

- 18.1(15,76GA,ch1180) Purpose
- 18.2(15,76GA,ch1180) Definitions
- 18.3(15,76GA,ch1180) Workforce development fund account
- 18.4(15,76GA,ch1180) Workforce development fund allocation
- 18.5(15,76GA,ch1180) Workforce development fund reporting
- 18.6(15,76GA,ch1180) Training and retraining programs for targeted industries
- 18.7(15,76GA,ch1180) Projects under Iowa Code chapter 260F
- 18.8(15,76GA,chs1180,1219) Apprenticeship programs under Iowa Code section 260C.44 (including new or statewide building trades apprenticeship programs)
- 18.9(15,76GA,chs1180,1219) Innovative skill development activities

- 18.10(15,76GA,ch1180) Negotiation and award
- 18.11(15,76GA,ch1180) Administration
- 18.12(15,76GA,ch1180) Training materials and equipment
- 18.13(15,76GA,ch1180) Redistribution of funds

#### CHAPTER 19

##### APPRENTICESHIP TRAINING PROGRAM

- 19.1(15,15B) Authority
- 19.2(15,15B) Purpose
- 19.3(15,15B) Definitions
- 19.4(15,15B) Annual appropriations—amount of assistance available—standard contract—use of funds
- 19.5(15,15B) Eligibility for assistance
- 19.6(15,15B) Determination of financial assistance grants
- 19.7(15,15B) Application submittal and review process
- 19.8(15,15B) Notice and reporting

#### CHAPTER 20

##### FUTURE READY IOWA REGISTERED APPRENTICESHIP DEVELOPMENT FUND

- 20.1(15,87GA,HF2458) Purpose
- 20.2(15,87GA,HF2458) Definitions
- 20.3(15,87GA,HF2458) Program description
- 20.4(15,87GA,HF2458) Program eligibility, application scoring, and awards
- 20.5(15,87GA,HF2458) Agreement required

#### CHAPTER 21

##### FUTURE READY IOWA EXPANDED REGISTERED APPRENTICESHIP OPPORTUNITIES PROGRAM

- 21.1(15C) Purpose
- 21.2(15C) Definitions
- 21.3(15C) Program description
- 21.4(15C) Program eligibility, application scoring, and awards
- 21.5(15C) Agreement required

#### CHAPTER 22

##### ACCELERATED CAREER EDUCATION (ACE) PROGRAM

- 22.1(260G) Purpose
- 22.2(260G) Definitions
- 22.3(260G) Program eligibility and designation
- 22.4(260G) Funding allocation
- 22.5(260G) Program job credits
- 22.6(260G) Program agreements and administration

#### CHAPTER 23

##### INNOVATIVE BUSINESSES INTERNSHIP PROGRAM

- 23.1(15) Authority
- 23.2(15) Purpose
- 23.3(15) Definitions
- 23.4(15) Program funding
- 23.5(15) Eligible business
- 23.6(15) Ineligible business
- 23.7(15) Eligible students
- 23.8(15) Ineligible students

- 23.9(15) Application submittal and review process
- 23.10(15) Application content and other requirements
- 23.11(15) Selection process
- 23.12(15) Application scoring criteria
- 23.13(15) Contract and reporting

CHAPTER 24  
VOTER REGISTRATION

- 24.1(96) Forms availability

CHAPTER 25  
PUBLIC RECORDS AND  
FAIR INFORMATION PRACTICES  
(Uniform Rules)

- 25.1(22,96) Definitions
- 25.3(22,96) Request for access to records
- 25.4(22,96) Access to confidential records
- 25.6(22,96) Procedure by which additions, dissents, or objections may be entered into certain records
- 25.7(22,96) Consent to disclosure by the subject of a confidential record
- 25.8(22,96) Notice to suppliers of information
- 25.9(22,96) Disclosure without the consent of the subject
- 25.10(22,96) Routine use
- 25.11(22,96) Release to a subject
- 25.12(22,96) Availability of records
- 25.13(22,96) Personally identifiable information
- 25.14(22,96) Applicability

CHAPTER 26  
PETITIONS

- 26.1(17A,96) Petition for rule making
- 26.2(17A,96) Petition for declaratory order

CHAPTER 27  
Reserved

CHAPTER 28  
FORMS AND INFORMATIONAL MATERIALS

- 28.1(96,84A) Forms

CHAPTER 29  
IOWA OFFICE OF APPRENTICESHIP

- 29.1(90GA,SF318) Purpose
- 29.2(90GA,SF318) Code of Federal Regulations reference
- 29.3(90GA,SF318) Duties of office
- 29.4(90GA,SF318) Requirements for sponsors and employers
- 29.5(90GA,SF318) Approval of apprenticeship program

CHAPTER 30  
STEM INTERNSHIP PROGRAM

- 30.1(15,85GA,ch1132,86GA,SF510) Authority
- 30.2(15,85GA,ch1132,86GA,SF510) Purpose
- 30.3(15) Definitions
- 30.4(15,85GA,ch1132,86GA,SF510) Program funding and disbursement

- 30.5(15,85GA,ch1132,86GA,SF510) Eligible employers
- 30.6(15,85GA,ch1132,86GA,SF510) Ineligible employers
- 30.7(15,85GA,ch1132,86GA,SF510) Eligible students
- 30.8(15,85GA,ch1132,86GA,SF510) Ineligible students
- 30.9(15,85GA,ch1132,86GA,SF510) Application submittal and review process
- 30.10(15,85GA,ch1132,86GA,SF510) Application content and other requirements
- 30.11(15,85GA,ch1132,86GA,SF510) Award process
- 30.12(15,85GA,ch1132,86GA,SF510) Application scoring criteria
- 30.13(15,85GA,ch1132,86GA,SF510) Contract and reporting

#### CHAPTER 31

Reserved

#### CHAPTER 32

##### ADULT EDUCATION AND LITERACY PROGRAMS

- 32.1(84A) Definitions
- 32.2(84A) Program administration
- 32.3(84A) References
- 32.4(84A) Career pathways
- 32.5(84A) Student eligibility
- 32.6(84A) Qualification of staff
- 32.7(84A) High-quality professional development
- 32.8(84A) Performance and accountability

#### CHAPTER 33

##### IOWA VOCATIONAL REHABILITATION SERVICES

- 33.1(84H) Nature and responsibility of division
- 33.2(84H) Nondiscrimination
- 33.3(84H) References
- 33.4(84H) Definitions
- 33.5(84H) Referral and application for services
- 33.6(84H) Eligibility for vocational rehabilitation services
- 33.7(84H) Other eligibility and service determinations
- 33.8(84H) Purchasing principles for individual-specific purposes
- 33.9(84H) Review, mediation and appeal processes
- 33.10(84H) Case record
- 33.11(84H) Personally identifiable information
- 33.12(84H) Other groups of records routinely available for public inspection
- 33.13(84H) State rehabilitation council
- 33.14(84H) Iowa self-employment program: purpose
- 33.15(84H) Program requirements
- 33.16(84H) Application procedure
- 33.17(84H) Award of technical assistance funds
- 33.18(84H) Business plan feasibility study procedure
- 33.19(84H) Award of financial assistance funds

CHAPTER 32  
ADULT EDUCATION AND LITERACY PROGRAMS

[Prior to 9/7/88, see Public Instruction Department[670] Ch 34]

[Prior to 8/23/23, see Education Department[281] Ch 23]

**877—32.1(84A) Definitions.**

“*Act*” means the Adult Education and Family Literacy Act, 29 U.S.C. Sections 3101 et seq.

“*Adult education and literacy program*” means the same as “adult education and literacy programs” defined in Iowa Code section 84A.19, as well as other activities specified in the Act.

“*Career pathways*” means the same as defined in 29 U.S.C. Section 3102, subsection 7, with the exception of item (F).

“*Coordinator*” means the person(s) responsible for making decisions for the adult education and literacy program at the local level.

“*Department*” means the Iowa department of workforce development.

“*English as a second language*” means a structured language acquisition program designed to teach English to students whose native language is other than English.

“*Intake*” means admittance and enrollment in an adult education and literacy program operated by an eligible provider.

“*Professional staff*” means all staff who are engaged in providing services, including instruction and data entry, for individuals who are eligible for adult education and literacy programs.

“*State assessment policy*” means a federally approved policy that stipulates the use of a standardized assessment, scoring and reporting protocols, certification requirements for test administrators, and the protocol for tracking test and attendance data.

“*State plan*” means the compliance document that outlines Iowa’s workforce development system four-year strategy for providing workforce services, including adult education and literacy, to Iowans and employers. State planning shall be developed in accordance with applicable federal legislation.

“*Volunteer staff*” means all non-paid persons who perform services, including individualized instruction and data entry, for individuals who are eligible for adult education and literacy programs.

[ARC 7750C, IAB 4/3/24, effective 5/8/24]

**877—32.2(84A) Program administration.** The department is designated as the agency responsible for administration of state and federally funded adult basic education programs and for supervision of the administration of adult basic education programs. The department is responsible for the allocation and distribution of state and federal funds awarded to eligible providers for adult basic education programs through a grant application in accordance with this chapter and with the state plan.

**32.2(1) Eligible providers.** Eligible providers are eligible entities as defined by the Adult Education and Family Literacy Act, 20 U.S.C. Ch. 73, and subsequent federal workforce training and adult education legislation, and approved by the department.

**32.2(2) Program components.**

*a.* The eligible provider will maintain the ability to provide the following adult education and literacy services as deemed appropriate by the community or needs of the students:

- (1) Adult basic education;
- (2) Programs for adults who are English learners;
- (3) Adult secondary education, including programs leading to the achievement of a high school equivalency certificate or high school diploma;
- (4) Instructional services provided by qualified instructors as defined in subrule 32.6(1) to improve student proficiencies necessary to function effectively in adult life, including accessing further education, employment-related training, or employment;
- (5) Assessment and guidance services adhering to the state’s assessment policy; and
- (6) Programs and services stipulated by current and subsequent federal and state adult education legislation.

*b.* Providers effectively use technology, services, and delivery systems, including distance education, in a manner sufficient to increase the amount and quality of student learning and performance.

c. Providers ensure a student acquires the skills needed to transition to and complete postsecondary education and training programs and obtain and advance in employment leading to economic self-sufficiency.

**32.2(3) Local planning.**

a. Adult education and literacy programs are to collaborate and enter into agreements with multiple partners in the community for the purpose of establishing a local plan. Such plans are to expand the services available to adult learners, align with the strategies and goals established by the state plan, and prevent duplication of services.

b. An adult education and literacy program's agreement will not be formalized until the local plan is approved by the department. A plan will be approved if the plan complies with the standards and criteria outlined in this chapter, federal adult education and family literacy legislation, and the strategies and goals of the state plan as defined in the local plan application.

c. Local plans may be approved by the state for single or multiple years.

**32.2(4) Federal funding.** Federal funds received by an adult education and literacy program are not to be expended for any purpose other than authorized activities pursuant to the Act.

**32.2(5) State funding.** Moneys received from state funding sources for adult education and literacy programs are to be used in the manner described in this subrule. All funds are to be used to expand services and improve the quality of adult education and literacy programs.

a. *Use of funds.* State funding may only be expended on:

- (1) Allowable uses pursuant to the Act.
- (2) High school equivalency testing and associated costs.

b. *Restrictions.* In expending state funding, adult education and literacy programs shall adhere to the allowable use provisions of the Act, except for administrative cost provisions.

c. *Reporting.* All reporting for state funding will adhere to a summary of financial transactions related to the adult education and literacy program's resources and expenses in a format prescribed by the department. Adult education and literacy programs will submit quarterly reports to the department on dates to be set by the department. A year-end report will be submitted to the department no later than October 1.

**32.2(6) English as a second language.** In addition to meeting subrules 32.2(1) through 32.2(5), English as a second language programs are to adhere to the following provisions.

a. *Distribution and allocation.* The department will prescribe the distribution and allocation of funding, based on need for instruction in English as a second language in the region served by each community college, as measured by census data, survey data, and local outreach efforts and results.

b. *Midyear reporting.* English as a second language programs will include a narrative describing the progress and attainment of benchmarks established by the department. The report is to be provided to the department midway through the academic year.

**32.2(7) Funding allocation.** The department will be responsible for the allocation and distribution of state and federal funds for adult basic education programs in accordance with these rules and with the state plan. The state has the right under federal legislation to establish the funding formula and to issue a competitive bidding process.

[ARC 7750C, IAB 4/3/24, effective 5/8/24]

**877—32.3(84A) References.** All references to the United States Code (U.S.C.) and Iowa Adult Education Professional Development Standards in this chapter are as amended to November 1, 2023.

[ARC 7750C, IAB 4/3/24, effective 5/8/24]

**877—32.4(84A) Career pathways.** Adult education and literacy programs may use state adult education and literacy education funding for activities related to the development and implementation of the basic skills component of a career pathways system.

**32.4(1) Collaboration.** Adult education and literacy programs are to coordinate with other available education, training, and social service resources in the community for the development of career pathways, such as by establishing strong links with elementary schools and secondary schools, postsecondary educational institutions, institutions of higher education, local workforce

boards, one-stop centers, job training programs, social service agencies, business and industry, labor organizations, community-based organizations, nonprofit organizations, and intermediaries.

**32.4(2) Use of state funds.** Only activities directly linked to adult education and literacy programs and instruction shall be funded with moneys received from state adult education and literacy funds. Consideration will be given to entities providing adult education and literacy activities concurrently with workforce preparation activities and workforce training for the purpose of educational and career advancement.

[ARC 7750C, IAB 4/3/24, effective 5/8/24]

**877—32.5(84A) Student eligibility.** A person seeking to enroll in an adult education and literacy program is eligible if the person meets the criteria in 29 U.S.C. Section 3272(4).

[ARC 7750C, IAB 4/3/24, effective 5/8/24]

**877—32.6(84A) Qualification of staff.** This rule applies to all staff hired after July 1, 2015. All staff hired prior to July 1, 2015, are exempt from this rule.

**32.6(1) Professional staff.** Professional staff providing instruction in an adult education and literacy program to students possess at minimum a bachelor's degree.

**32.6(2) Volunteer staff.** Volunteer staff possess at minimum a high school diploma or high school equivalency diploma.

[ARC 7750C, IAB 4/3/24, effective 5/8/24]

**877—32.7(84A) High-quality professional development.**

**32.7(1) Responsibility of program.** Adult education and literacy programs are responsible for providing professional development opportunities for professional and volunteer staff pursuant to this rule, including:

- a. Proper procedures for the administration and reporting of data;
- b. The development and dissemination of instructional and programmatic practices based on the most rigorous and scientifically valid research available; and
- c. Appropriate reading, writing, speaking, mathematics, English language acquisition, distance education, and staff training practices aligned with content standards for adult education.

**32.7(2) Professional development.** Professional development is to include formal and informal means of assisting professional and volunteer staff to:

- a. Acquire knowledge, skills, approaches, and dispositions;
- b. Explore new or advanced understandings of content, theory, and resources; and
- c. Develop new insights into theory and its application to improve the effectiveness of current practice and lead to professional growth.

**32.7(3) Professional development standards.** The department and entities providing adult education and literacy programs are to promote effective professional development and foster continuous instructional improvement. Professional development is to incorporate the following standards:

- a. Strengthens professional and volunteer staff knowledge and application of content areas, instructional strategies, and assessment strategies based on research;
- b. Prepares and supports professional and volunteer staff in creating supportive environments that help adult learners reach realistic goals;
- c. Uses data to drive professional development priorities, analyze effectiveness, and help sustain continuous improvement for adult education and literacy programs and learners;
- d. Uses a variety of strategies to guide adult education and literacy program improvement and initiatives;
- e. Enhances abilities of professional and volunteer staff to evaluate and apply current research, theory, evidence-based practices, and professional wisdom;
- f. Models or incorporates theories of adult learning and development; and
- g. Fosters adult education and literacy program, community, and state-level collaboration.

**32.7(4) Provision of professional development.** Adult education and literacy program staff are to participate in professional development activities that are related to their job duties and improve the

quality of the adult education and literacy program with which the staff is associated. All professional development activities will be in accordance with the published Iowa Adult Education Professional Development Standards.

*a.* All professional staff are to receive at least 12 clock hours of professional development annually. Professional staff who possess a valid Iowa teacher certificate are exempt from this paragraph.

*b.* All professional staff new to adult education are to receive six clock hours of preservice professional development prior to, but no later than, one month after starting employment with an adult education program. Preservice professional development may apply toward the professional development described in paragraph 32.7(4) “*a.*”

*c.* Volunteer staff are to receive 50 percent of the professional development in paragraphs 32.7(4) “*a.*” and “*b.*”

**32.7(5) *Individual professional development plan.*** Adult education and literacy programs are to develop and maintain a plan for hiring and developing quality professional staff that includes all of the following:

*a.* An implementation schedule for the plan.

*b.* Orientation for new professional staff.

*c.* Continuing professional development for professional staff.

*d.* Procedures for accurate record keeping and documentation for plan monitoring.

*e.* Specific activities to ensure that professional staff attain and demonstrate instructional competencies and knowledge in related adult education and literacy fields.

*f.* Procedures for collection and maintenance of records demonstrating that each staff member has attained or documented progress toward attaining minimal competencies.

*g.* Provision that all professional staff will be included in the plan. The plan may be differentiated for each type of employee.

**32.7(6) *Waiver.*** The time for professional development may be reduced by local adult education and literacy programs in individual cases where exceptional circumstances prevent staff from completing the specified hours of professional development. Documentation is to be kept that justifies the granting of a waiver. Requests for exemption from staff qualification requirements in individual cases will be kept on record and available to the department for review upon request.

**32.7(7) *Monitoring.*** Each program will maintain records of staff qualifications and professional development for five years, which will be available to department staff for monitoring upon request.  
[ARC 7750C, IAB 4/3/24, effective 5/8/24]

## **877—32.8(84A) Performance and accountability.**

**32.8(1) *Accountability system.*** Adult education and literacy programs shall adhere to the standards established by the Act in the use and administration of the accountability system, as well as this rule. The accountability system will be a statewide system to include enrollment reports, progress indicators and core measures.

### **32.8(2) *Performance indicators.***

*a. Compliance.* Adult education and literacy programs will adhere to the policies and procedures outlined in the state assessment policy. Data will be submitted by the tenth day of each month or, should that day fall outside of standard business hours, the first Monday following the tenth day of the month. All adult education and literacy programs will comply with data quality reviews and complete quality data checks to ensure federal compliance with reporting.

*b. Determination of progress.* Upon administration of a standardized assessment, within the first 12 hours of attendance, adult education and literacy programs will place eligible students at an appropriate level of instruction. Progress assessments will be administered after the recommended hours of instruction as published in the state assessment policy.

*c. Core measures.* Federal and state adult education and literacy legislation has established data for reporting core measures, including percentage of participants in unsubsidized employment during the second and fourth quarter after exit from the program; median earnings; percentage of participants



who obtain a postsecondary credential or diploma during participation or within one year after exit from the program; participants achieving measurable skill gains; and effectiveness in serving employers.  
[ARC 7750C, IAB 4/3/24, effective 5/8/24]

These rules are intended to implement Iowa Code section 84A.19.

[Filed 3/27/81, Notice 2/4/81—published 4/15/81, effective 5/20/81]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed 1/14/94, Notice 10/27/93—published 2/2/94, effective 3/9/94]

[Filed ARC 8645B (Notice ARC 8389B, IAB 12/16/09), IAB 4/7/10, effective 5/12/10]

[Filed ARC 1775C (Notice ARC 1672C, IAB 10/15/14), IAB 12/10/14, effective 1/14/15]

[Filed ARC 6724C (Notice ARC 6584C, IAB 10/5/22), IAB 12/14/22, effective 1/18/23]

[Editorial change: IAC Supplement 8/23/23]

[Filed ARC 7750C (Notice ARC 7574C, IAB 2/7/24), IAB 4/3/24, effective 5/8/24]



CHAPTER 33  
IOWA VOCATIONAL REHABILITATION SERVICES

[Prior to 9/7/88, see Public Instruction Department[670] Ch 35]

[Prior to 8/23/23, see Education Department[281] Ch 56]

**877—33.1(84H) Nature and responsibility of division.** The division of vocational rehabilitation services is established in the department of workforce development and is responsible for providing services to potentially eligible and eligible individuals with disabilities leading to competitive integrated employment in accordance with Iowa Code chapter 84H, the federal Rehabilitation Act of 1973, the federal Social Security Act (42 U.S.C. Section 301, et seq.), and the corresponding federal regulations. [ARC 7751C, IAB 4/3/24, effective 5/8/24]

**877—33.2(84H) Nondiscrimination.** The division shall not discriminate on the basis of age, race, creed, color, gender, sexual orientation, gender identity, national origin, religion, duration of residency, or disability in the determination of a person's eligibility for rehabilitation services and in the provision of necessary rehabilitation services. [ARC 7751C, IAB 4/3/24, effective 5/8/24]

**877—33.3(84H) References.** All references to the Code of Federal Regulations (CFR) and United States Code (U.S.C.) in this chapter are as amended to November 1, 2023. [ARC 7751C, IAB 4/3/24, effective 5/8/24]

**877—33.4(84H) Definitions.** For the purpose of this chapter, the indicated terms are defined as follows:

“*Act*” means the federal Rehabilitation Act of 1973 as codified at 29 U.S.C. Section 701, et seq.

“*Aggregate data*” means information about one or more aspects of division job candidates, or from some specific subgroup of division job candidates, but from which personally identifiable information on any individual cannot be discerned.

“*Applicant*” means an individual or the individual's representative, as appropriate, who has completed the Iowa vocational rehabilitation services (IVRS) Application for Services (R-412), a common intake application form through a one-stop center requesting IVRS services, or has otherwise requested services from IVRS; has provided to IVRS information necessary to initiate an assessment to determine eligibility and priority for services; is available to complete the assessment process; and has reviewed and signed the Rights and Responsibilities (IPE-1).

“*Appropriate modes of communication*” means the same as defined in 34 CFR Section 361.5(4).

“*Assessment for determining eligibility or in the development of an IPE*” means a review of existing data and, to the extent necessary, the provision of appropriate assessment activities to obtain additional information to make a determination and to assign the priority for services or development of an IPE.

“*Assistive technology device*” means the same as defined in Section 3 of the Assistive Technology Act of 1998.

“*Assistive technology service*” means the same as defined in Section 3 of the Assistive Technology Act of 1998.

“*Benefits planning*” means assistance provided to an individual who is interested in becoming employed, but is uncertain of the impact work income may have on any disability benefits and entitlements being received, and is or is not aware of benefits, such as access to health care, that might be available to support employment efforts.

“*Case record*” means the file of personally identifiable information, whether written or electronic in form, on an individual that is collected to carry out the purposes of the division as defined in the Act. This information remains a part of the case record and is subject to these rules even when temporarily physically removed, either in whole or in part, from the file folder in which it is normally kept.

“*Community rehabilitation program*” or “*CRP*” means the same as defined in 34 CFR Section 361.5(7).

“*Comparable services and benefits*” means the same as defined in 34 CFR Section 361.5(8).

“*Competitive integrated employment*” means the same as defined in 34 CFR Section 361.5(9).

*“Competitive integrated work setting,”* with respect to the provision of services, means a setting, typically found in the community, in which applicants or eligible individuals interact with nondisabled individuals, other than nondisabled individuals who are providing services to those applicants or eligible individuals, and said interaction is consistent with the quality of interaction that would normally occur in the performance of work by the nondisabled coworkers.

*“Customized employment”* means the same as defined in 34 CFR Section 361.5(11).

*“Department”* means the department of workforce development.

*“Designated representative”* means any representative chosen by an applicant or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the designated representative.

*“Designated state unit”* or *“DSU”* means Iowa vocational rehabilitation services.

*“Division”* or *“IVRS”* means Iowa vocational rehabilitation services.

*“Eligible individual”* means an applicant for services from the division who meets the eligibility requirements.

*“Employment outcome”* means the same as defined in 34 CFR Section 361.5(15).

*“Extended employment”* means the same as defined in 34 CFR Section 361.5(18).

*“Extended services”* means the same as defined in 34 CFR Section 361.5(19).

*“Family income,”* for purposes of calculating the financial participation rate for services, means those who are financially responsible for the support of the job candidate and may involve individuals who live in the same or separate households including partners and spouses.

*“Family member,”* for purposes of vocational rehabilitation services, means any individual who lives with the individual with a disability and has a vested interest in the welfare of that individual whether by marriage, birth, or choice. A family member is an individual who either (1) is a relative or guardian of an applicant or job candidate, or (2) lives in the same household as an applicant or job candidate, who has a substantial interest in the well-being of the applicant or job candidate, and whose receipt of vocational rehabilitation services is necessary to enable the applicant or job candidate to achieve an employment outcome.

*“IDEA”* means the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

*“Impartial hearing officer”* or *“IHO”* means the same as defined in 34 CFR Section 361.5(24).

*“Independent living services”* or *“IL services”* means services authorized under Title VII, Chapter 1, Part B, of the Rehabilitation Act of 1973.

*“Individualized plan for employment”* or *“IPE”* means a plan that specifies the services needed by an eligible individual and the responsibilities of the individual with a disability and other payers. An IPE contains the matter set forth in or permitted by 34 CFR Section 361.46.

*“Individual with a disability”* means the same as defined in 34 CFR Section 361.5(28).

*“Individual with a most significant disability”* means the same as defined in 34 CFR Section 361.5(29).

*“Individual with a significant disability”* means the same as defined in 34 CFR Section 361.5(30).

*“Institution of higher education”* or *“IHE”* means the same as defined in Section 102(a) of the Higher Education Act of 1965.

*“Job candidate”* means an applicant or eligible individual applying for or receiving benefits or services from any part of the division and includes former job candidates of the division whose files or records are retained by the division.

*“Job retention waiting list release”* means the mechanism used to remove a job candidate from the division waiting list when the individual is at immediate risk of losing the job and requires vocational rehabilitation service(s) or good(s) in order to maintain employment. This applies only for those service(s) or good(s) that will allow the individual to maintain employment. After the individual receives said service(s) or good(s), the individual’s file will be closed if the individual is satisfied with the services provided and requires no further services. If there are additional services needed, the individual will return to the waiting list, if necessary, until that point where the individual’s priority of service is being served.

*“Maintenance”* means the same as defined in 34 CFR Section 361.5(34).

*“Mediation”* means the same as defined in 34 CFR Section 361.5(35).

*“Menu of services”* means the services provided by community partners to assist an individual with a disability in achieving an employment outcome. Menu of services refers to various services that the division is able to purchase from an approved CRP or other approved provider on behalf of a job candidate. The services are selected and jointly agreed upon by the counselor and job candidate of the division. Payments for services are made based on a fee structure that is published and updated annually, and there is no financial needs assessment applied toward the costs of these purchased services from the community partner.

*“Ongoing support services”* means the same as defined in 34 CFR Section 361.5(37).

*“Personal assistance services”* means the same as defined in 34 CFR Section 361.5(38).

*“Physical or mental impairment”* means the same as defined in 34 CFR Section 361.5(40).

*“Physical or mental restoration services”* means the same as defined in 34 CFR Section 361.5(39).

*“Plan for natural supports”* means a plan initiated prior to the implementation of the supported employment program that describes the natural supports to be used on the job; the training provided to the supervisor and mentor on the job site; the technology used in the performance of the work; the rehabilitation strategies and trainings that will be taught to the mentor in order to support and direct the job candidate on the job; the supports needed outside of work for the job candidate to be successful; and the methods by which the employer can connect with the job candidate’s job coach/IVRS staff member, or the training program when the need arises.

*“Postemployment services”* means the same as defined in 34 CFR Section 361.5(41).

*“Potentially eligible”* for the purposes of preemployment transition services means all students with disabilities. A student is considered potentially eligible until the student has applied for services and an eligibility decision has been determined.

*“Preemployment transition services”* or *“pre-ETS”* means those services specified in 34 CFR Section 361.48(a).

*“Recognized educational program”* includes secondary education programs, nontraditional or alternative secondary education programs (including homeschooling), postsecondary education programs, and other recognized educational programs such as those offered through the juvenile justice system.

*“Rehabilitation technology”* means the same as defined in 34 CFR Section 361.5(45).

*“Satisfactory employment”* means stable employment in a competitive integrated employment setting that is consistent with the individual’s IPE and acceptable to both the individual and the employer.

*“Self-employment services”* means services to assist individuals with disabilities to achieve a self-employment outcome consistent with the individual’s abilities, preferences and needs. Self-employment is a vocational option through the division that is available only to for-profit businesses intended for operation within the state of Iowa. The division provides two options within the program, which include the full self-employment program and micro-enterprise development. These services provide information, strategies and resources to help the business become self-sustaining while assisting the individual in assuring all necessary supports are in place for long-term success.

*“Status”* means the existing condition or position of a case. The specific case statuses are as follows:

1. 00-0 Referral for services.
2. 01-0 Potentially eligible student.
3. 01-1 Closed from potentially eligible.
4. 02-0 Applicant.
5. 04-0 Waiting list.
6. 08-0 Closed before acceptance (from Status 02-0).
7. 10-0 Accepted for services (plan development) adults.
8. 10-1 Accepted for services (plan development) high school students.
9. 14-0 Counseling and guidance.
10. 16-0 Physical and mental restoration.

11. 18-\_\_ Training.
  - 18-1 Work adjustment training/assessment.
  - 18-2 On-the-job training.
  - 18-3 Vocational-technical training.
  - 18-4 Academic training.
  - 18-5 Secondary education.
  - 18-6 Supported employment.
  - 18-7 Other types of training (including nonsupported employment job coaching, job development, ISE).
12. 20-0 Ready for employment.
13. 22-0 Employed.
14. 24-0 Services interrupted.
15. 26-0 Closed rehabilitated.
16. 28-0 Closed after IPE initiated (from Status 14-0 through 24-0).
17. 30-0 Closed before IPE initiated (from Status 10-\_\_).
18. 32-0 Postemployment services (from Status 26-0).
19. 33-\_\_ Closed after postemployment services (from Status 32-0).
  - 33-1 Individual is returned to suitable employment or the employment situation is stabilized.
  - 33-2 The case has been reopened for comprehensive vocational rehabilitation services.
  - 33-3 The postemployment services are no longer assisting the individual and further services would be of no assistance.
20. 38-0 Closed from Status 04-0 (individual does not meet one of the waiting list categories, and the individual no longer wants to remain on the waiting list or fails to respond when contacted because individual's name is at the top of the waiting list).

*“Student with a disability”* means an individual with a disability in a secondary, postsecondary, or other recognized education program who is not younger than 14 years of age and not older than 21 years of age; and is eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act or is a student who is an individual with a disability, for purposes of Section 504.

*“Substantial impediment to employment”* means the same as defined in 34 CFR Section 361.5(52).

*“Supported employment”* means the same as defined in 34 CFR Section 361.5(53).

*“Supported employment services”* means the same as defined in 34 CFR Section 361.5(54).

*“Transition services”* means the same as defined in 34 CFR Section 361.5(55).

*“Transportation”* means the same as defined in 34 CFR Section 361.5(56).

*“Vocational rehabilitation services”* means the same as defined in 34 CFR Section 361.5(57).

*“Waiting list”* means the listings of eligible individuals for vocational rehabilitation services who are not in a category being served, otherwise known as “order of selection” under the Workforce Innovation and Opportunity Act of 2014.

*“Youth with a disability”* means the same as defined in 34 CFR Section 361.5(58).

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

## **877—33.5(84H) Referral and application for services.**

### **33.5(1) General.**

*a.* The division has established and implemented standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services, including referrals of individuals made through the one-stop service delivery systems under Section 121 of the Workforce Innovation and Opportunity Act. The standards include timelines for making good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services.

*b.* A referral for a student with a disability requesting pre-ETS includes completion of the pre-ETS agreement.

c. Once an individual has submitted an application for vocational rehabilitation services, including applications made through common intake procedures in one-stop centers under Section 121 of the Workforce Innovation and Opportunity Act, an eligibility determination is to be made within 60 days, unless exceptional and unforeseen circumstances beyond the control of the division preclude making an eligibility determination within 60 days and the division and the individual agree to a specific extension of time.

d. An individual is considered to have submitted an application when the individual or the individual's representative, as appropriate, has completed an agency application form including written consent; has completed a common intake application form in a one-stop center requesting vocational rehabilitation services or has otherwise requested services from the division; has provided to the division information necessary to initiate an assessment to determine eligibility and priority for services; and is available to complete the assessment process. The division ensures that its application forms are widely available throughout the state, particularly in the one-stop centers under Section 121 of the Workforce Innovation and Opportunity Act.

e. The division will refer applicants or eligible individuals to appropriate programs and service providers best suited to address the specific rehabilitation, independent living and employment needs of the individual with a disability. Individuals with the most significant disabilities who are working at subminimum wage in a nonintegrated setting are provided information about competitive integrated employment and support from the division, once known to the division, by qualified personnel and partners with the goal of assisting said individuals to pursue competitive integrated employment.

f. The division will inform those who decide against pursuit of employment that services may be requested at a later date if, at that time, they choose to pursue an employment outcome.

**33.5(2) *Individuals who are blind.*** Pursuant to rule 111—10.4(216B), individuals who meet the department for the blind (IDB) definition of “blind” are to be served primarily by IDB. Joint cases are served pursuant to any applicable memorandum of agreement executed between the division and IDB. [ARC 7751C, IAB 4/3/24, effective 5/8/24]

### **877—33.6(84H) Eligibility for vocational rehabilitation services.**

#### **33.6(1) *General.***

a. Eligibility for vocational rehabilitation services will be determined upon the basis of the following:

- (1) A determination by a qualified rehabilitation counselor that the applicant has a physical or mental impairment documented by a qualified provider;
- (2) A determination by a qualified rehabilitation counselor that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant; and
- (3) A determination by a qualified vocational rehabilitation counselor that the applicant requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

b. For purposes of an assessment for determining eligibility and vocational rehabilitation needs, an individual is presumed to have a goal of an employment outcome. The applicant's completion of the application process for vocational rehabilitation services is sufficient evidence of the individual's intent to achieve an employment outcome. If at any time the individual decides to no longer pursue competitive integrated employment, the individual is no longer eligible for division services.

**33.6(2) *Presumptions.*** A presumption exists that the applicant who meets the eligibility provisions in subparagraphs 33.6(1)“a”(1) and 33.6(1)“a”(2) can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. Any applicant who has been determined eligible for social security benefits under Title II or Title XVI of the Social Security Act based on the applicant's own disability is presumed eligible for vocational rehabilitation services and is considered an individual with a significant disability. IVRS staff are to verify the applicant's eligibility. Recipients who demonstrate eligibility under subrule 33.6(1) are to also demonstrate need in the IPE under subrule 33.6(3). Nothing in this rule automatically entitles a recipient of social security disability insurance

or supplemental security income payments to any good or service provided by the division. Qualified IVRS personnel will identify and document the individual as a recipient of social security benefits based on disability, and the determination of impediments to employment and need for services will be documented by the qualified rehabilitation counselor.

**33.6(3) Standards for ineligibility.** If the division determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an IPE is no longer eligible for services, including pre-ETS, the division will comply with 34 CFR Section 361.43.

**33.6(4) Residency.** There is no duration of residency requirement; however, an individual seeking services from the agency must be present and available for participation in services.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

### **877—33.7(84H) Other eligibility and service determinations.**

#### **33.7(1) Waiting list.**

*a.* As set forth in the Act and 34 CFR Section 361.36, if the division cannot serve all eligible individuals who apply, the division shall develop and maintain a waiting list for services based on significance of disability. The three categories of waiting lists are as follows, listed in order of priority to be served:

- (1) Most significantly disabled;
- (2) Significantly disabled; and
- (3) Others eligible.

*b.* An individual's order of selection is determined by the waiting list and the date on which the individual applied for services from IVRS. All waiting lists are statewide in scope; no regional lists are to be maintained. Assessment of the significance of an applicant's disability is done during the process of determining eligibility but may continue after the individual has been placed on a waiting list. Individuals who do not meet the order of selection criteria will have access to services provided through information and referral. The division will provide the individual:

- (1) A notice of the referral;
- (2) Information identifying a specific point of contact at the agency to which the individual is referred; and
- (3) Information and advice on the referral regarding the most suitable services to assist the individual.

*c.* Job retention services are available for those individuals who meet the requirements for those services.

#### **33.7(2) Options for individualized plan for employment (IPE) development.**

*a.* The division provides information on the available options for developing the IPE, including the option that an eligible individual, or as appropriate, the individual's representative, may develop all or part of the IPE without assistance from the division or other entity; or with assistance from:

- (1) A qualified vocational rehabilitation counselor employed by IVRS;
- (2) A qualified vocational rehabilitation counselor not employed by IVRS;
- (3) A disability advocacy organization, such as the CAP or Disability Rights Iowa (DRI), or any other advocacy organization of the individual's choosing; or
- (4) Resources other than those mentioned above, such as the individual's case manager or a representative of the division under the guidance of a division vocational rehabilitation counselor.

*b.* The IPE is not approved or put into practice until it is discussed and reviewed; amended, if applicable; and approved by the job candidate and the vocational rehabilitation counselor employed by the division.

*c.* There is no compensation for any expenses incurred while the IPE is developed with any entity not employed by the division.

*d.* If the job candidate is not on the division waiting list and needs some assessment services to develop the IPE, the job candidate is to discuss the needs in advance with the division counselor and obtain prior approval if financial assistance is needed from the division to pay for the assessment service.



e. For individuals entitled to benefits under Title II or XVI of the Social Security Act on the basis of a disability or blindness, the division must provide to the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning.

f. The job candidate's signature on the IPE verifies the ticket assignment to the division unless otherwise directed by the job candidate.

g. The IPE implementation date begins on the date of the division counselor's signature.

**33.7(3)** *Content of the individualized plan for employment (IPE).* Each IPE will contain the content specified in 34 CFR Section 361.46.

No expenditures associated with the job candidate-developed plan are the responsibility of IVRS, unless agreed to and approved by the IVRS counselor. Written approval for services must be obtained prior to any IVRS financial obligation.

All IPE services are provided, unless amended and determined unnecessary. The division exercises its discretion in relation to the termination or amendment of the individual's IPE when, for any reason, it becomes evident that the IPE cannot be completed.

**33.7(4)** *Scope of services.*

a. Preemployment transition services (pre-ETS). In collaboration with the local educational agencies involved, the division ensures that pre-ETS are arranged and available to all students with disabilities, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services, as defined in 34 CFR Section 361.5(c)(51). Pre-ETS include:

(1) Required activities. The division is to provide the following activities:

1. Job exploration counseling;
2. Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
4. Workplace readiness training to develop social skills and independent living; and
5. Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

(2) Authorized activities. Funds available and remaining after the provision of the required activities may be used to improve the transition of students with disabilities from school to postsecondary education or an employment outcome by:

1. Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
2. Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently; participate in postsecondary education experiences; and obtain, advance in and retain competitive integrated employment;
3. Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
4. Disseminating information about innovative, effective, and efficient approaches to achieve the goals of this rule;
5. Coordinating activities with transition services provided by local educational agencies under the IDEA;
6. Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel in order to better achieve the goals of this rule;
7. Developing model transition demonstration projects;
8. Establishing or supporting multistate or regional partnerships involving states, local educational agencies, designated state units, developmental disability agencies, private businesses, or other participants to achieve the goals of this rule; and

9. Disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved and underserved populations.

(3) Preemployment transition coordination. Each local office of a designated state unit must carry out responsibilities consisting of:

1. Attending individualized education program meetings for students with disabilities, when invited;

2. Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;

3. Working with schools, including those carrying out activities under Section 614(d) of the IDEA, to coordinate and ensure the provision of preemployment transition services under this rule; and

4. When invited, attending person-centered planning meetings for individuals receiving services under Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.).

(4) Completion of the pre-ETS agreement outlines the agreed-upon preemployment transition services needed by the student with a disability. When it is necessary to purchase these services, written prior approval must be obtained from the division.

Once an individual applies for services, the division may provide certain services (e.g., assessments for the determination of eligibility and plan development). The preemployment transition services listed above may continue for students with disabilities (as applicable).

*b.* Vocational services for eligible individuals not on a waiting list are services described in an IPE and are necessary to assist the eligible individual in preparing for, obtaining, retaining, regaining, or advancing in employment if the failure to advance is due to the disability, consistent with informed choice. Funding for such services is provided in accordance with the division policies. The services include:

(1) Assessment for determining services needed to achieve competitive integrated employment;

(2) Counseling and guidance, which means career counseling to provide information and support services to assist the eligible individual in making informed choices;

(3) Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce development system, and through agreements with other organizations and agencies as well as advising individuals about the client assistance program;

(4) Job-related services to facilitate the preparation for, obtaining of, and retaining of employment to include job search, job development, job placement assistance, job retention services, follow-up services and follow-along if necessary and required under the IPE;

(5) Vocational and other training services, including personal and vocational adjustment training; advanced training in, but not limited to, a field of science, technology, engineering, mathematics (including computer science), medicine, law, or business; books, tools, and other training materials, except that no training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing or any other postsecondary education institution) may be paid for with IVRS funds unless maximum efforts have been made by the designated state unit and the individual to secure grant assistance in whole or in part from other sources to pay for that training, in accordance with the definition of that term in 34 CFR Section 361.48(b)(6);

(6) Physical and mental treatment may be provided to the extent that financial support is not readily available from another source other than IVRS, such as health insurance of the individual or a comparable service or benefit, as defined in 34 CFR Section 361.5(c)(39), and said treatment is essential to the progression of the individual to achieve the competitive integrated employment outcome according to the following provisions:

1. The service is necessary for the job candidate's satisfactory occupational adjustment;

2. The condition causing the disability is relatively stable or slowly progressive;

3. The condition is of a nature that treatment may be expected to remove, arrest, or substantially reduce the disability within a reasonable length of time;

4. The prognosis for life and employability is favorable.
- (7) Maintenance services as defined in 34 CFR Section 361.5(c)(34), to the extent that the costs of maintenance shall not exceed the amount of increased expenses that the rehabilitation causes for the job candidate or the job candidate's family. Maintenance is not intended to provide relief from poverty or abject living conditions. Guidance regarding the financial support of maintenance is available from the division's policy manual;
- (8) Transportation in connection with the provision of any vocational rehabilitation service and as defined in 34 CFR Section 361.5(c)(57), to the extent that when necessary to enable an applicant or a job candidate to participate in or receive the benefits of other vocational rehabilitation services, travel and related expenses, including expenses for training in the use of public transportation vehicles and systems, may be provided by the division. Transportation services may include the use of private or commercial conveyances (such as private automobile or van, public taxi, bus, ambulance, train, or plane) or the use of public transportation and coordination with a regional transit agency;
- (9) Vocational rehabilitation services to family members, as defined in 34 CFR Section 361.5(c)(23), of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome;
- (10) Interpreter services, including sign language and oral interpreter services, for individuals who are deaf or hard of hearing and tactile interpreting services;
- (11) Supported employment services as defined in 34 CFR Section 361.5(c)(42);
- (12) Occupational licenses, tools, equipment, initial stocks and supplies;
- (13) Rehabilitation technology as defined in 34 CFR Section 361.5(c)(45), including vehicular modification, telecommunications, sensory, and other technological aids and devices;
- (14) Transition services for a student or youth with a disability that facilitate the transition from school to postsecondary life, such as achievement of an employment outcome in competitive integrated employment, or preemployment transition services for students;
- (15) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce development system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
- (16) Customized employment as defined in 34 CFR Section 361.5(c)(11); and
- (17) Other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

**33.7(5) *Specific services requiring financial assessment.***

*a.* Financial need must be established prior to the provision of certain services at the division's expense and is evidenced by use of the financial inventory needs tool utilized by the division. No financial needs test will occur for the following services:

- (1) Assessment for eligibility and priority of services and determining vocational rehabilitation needs under 34 CFR Section 361.48(b)(2);
- (2) Vocational rehabilitation counseling and guidance under 34 CFR Section 361.48(b)(3);
- (3) Referral and other services under 34 CFR Section 361.48(b)(4);
- (4) Job-related services under 34 CFR Section 361.48(b)(12);
- (5) Personal assistance services under 34 CFR Section 361.48(b)(14); and
- (6) Any auxiliary aid or service (e.g., interpreter services under 34 CFR Section 361.48(b)(10) or reader services under 34 CFR Section 361.48(b)(11)) that an individual with a disability requires.

*b.* Recipients of SSDI/SSI and foster care youth are not subject to a financial needs test but must demonstrate eligibility under subrule 33.6(1) and rule 877—33.5(84H), as well as demonstrate need in the IPE.

- (1) For the determination of financial need, the individual and the individual's family (when applicable) are required to provide information regarding all family income from any source that may be applied toward the cost of rehabilitation services, other than those services mentioned above, where the financial needs test does not apply. Family is considered to be any individuals who are financially

responsible for the support of the job candidate, regardless of whether they reside in the same or separate households. A comparable services and benefits search is required for some services. The division shall not pay for more than the balance of the cost of services minus comparable services and benefits for the individual's documented contribution. When an individual refuses to supply information for the financial needs test, the individual assumes 100 percent responsibility for the costs of the rehabilitation.

(2) The division shall observe the following policies in deciding financial need based upon the findings:

1. All services requiring the determination of financial need are provided on the basis of supplementing the resources of the individual or of those responsible for the individual.

2. A division supervisor may grant an exception in cases where the individual's disability caused, or is directly related to, financial need and where all other sources of money have been exhausted by the individual and the guardian of the individual (when applicable).

3. Consideration will be given to the individual's responsibility for the immediate needs and maintenance of the individual's dependents, and the individual is expected to reserve sufficient funds to meet the individual's family obligations and to provide for the family's future care, education and medical expenses.

4. Income up to a reasonable amount should be considered and determined based on the federal poverty guidelines associated with family size, income, and exclusions.

5. General assistance from state or federal sources is disregarded as a resource unless the assistance is a grant award for postsecondary training.

6. Grants and scholarships based on merit, while not required to be searched for as a comparable benefit, may be considered as part of the determination of financial support of a plan when a request is beyond the basic support for college. Public grants and institutional grants or scholarships not based on merit are considered a considerable benefit.

7. The division does not fund services for which another entity is responsible.

8. The division seeks and purchases the most economical goods (items/models) or services that meet the individual's vocational needs.

9. Goods and services are only authorized to those facilities and entities qualified and equipped to provide such goods and services.

**33.7(6) *Maximum rates of payment to training facilities.*** In no case shall the amount paid to a training facility exceed the rate published, and in the case of facilities not having published rates, the amount paid to the facility is not to exceed the amount paid to the facility by other public agencies for similar services. The division will maintain information necessary to justify the rates of payment made to training facilities.

**33.7(7) *Areas in which exceptions are unavailable.*** Pursuant to federal law, an exception will not be granted for any requirements that do not allow for such an exception (e.g., eligibility, mandatory contents of the individualized plan for employment).

**33.7(8) *Exceptions to duration of services.*** As required by the Act and 34 CFR Section 361.50(d), the division will have a method of allowing for exceptions to its rules regarding the duration of services. In order to exceed the duration of service as defined in the IPE, a job candidate must follow through on the agreed-upon IPE and related activities and keep the division informed of the job candidate's progress. [ARC 7751C, IAB 4/3/24, effective 5/8/24]

### **877—33.8(84H) Purchasing principles for individual-specific purposes.**

**33.8(1)** The division will follow the administrative rules for purchasing goods and services promulgated by the department of administrative services.

**33.8(2)** The division shall purchase only those items or models that allow for a job candidate to meet the job candidate's vocational objective. The division shall not pay for additional features that exceed the requirements to meet a job candidate's vocational objective or that serve primarily to enhance the job candidate's personal life.

**33.8(3)** The division shall seek out and purchase the most economical item or model that meets the job candidate's vocational needs.

**33.8(4)** The division shall encourage all job candidates to develop strategies and savings programs to pay for replacement items/models or upgrades.

**33.8(5)** Items purchased for a job candidate become the property of the job candidate but may be repossessed by the division, subject to reimbursement to the job candidate for the job candidate's share of the purchase price, if the job candidate does not attain employment prior to case closure.

**33.8(6)** The division shall inform the job candidate that any change to planned purchases must be discussed and approved jointly before a purchase is made.

**33.8(7)** The division will not participate in the modification to property not owned by the job candidate or the job candidate's family without a division-approved exception to policy.

**33.8(8)** When considering what item or model to purchase for a specific job candidate, the division shall in all cases consider the following factors:

*a.* Whether the item or model is required for the job candidate to be able to perform the essential functions of the job candidate's job.

*b.* Whether other parties or entities may be responsible for providing or contributing to the costs of an item.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

**877—33.9(84H) Review, mediation and appeal processes.** At all times throughout the rehabilitation process, individuals accessing any IVRS services shall be informed of the right to appeal or mediation and the procedures by which to file. If an individual is dissatisfied with any agency decision that directly affects the individual, the individual or designated representative may appeal that decision or request mediation. The term "appellant" shall be used to indicate the individual or designated representative who initiates an appeal. The appellant may initiate the appeal process either by calling a counselor or supervisor or by filing the appropriate division appeal form, available from any counselor or supervisor of the division. If the appeal process or mediation is initiated by telephone, the counselor or supervisor who received the call is to complete the appeal form to the best of that person's ability with information from the appellant. The division shall accept as an appeal or request for mediation a written letter, facsimile, or electronic mail that indicates that the applicant or job candidate desires to appeal or seek mediation. An appeal or mediation request must be filed within 90 days of notification of the disputed decision. Once the appeal form or request for mediation has been filed with the division administrator, a hearing is to be held before an IHO or mediator within the next 60 days unless an extension of time is mutually agreed upon or one of the parties shows good cause for an extension or one of the parties declines mediation. The appellant may request that the appeal go directly to impartial hearing, but the appellant shall be offered the opportunity for a supervisor review or mediation. The appellant may request assistance with an appeal or mediation from the Iowa client assistance program (ICAP) at any time in the appeal process.

**33.9(1) Supervisor review.** As a first step, the appellant shall be advised that a supervisor review of the counselor's decision may be requested by notifying the counselor or supervisor in person, by telephone or by letter of the decision to appeal. If the supervisor has been involved in decisions in the case to the extent that the supervisor cannot render a fair and impartial decision or if the supervisor is not available to complete the review in a timely manner, the appeal and case file shall be forwarded to the bureau chief for review. The appellant is not required to request supervisor review as a prerequisite for appeal before an IHO; however, if a supervisor review is requested, the following steps shall be observed:

*a.* Upon receipt of a request for supervisor review, the supervisor shall notify all appropriate parties of the date and nature of the appeal; examine case file documentation; discuss the issues and reasons for the decision with the immediate counselor and other counselors who may have been previously involved with the case or issue; and, if necessary, meet with any or all parties to discuss the dispute.

*b.* The supervisor shall have ten working days from receipt of the request for supervisor review to decide the issue and notify the appellant in writing. A copy of the supervisor's decision shall be sent to all appropriate parties.

*c.* If the supervisor's decision is adverse to the appellant, the copy of the written decision given to the appellant shall include further appeal procedures, including notification that the appellant has ten days from the date of the letter to file further appeal.

*d.* As an alternative to, but not to the exclusion of, filing for further appeal, the appellant may request mediation of the supervisor's decision or review by the chief of the rehabilitation services bureau.

**33.9(2) Mediation.** Regardless of whether a supervisor review is requested, an appellant may use the mediation procedures set forth in 34 CFR Section 361.57(d).

**33.9(3) Hearing before an impartial hearing officer.** Regardless of whether the appellant has used supervisor review or mediation or both, if the appellant requests a hearing before an IHO, the following provisions apply:

*a.* The division shall appoint the IHO from the pool of impartial hearing officers with whom the division has contracts. The IHO shall be assigned on a random basis or by agreement between the administrator of the division and the appellant.

*b.* The hearing shall be held within 20 days of the receipt of the appointment of the IHO. A written decision shall be rendered and given to the parties by the IHO within 30 days after completion of the hearing. Either or both of these time frames may be extended by mutual agreement of the parties or by a showing of good cause by one party.

*c.* The appellant shall be informed that the filing of an appeal confers consent for the release of the case file information to the IHO. The IHO shall have access to the case file or a copy thereof at any time following acceptance of the appointment to hear the case.

*d.* Within five working days after appointment, the IHO shall notify both parties in writing of the following:

- (1) The role of the IHO;
- (2) The IHO's understanding of the reasons for the appeal and the requested resolution;
- (3) The date, time, and place for the hearing, which shall be accessible and located as advantageously as possible for both parties but more so for the appellant;
- (4) The availability of the case file for review and copying in a vocational rehabilitation office prior to the hearing and how to arrange for the same;
- (5) That the hearing shall be closed to the public unless the appellant specifically requests an open hearing;
- (6) That the appellant may present evidence and information personally, may call witnesses, may be represented by counsel or other appropriate advocate at the appellant's expense, and may examine all witnesses and other relevant sources of information and evidence;
- (7) The availability to the appellant of the ICAP for possible assistance;
- (8) Information about the amount of time it will take to complete the hearing process;
- (9) The possibility of reimbursement of necessary travel and related expenses; and
- (10) The availability of interpreter and reader services for appellants not proficient in the English language and those who are deaf or hard of hearing and the availability of transportation or attendant services for those appellants requiring such assistance.

*e.* Existing division services provided to an appellant shall not be suspended, reduced, or terminated pending the decision of the IHO, unless so requested by the appellant.

*f.* The IHO shall provide a full written decision, including the findings of fact and grounds for the decision. The appellant or the division may request administrative review, and the IHO decision is submitted to the administrator of the division. Both parties may provide additional evidence not heard at the hearing for consideration for the administrative review. If no additional evidence is presented, the IHO decision stands. Unless either party chooses to seek judicial review pursuant to Iowa Code chapter 17A, the decision of the IHO is final. If judicial review is sought after administrative review, the IHO's decision shall be implemented pending the outcome of the judicial review.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

**877—33.10(84H) Case record.** The division has the authority to collect and maintain records on individuals under the Act, the state plan for vocational rehabilitation services, and the Social Security Act. Under this authority, the division maintains a record for each case. The case record contains pertinent case information as defined in division policy including, as a minimum, the basis for determination of eligibility, the basis justifying the plan of services and the reason for closing the case,

together with a justification of the closure and supporting documents. Case information is contained in the agency's case management system and a hard copy file. A combination of these data collections instruments constitutes the official case record. The hard copy files are retained for a minimum of four years, but there are instances when a case may be stored longer based on the services received.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

**877—33.11(84H) Personally identifiable information.** This rule describes the nature and extent of the personally identifiable information collected, maintained, and retrieved by the division by personal identifier in record systems as defined herein. The record systems maintained by the division include the following:

**33.11(1) *Personnel records.*** Personnel records contain information relating to initial application, job performance and evaluation, reprimands, grievances, notes from and reports of investigations of allegations related to improper employee behavior, and reports of hearings and outcomes of reprimands and grievances.

**33.11(2) *Job candidate case records.*** An individual file is maintained for each person who has been referred to or has applied for the services of the division, as described in rule 877—33.10(84H). The file contains a variety of personal information about the job candidate, which is used in the establishment of eligibility and the provision of agency services. All information is personally identifiable and is confidential.

**33.11(3) *Job candidate service record computer database.*** The job candidate service record computer database contains personal data items about individual job candidates. Data identifying a job candidate is confidential. Data in the aggregate is not personally identifiable and thus is not confidential.

**33.11(4) *Vendor purchase records.*** Vendor purchase records are records of purchases of goods or services made for the benefit of job candidates. If a record contains the job candidate's name or other personal identifiers, the record is confidential. Lists of non-job candidate vendors, services purchased, and the costs of those services are not confidential when retrieved from a data processing system without personally identifiable information.

**33.11(5) *Records and transcripts of hearings or client appeals.*** Records and transcripts of hearings or client appeals contain personally identifiable information about a client's case, appeal from or for some action, and the decision that has been rendered. The personally identifiable information is confidential. Some of the information is maintained in an index provided for in Iowa Code section 17A.3(1)“d.” Information is available after confidential personally identifiable information is deleted.

**33.11(6) *All computer databases of client and applicant names and other identifiers.*** The data processing system contains client status records organized by a variety of personal identifiers. These records are confidential as long as any personally identifiable information is present.

**33.11(7) *All computer-generated reports that contain personally identifiable information.*** The division may choose to draw or generate from a data processing system reports that contain information or an identifier that would allow the identification of an individual client or clients. This material is for internal division use only and is confidential.

**33.11(8) *Personally identifiable information and acceptance of federal requirements.*** Pursuant to Iowa Code section 84H.1, the state of Iowa accepts the social security system rules for the disability determination program of the division. Failure to follow the provisions of the Act can result in the loss of federal funds. All personally identifiable information is confidential and may be released only with informed written consent, except as permitted by federal law. Any contrary provision in Iowa Code chapter 22 must be waived in order for the state to receive federal funds, services, and essential information for the administration of vocational rehabilitation services.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

**877—33.12(84H) Other groups of records routinely available for public inspection.** This rule describes groups of records maintained by the division other than record systems. These records are routinely available to the public, with the exception of parts of the records that contain confidential information. This rule generally describes the nature of the records, the type of information contained therein, and whether the records are confidential in whole or in part.

**33.12(1) *Rulemaking.*** Rulemaking records, including public comments on proposed rules, are not confidential.

**33.12(2) *Council and commission records.*** Agendas, minutes, and materials presented to any council or commission required under the Act are available to the public with the exception of those records that are exempt from disclosure under Iowa Code section 21.5. Council and commission records are available from the main office of the division at 510 E. 12th Street, Des Moines, Iowa 50319.

**33.12(3) *Publications.*** News releases, annual reports, project reports, agency newsletters, and other publications are available from the main office of the division at 510 E. 12th Street, Des Moines, Iowa 50319. Brochures describing various division programs are also available at local offices of the division.

**33.12(4) *Statistical reports.*** Periodic reports of statistical information on expenditures, numbers and types of case closures, and aggregate data on various client characteristics are compiled as needed for agency administration or as required by the federal funding source and are available to the public.

**33.12(5) *Grants.*** Records of persons receiving grants from division services are available through the main office of the division. Grant records contain information about grantees and may contain information about employees of a grantee that has been collected pursuant to federal requirements.

**33.12(6) *Published materials.*** The division uses many legal and technical publications, which may be inspected by the public upon request. Some of these materials may be protected by copyright law.

**33.12(7) *Policy manuals.*** Manuals containing the policies and procedures for programs administered by the division are available on the division website. Printed copies of all or some of the documents are available at the cost of production and handling. Requests should be addressed to Vocational Rehabilitation Services Division, 510 E. 12th Street, Des Moines, Iowa 50319.

**33.12(8) *Operating expense records.*** The division maintains records of the expense of operation of the division, including records related to office rent, employee travel expenses, and costs of supplies and postage, all of which are available to the public.

**33.12(9) *Training records.*** Lists of training programs, the persons approved to attend, and associated costs are maintained in these records, which are available to the public.

**33.12(10) *Other records.*** The division maintains records of various sources not previously mentioned in this rule that are exempted from disclosure by law.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

### **877—33.13(84H) State rehabilitation council.**

**33.13(1) *Composition.*** The state rehabilitation council's composition is set forth in 34 CFR Section 361.17(b). The appointing authority is to select members of the council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the appointing authority must consider, to the greatest extent practicable, the extent to which minority populations are represented on the council. A majority of members must be individuals with disabilities who meet the requirements of 34 CFR Section 361.5(c)(28) and are not employed by the designated state unit.

**33.13(2) *Chairperson.*** The chairperson must be selected by the members of the council from among the voting members of the council.

**33.13(3) *Terms.*** Each member of the council shall be appointed for a term of no more than three years. Each member of the council, other than the representative of the client assistance program, shall serve for no more than two consecutive full terms. A member appointed to fill a vacancy occurring prior to the end of the term for which the predecessor was appointed must be appointed for the remainder of the predecessor's term and may serve one additional three-year term. The terms of service of the members initially appointed is to be for a varied number of years to ensure that terms expire on a staggered basis.

**33.13(4) *Vacancies.*** The governor will fill a vacancy in council membership.

**33.13(5) *Functions.*** The council, after consulting with the state workforce development board, performs the functions set forth in 34 CFR Section 361.17(h).

**33.13(6) *Meetings.*** The council must convene at least four meetings a year. The meetings must be publicly announced, open, and accessible to the general public, including individuals with disabilities,



unless there is a valid reason for an executive session. The council's meetings are subject to Iowa Code chapter 21, the open meetings law.

**33.13(7) Forums or hearings.** The council shall conduct forums or hearings, as appropriate, that are publicly announced, open, and accessible to the public, including individuals with disabilities.

**33.13(8) Conflict of interest.** No member of the council may cast a vote on any matter that would provide direct financial benefit to the member or the member's organization or otherwise give the appearance of a conflict of interest under state law.

**33.13(9) Specific implementation clause.** This rule is intended to implement 34 CFR Sections 361.16 and 361.17.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

**877—33.14(84H) Iowa self-employment program: purpose.** The division of vocational rehabilitation services works in collaboration with the department for the blind to administer the Iowa self-employment (ISE) program. The purpose of the program is to provide business development funds in the form of technical assistance (up to \$10,000) and financial assistance (up to \$10,000) to qualified Iowans with disabilities who start, expand, or acquire a business within the state of Iowa. Actual assistance is based on the requirements of the business, not to exceed the technical assistance and financial assistance limits.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

**877—33.15(84H) Program requirements.**

**33.15(1)** Clients of the division or the department for the blind may apply for the program.

**33.15(2)** All of the following conditions are also applicable:

*a.* The division may limit or deny ISE assistance to an applicant who has previously received educational or training equipment from the division through another rehabilitation program when such equipment could be used in the applicant's proposed business.

*b.* Any equipment purchased for the applicant under this program that is no longer used by the applicant may be returned to the division, at the discretion of the division.

*c.* An applicant must demonstrate that the applicant has at least 51 percent ownership in a for-profit business that is actively owned, operated, and managed in Iowa.

*d.* Recommendation for and approval of financial assistance are based upon acceptance of a business plan feasibility study and documentation of the applicant's ability to match dollar-for-dollar the amount of funds requested.

*e.* To receive financial support from the ISE program, the applicant's business plan feasibility study is to result in self-sufficiency for the applicant as measured by earnings that equal or exceed 80 percent of substantial gainful activity.

*f.* The division cannot support the purchase of real estate or improvements to real estate.

*g.* The division cannot provide funding to be used as a cash infusion, for personal or business loan repayments, or for personal or business credit card debt.

*h.* The division may deny ISE assistance to an applicant who desires to start, expand, or acquire any of the following types of businesses:

(1) A hobby or similar activity that does not produce income at the level required for self-sufficiency;

(2) A business venture that is speculative in nature or considered high risk by the Better Business Bureau or similar organization;

(3) A business registered with the federal Internal Revenue Service as a Section 501(c)(3) entity or other entity set up deliberately to be not for profit;

(4) A business that is not fully compliant with all local, state, and federal zoning requirements and all other applicable local, state, and federal requirements;

(5) A multitiered marketing business.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

**877—33.16(84H) Application procedure.**

**33.16(1) Application.** Application materials for the program are available from the division and the department for the blind.

**33.16(2) Submittal.** Completed applications will be submitted to a counselor employed by the division or the department for the blind.

**33.16(3) Review.** Applications will be forwarded to a business development specialist employed by the division for review. Approval of technical assistance funding is based upon the results of a business plan feasibility study. If the application is for financial assistance only, a business plan feasibility study will be required at the time of submission of the application. Approval of financial assistance funding is based upon acceptance of a business plan feasibility study and documentation of the applicant's ability to match dollar-for-dollar the amount of funds requested.

**33.16(4) Funding.** Before the division will provide funding for a small business, the job candidate must complete an in-depth study about the business the job candidate intends to start and demonstrate that the business is feasible.

**33.16(5) Appeal.** If an application is denied, an applicant may appeal the decision to the division or the department for the blind. An appeal is governed by the appeal processes of the division or the department for the blind.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

#### **877—33.17(84H) Award of technical assistance funds.**

**33.17(1) Awards.** Technical assistance funds may be used for specialized consulting services as determined necessary by the counselor, the business development specialist, and the job candidate. Technical assistance funds may be awarded, based on need, up to a maximum of \$10,000 per applicant. Specialized technical assistance may include, but is not limited to, engineering, legal, accounting, and computer services and other consulting services that require specialized education and training.

**33.17(2) Technical assistance.** When technical assistance is needed for specialized services beyond the expertise of the business development specialist, technical assistance will be provided to assist the job candidate.

**33.17(3) Technical assistance contracts.** The division shall negotiate contracts with qualified consultants for delivery of services to an applicant if specialized services are deemed necessary. The contracts are to state hourly fees for services, the type of service to be provided, and a timeline for delivery of services. Authorization of payment will be made by a counselor employed by the division or the department for the blind based upon the negotiated rate as noted in the contract. A copy of each contract will be filed with the division.

**33.17(4) Consultants.** Applicants will be provided a list of qualified business consultants by the business development specialist if specialized consultation services are necessary. The selection of the consultant(s) is the responsibility of the applicant.

**33.17(5) Case management.** The business development specialist or counselor will be available as needed for direct consultation to each applicant to ensure that quality services for business planning are provided in a timely manner.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

**877—33.18(84H) Business plan feasibility study procedure.** Information and materials are available from the division and the department for the blind. The job candidate is to submit the job candidate's business plan feasibility study to the job candidate's counselor if the study is completed at the time application is made or to the business development specialist if the business plan feasibility study is completed after application approval. The business development specialist is available to guide and assist in the analysis of the feasibility study.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

#### **877—33.19(84H) Award of financial assistance funds.**

**33.19(1) Awards.** Following the business development specialist's review of the business plan feasibility study, the business development specialist will issue a recommendation to support or not to support the proposed business venture. The counselor is to make a decision regarding approval or

denial of the recommendation. If the plan is approved, the job candidate and counselor will review conditions of the financial assistance award and sign the appropriate forms of acknowledgment.

*a.* Financial assistance funds may be awarded, based on need, up to \$10,000 after approval of a business plan feasibility study and evidence of business need or evidence of business progression. Before receiving financial assistance, the job candidate must demonstrate a dollar-for-dollar match based on the amount of funding needed. The match may be provided through approved existing business assets, cash, conventional financing or other approved sources.

*b.* Financial assistance funds may be approved for, but are not limited to, equipment, tools, printing of marketing materials, advertising, rent (up to six months), direct-mail postage, raw materials, inventory, insurance (up to six months), and other approved start-up, expansion, or acquisition costs.

**33.19(2) Award process.** The amount that may be recommended by the business development specialist and approved by the counselor will be provided when there is a need. Recipients of financial assistance must demonstrate ongoing cooperation by providing the business development specialist with financial information needed to assess business progress before additional funds are expended.

**33.19(3) Financial assistance contracts.** Contracts for financial assistance funds are the responsibility of the division and will be consistent with the authorized use of Title I vocational rehabilitation funds and policy.

**33.19(4) Vendors.** Procurement of goods or services will follow procedures established by the department of administrative services. The type of goods or services to be obtained, as well as a timeline for delivery of such, are to be stated by the vendor and agreed upon by the division. Authorization for goods or services shall be made by a counselor employed by the division or the department for the blind based upon the negotiated rate and terms as noted in the contract. A copy of each contract is to be filed with the division. Approval for payment of authorized goods or services is to be made by authorized division personnel.

[ARC 7751C, IAB 4/3/24, effective 5/8/24]

These rules are intended to implement Iowa Code chapter 84H, the federal Rehabilitation Act of 1973, and the federal Social Security Act (42 U.S.C. Section 301 et seq.).

[Filed 7/1/52]

[Filed 4/15/88, Notice 3/9/88—published 5/4/88, effective 6/9/88]

[Filed 8/19/88, Notice 6/29/88—published 9/7/88, effective 10/12/88]

[Filed emergency 11/17/88—published 12/14/88, effective 12/1/88]

[Filed 2/10/89, Notice 12/14/88—published 3/8/89, effective 4/12/89]

[Filed 6/4/04, Notice 3/31/04—published 6/23/04, effective 7/28/04]

[Filed 7/27/06, Notice 4/26/06—published 8/16/06, effective 9/20/06]

[Filed 7/27/07, Notice 5/9/07—published 8/15/07, effective 9/19/07]

[Filed 8/1/08, Notice 6/18/08—published 8/27/08, effective 10/1/08]

[Filed ARC 8806B (Notice ARC 8641B, IAB 4/7/10), IAB 6/2/10, effective 7/7/10]

[Filed ARC 1778C (Notice ARC 1676C, IAB 10/15/14), IAB 12/10/14, effective 1/14/15]

[Filed ARC 2844C (Notice ARC 2763C, IAB 10/12/16), IAB 12/7/16, effective 1/11/17]

[Filed ARC 5870C (Notice ARC 5664C, IAB 6/2/21), IAB 8/25/21, effective 9/29/21]

[Filed ARC 6481C (Notice ARC 6373C, IAB 6/15/22), IAB 8/24/22, effective 9/28/22]

[Editorial change: IAC Supplement 8/23/23]

[Filed ARC 7751C (Notice ARC 7575C, IAB 2/7/24), IAB 4/3/24, effective 5/8/24]