

State of Iowa
1972

IOWA DEPARTMENTAL RULES

JULY

1972

SUPPLEMENT

Containing

**The permanent rules of general application promulgated by
the state departments from January 1, 1972 to July 1, 1972**



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NOTICE

The statutes provide that the Code Editor may publish cumulative, semiannual supplements to the Iowa Departmental Rules. Inquiry should be made each six months of the Superintendent of Printing for distribution of these supplements.

PREFACE

This volume is published in compliance with section 14.6(5) of the Code. The rules of the various boards and departments are arranged in alphabetical order, using the names of the departments in general use.

Not all of the rules promulgated by the state departments have been included. The Act specifies "permanent" rules of "general application." Where rules have been omitted by the editor there is a notation indicating where such rules may be obtained.

THE EDITORS

July 1972

PUBLICATION OF DEPARTMENTAL RULES

Section 14.6 of the Code, subsection 5, requires the Code editor to:

"Prepare the manuscript copy, and cause to be printed by the state superintendent of printing in each year in which a Code is published, a volume which shall contain the permanent rules and regulations of general application, promulgated by each state board, commission, bureau, division or department, other than a court, having state-wide jurisdiction and authority to make such rules. The Code editor may omit from said volume all rules and regulations applying to professional and regulatory examining and licensing provisions and any rules and regulations of limited application and temporary rules. The Code editor may make reference in the volume as to where said omitted rules and regulations may be procured.

"This volume shall be known as the Iowa Departmental Rules and any rule printed therein may be cited as ----- I.D.R. ----- giving the year of publication and the page where the particular rule, by number, may be found.

"The volume of rules and regulations published by the Code editor shall be sold and distributed by the superintendent of printing in the same manner as Codes and session laws.

"The Code editor may provide cumulative, semiannual supplements for insertion in the latest published volume and a place shall be provided in the binding of such volume for insertion of such supplements."

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IOWA JULY 1972 DEPARTMENTAL RULES

AGRICULTURE DEPARTMENT

Pursuant to the authority of section 189A.13 of the Code, rules appearing in 1971 IDR 55 and 56 (Chapter 17) relating to Meat and Poultry Inspection are hereby amended by adding new rules as follows:

[Filed April 20, 1972]

17.4(189A) Purpose. The purpose of these rules is to control the movement into and within the state of Iowa of inedible meat and carcass parts and establish standards for facilities, sanitation, vehicles, inspection of inedible meat and carcass parts, processing and storage of inedible meats and carcass parts.

17.5(189A) Processing.

17.5(1) Rendering plants and pet animal food processing plants may process fallen or dead animals into pet animal food where the animals are recovered and transported to the processing plant within a reasonable time following the death of the animals and before decomposition occurs.

17.5(2) Processing facilities shall be in a separate area equipped and used only for skinning, eviscerating, deboning, grinding, decharacterizing, packaging and labeling of inedible meat and carcass parts to be used in pet animal food. Rendering facilities approved by the department shall be available to process materials not suitable for pet animal food.

17.5(3) All inedible meat and carcass parts shall be adequately decharacterized with charcoal or with other suitable agent acceptable to the Iowa department of agriculture. Following decharacterizing, inedible meat and carcass parts shall be packed in suitable containers approved by the department.

17.5(4) All containers for decharacterized inedible meat or carcass parts shall be marked with the word "inedible" in letters not less than two inches high on all outside surfaces.

17.5(5) Decharacterized inedible meat and carcass parts shall be frozen

or held at a temperature of 40° F. or less in the processing plant or during transportation to the final processor.

17.5(6) Fallen or dead animals which are recovered and transported to the processing plant shall be immediately skinned and eviscerated, except the lungs, heart, kidneys and liver which shall be left attached to the carcass and the carcasses shall be stored in a chill room with attached viscera until inspected and approved by an inspector of the department. The stomach or stomachs, together with the entire intestinal tract, shall be discarded at time of evisceration. All carcasses skinned shall be tagged immediately with serially numbered tags and stamped with the word "inedible" with an ink or dye approved by the department. The word "inedible" shall be not less than one-half inch high. Condemned carcasses shall be deeply slashed on the round, rump, loin and shoulder, denatured with a ten percent solution of cresylic acid or other decharacterizing agent approved by the department and removed to a rendering plant prior to the close of the working day. All decisions of the inspector are final.

17.6(189A) Inspection.

17.6(1) The secretary of agriculture shall appoint an inspector who shall be a graduate veterinarian or a person who is trained and skilled in the field, to inspect processing plants daily and enforce sanitary requirements, supervise dressing operations, inspect carcasses for the presence of dangerous communicable disease or poisons and evidence of decomposition. Any of these conditions shall be cause for the carcass to be condemned as unfit for processing into pet animal food.

17.6(2) All compensation for the inspectors assigned to rendering plants and pet animal food processing plants, processing inedible meat and carcass parts for pet food, shall be paid by the owners or operators granted permission to pro-

cess fallen or dead animals. Failure to pay compensation ninety days after the service is rendered shall be grounds for revocation of the renderer's license.

17.6(3) All rendering plants and pet animal food processing plants shall be inspected by the division of animal industry before approval is granted by the secretary of agriculture. Approval will be based on compliance with the requirements set forth in these rules.

17.6(4) The Iowa department of agriculture will periodically inspect approved rendering plants and pet animal food processing plants for compliance with all the requirements set forth in these rules.

17.7(189A) Plant requirements.

17.7(1) Plant shall be maintained in a sanitary condition, with well distributed, abundant lighting and sufficient ventilation for all rooms and compartments.

17.7(2) There shall be an efficient drainage and plumbing system for the establishment and premises. All drains and gutters shall be properly installed with approved traps and vents.

17.7(3) Water supply shall be ample, clean and potable with adequate facilities for distribution throughout the plant. An ample supply of hot water (not less than 180° F.) shall be available for cleaning of equipment, floors, walls, etc. Hot water shall be delivered under pressure to sufficient, convenient outlets to accomplish a thorough cleanup.

17.7(4) Floors, walls, ceilings, partitions, posts, doors and other structural parts shall be of impervious material and well painted with an oil base or other suitable paint. All floors shall be kept watertight.

17.7(5) Every practicable precaution shall be taken to exclude flies, rats, mice and other vermin from the facilities.

17.7(6) Dogs and cats shall be excluded from the establishment.

17.7(7) The entire area and equipment of the establishment in which carcasses are received and processed shall be thoroughly cleaned after each day's operation.

17.7(8) All liquids and sewage from the carcass preparation process or washing of floors shall not be discharged into a watercourse but shall be drained into a covered cesspool, a city sanitary sewer or be disposed of by evaporation in a manner satisfactory to Iowa department

of agriculture and the Iowa department of health.

17.8(189A) Records. All licensed and permitted establishments shall keep the following records and make them available at all reasonable times to any employee or agent of the Iowa department of agriculture.

1. The name and address of the owner, the approximate time of death of the animal, and the date the animal was received for processing shall be recorded on all animals to be inspected and approved by the department for processing into pet animal food.

2. Inventory of number of cartons of inedible meat and carcass parts and the weight of each carton processed each day.

3. A running inventory of the number of cartons of inedible meat and carcass parts and the weight of each carton stored and transported.

4. Copies of all shipping documents provided by the Iowa department of agriculture.

17.9(189A) Transportation.

17.9(1) No person shall sell or transport into or within the state of Iowa any decharacterized inedible meat or carcass parts obtained or processed from dead, dying, diseased or disabled animals without first obtaining a permit from the Iowa department of agriculture.

17.9(2) All decharacterized inedible meat and carcass parts shall be transported and delivered to and from rendering plants and pet animal food processing plants licensed and inspected by the state of Iowa. Rendering plants and pet animal food processing plants outside the state of Iowa from which decharacterized inedible meat or carcass parts are shipped into the state of Iowa shall be certified by the proper public officials of the state of origin that the processing establishment meets at least the minimum standards set forth in these rules.

17.9(3) All decharacterized inedible meat and carcass parts must be moved in closed conveyances and all outer openings sealed with an Iowa department of agriculture metal numbered seal issued by the department and sealed under the supervision of an approved veterinarian or an employee under his supervision at the point of origin, and the numbers of the seal or seals shall be entered on the shipping documents.

17.10(189A) Shipping documents.

17.10(1) All decharacterized inedible meat and carcass parts transported into

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3.10(2)

or within the state of Iowa shall be accompanied by shipping documents provided for this purpose by the Iowa department of agriculture. Shipping documents shall be completed in quadruplicate form as follows:

1. Date of shipment—hour shipped.
2. Number of containers of inedible meat and carcass parts shipped.
3. Pounds of inedible meat and carcass parts shipped.
4. Name of plant consigning inedible meat and carcass parts.
5. Signature of the consignor.
6. Date and hour shipment received by the consignee.
7. Name of plant receiving inedible meat and carcass parts.
8. Signature of consignee.
9. Number of seal or seals used to seal the conveyance at origin.
10. Number of seal or seals broken at destination by consignee.
11. Consignee to turn over all broken seals to agent of Iowa department of agriculture.
12. Number of containers of inedible meat and carcass parts received.
13. Pounds of inedible meat and carcass parts received.

17.10(2) The original shipping document shall be mailed to the Iowa department of agriculture, division of animal industry, on the date of the shipment. Two copies of the shipping document shall accompany the shipment and shall be delivered to the consignee. The consignee shall sign and forward one of the copies delivered to him to the Iowa department of agriculture, division of animal industry, and retain the other copy for his records. One copy shall be retained by the consignor.

17.10(3) In the event that a consignee does not accept shipment of the decharacterized inedible meat and carcass parts, the shipment shall be moved under the supervision of a veterinary inspector of the Iowa department of agriculture

to an approved rendering plant or pet animal food processing plant located in the state of Iowa and processed in the manner directed by the Iowa department of agriculture.

17.11(189A) Permits.

17.11(1) No decharacterized inedible meat or carcass parts shall be sold or transported into or within the state of Iowa unless the product has been inspected at a licensed rendering plant or pet animal food processing plant and passed by a veterinary inspector within the state of Iowa or by the appropriate public official in the state in which the product has been processed.

17.11(2) Permits shall contain the following information:

1. Consignor's name and address and the name of the veterinary inspector at the consignor's plant.
2. Consignee's name and address.
3. Consignor's signature and date signed.
4. Consignee's signature and date signed.
5. Certification of the veterinary inspector or appropriate public official of state of origin or employee under his supervision, that consigning establishment meets all minimum standards for the processing, inspection, facilities, sanitation, storage and decharacterization of inedible meat and carcass parts established by the Iowa department of agriculture.
6. Approval of the secretary of agriculture of Iowa and date approved.

17.11(3) The secretary of agriculture of Iowa may issue a permit for the sale or transportation of decharacterized inedible meat or carcass parts into or within the state of Iowa upon evidence that the product has been processed and transported in accordance with these rules and that the persons selling, transporting and receiving have met all requirements set forth in these rules.

[Effective April 20, 1972]

CIVIL RIGHTS COMMISSION

Pursuant to 105A.9(14), of the Code, the Iowa civil rights commission adopts the following rules.

[Filed April 20, 1972]

CHAPTER 3

RULES OF PRACTICE

3.1(105A) Definitions.

3.1(1) The term "Act" as used herein shall mean the Iowa civil rights Act of

1965, as amended (chapter 105A, 1971 Code of Iowa).

3.1(2) Unless indicated otherwise, the terms "court", "person", "employment agency", "labor organization", "employer", "employee", "unfair practice" or "discriminatory practice", "commission", "commissioner", and "public accommodation" shall have the same meaning as set forth in chapter 105A of the Iowa Code.

3.1(3) The term "chairman" shall mean the chairman of the Iowa civil rights commission; and the term "commissioner" shall mean any member, including the chairman, of the Iowa civil rights commission. The chairman or a majority of the commission may designate any member of the commission to serve, in the absence of the chairman, as acting chairman; and, in the absence of the chairman, the acting chairman shall have all of the duties, powers, and authority conferred upon the chairman by the Act and these rules. At all times it shall be necessary that a quorum be present before the commission can transact any official business.

3.1(4) The term "hearing examiner" shall mean any person duly appointed by the commission to conduct a public hearing upon a complaint brought to a public hearing upon the order of the Iowa civil rights commission.

3.1(5) The term "executive director" shall mean an employee of the commission, selected by, and serving at the will of, the commission as executive director, who shall have such duties, powers and authority as may be conferred upon him by the commission, subject to the provisions of the Act.

3.2(105A) The complaint.

3.2(1) *Amendment of complaint.* A complaint or any part thereof may be amended by the complainant at any time prior to the hearing thereon and, thereafter, at the discretion of the commissioners.

3.2(2) *Withdrawal of complaint.* A complaint or any part thereof may be withdrawn by the complainant at any time prior to the hearing thereon and, thereafter, at the discretion of the commissioners. However, nothing herein shall preclude the commission from continuing the investigation and initiating a complaint on its own behalf against the original respondent, as provided for in the Act, whenever it deems it in the public interest.

3.2(3) Timely filing of the complaint.

a. Ninety-day limitation. The complaint shall be filed within the ninety days after the occurrence of the alleged unlawful discriminatory practice or act.

b. Continuing wrong. If the alleged unlawful discriminatory practice or act is of a continuing nature, the date of the occurrence of said alleged unlawful prac-

tice shall be deemed to be any date subsequent to the commencement of the alleged unlawful practice up to and including the date upon which the unlawful practice has ceased.

3.3(105A) Processing the complaint.

3.3(1) *Receipt and acknowledgement of complaint.* Upon the receipt of a verified complaint the executive director of the Iowa civil rights commission shall send a letter to the complainant acknowledging receipt of the complaint. The executive director shall also recommend to the complainant that he take whatever additional legal or nonlegal action that may be necessary to protect his rights under other applicable provisions of city and municipal ordinances and state and federal law.

3.3(2) *Anonymity of complaint.* For purposes of commission meetings the complaints shall be identified only by case number so that the anonymity of the complainant and responding parties can be preserved.

3.4(105A) Investigation and conciliation.

3.4(1) *Investigating commissioner.*

a. Assignment of investigating commissioner. After a complaint has been filed, the chairman shall designate one of the commissioners, with the assistance of the commission staff, to make a prompt investigation of the allegations of the complaint. The commissioner appointed to supervise the investigation shall be known as the investigating commissioner. As part of the investigation the respondent shall be offered an opportunity to submit a statement of his position in respect to the allegations of the complaint.

b. Disqualification of investigating commissioner. A commissioner appointed to act as an investigating commissioner shall disqualify himself should he have a personal interest in the case at issue or any personal acquaintanceship with the complaining or responding party.

c. The investigation shall then proceed to a determination of whether or not there exists probable cause to credit the allegations of the complaint. After the designated investigating staff member has completed his investigation of the facts alleged in the complaint he shall prepare a written report of his findings and submit it to the investigating commissioner.

d. If the investigating commissioner finds that probable cause exists, the

investigating commissioner shall notify the other members of the commission in person at a commission meeting. As soon as the investigating commissioner finds that probable cause exists to believe the allegations outlined in the complaint the investigating commissioner or authorized staff member, or both, shall proceed immediately to attempt to eliminate such discriminatory or unfair practice by conference, conciliation or persuasion or other remedial action. Five days prior to an attempt to eliminate such discrimination or unfair practice by conference, conciliation or persuasion or other remedial action, a decision of the investigation must be given to the respondent.

e. Both the complainant and respondent shall be notified in writing of the finding of probable cause.

f. After a finding of probable cause the investigating commissioner or authorized staff member shall make at least two attempts to arrange a meeting so that conciliation may begin.

g. The individual complainant, if any, should be present during attempts at conciliation. However, successful conciliation shall not be deemed defective if the individual complainant is not present, provided that his approval of the terms of conciliation is obtained as soon as possible.

h. *Discrimination discovered during investigation.* If, after investigation, the investigating commissioner determines that there is no probable cause to credit the allegations of the complaint but finds unlawful discriminatory practices to exist which were not complained of, he shall amend the complaint and go forward to attempt to eliminate such practices.

3.5(105A) Conducting the hearing.

3.5(1) *Hearing examiners.* The commission shall designate one or three of its members, or such other persons as it sees fit, to conduct the hearing. The absence or disqualification of one or more members of a hearing panel appointed to hear a particular case shall not prevent the remaining panel member from hearing the instant case as a sole and independent hearing examiner, unless other good cause can be shown that would prevent the individual commissioner or other person from acting as an independent hearing examiner.

3.5(2) Any commissioner or other person appointed to serve as a hearing examiner who has any interest in the case

at issue, or personally knows the complainant or respondent, shall disqualify himself to serve as a hearing examiner. The commissioner assigned as investigating commissioner in the case at issue shall not be appointed to serve as a hearing examiner.

3.5(3) *Power of the hearing examiners.* The hearing examiner shall have full authority to make all decisions regarding the admission and exclusion of evidence, and to control the procedures. Except in extraordinary circumstances, evidence or testimony offered by any party shall be entered in the record, subject to the objection of any other party, in order that a complete record will be available in the event of appeal. The hearing examiner may rule upon all motions and objections.

3.5(4) *Sworn testimony.* All testimony given at a commission hearing shall be under oath administered by the court reporter present at the hearing.

3.5(5) *Order of presentation.* The case in support of the complaint shall be presented to the hearing examiner by one of the commission's attorneys or agents, or by the attorney for the complainant, who shall present his evidence first. Where there is more than one complainant party the order of presentation shall be in the discretion of the hearing examiner. After all the evidence and testimony of the complaining parties has been received, all other parties shall be allowed to present their evidence or testimony. All parties, other than the party introducing the testimony, shall be allowed to cross-examine any witness immediately after his testimony has been received.

3.5(6) Transcript and record.

a. *Transcript.* All testimony given at a hearing held pursuant to chapter 105A of the Iowa Code, shall be transcribed by a stenographer retained by the hearing examiner.

b. *Record.* The written transcript of the record upon the hearing before the hearing examiner shall consist of the notice of the hearing, the verified complaint, as the same may have been amended, the stenographic transcript of the testimony taken at the hearing, the exhibits and depositions in evidence, written applications and stipulations.

3.6(105A) Findings and orders.

3.6(1) *Recommended decision.* If, upon all the admissible evidence in the

record, the hearing examiner determines that the respondent has engaged in an unlawful practice, the hearing examiner shall so state in writing his findings of fact, conclusions of law, and order, and recommend the same to the commission for its evaluation.

3.6(2) Commission adoption. The recommended decision of the hearing examiner shall be presented to the Iowa civil rights commission for its consideration and adoption, modification, or rejection.

3.6(3) Disqualification of investigating commissioner. The investigating officer appointed by the acting commissioner to serve in the instant case shall not take part in this decision. Likewise, the commissioner that served as hearing examiner in the instant case shall not take part in the decision.

3.7(105A) Reopening proceedings. Within ten days after the issuance of an order or finding, the commission may, upon its own motion or upon application, of any party, for good cause shown or whenever justice so requires, or where an order or decision was made upon default of any party affected thereby, reopen any closed proceedings upon notice to all parties and take such action as it may deem necessary.

3.8(105A) Reconsideration. Any party may file a motion for reconsideration within thirty days after a receipt of a final decision to the commission. Such motion shall be submitted in writing to

the commission, and in addition, shall include a statement of all matters alleged to have been erroneously decided, and, if applicable, a statement as to any newly discovered matters or circumstances that have arisen subsequent to the final decision.

3.9(105A) Stipulations. The parties may, by stipulation in writing filed with the commission at any stage of the proceeding or orally made at the hearing, agree upon any pertinent facts in the proceeding.

3.10(105A) Appeals to the district court. Appeals to the district court from the decision of the commission shall be perfected pursuant to the provisions of section 105A.10 of the Code.

3.11(105A) Partial invalidity. If any provision of these rules, or the application of a provision to any person or circumstances, shall be held invalid, the remainder of these rules, or the application of a rule to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

3.12(105A) Availability of rules. Copies of these rules of practice and procedure, prepared in compliance with sections 105A.5(9) and 105A.9(14) of the Iowa civil rights Act, 1971 Code of Iowa, shall be available to the public on request, and shall be kept on file in the office of the Secretary of State, State Capitol Building, Des Moines, Iowa 50319.

[Effective April 20, 1972]

DENTISTRY BOARD, STATE

Pursuant to the authority of Sections 153.1 and 153.2, Code 1971, the rules appearing in 1971 IDR, page 212, are amended as follows:

[Filed June 14, 1972]

CHAPTER 4

AUXILIARY PERSONNEL

ITEM 1. By inserting in Rule 4.2(1), line 2, after the word "cavity" the following:

" , except the surplus residue of restorative materials."

ITEM 2. By inserting in Rule 4.2(2), line 7, after the word "being" the following:

" , except the application of topical fluorides."

ITEM 3. By inserting in Rule 4.2(3), line 1, after the word "anesthetics" the following:

" , except topical anesthetics."

ITEM 4. By inserting in Rule 4.2(4), line 1, after the word "prophylaxis" the following:

" , except polishing the teeth and their restorations."

ITEM 5. By inserting in Rule 4.2(5), line 2, after the word "thereof" the following:

" , except for study models."

and the following rule is added to the rules appearing in 1971 IDR, page 216, and adopted:

CHAPTER 7

RECIPROCITY

7.1(6) Any state, territory or district which grants without examination a license to practice dentistry therein to any applicant holding a license from this

board shall be deemed to accord equal rights to dentists of Iowa within the meaning of section 21 of this Act, irrespective of whether such licensure is re-

ferred to as reciprocity, endorsement, criteria approval, criteria evaluation or other term of a similar import.

[Effective July 15, 1972]

EMPLOYMENT SECURITY COMMISSION

Pursuant to the authority of section 96.11(1) Code of Iowa, 1971, the rules appearing in 1971 IDR, pages 338 to 341, relating to employer's records and reports are rescinded and the following adopted in lieu thereof.

[Filed April 21, 1972]

CHAPTER 1

EMPLOYER'S RECORDS AND REPORTS

1.1(96) Records to be kept by the employer.

1.1(1) Each employing unit having employment performed for it shall maintain records to show the information hereinafter indicated. Such records shall be kept in such form and manner that it will be possible from an inspection thereof to obtain the facts necessary to determine the eligibility of each employee as to his rights to benefits. Such records shall be open to inspection and be subject to be copied by the commission and its authorized representatives at any reasonable time. Such records shall be kept for a period of five years after the calendar year in which the remuneration to which they relate was paid, or if not paid was due.

1.1(2) Such records shall show with respect to each employee unless the commission has ruled that his services do not constitute employment:

- a. Name of worker.
- b. Social security account number.
- c. Date on which employee was hired, rehired, or returned to work after a temporary layoff, and the date separated from work and the reason therefor.
- d. Scheduled hours except for workers without a fixed schedule of hours, such as those working outside of the employer's establishment in such a manner that the employer has no definite knowledge of their working hours.
- e. Total wages paid for employment in each period and the date of payment. For all pay periods ending in each quarter, show separately: Money wages; the cash value of other remuneration such as any special payment for services such as wages in lieu of notice, bonuses, gifts, prizes, show separately: Money pay-

ments, other remuneration and the nature of such payments such as accounts paid to employees as allowance or reimbursement for traveling and other business expenses, and the amounts of such expenditures actually incurred and accounted for by him.

f. The state or states in which his services are performed; and if any of such services are performed outside of this state and are not incidental to the service within the state, his base of operations (or if there is no base of operations then the place from which such services are directed or controlled) and his residence (by state), and the name of the county in Iowa in which services were performed.

g. When the pay period covers services performed both in employment and in excluded work, show the hours and wages for employment under this Act and also hours and wages for excluded work.

h. For determining the worker's eligibility for partial benefits:

(1) Wages earned by weeks as provided for in the rule relating to claims for benefits for total and partial unemployment, section C, subsection 2.

(2) Whether any week was in fact a week of less than full-time work.

(3) Time lost, if any, by each worker due to his unavailability for work showing days and weeks in which such loss of time occurred.

1.2(96) Reports.

1.2(1) Each employing unit shall make such reports at such times as the commission may require, and shall comply with the instructions printed upon any report form issued by the commission pertaining to the preparation and return of such report.

1.2(2) Any individual or employing unit, not already an employer, who fulfills the conditions with respect to becoming an employer, shall immediately give notice to the commission of that fact. He shall set forth in such notice his name and address and the name and address of the business.

1.2(3) Any employer who terminates his business for any reason whatsoever, or transfers or sells all or a substantial

part of the assets of his organization, trade or business to another, or changes the trade name of such business or address thereof, shall, within ten days after such termination, transfer, or change of name or address, give notice in writing to the commission of that fact. He shall set forth in such notice the former name and address of the business, the new name and address, the name of any new owner, and his own name and present address.

1.3(96) Definition of wages for employment during a calendar quarter. Unless the context otherwise requires, terms used in rules, regulations, interpretations, forms, and other official pronouncements issued by the commission shall have the following meaning:

1.3(1) "Wages paid" include both wages actually received by the worker and wages constructively paid. Wages are constructively paid when they are credited to the account of or set apart for a worker without any substantial restriction as to the time or manner of payment or conditions upon which payment is to be made and must be made available to him so that they may be drawn upon by him at any time, and their payment brought within his own control and disposition, although not then actually reduced to possession.

1.3(2) "Wages payable" means wages earned, including wages earned and paid as well as wages earned and unpaid. [See section 96.19(10) "a" and "b"].

1.4(96) Identification of workers covered by the Iowa employment security law.

1.4(1) Each employer shall ascertain the federal social security account number of each worker employed by him in employment subject to the Iowa employment security law.

1.4(2) The employer shall report the worker's federal social security account number in making any report required by the Iowa employment security commission with respect to the worker.

1.4(3) If any employer has in his employ a worker engaged in employment who does not have an account number, such employer shall request the worker to show him a receipt issued by an officer of the social security board acknowledging that the worker has filed an application for an account number. The receipt shall be retained by the worker. In making any report required by the Iowa employment security commission with respect to such a worker, the employer

shall report the date of issue of the receipt, its termination date, the address of the issuing office, and the name and address of the worker exactly as shown in the receipt.

1.4(4) If a worker failed to report to the employer his correct federal social security account number or fails to show the employer a receipt issued by an office of the social security board acknowledging that he has filed an application for an account number, the employer shall inform the worker that regulation 106 of the bureau of internal revenue, United States treasury department, under the federal insurance contribution Act provides that:

a. Each worker shall report to every employer for whom he is engaged in employment, his federal social security account number and his name exactly as shown on the account number issued to him by the social security board.

b. Each worker who has not secured an account number shall file an application for a federal social security account number on form SS-5 of the treasury department, bureau of internal revenue. The application shall be filed on or before the seventh day after the date on which the worker first performs employment for wages, except that the application shall be filed on or before the date the worker leaves the employ of his employer if such date precedes such seventh day. Copies of form SS-5, "Application for a Social Security Account Number" can be secured at the field office of the social security board nearest the worker's place of employment or the local post office.

c. If, within fourteen days after the date on which the worker first performs employment for wages for the employer, or on the day on which he leaves the employ of the employer, whichever is the earlier, the worker does not have a federal social security account number, and has not shown the employer a receipt issued to the worker by an office of the social security board acknowledging that he has filed an application for an account number, the worker shall furnish the employer an application on form SS-5, completely filled in and signed by the worker. If a copy of form SS-5 is not available, the worker shall furnish the employer a written statement, signed by the worker, of the date of the statement, the worker's full name, present address, date and place of birth, father's full

name, mother's full name before marriage, worker's sex, and a statement as to whether the worker had previously filed an application on form SS-5 and, if so, the date and place of such filing. Furnishing the employer with an executed form SS-5, or statement in lieu thereof, does not relieve the worker of his obligation to make an application on form SS-5 as required in paragraph "b."

1.4(5) The employer shall inform the worker, in instances in which the information is pertinent, that in accordance with regulation 106 of the bureau of internal revenue, United States treasury department:

a. Any worker who has lost his federal social security account number card may secure a duplicate card by applying at the field office of the social security board nearest the worker's place of employment.

b. Any worker may have his account number changed at any time by applying to a field office of the social security board and showing good reason for a change. Any worker whose name is changed by marriage or otherwise, or who has stated incorrect information on form SS-5, should report such change or correction to a field office of the social security board. Copies of the form OAAAN-7003, "Employee's Request for Change in Records," for making such reports may be obtained from any field office of the social security board (or the central office of the Iowa employment security agency or a local employment office).

c. Any worker who has more than one social security account number shall report all numbers to the field office of the social security board nearest the worker's place of employment (to a public employment office, or to the area claims office).

1.4(6) If the worker fails to comply with the requirements enumerated under 4 above, the employer shall execute a form SS-5, "Application for a Social Security Account Number", or statement, signed by the employer, setting forth as fully and as clearly as practicable the worker's full name, his present or last known address, date and place of birth, father's full name, mother's full name before marriage, the worker's sex, and a statement as to whether an application for an account number has previously been filed by the worker, and if so, the date and place of such filing. This state-

ment, or the executed form SS-5 signed by the employer, shall be attached to any report required by the Iowa employment security commission with respect to such a worker.

1.5(96) Separation notices. Separation notices required when the separation is such that no disqualification is involved.

1.5(1) Each employer shall deliver to each worker when separated from his employment with such employer permanently or for an indefinite period, or for an expected duration of seven days or more, when such separation is under conditions which, in the opinion of the employer, would not disqualify the worker from receiving benefits, a copy of "Information For Workers," form IESC 200. This notice shall be delivered to the worker at the time of separation, if possible, or if such delivery be impossible or impracticable, it shall be mailed to such worker's last known address.

1.5(2) Separation notices required under conditions which may disqualify permanently or for an indefinite period, or for an expected duration of seven days or more, for any reason defined in section 96.5 of the Iowa employment security Act which, in the opinion of the employer may disqualify him from receiving benefits, the employer shall, within seven days after such separation, notify the Iowa employment security commission of such separation on form IESC 203, notice of separation. The employer shall also deliver to such worker a copy of such notice at the time of separation, if possible, or if delivery is impossible or impracticable, he shall mail a copy of such notice to the last known address of such worker.

1.6(96) Employer elections to cover multistate workers.

1.6(1) The following regulation shall govern the Iowa employment security commission in its administrative co-operation with other states subscribing to the interstate reciprocal coverage arrangement, hereinafter referred to as "the arrangement."

1.6(2) Definitions. As used in this regulation, unless the context clearly indicates otherwise:

a. "Jurisdiction" means any state of the United States, the District of Columbia, Puerto Rico, or, with respect to the federal government, the coverage of any federal unemployment compensation law;

b. "Participating jurisdiction" means a jurisdiction whose administrative agency has subscribed to the arrangement and whose adherence thereto has not terminated;

c. "Agency" means any officer, board, commission or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction;

d. "Interested jurisdiction" means any participating jurisdiction to which an election submitted under this regulation is sent for its approval; and "interested agency" means the agency of such jurisdiction;

e. Services "customarily performed" by an individual in more than one jurisdiction means services performed in more than one jurisdiction during a reasonable period, if the nature of the services gives reasonable assurance that they will continue to be performed in more than one jurisdiction or if such services are required or expected to be performed in more than one jurisdiction under the election.

1.6(3) Submission and approval of coverage elections under the interstate reciprocal coverage arrangement.

a. Any employing unit may file an election, on form RC-1, to cover under the law of a single participating jurisdiction all of the services performed for him by any individual who customarily works for him in more than one participating jurisdiction. Such an election may be filed, with respect to an individual, with any participating jurisdiction in which

(1) Any part of the individual's services are performed;

(2) The individual has his residence; or

(3) The employing unit maintains a place of business to which the individual's services bear a reasonable relation.

b. The agency of the elected jurisdiction (thus selected and determined) shall initially approve or disapprove the election. If such agency approves the election, it shall forward a copy thereof to the agency of each other participating jurisdiction specified thereon, under whose unemployment compensation law the individual or individuals in question might, in the absence of such election, be covered. Each such interested agency shall approve or disapprove the election, as promptly as practicable, and shall notify

the agency of the elected jurisdiction accordingly. In case its law so requires, any such interested agency may, before taking such action, require from the electing employing unit satisfactory evidence that the affected employees have been notified of, and have acquiesced in the election.

c. If the agency of the elected jurisdiction, or the agency of any interested jurisdiction, disapproves the election, the disapproving agency shall notify the elected jurisdiction and the electing employing unit of its action and of its reasons therefor.

d. Such an election shall take effect as to the elected jurisdiction only if approved by its agency and by one or more interested agencies. An election thus approved shall take effect, as to any interested agency, only if it is approved by such agency.

e. In case any such election is approved only in part, or is disapproved by some of such agencies, the electing employing unit may withdraw its election within ten days after being notified of such action.

1.6(4) Effective period of elections.

a. *Commencement.* An election duly approved under this regulation shall become effective at the beginning of the calendar quarter in which the election was submitted, unless the election, as approved, specifies the beginning of a different calendar quarter. If the electing unit requests an earlier effective date than the beginning of the calendar quarter in which the election is submitted, such earlier date may be approved solely as to those interested jurisdictions in which the employer had no liability to pay contributions for the earlier period in question.

b. Termination.

(1) The application of an election to any individual under this regulation shall terminate, if the agency of the elected jurisdiction finds that the nature of the services customarily performed by the individual for the electing unit has changed, so that they are no longer customarily performed in more than one particular jurisdiction. Such termination shall be effective as of the close of the calendar quarter in which notice of such findings is mailed to all parties affected.

(2) Except as provided in subparagraph (1) of this paragraph, each election approved hereunder shall re-

main in effect through the close of the calendar year in which it is submitted, and thereafter until the close of the calendar quarter in which the electing unit gives written notice of its termination to all affected agencies.

(3) Whenever an election under this regulation ceases to apply to any individual, under subparagraph (1) or (2) of this paragraph the electing unit shall notify the affected individual accordingly.

1.6(5) Reports and notices by the electing unit.

a. The electing unit shall promptly notify each individual affected by its approved election, on the form RC-2 supplied by the elected jurisdiction, and shall furnish the elected agency a copy of such notice.

b. Whenever an individual covered by an election under this regulation is separated from his employment, the electing unit shall again notify him, forthwith, as to the jurisdiction under whose unemployment compensation law his services have been covered. If at the time of termination the individual is not located in the elected jurisdiction, the electing unit shall notify him as to the procedure for filing interstate benefit claims.

c. The electing unit shall immediately report to the elected jurisdiction any change which occurs in the conditions of employment pertinent to its election, such as cases where an individual's services for the employer cease to be customarily performed in more than one participating jurisdiction or where a change in the work assigned to an individual requires him to perform services in a new participating jurisdiction.

[Effective May 21, 1972]

Pursuant to the authority of Section 96.11(1) Code of Iowa, 1971, the rules appearing in 1971 IDR, pages 341 to 343 relating to employer's contributions and charges are rescinded and the following adopted in lieu thereof.

[Filed April 21, 1972]

CHAPTER 2

EMPLOYER'S CONTRIBUTIONS AND CHARGES

2.1(96) Contributions by employers.

2.1(1) Contributions shall become due and be payable quarterly on the last day of the month next following the calendar quarter for which the contributions have accrued. If the commission finds that the collection of any contributions from a

particular employer will be jeopardized by delay, they may declare such contributions due and payable as of the date of the finding.

2.1(2) Upon written request filed with commission before the due date of any contribution, the commission may, for good cause shown, grant an extension in writing of the time for payment of such contribution and the due date, but (a) no extension shall exceed thirty days, and (b) no extension shall postpone payment beyond the last day for filing tax returns under the federal unemployment tax Act. If an employer who has been granted an extension fails to pay his contribution on or before the termination of the period of such extension, interest shall be payable from the original due date as if no extension had been granted.

2.1(3) The first contribution payment of any employing unit which elects with the written approval of such election by the commission, to become an employer, or to have nonsubject services performed for it deemed employment, shall become due and payable on the last day of the month next following the close of the calendar quarter in which the conditions of becoming an employer by election are satisfied, and shall include contributions with respect to all wages paid for employment occurring on and after the date stated in such approval (as of which such employing unit becomes an employer), up to and including the calendar quarter in which the conditions of becoming an employer by election are satisfied.

2.1(4) The first contribution payment of any employer who becomes newly liable for contributions in any year shall become due and payable on the last day of the month next following that quarter wherein occurred the twentieth calendar week, during the calendar year within which a total of one or more workers were employed on any one day, or the last day of the month next following that calendar quarter in which a total of \$1500 in wages were paid. The first payment of such an employer becoming liable in the course of a calendar year shall include contributions with respect to all wages paid for employment from the first day of the calendar year.

2.1(5) The first contribution payment of an employer who becomes newly liable for contributions in any year in any other manner shall become due and be payable on the last day of the month next follow-

ing the quarter wherein such individual or employing unit became an employer. The first payment of such an employer shall include contributions with respect to all wages paid for employment for such individual or employing unit since the first day of the calendar year.

2.1(6) Bond requirement—nonprofit organization.

a. If the commission requires a bond pursuant to section 96.7(10) of the Code as amended [64GA, ch 113, §10], the bond shall be issued by a surety authorized to do business in this state and be deposited with the commission within thirty days after the effective date of such nonprofit organization's election to become liable for payments in lieu of contributions, or within thirty days after demand. In lieu of the posting of such bond the nonprofit organization may deposit security in one or more of the following forms: Cash deposit, securities, certificates of deposit issued by a bank or federally insured savings and loan association, bearer bonds issued by the United States or by the state of Iowa.

b. The amount of such bond or deposit shall be equal to two and seven-tenths percent of the organization's total taxable wages paid for employment for the four calendar quarters immediately preceding the effective date of the election. If the nonprofit organization did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the commission.

c. If any nonprofit organization fails to post a bond or furnish security or increase security within the time specified by this section, the commission may terminate the election upon written notice to the organization. The termination shall be effective on the first day of the calendar quarter following the date of the notice of termination.

2.1(7) Request for termination of election to make payments in lieu of contributions. A private nonprofit organization or a state-owned hospital or institution of higher education being a subject employer under section 96.19 [6,i] of the Code as amended [64GA, ch 113, §22] and having elected to reimburse the Iowa employment security commission for benefits based on service performed by its employees, for a period of not less than two calendar years, may request that such election be terminated,

as provided under section 96.7 [9,a,3] of the Code as amended [64GA, ch 113, §13] and agree to pay contributions based on wages paid its employees in accordance with section 96.7 of the Iowa law. The request must be made not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective. Any employing unit above, for whom such request is granted, shall continue to remain liable for reimbursing the fund for any benefit charges based on wages reported during the period when he was a reimbursable employer.

2.2(96) Group accounts.

2.2(1) Any nonprofit organization or any state-owned hospital or institution of higher education which has become liable for payments in lieu of contributions may make application to the commission to participate in a group account with one or more such employers.

2.2(2) The commission shall approve those applications that meet the requirements of this rule.

2.2(3) Any application to participate in a group account may be filed at any time; provided, however, all contributions, payments in lieu of contributions, interests and penalties due from the applicant employer must be paid prior to the effective date of the employer's membership in a joint account.

2.2(4) Each applicant-employer shall agree to assume joint and several liability for any payments, interests and penalties accruing on the part of any one of the members participating in the joint account during the duration of the account in consideration for the commission granting him the right to participate in it.

2.2(5) Each member participating in a group account agrees to maintain a sufficient record of his own employment in order that he can furnish the commission with information necessary to enable the commission to make proper certification to the bureau of internal revenue of the United States treasury under the federal unemployment tax Act and to enable the division to determine any benefit charges against his separate account.

2.2(6) All group accounts will be maintained only on a calendar year basis and such accounts must be maintained for a minimum period of one calendar year and will continue thereafter until

terminated at the discretion of the commission or upon application by the group.

2.2(7) Any nonprofit organization or any state-owned hospital or institution of higher education may be added to an existing group account if all of the members currently in such account file a new application with the commission for a new group account and otherwise qualify under this section.

2.2(8) Withdrawal from a group account by any participating member may be approved if the request for withdrawal is made in writing to the commission on or before September 30 of the year prior to the year for which the withdrawal is to be effective.

2.2(9) The remaining member or members shall continue to constitute a group account. The withdrawal or termination of all except one member shall not dissolve such group account, unless and until such last member shall withdraw or terminate.

2.3(96) Accrual of interest and penalties.

2.3(1) In those cases in which the commission finds that a genuine controversy exists or has existed regarding an employing unit's liability for contributions on all or a part of its employees and the case has been resolved against such employing unit, then no interest or penalty will accrue from the date of such controversy between the commission and the employing unit until thirty days after the decision of the commission requiring the payment of contributions.

2.3(2) Interest and penalty shall not accrue with respect to contributions required from an employer based upon wages for employment in those cases in which the employer's liability is based solely upon the provisions of section 96.19(6) "g" of the Iowa employment security law until thirty days after determination of his liability under the federal unemployment tax Act.

2.3(3) That each nonprofit organization which has been approved to make payments in lieu of contributions shall be billed each calendar month for benefits paid during such month.

2.3(4) Interest and penalty shall not accrue in those cases where the commission finds:

a. That as a matter of equity and good conscience, the employer should not be required to pay interest.

b. That interest and penalties as provided under section 96.14 of the Code

shall accrue thirty days after the date of such monthly billing.

2.3(5) Accrual of interest and penalties applicable to contributory employers shall be applicable to nonprofit organizations which have been approved to make payments in lieu of contributions.

2.4(96) Employers' payments to persons performing military services. The term "wages" shall not include cash payments, or the cash value of other remuneration, made voluntarily and without contractual obligation to, or in behalf of, an individual for periods during which such individual is in active service or training as a member of the national guard, or the military or naval forces of the United States, including the organized reserves.

2.5(96) Employers' contributions and charges. Where an individual has been employed by two or more employers during the same period, benefits payable to such individual by reason of such employment shall be charged against the accounts of such employers against whose accounts the maximum charges hereunder have not previously been made in accordance with the following: When wage records filed with the commission by employers show that the individual has been employed by two or more employers during the same calendar quarter, but the wage records do not indicate that employment within the quarter has been consecutive, then the benefits paid to such eligible individual shall be apportioned and charged against the accounts of such employers in direct ratio to the wages earned by such individual in insured work for such calendar quarter. The method of apportionment for chargeback purposes shall be on the basis of the ratio which the wages earned by such individual in insured work for each such employer in such calendar quarter bears to the total wages earned by such individual in insured work from all such employers in such calendar quarter.

2.6(96) Cash value of board and room.

2.6(1) If board, rent, housing, lodging, meals, or similar advantage is extended in any medium other than cash as partial or entire remuneration for service constituting "employment" as defined in the Act [ch 96 of the Code], the reasonable cash value of same shall be deemed wages subject to contribution.

2.6(2) Where the cash value for such board, rent, housing, lodging, meals, or similar advantage is agreed upon in any

contract of hire, the amount so agreed upon shall be deemed the value of such board, rent, housing, lodging, meals, or similar advantage. Check stubs, pay envelopes, contracts, and the like, furnished to employees setting forth such cash value, are acceptable evidence as to the amount of the cash value agreed upon in any contract of hire except as provided in paragraphs 4 and 5 of this rule.

2.6(3) In the absence of such agreement in a contract of hire the rate for board, rent, housing, lodging, meals, or similar advantage, furnished in addition to money wages or wholly comprising the wages of an employed individual, shall be deemed to have not less than the following cash value except as provided in paragraph 4.

| | |
|----------------------------------|---------|
| Full board and room per week | \$35.00 |
| Meals (without lodging) per week | 17.50 |
| Meals (without lodging) per day | 2.50 |
| Lodging (without meals) per week | 17.50 |
| Lodging (without meals) per day | 2.50 |

2.6(4) The commission or its authorized agent may, after affording reasonable opportunity at a hearing for the submission of relevant information in writing or in person, determine the reasonable cash value of such board, rent, housing, lodging, meals, or similar advantage in particular instances or group of instances, if it is determined that the values fixed in or arrived at in accordance with paragraph 3 above or in the contract of hire do not properly reflect the reasonable cash value of such remuneration.

2.6(5) If the commission determines that the reasonable cash value is other than prescribed in a contract of hire or in paragraph 3 above, the employer's payroll and contribution reports to the commission shall thereafter show the value of such remuneration as determined by the commission.

2.7(96) **Employees hired with equipment.** Where an employee is hired with equipment, except where it is ordinary in custom and usage in the trade or business for employees to furnish such equipment at their own expense, the fair value of the remuneration for the employee's services, if specified in the contract of hire, shall be considered "wages". If the contract of hire does not specify the employee's wages, or the value of wages agreed upon under the contract of hire

is not a fair value, the commission shall determine the employee's wages, taking into consideration the prevailing wages for similar work under comparable conditions, and the wages thus determined shall apply as wages and be so reported by the employer.

2.8(96) **Gratuities and tips.** The following criteria shall be applicable in determining whether tips are wages under the contribution provision of the Act: Tips received by an individual from a person or persons other than his employer, and not accounted for to the employer, are not wages. Where the customer writes the amount of the tip on his bill and the employer pays the employee the amount so shown and charges it to the customer's account, such amounts are wages. Where the employer adds a certain percent to the customer's bill for disbursement to his employees, the sums so disbursed are wages.

[Effective May 21, 1972]

Pursuant to the authority of section 96.11(1), Code of Iowa, 1971, the rules appearing in 1971 IDR, pages 343 to 349, relating to claims and benefits are rescinded and the following adopted in lieu thereof.

[Filed April 21, 1972]

CHAPTER 3

CLAIMS AND BENEFITS

3.1(96) **Claims for benefits for total and partial unemployment.**

3.1(1) *Claims and registrations for benefits for total unemployment.*

a. Any individual claiming benefits for total unemployment shall report in person at the area claims office or the state employment service office of the Iowa employment security commission most accessible to him and shall there register for work and file a claim for benefits, which claim shall be effective as of the first day of the calendar week in which he does so report and file his claim, except as otherwise provided in this rule.

b. In order to establish eligibility for benefits or for waiting period credits for weeks of total unemployment, the claimant shall continue to file claims as directed, in person or by mail, at such intervals as may be prescribed by a representative of the Iowa employment security commission.

c. The Iowa employment security commission, for reasons found to consti-

tute good cause for any individual's failure to appear at the time specified for reporting may accept a continued claim from such individual as having been made at the specified time, provided such continued claim is filed within seven days following the date specified for his reporting.

d. If an individual is located in an area served only by an itinerant service of the Iowa employment security commission, his claim for total unemployment may be accepted as effective as of the first day of the calendar week in which he became totally unemployed, provided that he registered in person with such itinerant service at the first available opportunity following the commencement of his total unemployment.

e. Claims for benefits for total unemployment shall set forth (1) that the individual claims benefits; (2) that he registers for work; and (3) such other information as is required thereby. The claim for benefits for total unemployment shall constitute both the individual's registration for work and his claim for benefits, or waiting period credits.

f. Continued claims for benefits for total unemployment shall set forth (1) that the individual continues his claim for benefits; (2) that he is totally unemployed; (3) that he registers for work; (4) that since he last registered for work he has performed no service and earned no wages, except as indicated; and (5) such other information as is required thereby. The continued claim for benefits for total unemployment shall constitute both the individual's registration for work and his claim for benefits or waiting period credits.

3.2(2) Definitions.

a. The word "week" as used in section 96.19 [6,a,i] of the Code as amended [64GA, ch 113,§22] refers to a calendar week and not to a flexible week. If any week includes both December 31 and January 1, the days of that week up to January 1 shall be deemed one calendar week and the days beginning January 1 another such week.

b. "Regular job" as referred to in section 96.19 [10,b] of the Code shall mean a job with an employer with whom the individual has a continuous attachment during a given claim period. Attachment will ordinarily have reference to the individual who has been employed and expects to continue in the employ of the

employer for a considerable period a month, six weeks or longer.

c. "Week of partial unemployment." With respect to a partially unemployed individual whose wages are paid on a weekly basis, a week of partial unemployment shall consist of his pay period week; with respect to a partially unemployed individual whose wages are not paid on a weekly basis, but the amount the claimant has earned during any seven consecutive days' period or periods within such pay period can be determined and such information furnished to the commission. A week of partial unemployment shall consist of a calendar week or such other seven consecutive days' period within the pay period as may be found appropriate under the circumstances and prescribed by the commission.

3.3(1) *Registration and filing of claims for partial unemployment.* A claim for benefits filed by an individual in person at any local employment office in this state or with an authorized itinerant agent of the commission on form IESC 211, shall constitute such individual's notice of unemployment, registration for work and claim for benefits or waiting period credit, with respect to each week of partial unemployment covered by the claim, provided that such claim is filed not later than four weeks after the individual receives, through his employer or through the commission, appropriate notice of his potential eligibility for partial benefits as to any such week of partial unemployment.

3.3(2) On the filing of a valid claim for benefits, the benefit year of such individual will begin with the first day of the employer work week with respect to which the claim is filed, provided that such claim is filed not later than four weeks after the individual receives, through his employer or through the commission, appropriate notice of his potential eligibility for partial benefits as to any such weeks of partial unemployment.

3.3(3) A continued claim for partial benefits filed by an individual in person or by mail pursuant to the provisions of this rule shall constitute such individual's notice of unemployment, registration for work and claim for partial benefits or waiting period credit, with respect to each week of partial unemployment covered by the claim, provided that such continued claim is filed not later than four weeks after the individual received,

through his employer or through the commission, appropriate notice of his potential eligibility for partial benefits as to any such week of partial unemployment.

3.3(4) Any partially unemployed individual who fails with good cause to file a claim for partial benefits or waiting period credit shall be permitted to file such claim with respect to any week of partial unemployment at any time up to thirteen weeks following the close of the actual or potential benefit year in which such claim period falls, provided such claim is filed within one week after the individual is appropriately notified of his potential eligibility for partial unemployment. Failure to file a claim for partial benefits or waiting period credit as provided in these rules shall be deemed to be for good cause if due to failure on the part of the employer to comply with the requirements relating to participation in the initiation of a claim, verification, or other requirements relating to partial unemployment, to coercion or intimidation exercised by the employer to prevent the prompt filing of a claim for partial benefits or waiting period credit, or to failure by the commission to discharge its responsibilities under the law.

3.4(96) Employer responsibility in the initiation of claims for partial unemployment benefits.

3.4(1) Each employer, not later than seven days, immediately following the close of any week in which he has reduced the customary prevailing hours of work of any employee to the extent that the weekly wages of such employee amount to less than the current maximum weekly benefit (computed at the beginning of each fiscal year), plus earnings which are not deductible under section 96.19[10,b,c] of the Iowa employment security law, shall complete and deliver to such individual a notice that he may be potentially eligible for benefits. This notice shall be a claim for partial unemployment insurance benefits on form IESC 211.

3.4(2) The employer may elect to use in lieu of form IESC 211 a payroll by-product, if the pay period of the employer coincides with the week or weeks of partial unemployment claimed, providing that the payroll by-product appropriately notifies the worker of his potential right to partial unemployment benefits, and contains:

a. Information necessary to establish the identity of the employer and claimant,

b. The pay period week covered,

c. The total amount of earnings in each such pay period week,

d. The following certification (individual or rubber stamped), "I certify that the above amount represents reduced earnings in a week of less than full-time work because of lack of work."

e. Signature of employer (individual or facsimile),

f. The date such payroll by-product was delivered to the worker.

3.4(3) Upon filing of a first claim for partial benefits for a benefit year the commission shall promptly notify each worker named therein of his potential rights to partial benefits and shall notify his employer of such worker's partial earnings limit and the benefit year ending date. Upon receipt of such notice each employer shall record the partial earnings limit and the benefit year ending date on the payroll records.

3.5(96) Employer's verification of partial unemployment.

3.5(1) After an employer has been notified of a partial earnings limit a worker's weekly benefit amount, plus six dollars, and current benefit year ending date of any worker in his employ, such employer, until otherwise notified shall, immediately after the end of any pay period within which there were weeks in which the worker earned less than his weekly benefit amount, plus six dollars, and in any case not later than thirty days after the end of the first week of partial unemployment occurring within such pay period (as provided for in this rule section E subsection 1) which began within such benefit year and for which such worker's earnings fall below such partial earnings limit because of lack of work in such week, furnish each such worker a joint low earnings report and claim for partial unemployment compensation benefits (individual) form IESC 213, setting forth the information required therein; or

3.5(2) The employer may elect to use in lieu of form IESC 213 a payroll by-product in conformity with the provisions of this rule section E, subsection 2.

3.5(3) Upon request by the commission an employer shall complete and return to the commission form IESC 213, request for employer's individual earn-

ings report with respect to any individual names on such form for the purpose of verifying earnings reported by the individual to the commission.

3.6(96) Mass partial unemployment.

3.6(1) The term "mass partial unemployment" means a reduction of hours to less than full-time work at the same time and for the same reason for twenty-five or more partially unemployed individuals customarily employed in a single establishment.

3.6(2) When mass partial unemployment occurs the employer, not later than seven days immediately following the close of any pay period during which mass partial unemployment occurred in any week and in any case not later than thirty days after the end of the first week of partial unemployment occurring within such pay period, shall complete and mail or deliver to the nearest area claims office of the Iowa employment security commission a joint low earnings report and claim for partial unemployment compensation benefits (Mass, form IESC 212), covering each week of partial unemployment occurring in any such pay period. This requirement shall remain effective with respect to each pay period in any benefit year of any individual unless the employer is otherwise notified by the Iowa employment security commission.

3.6(3) Upon receipt of form IESC 212 covering initial mass partial unemployment, the Iowa employment security commission will immediately notify on form IESC 211 each individual listed on form IESC 212 that he is potentially eligible for partial unemployment compensation benefits and that he may file a claim for such benefits as provided in section D.

3.6(4) The employer or employing unit may elect to use in lieu of form IESC 212, form IESC 211 or payroll by-product as provided in section E.

3.6(5) Employer records. Each employer shall keep his payroll records in such form that it would be possible from an inspection thereof to determine with respect to each worker in his employ who may be eligible for partial benefits, the following:

a. Wages earned, by weeks, as provided for in this rule, section C, subsection 2.

b. Whether any week was in fact a week of less than full-time work.

c. Time lost, if any, by each such worker due to his unavailability for work.

3.7(96) Extended period for registration and filing claims for good cause.

3.7(1) Notwithstanding the provisions of these rules if the commission finds that failure of any individual to register and file a claim for unemployment compensation benefits or waiting period weeks within the time set forth by these rules was due to:

a. Failure on the part of the employer to comply with the provisions of the Act or of these rules or,

b. To coercion or intimidation exercised by the employer to prevent the prompt filing of such claim or,

c. Failure of the commission to discharge its responsibilities promptly in connection with such claim, the commission shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of his potential rights to benefits, provided, that no such claim may be filed after the thirteen weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the Act, the commission may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

3.8(96) Notice to employer of claim filed and request for wage and separation information.

3.8(1) When an individual files a new claim for benefits, the Iowa employment security commission shall notify his last employer and all base period employers thereof; and may request wage and separation information on form IESC 201A. Each employer shall promptly complete and return so as to be received in seven days such information request form to the Iowa employment security commission's office, whose address is shown thereon, giving the following information if requested.

a. A statement of wages paid in each calendar quarter of the base period.

b. If the employer has knowledge of facts which might defer or deny the claimants right to benefits, a complete statement thereof;

c. Such additional information as the Iowa employment security commission may deem necessary and request.

3.8(2) Should any employer fail to submit the information requested, as above set out, the deputy may make a determination of the claimant's benefit rights based on such information as is available.

3.9(96) Active and earnest search for work. According to section 96.4 subsection 3 an unemployed individual shall be eligible to receive benefits only if the commission finds among other things, that he is "earnestly and actively seeking work". Mere registration at an employment office does not establish that the claimant is able and available for work. It is essential that he personally and diligently seek work on his own behalf. It is difficult to establish definite criteria for defining the words "actively" and "earnestly". Much will depend on the estimate of the employment opportunities in the area. The number of employer contacts which might be appropriate in an area of limited opportunity might be totally unacceptable in other areas. When employment opportunities are high a claimant may be excepted to make more than the usual number of contacts. Likewise, unreasonable limitations by a claimant as to salary, hours or conditions of work can indicate that he is not earnestly seeking work. The commission expects each claimant for benefits, in order to continue to be available for work under the Iowa statute, to conduct himself as a normal, prudent person who is out of work and seeking work would conduct himself.

3.10(96) Part-time worker. "Part-time worker" shall mean any person who has been in the employ of an employing unit and has established a pattern of part-time regular employment, which is subject to the employment security payroll tax, and has accrued wage credits, while working at a part-time job, if he becomes separated from this employment by the employer for no disqualifiable reason, and providing he has reasonable expectancy of securing other employment during the same hours and for the number of hours he can work, no disqualification shall be imposed under sections 96.4(3) and 96.5(1) of the employment security law.

3.11(96) Interpretation of misconduct. As referred to in the Iowa employment security law, section 96.5 subsection 2, "Misconduct" shall have the following meaning. "Misconduct" consists of acts

evidencing such willful or wanton disregard of an employer's interests as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of his employees, or acts which show an intentional and substantial disregard of the employer's interest or the employees duties and obligations to his employer. In order to justify a finding of misconduct, the matter must be within the individual's control and the behavior must be such as to show an intentional breach of the worker's obligations towards his employer.

3.12(96) Disciplinary layoff. Whenever a claim is filed and the reason for the claimant's unemployment is the result of a disciplinary layoff imposed by the employer, the claims deputy will determine the claim under the provisions of section 96.5(2) of chapter 96 of the Iowa Code.

3.13(96) Leave of absence. A leave of absence negotiated with the consent of both parties, employer and employee, shall be deemed a period of voluntary unemployment for the employee-claimant, and he shall be considered ineligible for benefits for such period.

3.13(1) a. If at the end of a period or term of a negotiated leave of absence the employer fails to re-employ the employee-claimant, such claimant shall be considered laid-off and eligible for benefits.

b. If the employee-claimant fails to return at the end of such leave of absence and subsequently becomes unemployed he shall be considered as having voluntarily quit and therefore is ineligible for benefits.

c. The period or term of a leave of absence may be extended, but only if there is evidence that both parties have voluntarily agreed.

3.14(96) Interpretation of labor disputes. As referred to in the Iowa employment security law, section 96.5, subsection 3, paragraph "b"(1), and section 96.5 subsection 4, labor dispute shall have the following meaning: "Labor dispute" shall mean "any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or condition of employment regardless of whether the disputants stand in the proximate relation of employer and employee."

3.15(96) Payment of benefits to interstate claimants.

3.15(1) The following regulation shall govern the Iowa employment security commission in its administrative co-operation with other states adopting a similar regulation for the payment of benefits to interstate claimants.

3.15(2) Definitions. As used in this regulation, unless the context clearly requires otherwise:

a. "Interstate benefit payment plan" means the plan approved by the interstate conference of employment security agencies under which benefits shall be payable to unemployed individuals absent from the state (or states) in which benefit credits have been accumulated.

b. "Interstate claimant" means an individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent state. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the Iowa employment commission finds that this exclusion would create undue hardship on such claimants in specified areas.

c. "State" includes the District of Columbia, Puerto Rico, and the Virgin Islands.

d. "Agent state" means any state in which an individual files a claim for benefits from another state.

e. "Liable state" means any state against which an individual files, through another state, a claim for benefits.

f. "Benefits" means the compensation payable to an individual, with respect to his unemployment, under the unemployment insurance law of any state.

g. "Week of unemployment" includes any week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.

3.15(3) Registration for work.

a. Each interstate claimant shall be registered for work, through any public employment office in the agent state when and as required by the law, regulations, and procedures of the agent state. Such registration shall be accepted as meeting the registration requirements of the liable state.

b. Each agent state shall duly report to the liable state in question whether each interstate claimant meets

the registration requirements of the agent state.

3.15(4) Benefit right of interstate claimants.

a. If a claimant files a claim against any state, and it is determined by such state that the claimant has available benefit credits in such state, then claims shall be filed only against such state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits. For the purposes of this regulation, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the application of a seasonal restriction.

b. The benefit rights of interstate claimants established by this regulation shall apply only with respect to new claims filed on or after July 5, 1953.

3.15(5) Claims for benefits.

a. Claims for benefits or waiting period shall be filed by interstate claimants on uniform interstate claim forms and in accordance with uniform procedures developed pursuant to the interstate benefit payment plan. Claims shall be filed in accordance with the type of week in use in the agent state. Claims filed against the Iowa employment security commission shall be processed and paid on the basis of the type of benefit week used by the agent state.

b. Claims shall be filed in accordance with agent-state regulations for intrastate claims in local employment offices, or at an itinerant point, or by mail.

(1) With respect to claims for weeks of unemployment in which individual was not working for his regular employer, the liable state shall, under circumstances which it considers good cause, accept a continued claim filed up to one week, or one reporting period, late. If a claimant files more than one reporting period late, an initial claim must be used to begin a claim series and no continued claim for a past period shall be accepted.

(2) With respect to weeks of unemployment during which an individual is attached to his regular employer, the liable state shall accept any claim which is filed within the time limit applicable to such claims under the law of the agent state.

3.15(6) Determinations of claims.

a. The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question such facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.

b. The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent state shall not refuse to take an interstate claim.

3.15(7) Appellate procedure.

a. The agent state shall afford all reasonable co-operation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims.

b. With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state.

3.16(96) Training or retraining programs—eligibility for training. For an unemployed individual to be considered for approval for training programs and continuing participation therein, one or more of the following requirements shall be met:

3.16(1) Reasonable employment opportunities for which the claimant is fitted by training or experience are minimal, severely curtailed, or do not exist in the locality making a change in occupation necessary to again become gainfully employed.

3.16(2) Employment opportunities are severely curtailed or nonexistent for the claimant's current skills or education because of health, disability or other compelling factors.

3.16(3) Training is necessary for the claimant who has unusable or obsolete skills to enable him to obtain adequate employment.

3.16(4) The training for the claimant relates to an occupation or a skill for which there is, or is expected to be in the immediate future, reasonable opportunities in the locality where the claimant is residing or in a location to which the claimant is willing to move.

3.16(5) The claimant has the required qualifications and aptitudes to successfully complete the training. Basic education courses, however, which are necessary as a prerequisite for skill training, or other short-term vocationally directed academic courses, may also be approved.

3.16(6) The training program consists of a practical and substantial curriculum to substantiate the expenditure of U.I. funds.

3.16(7) The claimant furnishes to the commission satisfactory evidence that he is attending the training course regularly.

3.16(8) Method of making application for approval. Any claimant for benefits who desires to receive benefits while attending school for training or retraining purposes shall make a written application to the commission setting out the following:

a. His most recent employer and employment;

b. The reasons for his unemployment;

c. The proposed course of training or retraining;

d. The educational establishment at which he would receive training;

e. The estimated time required for such training;

f. The type of jobs for which the claimant will qualify at completion of such training.

[Effective May 21, 1972]

Pursuant to the authority of section 96.11(1) Code of Iowa, 1971, the rules appearing in 1971 IDR, pages 349 to 351, relating to appeals procedure are rescinded and the following adopted in lieu thereof.

[Effective May 21, 1972]

CHAPTER 4

APPEALS PROCEDURE

4.1(96) Appeals and hearing officers.

4.1(1) The presentation of appealed claims.

a. A party appealing from a decision of a deputy shall file with the Iowa employment security commission at the administrative office in Des Moines, or at any public employment service office, a notice of appeal in writing setting forth:

(1) The name, address and social security number of the claimant;

(2) A reference to the decision from which the appeal is taken;

(3) The fact that an appeal from such decision is being made;

(4) The grounds upon which such appeal is based;

b. Upon the scheduling of a hearing on an appeal, notices of hearings shall be mailed to all parties interested in the decision of the deputy which is being appealed at least seven days before the date of hearing, specifying the place and time of hearing. A copy of the notice of appeal showing the ground for appeal shall also be sent to the interested party who is the respondent in the case.

4.1(2) Disqualification of an unemployment insurance hearing officer. No hearing officer shall participate in the hearing of any appeal in which he has an interest. Challenges to the interest of any hearing officer shall be heard and decided by the commission.

4.1(3) Hearing of appeal.

a. All hearings shall be conducted informally in such manner as to ascertain the substantial rights of the parties. All issues relevant to the appeal shall be considered and passed upon. The claimant and any other party to an appeal before an unemployment insurance hearing officer may present such evidence as may be pertinent and each party shall have the right to examine the opposing party and his witnesses. Where a party appears in person the hearing officer shall examine such party and his witnesses and those of any opposing parties. The hearing officer, with notice to the parties of the time and place thereof, may take such additional evidence as he deems necessary.

b. The parties to an appeal, with the consent of the unemployment insurance hearing officer, may stipulate the facts involved in writing. The hearing officer may decide the appeal on the basis of such stipulation; or, in his discretion, may set the appeal down for hearing and take such further evidence as he deems necessary to enable him to determine the appeal.

c. If one of the parties fails to appear at the hearing, the unemployment insurance hearing officer shall, unless it appears that there is good cause for continuance, proceed to make his decision on the appeal.

4.1(4) Adjournments of hearings.

a. The unemployment insurance hearing officer shall use his best judgment

as to when adjournment of a hearing shall be granted in order to secure all the evidence that is necessary and to be fair to the parties.

b. If either party fails to appear at the first hearing, the unemployment insurance hearing officer may adjourn the hearing to a later date, or, if a decision is made, may re-open the same within ten days upon good cause being shown.

4.1(5) The determination of appeals. Following the conclusion of a hearing of an appeal the unemployment insurance hearing officer shall, within seven days, announce his findings of fact, decision with respect to appeal, and the reasons therefor, provided that the commission may, upon proper showing by the hearing officer, extend this time. The decision shall be in writing, signed by the hearing officer, and filed with the commission. Copies of all decisions and the reason therefor shall be mailed by the appeals section to the claimant, to all other parties to the appeal, and to the deputy.

4.2(96) Appeals to the commission.

4.2(1) The presentation of an appeal to the commission. A party appealing from a decision of an unemployment insurance hearing officer shall file a notice of appeal with the Iowa employment security commission at the administrative office in Des Moines or at any area claims office or state employment service office of the Iowa employment security commission.

4.2(2) Hearings of appeals.

a. Except as provided in rule 4.2(4) for the hearing of appeals removed to the commission from an unemployment insurance hearing officer the commission, to enable it to determine an appeal, may direct the taking of additional evidence before it.

b. In the review of an appeal, the commission may base its decision on the record before the hearing officer, or it may permit the parties to offer oral or written argument, or both. If, in the discretion of the commission, additional evidence is necessary to enable it to determine the appeal, the parties shall be notified by the Iowa employment security commission at least seven days before the date of hearing, specifying the place and

time of hearing. Any party to any proceeding in which testimony is taken may present such evidence as may be pertinent to the issue on which the commission directed the taking of evidence.

c. The commission, in its discretion, may remand any claim or any issue involved in a claim to an unemployment insurance hearing officer for the taking of such additional evidence as the commission may deem necessary. Such testimony shall be taken by the hearing officer in the manner prescribed for the conduct of hearing on appeals before a hearing officer. Upon the completion of the taking of evidence by a hearing officer pursuant to the direction of the commission, the claim or the issue involved in such claim shall be returned to the commission for its decision thereon.

4.2(3) *The hearing of appeals by the commission on its own motion.*

a. Within ten days following the decision of an unemployment hearing officer, and in the absence of the filing of a notice of appeal to the commission by any of the parties from a decision of a hearing officer, the commission on its own motion may order the parties to appear before it for a hearing on the claim or any issue involved therein.

b. Such hearings shall be held only after seven days' notice mailed to the parties to the decision of a hearing officer, and shall be heard in the manner prescribed in rule 4.2(3) for the hearings of appeals by the commission.

4.2(4) *The hearings of appeals by the commission on cases ordered removed to it from any unemployment insurance hearing officer.* The proceeding on any claim before a hearing officer ordered by the commission to be removed to it shall be presented heard and decided by the commission in the manner prescribed in rule 4.1(3), 4.1(4) and 4.1(5) for the hearings of claims before an unemployment insurance hearing officer.

4.2(5) *The determination of appeals.*

a. Following the review of an appeal or the conclusion of a hearing on an appeal, the Iowa employment security commission shall announce its findings of facts and decision with respect to the appeal. The decision shall be in writing, signed by the members of the commission who reviewed the appeal, and shall

be duly filed in the offices of the commission. It shall set forth the findings of fact of the commission with respect to the matters appealed and its decision.

b. If a decision of the commission is not unanimous, the decision of the majority shall control. The minority may file a dissent from such decision setting forth the reasons why it fails to agree with the majority.

c. Copies of all findings and decisions shall be mailed by the commission to the claimant and to the other parties to the appeal before the commission.

4.3(96) *General rules for both appeal stages.*

4.3(1) *Payment of witnesses.* Witnesses subpoenaed for any hearing before a hearing officer or the commission shall be paid by the Iowa employment security commission in accordance with the following schedule: Witness fees of seven dollars per day for each day's attendance, and in all cases mileage fees of ten cents per mile for each mile traveled.

4.3(2) *Orders for supplying information from the records of the commission.* Information from the records of the commission to the extent necessary for the proper presentation of an appeal shall be furnished only on application to the commission by a party to an appeal or his representative.

4.3(3) *Representation before an unemployment insurance hearing officer.*

a. Any individual may appear for himself in any proceeding before any hearing officer and the commission. Any partnership may be represented by any of its members or a duly authorized representative. Any corporation or association may be represented by an officer or a duly authorized representative.

b. Any party may appear by an attorney at law or his duly authorized agent.

4.4(4) *Inspection of decisions of an unemployment insurance hearing officer.* Decisions of a hearing officer and the commission shall be kept on file at the administrative office of the Iowa employment security commission at Des Moines, Iowa, and shall be open for inspection.

[Effective May 21, 1972]

GENERAL SERVICES DEPARTMENT

Pursuant to the authority of Chapter 84, section 4, of the Code the following rules are adopted.

[Filed June 14, 1972]

CHAPTER 1

CENTRALIZED PURCHASING

1.1(64GA,Ch84) Methods of procurement used by central purchasing division. The department of general services, purchasing division, shall purchase all commodities by obtaining competitive bids whenever possible. An item may be exempt from purchase by the competitive bidding procedure when the director of the department determines the best interests of the state will be served due to an immediate or emergency need for the item. Bids are to be obtained by use of one of the following methods.

1.1(1) Formal quotations. Formal quotations as outlined herein shall be required on all nonexpendable items costing in aggregate between \$2,500 and \$15,000. The purchasing division shall prepare a written "Formal Request for Quotation" form and mail same, with a special return bid envelope or an identifying sticker for the outside of the return envelope to the approved list of vendors for the particular class of commodity. The "Formal Request for Quotation" shall contain the following information:

1. Due date and time of formal public bid opening.
2. Complete description of commodity needed.
3. Buyers name or code.

Bids shall be opened publicly and read aloud on the date and the hour designated on the "Formal Request for Quotation" form. Bids as received are to be tabulated and the tabulation made available to all interested parties. An award shall be made within thirty calendar days of the formal bid opening to the lowest competent bidder. If an award is not made within thirty calendar days the bids shall be deemed rejected and prices as quoted by a vendor shall not be deemed as binding.

Formal quotations as outlined herein will be required on all nonexpendable items costing in aggregate of \$15,000 or more. The purchasing division shall prepare a written "Formal Request for Quotation" form and handle as noted herein.

In addition to the use of a direct mail request, the department shall cause to be printed in at least one daily paper in the state of Iowa a classified advertisement with the heading "Notice to Bidders". Said advertisement shall contain the following information:

1. Due date and time of formal bid opening.
2. General description of commodity to be purchased.
3. Address, name and phone number of person to be contacted to obtain official bid forms.

Bids shall be opened publicly and read aloud on the date and at the hour designated on the "Formal Request for Quotation" form. Bids as received are to be tabulated and the tabulation made available to all interested parties. An award shall be made within thirty calendar days of the formal bid opening to the lowest competent bidder. If an award is not made within thirty calendar days the bids shall be deemed rejected and prices as quoted by a vendor shall not be deemed as binding.

1.1(2) Informal quotations. On any item or group of items costing less than \$2,500, the purchasing division shall obtain bids in one of the following ways: Prepare a written "Informal Request for Quotation" form and mail same to the approved list of vendors for that particular class of commodity. The "Request for Quotation" shall contain the following information:

1. Due date "informal quotation" must be returned.
2. Complete description of commodity needed.
3. Buyers name or code.

Bids are to be opened informally on the due date or within twenty-four hours of same, and an award made to the lowest competent bidder meeting specifications. Bids as received are to be tabulated and the tabulation made available to all interested parties.

The purchasing section may obtain telephonic bids on any expendable item or group of items costing less than \$500. Said bids must be documented on a special "Telephonic Bid" form.

1.1(3) Field purchases. The department of general services, purchasing division, may authorize an agency to use a special six-part field purchase order

form to purchase expendable items only, provided that the total value of such an order does not exceed \$150.00. Items of equipment are not to be purchased by use of a field purchase order nor can a field purchase order be used to pay for leased equipment. The use of this type of purchasing should be limited to those items not normally covered by contract and that immediate need for same is so acute that the normal functions of the agency could conceivably be curtailed.

1.1(4) Contract purchases. The purchasing division may, upon authorization of the director, enter into special contract purchase agreements for such items, groups of items or services that in the opinion of the director and the purchasing division, the best interest of the state will be served. Said contracts shall be obtained by use of one of the "Competitive Bidding" processes as outlined and awards made to the lowest competent bidder.

1.2(64GA,Ch84) Vendor eligibility. Any firm or individual legally conducting business within the state of Iowa may request to be placed on the appropriate vendor list by commodity classification. Such firm or individual must properly fill out the vendor bid application form and place same on file with the purchasing division. The purchasing section shall maintain a current vendors listing by commodities and cause to be mailed to concerned vendors all "Formal Bid Quotations" prepared by the purchasing section.

A bidder may be removed from a vendors listing for any of the following reasons.

1. Failure to respond to request for five consecutive bid requests.

2. Failure to deliver merchandise within specified delivery dates without permission of the purchasing section and the using agency.

3. Failure to deliver merchandise meeting specifications as outlined on the "Purchase Order" or the "Special Contract Purchase Agreement".

4. Any person or firm whose name appears on a current vendors listing shall be removed from such vendors bid listing if said person or firm shall in any way attempt to influence the decision of

any state employee involved in the purchasing function.

5. If the director and the purchasing division have reasonable grounds to believe that there is an agreement by bidders to restrain competitive bidding, by any means, the bids of those bidders will be rejected and their names removed from the vendors bid list.

6. Discrimination in employment. A vendor may be removed from an approved vendors bid list if the civil rights commission has determined that a vendor has shown discrimination in the vendor's employment.

1.3(64GA,Ch84) Instructions to vendors. In processing bidding documents the vendor must prepare the documents in the manner as prescribed and furnish all information and samples as may be requested on the bidding document. The following procedures must be adhered to by all vendors in submitting bids to the department purchasing division.

1.3(1) Bid preparation. Bids shall be prepared either in ink or typewritten. Telegraphic or telephonic bids will not be considered as "Formal Bids".

1.3(2) Information to be provided by vendor. In space provided, vendors shall denote brand name, manufacturers name, model number and any other applicable information to assist in identifying the item the vendor proposes to supply.

1.3(3) New merchandise. Unless otherwise specified in the specifications as submitted, all items on which a vendor submits a quotation shall be new, of the latest model, crop year or manufacture and shall be at least equal in quality to that specified in specifications as submitted.

1.3(4) Item and total prices. A price for each separate item listed on the bidding document must be listed in the space provided. Only one unit price shall be quoted on each item and must be extended to show the total price for the quantity of the item requested. Total price for all items listed must be shown. Should a vendor desire to submit alternate prices this can be accomplished by attaching an addendum to the bidding document. In case of error the unit price shall prevail.

1.3(5) All or none bids. The bidding document may specify whether or not

bids will be accepted on an "all or none basis". Unless this statement appears on the bidding document the vendor may not so specify; and the purchasing division may award either by item or by lot, whichever is to the advantage of the state of Iowa. Care will be taken by the purchasing division to insure vendors that they will not be penalized by split awards.

1.3(6) Discounts. The bid form provides space for the statement of cash discount. The only discount provision that will be considered in determining awards will be for cash discount of thirty days or longer. Bids which specify discounts of "E.O.M." or of less than thirty days will be considered as net per item bids. Term discount periods will be computed in one of the following manners:

- a. From date of invoice.
- b. Date of receipt of completed order.
- c. Date certified vendors claim voucher is received. Whichever date is first.

When additional testing of a product is required after delivery, the discount period shall not begin until test is completed and final approval made.

1.3(7) Time of acceptance. Due to the large volume of informal inquiries processed each day by the purchasing division, a minimum of ten days is allowed for acceptance of a vendors offer. A vendor may grant an additional allowance for informal bid acceptance if desired. Vendors bid allowance period, if for other than ten days, must be noted on the bidding document. If a formal bid letting award is not made within thirty calendar days the bids shall be deemed rejected and prices as quoted by the vendor shall not be deemed binding.

1.3(8) Escalator clauses. Unless specifically provided for on the bidding document, a bid containing an "escalator clause" providing for an increase in price will not be considered.

1.3(9) Federal and state taxes. The state of Iowa is exempt from the payment of Iowa sales tax, motor vehicle fuel tax and any other Iowa tax that may be applied to a specified commodity or

service. Exemption certificates will be furnished a vendor on request.

1.3(10) Delivery date. In the space provided on the bidding document a bidder shall show the earliest date on which delivery can be made. The purchasing division may indicate on the bid form the acceptable delivery date for a commodity. The purchasing division may consider delivery dates as a factor in determining the successful vendor.

1.3(11) Time of submission. All formal and informal bids shall be submitted in sufficient time, by the vendor, to reach the purchasing division prior to the date and time set for the opening of bids. Bids received after the date and time set for opening will be returned to the vendor unopened. Bids as received by the purchasing division will be dated and time stamped showing date and hour received.

1.3(12) Modifications or withdrawal of bids. Bids may be modified or withdrawn prior to the time and date set for the opening of bids. Said modifications or withdrawal must be in writing and delivered in a sealed envelope, properly identifying the correct bid proposal to be modified or withdrawn. After the opening of the bids, no bid may be modified or withdrawn.

1.3(13) Testing. Various items may require testing either before or after final award is made. This will be noted in the bid specifications and final award of contract will be made on completion of tests. In these cases vendor must guarantee price until testing has been completed.

1.3(14) Security. The purchasing division may require vendors to provide either a certified check, fidelity or performance bond in the amount of five percent of the total amount of any bid submitted for a commodity or service that is in excess of twenty-five hundred dollars (\$2,500). Security of the successful vendor will be retained in a secure place until all items have been satisfactorily delivered or services performed as stated in bid specifications.

1.3(15) Vendor responsibility for removal of trades. Whenever the purchase of an item of equipment has been made with the trade-in of equipment, it shall be the vendors responsibility to remove

the traded equipment from the agencies storage facilities within thirty days of the final acceptance of the equipment by the agency. The state will not assume responsibility for equipment that is not removed within this time period. The state may cause same to be removed and shipped to vendor, billing vendor for all packing, crating and transportation charges.

1.3(16) Assignment of contract or purchase order.

a. A vendor may not assign any contract to another party without written permission from the purchasing division.

b. A vendor may not assign any contract or purchase order to any financial institution.

1.3(17) Strikes, lockouts or acts of God. Whenever a vendors place of business, or source of supply has been disrupted by one of these acts, it shall be the responsibility of the vendor to promptly advise the department's purchasing division. The state of Iowa may elect to cancel all orders on file with the vendor and place the order with another vendor.

1.4(64GA,Ch84) Opening and processing of the bidding document. The opening of bids submitted by vendors will be handled in one of the following manners.

1.4(1) Formal quotation bid openings. All bids received prior to the time and date set forth on the bidding document will be opened publicly at the time and the place designated and read aloud. All interested persons are invited to attend any bid opening. All original bids will be retained in the office of purchasing and shall be available for public inspection. Bids will be tabulated as required, and tabulation forms filed with bidding documents.

1.4(2) Informal quotation bid openings. All bids received prior to the time and date set forth on the bidding document may be opened publicly at the time and place designated. Bids will be tabulated and placed on file for public inspection within twenty-four hours of the time specified on the bidding document.

1.4(3) Rejection of bids. The right is reserved to reject any or all bids. Bids may be rejected because of faulty specifications, abandonment of the project, in-

sufficient funds, evidence of unfair bidding procedures or failure to provide security, when required. New bids may be requested at a time deemed convenient to the purchasing division and the agency involved.

1.4(4) Minor deficiencies and informalities. The state reserves the right to waive minor deficiencies and informalities if in the judgment of the purchasing division the best interest of the state of Iowa will be served.

1.4(5) Tie bids. The purchasing division will resolve bids which are equal in all respects and tied in price by drawing lots. Whenever practical the drawing will be held in the presence of the vendors who are tied in price. If this is not possible the drawing will be made in front of at least three persons and said drawing documented.

Whenever a tie involves an Iowa firm and a firm outside the state of Iowa, the Iowa firm will receive preference.

Whenever a tie involves one or more Iowa firms and one or more firms outside the state of Iowa the drawing will be held among the Iowa firms only.

Tie bids involving Iowa produced or manufactured products and items produced or manufactured outside the state of Iowa will be resolved in favor of the Iowa product.

1.5(64GA,Ch84) Delivery and acceptance of commodities. When an award has been made to a vendor and the official purchase order issued and received by the vendor, deliveries are to be made in the following manner.

1.5(1) Deliveries. All deliveries are to be made only to the point specified on the official purchase order. If delivery is made to any other point it shall be the responsibility of the vendor to promptly reship to the correct location.

1.5(2) Delivery charges. All delivery charges should be to the account of the vendor whenever possible. If not, all delivery charges should be prepaid by vendor and added to the invoice.

1.5(3) Notice of rejection. The nature of any rejection of a shipment, based on apparent deficiencies disclosed by ordinary methods of inspection, will be given by the receiving agency, to the vendor and carrier within a reasonable

time after delivery of the item, with a copy of this notice to the purchasing division. Notice of latent deficiencies which would make items unsatisfactory for the purpose intended may be given by the state of Iowa at any time after acceptance.

1.5(4) Disposition of rejected items. The vendor must remove at the vendors expense any item rejected by the state of Iowa. If the vendor fails to remove the rejected item the state of Iowa may dispose of the item offering same for sale, deduct any accrued expense and remit the balance to the vendor.

1.5(5) Testing after delivery. Laboratory analysis of an item or other means of testing may be required after delivery. In such cases, vendors will be notified in writing that a special test is being made and that payment will be withheld until completion of the testing process.

1.6(64GA,Ch84) How to initiate payment. It is the intent of the department's purchasing division to process vendors claims against the state of Iowa as rapidly as possible. However, there are certain procedures that a vendor must follow in order to properly initiate the payment of a claim. If a vendor will follow the outline as listed below, payment can be expected within a reasonable time period.

1.6(1) Vendor claim voucher and invoicing. Vendor will receive a copy of the purchase order and the vendors claim voucher will serve as authorization to supply items as listed on the purchase order.

1.6(2) Certification. After the merchandise has been shipped to the agency, vendor shall certify on the vendors claim

voucher that shipment has been made to the agency as specified. Vendor shall prepare invoice in triplicate. Vendor's invoice must refer to the purchase order number appearing in the upper right hand corner of the claim voucher. Attach two copies of the invoice to the claim voucher and return this document to the agency named. Vendor shall forward one copy of invoice to:

State of Iowa
Department of General Services
Purchasing Division
Grimes State Office Building
Des Moines, Iowa 50319

Payment cannot be made unless the vendors claim voucher is returned to the agency. All invoices are to be made to the account of the agency named on the voucher form.

1.6(3) Warrant issuance. After the vendors claim voucher and invoices have been received by the agency, and the agency certified that the merchandise has been received as ordered, vendors claim will be submitted to the state comptroller and a warrant issued to vendors account.

1.6(4) Warrant identification. The state warrant will be mailed along with a copy of the original vendors claim voucher to assist vendor in identifying the payment. The remittance copy of the voucher is for vendor's file.

1.6(5) Correspondence. All correspondence regarding payment should be addressed to the agency named with a copy to the purchasing division.

Invoices bearing cash discounts will receive priority in processing.

[Effective July 15, 1972]

HEALTH DEPARTMENT

Pursuant to the authority of sections 135.11(8) and 135.12 of the Code, the rules appearing in 1971 IDR, pages 363 and 382 relating to the state plumbing code are amended as follows:

[Filed March 15, 1972]

ITEM 1 Rule 1.2(135)T.III, page 363, is amended by striking all of subrule 1.2(96) and adopting the following in lieu thereof:

1.2(96) Shall, should. The word "shall" is a mandatory term. The word "should" is a nonmandatory term, but describes recommended procedures.

ITEM 2 Chapter 7, Plumbing Fixtures, page 382, is amended by adding the following rule 7.21(135)T.III and Table 7.21(135) "Minimum Number of Plumbing Fixtures."

7.21(135)T.III Minimum plumbing facilities.

TABLE

| Type of building occupancy | Type of fixture | | | | | | | |
|--|---|---|--|--|--|---|-------------------------|--|
| | Water closets | | Urinals | | Lavatories | Bathtubs or showers | Drinking fountains | Other fixtures |
| Assembly—places of worship. | Number of persons 150 Women ----- 1 300 Men ----- 1 | Number of fixtures ----- 1 | Number of persons 300 Men* ----- 1 | Number of fixtures ----- 1 | ----- 1 | ----- 1 | ----- 1 | ----- |
| Assembly—other than places of worship (auditoriums, theaters, convention halls). | Number of persons 1-100 ----- 1 101-200 ----- 2 201-400 ----- 3 Over 400, add 1 fixture for each additional 500 men and 1 for each 300 women. | Number of fixtures ----- 1 ----- 2 ----- 3 | Number of persons 1-200 ----- 1 201-400 ----- 2 401-600 ----- 3 Over 600, add 1 fixture for each 300 men.* | Number of fixtures ----- 1 ----- 2 ----- 3 | Number of persons 1-200 ----- 1 201-400 ----- 2 401-750 ----- 3 Over 750, add 1 fixture for each 500 persons. | ----- 1 ----- 2 ----- 3 | 1 for each 300 persons. | 1 slop sink. |
| Dormitories—school or labor, also institutional. | Men: 1 for each 10 persons. Women: 1 for each 8 persons. | ----- 10 ----- 8 | 1 for each 25 men. Over 150, add 1 fixture for each 50 men.* | ----- 1 ----- 1 | 1 for each 12 persons. (Separate dental lavatories should be provided in community toilet rooms. A ratio of 1 dental lavatory to each 50 persons is recommended.) | ----- 1 ----- 1 | 1 for each 75 persons | Laundry trays, 1 for each 50 persons. Slop sinks, 1 for each 100 persons. |
| Dwellings—one and two family. | 1 for each dwelling unit. | ----- | ----- | ----- | 1 for each dwelling unit. | 1 for each dwelling unit. | ----- | Kitchen sink 1 for each dwelling unit. |
| Dwellings—multiple or apartment. | 1 for each dwelling unit or apartment. | ----- | ----- | ----- | 1 for each dwelling unit or apartment. | 1 for each dwelling unit or apartment. | ----- | Kitchen sink 1 for each dwelling unit or apartment. For apartments or multiple dwelling units in excess of 10 apartments or units, 1 double laundry tray for each 10 units or 1 automatic laundry washing machine for each 20 units. |
| Industrial—factories, warehouses, foundries, and similar establishments. | Number of each sex 1-10 ----- 1 11-25 ----- 2 26-50 ----- 3 51-75 ----- 4 76-100 ----- 5 1 fixture for each additional 30 employees. | Number of fixtures ----- 1 ----- 2 ----- 3 ----- 4 ----- 5 | Where more than 10 men are employed: Number of men 11-30 ----- 1 31-80 ----- 2 81-160 ----- 3 161-240 ----- 4 | Number of fixtures ----- 1 ----- 2 ----- 3 ----- 4 | Number of persons 1-100 ----- 1 to 10 Over 100 ----- 1 to 15 | 1 shower for each 15 persons exposed to excessive heat or to occupational hazard from poisonous, infectious or irritating material. | 1 for each 75 persons. | ----- |

TABLE—continued

| | | | | | | | |
|--|---|--|---|--------------------------------------|---|---|------------------------------|
| Institutional—Other than hospitals or penal institutions (on each occupied story). | 1 for each 25 men ---- 1 for each 20 women. | 1 for each 50 men* ---- | 1 for each 10 persons ---- | 1 for each 10 persons ---- | 1 for each 50 persons. | | |
| Hospitals | 1 | | 1 | 1 | | 1 slop sink per floor. | |
| Individual room wards. | 1 for each 8 patients ---- | | 1 for each 10 patients ---- | 1 for each 20 patients. | 1 for each 100 patients. | | |
| Waiting rooms | 1 | | 1 | | | | |
| Employees | Same as public ---- | Same as public ---- | Same as public ---- | Same as public ---- | Same as public ---- | | |
| Penal institutions | 1 in each cell ---- | 1 in each exercise room. | 1 in each cell ---- | 1 on each cell block floor. | 1 on each cell block floor. | 1 slop sink per floor. | |
| Prisoners | 1 in each exercise room | | 1 in each exercise area | | 1 in each exercise area. | | |
| Employees | Same as public ---- | Same as public ---- | Same as public ---- | Same as public ---- | Same as public ---- | | |
| Public buildings, offices, business, mercantile, storage, and institutional employees. | Number of each sex 1-15 ----- 1 16-35 ----- 2 36-55 ----- 3 56-80 ----- 4 81-110 ----- 5 111-150 ----- 6 1 fixture for each additional 40 employees. | Urinals may be provided in men's* toilet rooms in lieu of water closets but for not more than 1/3 of the required number of water closets. | Number of employees 1-15 ----- 1 16-35 ----- 2 36-60 ----- 3 61-90 ----- 4 91-125 ----- 5 1 fixture for each additional 45 persons. | | 1 for each 75 persons. | 1 slop sink per floor. | |
| Schools: | Boys 1/40 1/75 | Girls 1/35 1/45 | 1/30 boys ---- 1/30 boys ---- | 1/50 pupils ---- 1/50 pupils ---- | In gym or pool shower rooms, 1/5 Pupils of a class. | 1/100 pupils but at least 1 per floor. | Slop sinks, 1 on each floor. |
| Working men, temporary facilities. | 1/30 working men ---- | 1/30 working men ---- | 1/30 working men ---- | | | 1 fixture or equivalent for each 100 working men. | |

*Where urinals are provided for the women, the same number shall be provided as for men.

7.21(1) Minimum number of fixtures. Plumbing fixtures should be provided for the type of building occupancy and in the minimum number(s) shown in Table 7.21(135) Minimum Number of Plumbing Fixtures. Types of building occupancy not shown in Table 7.21(135) will be considered individually by the administrative authority.

7.21(2) Separate facilities. In other than residential installation where toilet facilities are provided to serve members of both sexes, separate facilities should be installed for each sex.

These rules are intended to implement sections 135.11(8) and 135.12 of the Code.

[Effective April 14, 1972]

HEALTH DEPARTMENT

(continued)

AIR POLLUTION CONTROL COMMISSION

Pursuant to the authority of sections 136B.4(3) and 136B.4(5) of the Code the rules appearing in 1971 IDR, pages 400-402, relating to Definitions are amended as follows.

[Filed May 2, 1972]

TITLE IV

ITEM 1 Rule 1.2(136B) T.IV. line 2, is amended by inserting the following subrules and renumbering all subsequent subrules in this chapter:

1.2(1) Air pollution alert. That action condition declared when the concentrations of air contaminants reach the level at which the first stage control actions are to begin.

1.2(2) Air pollution emergency. That action condition declared when the air quality is continuing to degrade to a level that should never be reached, and that the most stringent control actions are necessary.

1.2(3) Air pollution episode. A combination of forecast or actual meteorological conditions and emissions of air contaminants which may or do present an imminent and substantial endangerment to the health of persons, during which the chief meteorological factors are the absence of winds that disperse air contaminants horizontally and a stable atmospheric layer which tends to inhibit vertical mixing through relatively deep layers.

1.2(4) Air pollution forecast. An air stagnation advisory issued to the department, the commission, and to appropriate air pollution control agencies by an authorized Air Stagnation Advisory Office of the National Weather Service predicting that meteorological conditions conducive to an air pollution episode may be imminent. This advisory may be followed by a prediction of the duration and termination of such meteorological conditions.

1.2(5) Air pollution warning. That action condition declared when the air quality is continuing to degrade from the levels classified as an air pollution alert, and where control actions in addition to those conducted under an air pollution alert are necessary.

ITEM 2 Subrule 1.2(5) on page 400, is rescinded and the following adopted in lieu thereof.

1.2(10) Backyard burning. The disposal of residential waste by open burning on the premises of the property where such waste is generated.

ITEM 3 Subrule 1.2(6) on page 400, is amended by inserting in line 2 after the word "raise" the words "the temperature of".

ITEM 4 Rule 1.2(136B) T.IV is amended by inserting on page 400 after subrule 1.2(18) the following subrule and renumbering all subsequent subrules in this chapter.

1.2(24) Fugitive dust. Any airborne particulate solid matter emitted from any source other than a flue or stack.

ITEM 5 Rule 1.2(136B) T.IV is amended by inserting on page 401 after subrule 1.2(23) the following subrule and renumbering all subsequent subrules in this chapter.

1.2(30) Landscape waste. Any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

ITEM 6 Rule 1.2(136B) T.IV is amended by inserting on page 401 after subrule 1.2(25) the following subrule and renumbering all subsequent subrules in this chapter.

1.2(33) Objectionable odor. An odor that is believed to be objectionable by thirty percent or more of a random sample of the people exposed to such

odor, with the sample size of at least thirty people.

ITEM 7 Subrule 1.2(26), is amended by rescinding on page 401, the period after the word "characteristic" and inserting the words "expected to be attained".

ITEM 8 Rule 1.2(136B)T.IV is amended by inserting on page 401 after subrule 1.2(26) the following subrule and renumbering all subsequent subrules in this chapter.

1.2(35) Opacity. A state which renders material partially or wholly impervious to rays of light and causes obstruction of the view of the observer.

ITEM 9 Rule 1.2(136B)T.IV is amended by inserting on page 401 after subrule 1.2(34), the following subrule and renumbering all subsequent subrules in this chapter.

1.2(44) Residential waste. Any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade wastes.

ITEM 10 Subrule 1.2(41) on page 401,

is amended by rescinding in line 2 the figure "68" and inserting the figure "70" in lieu thereof.

ITEM 11 Rule 1.2(136B)T.IV is amended by inserting on page 401 after subrule 1.2(43) the following subrule and renumbering all subsequent subrules in this chapter.

1.2(54) Stationary source. Any building, structure, facility, or installation which emits or may emit any air pollutant.

ITEM 12 Rule 1.2(136B)T.IV is amended by rescinding on page 401 subrule 1.2(45) and adopting the following subrule in lieu thereof.

1.2(56) Trade waste. Any refuse resulting from the prosecution of any trade, business, industry, commercial venture (including farming and ranching), or utility or service activity, and any governmental or institutional activity, whether or not for profit.

These rules are intended to implement sections 136B.4(3, 5) and 136B.15 of the Code.

[Effective June 16, 1972]

Pursuant to the authority of sections 136B.4(3) and 136B.4(5) of the Code the rules appearing in 1971 IDR, pages 400-409, relating to Compliance are amended as follows.

[Filed May 2, 1972]

ITEM 1. Rule 2.1(136B)T.IV is amended by rescinding on page 402 subrule 2.1(2) and adopting the following subrule in lieu thereof.

2.1(2) Existing equipment. All existing equipment, as defined herein, shall

be in conformance with applicable emission standards specified for new equipment in chapter 4 of these rules and regulations or as otherwise specified herein.

ITEM 2. Rule 2.1(136B)T.IV is amended by rescinding on page 402 subrule 2.1(3), including Table I, and renumbering the subsequent subrule in this chapter.

These rules are intended to implement section 136B.4(3, 5) of the Code.

[Effective June 16, 1972]

Pursuant to the authority of sections 136B.4(3) and 136B.4(5) of the Code the rules appearing in 1971 IDR, pages 400-409, relating to Controlling Pollution are amended as follows.

[Filed May 2, 1972]

ITEM 1 Subrule 3.1(1) on page 402 is amended by rescinding in line 3 the term "1.2(15)" and inserting the term "1.2(20)" in lieu thereof; and by rescinding in line 5 the term "1.2(11)" and inserting the term "1.2(16)" in lieu thereof.

ITEM 2 Subrule 3.1(2)a(2) on page 403 is amended by inserting in line 2 after the word "another," the words "unless the equipment is portable,".

ITEM 3 Subrule 3.1(2)a on page 403 is amended by adding after line 22 the following new subparagraph.

(5) When portable equipment for which a permit has been issued is transferred from one location to another, the department shall be notified prior to beginning operation at the new location.

ITEM 4 Subrule 3.1(3) a on page 403 is amended by rescinding in line 3 after the words "petroleum gas" the word "exclusively" and inserting the words "or num-

ber 2 fuel oil," in lieu thereof.

These rules are intended to implement section 136B.4(3, 5) of the Code.

[Effective June 16, 1972]

Pursuant to the authority of sections 136B.4(3) and 136B.4(5) of the Code the rules appearing in 1971 IDR, pages 400-409, relating to Emission Standards for Contaminants are amended as follows.

[Filed May 2, 1972]

ITEM 1 Rule 4.2(136B)T.IV on pages 404 and 405 is rescinded and the following rule is adopted in lieu thereof.

4.2(136B)T.IV Open burning.

4.2(1) Prohibition. No person shall allow, cause, or permit open burning of combustible materials, except as provided in subsections 4.2(2) and 4.2(3).

4.2(2) Variances from rules. Any person wishing to conduct open burning of materials not exempted in subsection 4.2(3) may make application for a variance as specified in subsection 3.2(1) of these rules and regulations.

4.2(3) Exemptions. The following shall be permitted unless prohibited by local ordinances or regulations.

a. Disaster rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

b. Diseased trees. The open burning of diseased trees. However, when the burning of diseased trees causes a nuisance, the commission may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite diseased trees.

c. Flare stacks. The open burning or flaring of waste gases, providing such open burning or flaring is conducted in compliance with paragraphs 4.3(2) d and 4.3(3) d of these rules and regulations.

d. Landscape waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing, and construction operations shall be limited to areas located at least one-fourth mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.

e. Recreational fires. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with para-

graph 4.3(2) d of these rules and regulations.

f. Residential waste. Backyard burning of residential waste at dwellings of four-family units or less. The adoption of more restrictive ordinances or regulations of a governing body of the political subdivision, relating to control of backyard burning, shall not be precluded by these rules and regulations.

g. Training fires. Fires set for the purpose of bona fide training public or industrial employees in fire fighting methods, provided that the technical secretary receives notice in writing at least one week before such action commences.

ITEM 2 Subrule 4.3(2) on pages 405 and 406 is amended by inserting on page 406 the following new paragraph.

c. Fugitive dust. After September 1, 1972, no person shall allow, cause, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a construction haul road to be used, constructed, altered, repaired, or demolished, with the exception of farming operations or dust generated by ordinary travel on unpaved roads, without taking reasonable precautions to prevent particulate matter in quantities sufficient to create a nuisance, as defined in section 657.1, Code of Iowa, 1971, from becoming airborne. All persons, with the above exceptions, shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the emissions originate. Reasonable precautions may include, but not be limited to, the following procedures.

(1) Use, where practical, of water or chemicals for control of dusts in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land.

(2) Application of suitable materials, such as but not limited to asphalt, oil, water, or chemicals, on dirt roads, material stockpiles, race tracks, and other surfaces which can give rise to airborne dusts.

(3) Installation and use of containment or control equipment, to enclose or otherwise limit the emissions resulting from the handling and transfer of dusty materials, such as but not limited to grain, fertilizer, or limestone.

(4) Covering, at all times when in motion, open-bodied vehicles transporting materials likely to give rise to airborne dusts.

(5) Prompt removal of earth or other material from paved streets on to which earth or other material has been transported by trucking or earth-moving equipment, erosion by water, or other means.

ITEM 3 Subrule 4.3(2) on pages 405 and 406 is amended by inserting on page 406 the following new paragraph.

d. Visible emissions. After September 1, 1972, no person shall allow, cause, or permit the emission of visible air contaminants of a density or shade equal to or darker than that designated as Number 2 on the Ringelmann Chart, or forty per cent opacity, into the atmosphere from any fuel-burning equipment, internal combustion engine, premise fire, open fire, or stack, except as provided below and in chapter 5 of these rules.

(1) *Residential heating equipment.* Residential heating equipment serving dwellings of four family units or less is exempt.

(2) *Gasoline-powered vehicles.* No person shall allow, cause, or permit the emission of visible air contaminants from gasoline-powered motor vehicles for longer than five consecutive seconds.

(3) *Diesel-powered vehicles.* No person shall allow, cause, or permit the emission of visible air contaminants from diesel-powered motor vehicles of a shade or density equal to or darker than that designated as Number 2 on the Ringelmann Chart, or forty percent opacity, for longer than five consecutive seconds.

(4) *Diesel-powered locomotives.* No person shall allow, cause, or permit the emission of visible air contaminants from diesel-powered locomotives of a shade or density equal to or darker than that designated as Number 2 on the Ringelmann Chart, or forty percent opacity, except for a maximum period of forty consecutive seconds during acceleration under load, or for a period of four consecutive minutes when a locomotive is loaded after a period of idling.

(5) *Startup and testing.* Initial start and warmup of a cold engine, the testing of an engine for trouble, diagnosis or repair, or engine research and development activities, is exempt.

(6) *Uncombined water.* The provisions of this paragraph shall apply to any emission which would be in violation of these provisions except for the presence of uncombined water, such as condensed water vapor.

ITEM 4 Subrule 4.3(3) on page 406 is rescinded and the following subrules adopted in lieu thereof.

4.3(3) Sulfur compounds. The provisions of this section shall apply to any installation from which sulfur compounds are emitted into the atmosphere.

a. Sulfur dioxide from use of fuels. After January 1, 1974, no person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere in an amount greater than six pounds of sulfur dioxide, maximum two hour average, per million British Thermal Units of heat input from any solid fuel-burning installation for any combination of fuels burned; nor the emission of sulfur dioxide into the atmosphere in an amount greater than 2.0 pounds of sulfur dioxide, maximum two hour average, per million British Thermal Units of heat input from any liquid fuel-burning installation.

After January 1, 1975, no person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere in an amount greater than five pounds of sulfur dioxide, maximum two hour average, per million British Thermal Units of heat input from any solid fuel-burning installation for any combination of fuels burned; nor the emission into the atmosphere in an amount greater than 1.5 pounds of sulfur dioxide, maximum two hour average, per million British Thermal Units of heat input from any liquid fuel-burning installation.

b. Sulfur dioxide from sulfuric acid manufacture. After January 1, 1975, no person shall allow, cause, or permit the emission of sulfur dioxide from a sulfuric acid manufacturing plant in excess of 6.5 pounds of sulfur dioxide, maximum two hour average, per ton of product calculated as one hundred percent sulfuric acid.

c. Acid mist from sulfuric acid manufacture. After January 1, 1974, no person shall allow, cause, or permit the emission of acid mist calculated as sul-

furic acid from a sulfuric acid manufacturing plant in excess of 0.5 pounds, maximum two hour average, per ton of product calculated as one hundred percent sulfuric acid.

d. Other processes capable of emitting sulfur dioxide. After January 1, 1974, no person shall allow, cause, or permit the emission of sulfur dioxide from any process, other than sulfuric acid manufacture, in excess of 500 parts per million, based on volume. This paragraph shall not apply to devices which have been installed for air pollution abatement purposes where it is demonstrated by the owner of the source that the ambient air quality standards are not being exceeded.

4.3(4) Nitrogen compounds. The provisions of this section shall apply to any installation from which nitrogen compounds are emitted into the atmosphere.

a. Nitrogen oxides from use of fuel. After January 1, 1974, no person shall allow, cause, or permit the emission of nitrogen oxides from gas-fired fuel burning equipment in excess of 0.2 pounds, maximum two hour average calculated as nitrogen dioxide, per million British Thermal Units of heat input; nor the emission of nitrogen oxides from oil-fired fuel burning equipment in excess of 0.3 pounds, maximum two hour average calculated as nitrogen dioxide, per million British Thermal Units of heat input.

Pursuant to the authority of sections 136B.4(3) and 136B.4(5) of the Code the rules appearing in 1971 IDR, pages 400-409, relating to Exceptions are amended as follows.

[Filed May 2, 1972]

ITEM 1 Rule 5.1(136B)T.IV is amended by rescinding on page 408 subrule 5.1(1) and adopting the following subrule in lieu thereof.

5.1(1) Maintenance of power or heating plant. When building a new fire, when manually cleaning a fire, or when blowing tubes and flues in a power plant, heating plant, or domestic heating plant, visible air contaminants of an appearance, density, or shade equal to or darker

Pursuant to the authority of sections 136B.4(3) and 136B.4(5) of the Code the rules appearing in 1971 IDR, pages 400-

b. Nitrogen oxides from nitric acid manufacture. After January 1, 1974, no person shall allow, cause, or permit the emission of nitrogen oxides calculated as nitrogen dioxide in excess of 5.5 pounds, maximum two hour average, per ton of product calculated as 100 percent nitric acid.

ITEM 5 Subrule 4.4(12) on page 407 is amended by rescinding after the words "particulate matter" in lines 4 and 5 the words "and of smoke." and inserting the words "visible air contaminants, and objectionable odors." in lieu thereof.

ITEM 6 Subrule 4.4(12) is amended by rescinding on page 408 subrule 4.4(12)b and adopting the following subrule in lieu thereof.

b. Visible emissions. No person shall allow, cause, or permit the operation of an incinerator in a manner such that it produces visible air contaminants which have an appearance, density, or shade equal to or darker than Number 2 on the Ringelmann Chart, or forty percent opacity; except that visible air contaminants which have an appearance, density, or shade not darker than Number 3 on the Ringelmann Chart, or sixty percent opacity, may be emitted for a period or periods aggregating not more than three minutes in any sixty minute period during an operation breakdown or during the cleaning of air pollution control equipment.

These rules are intended to implement section 136B.4(3, 5) of the Code.

[Effective June 16, 1972]

than that designated as Number 2 on the Ringelmann Chart, or forty percent opacity, may be emitted into the atmosphere for a period or periods aggregating not more than six minutes in any sixty minute period.

ITEM 2 Subrule 5.1(3)a is amended by rescinding after the word "secretary" in line 3 the words "within seven days of the occurrence of each such incident." and inserting the words "by the next regular working day of the department." in lieu thereof.

These rules are intended to implement section 136B.4(3, 5) of the Code.

[Effective June 16, 1972]

409, relating to Miscellaneous are rescinded and the following adopted.

[Filed May 2, 1972]

CHAPTER 8

PREVENTION OF AIR POLLUTION
EMERGENCY EPISODES

8.1(136B)T.IV General.

8.1(1) *Purpose.* The provisions of this chapter are designed to prevent the excessive buildup of air contaminants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these contaminants on the health of persons.

8.2(136B)T.IV Episode criteria.

8.2(1) *Evaluation.* Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the commission, its technical secretary, or the commissioner determines that the meteorological conditions are such that the accumulation of air contaminants in any place is reaching, or has reached, levels which could, if sustained or exceeded, lead to a substantial threat to the health of persons.

a. Air pollution forecast. Initial consideration of air pollution episode activities will be activated by receipt from the National Weather Service of an air pollution forecast. Receipt of such a forecast shall be the basis for activities such as, but not limited to, increased monitoring of air contaminants in the area involved.

8.2(2) *Declaration.* In making determinations for the declaration of an air pollution episode condition, the commission, its technical secretary, or the commissioner will be guided by the criteria stated in the following paragraphs.

a. Air pollution alert. An alert will be declared when any one of the following levels is reached at any monitoring site, and when meteorological conditions are such that the contaminant concentrations can be expected to remain at those levels for twelve or more hours, or increase, unless control actions are taken.

(1) Sulfur dioxide—800 micrograms per cubic meter (0.3 ppm), twenty-four-hour average.

(2) Particulate matter—3.0 COH or 375 micrograms per cubic meter, twenty-four-hour average.

(3) Sulfur dioxide and particulate matter combined—product of ppm sulfur dioxide (twenty-four-hour average) and COH equal to 0.2, or product of micrograms sulfur dioxide per cubic meter (twenty-four-hour average) and micro-

grams particulate matter per cubic meter (twenty-four-hour average) equal to 65,000.

(4) Carbon monoxide—seventeen milligrams per cubic meter (15 ppm), eight-hour average.

(5) Oxidants (ozone)—200 micrograms per cubic meter (0.1 ppm), one-hour average.

(6) Nitrogen dioxide—1,130 micrograms per cubic meter (0.6 ppm), one-hour average, or 282 micrograms per cubic meter (0.15 ppm), twenty-four-hour average.

b. Air pollution warning. A warning will be declared when any one of the following levels is reached at any monitoring site and when meteorological conditions are such that the contaminant concentrations can be expected to remain at those levels for twelve or more hours, or increase, unless control actions are taken.

(1) Sulfur dioxide—1,600 micrograms per cubic meter (0.6 ppm), twenty-four-hour average.

(2) Particulate matter—5.0 COH or 625 micrograms per cubic meter, twenty-four-hour average.

(3) Sulfur dioxide and particulate matter combined—product of ppm sulfur dioxide (twenty-four-hour average) and COH equal to 0.8, or product of micrograms sulfur dioxide per cubic meter (twenty-four-hour average) and micrograms particulate matter per cubic meter (twenty-four-hour average) equal to 261,000.

(4) Carbon monoxide—thirty-four milligrams per cubic meter (30 ppm), eight-hour average.

(5) Oxidants (ozone)—800 micrograms per cubic meter (0.4 ppm), one-hour average.

(6) Nitrogen dioxide—2,260 micrograms per cubic meter (1.2 ppm), one-hour average, or 565 micrograms per cubic meter (0.3 ppm), twenty-four-hour average.

c. Air pollution emergency. An emergency will be declared when any one of the following levels is reached at any monitoring site, and when meteorological conditions are such that this condition can be expected to continue for twelve or more hours.

(1) Sulfur dioxide—2,100 micrograms per cubic meter (0.8 ppm), twenty-four-hour average.

(2) Particulate matter—7.0 COH or 875 micrograms per cubic meter, twenty-four-hour average.

(3) Sulfur dioxide and particulate matter combined—product of ppm sulfur dioxide (twenty-four-hour average) and COH equal to 1.2, or products of micrograms sulfur dioxide per cubic meter (twenty-four-hour average) and micrograms particulate matter per cubic meter (twenty-four-hour average) equal to 393,000.

(4) Carbon monoxide—forty-six milligrams per cubic meter (40 ppm), eight-hour average.

(5) Oxidants (ozone)—1,200 micrograms per cubic meter (0.6 ppm), one-hour average.

(6) Nitrogen dioxide—3,000 micrograms per cubic meter (1.6 ppm), one-hour average or 750 micrograms per cubic meter (0.4 ppm), twenty-four-hour average.

d. Termination. Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met. As meteorological factors and air contaminants change, an appropriate change in episode level will be declared.

8.3(136B)T.IV Preplanned abatement strategies.

8.3(1) *Planned strategies.* Standby plans shall be designed to reduce or to eliminate emissions of air contaminants in accordance with the objectives set forth in Tables III—V, which are made a part of this chapter.

a. Plan preparation. Any person responsible for the operation of a source of air contaminants as set forth in Tables IV—VI shall prepare standby plans for reducing the emission of air contaminants, which shall be implemented upon the declaration of an air pollution episode and continued for the duration of the declared episode.

(1) Any person responsible for the operation of a source of air contaminants not set forth under this paragraph shall, when requested by the technical secretary in writing, prepare standby plans for reducing the emission of such air contaminant or contaminants during periods of an air pollution episode, as specified in this chapter.

b. Plan content. Standby plans as required under this subsection shall be in writing. Each standby plan shall identify the sources of air contaminants, the ap-

proximate amount of reduction of contaminants, and a brief description of the manner in which the reduction will be achieved during an air pollution alert, air pollution warning, or air pollution emergency, as specified in this chapter.

c. Review of plans. Standby plans as required by this subsection shall be submitted to the technical secretary on or before January 1, 1973. Each standby plan shall be subject to review. If, in the opinion of the commission, a standby plan does not provide for adequate reduction of emissions, the commission may disapprove such plan, state the reasons for disapproval, and order the preparation of an amended standby plan within a time period specified in the order.

d. Availability. During a declared air pollution episode, standby plans as required by this subsection shall be made available on the premises to any person authorized to enforce applicable rules and regulations.

8.4(136B)T.IV Actions during episodes.

8.4(1) *Emission reduction activities.* Any person responsible for the operation of a source of air contaminants as set forth in Tables III—V, herein, which is located within the area involved, shall follow the actions specified below during periods of an air pollution alert, air pollution warning, or air pollution emergency as may be declared.

a. Air pollution alert. When an air pollution alert has been declared, all persons in the area involved responsible for the operation of a source of air contaminants as set forth in Table III herein, shall take all air pollution alert actions as required for such sources of air contaminants, and persons responsible for the operation of specific sources set forth in Table III herein, shall put into effect the preplanned abatement strategy for an air pollution alert.

b. Air pollution warning. When an air pollution warning has been declared, all persons in the area involved responsible for the operation of a source of air contaminants as set forth in Table V herein, shall take all air pollution warning actions as required for such sources of air contaminants, and persons responsible for the operation of specific sources set forth in Table IV herein, shall put into effect the preplanned abatement strategy for an air pollution warning.

c. Air pollution emergency. When an air pollution emergency has been declared, all persons in the area involved responsible for the operation of a source of air contaminants as set forth in Table V herein, shall take all air pollution emergency actions as required for such sources of air contaminants, and persons responsible for the operation of specific sources set forth in Table V herein, shall put into effect the preplanned abatement strategy for an air pollution emergency.

d. Special conditions. When the technical secretary determines that a specified episode level has been reached at one or more monitoring sites solely because of emissions from a limited number of sources, he shall specify the persons responsible for such sources that the preplanned abatement strategy of Tables III, IV, and V, or the standby plans, are required insofar as they apply to such sources, and such actions shall be put into effect until notified that the criteria of the specified level are no longer met.

TABLE III

ABATEMENT STRATEGIES
EMISSION REDUCTION ACTIONS
ALERT LEVEL

General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 noon and 4:00 P.M.
3. Persons operating fuel burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 P.M.
4. Persons operating motor vehicles should eliminate all unnecessary operations.

Source Curtailment

Any person responsible for the operation of a source of air contaminants listed below shall take all required control actions for this alert level.

Source of Air Pollution

1. Coal or oil-fired electric power generating facilities.

Control Actions

- a. Substantial reduction by utilization of fuels having low ash and sulfur content.

- b. Maximum utilization of mid-day (12:00 noon to 4:00 P.M.) atmospheric turbulence for boiler lancing or soot blowing.

- c. Substantial reduction by diverting electric power generation to facilities outside of alert level.

2. Coal- and oil-fired process steam generating facilities.

- a. Substantial reduction by utilization of fuels having low ash and sulfur content.

- b. Maximum utilization of mid-day (12:00 noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.

- c. Substantial reduction of steam load demands consistent with continuing plant operations.

3. Manufacturing industries of the following classifications:

Primary Metals Industry
Petroleum Refining Operations
Chemical Industries
Mineral Processing Industries
Paper and Allied Products
Grain Industry

- a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and all operation.

- b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors, or malodorous substances.

- c. Maximum reduction of heat load demands for processing.

- d. Maximum utilization of mid-day (12:00 noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.

TABLE IV

ABATEMENT STRATEGIES
EMISSION REDUCTION ACTIONS
WARNING LEVEL

General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 P.M.

4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

Source Curtailment

Any person responsible for the operation of a source of air contaminants listed below shall take all required control actions for this warning level.

Source of Air Pollution

1. Coal or oil-fired electric power generating facilities.

Control Actions

a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.

b. Maximum utilization of mid-day (12:00 noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.

c. Maximum reduction by diverting electric power generation to facilities outside of warning area.

2. Oil and oil-fired process steam generating facilities.

a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.

b. Maximum utilization of mid-day (12:00 noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.

c. Making ready for use a plan of action to be taken if an emergency develops.

3. Manufacturing industries which require considerable lead time for shut-down including the following classifications:

Petroleum Refining
Chemical Industries
Primary Metals Industries
Glass Industries
Paper and Allied Products

a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation.

b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors, or malodorous substances.

c. Maximum reduction of heat load demands for processing.

d. Maximum utilization of mid-day (12:00 noon to 4:00 P.M.) atmospheric

turbulence for boiler lancing and soot blowing.

4. Manufacturing industries which require relatively short lead times for shut-down including the following classifications:

Primary Metals Industries
Chemical Industries
Mineral Processing Industries
Grain Industry

a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

b. Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

c. Maximum reduction of heat load demands for processing.

d. Maximum utilization of mid-day (12:00 noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.

TABLE V

ABATEMENT STRATEGIES EMISSION REDUCTION ACTIONS EMERGENCY LEVEL

General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

3. All places of employment described below shall immediately cease operations:

a. Mining and quarrying of nonmetallic minerals.

b. All construction work except that which must proceed to avoid emergent physical harm.

c. All manufacturing establishments except those required to have in force an air pollution emergency plan.

d. All wholesale trade establishments: i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.

e. All offices of local, county, and state government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or state government, authorities, joint meetings, and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments, photographic studios, beauty shops, barber shops, shoe repair shops.

i. Advertising offices, consumer credit reporting, adjustment and collection agencies, duplicating, addressing, blue-printing, photocopying, mailing, mailing list and stenographic services, equipment rental services, commercial testing laboratories.

j. Automobile repair, automobile services, garages.

k. Establishments rendering amusement and recreational services including motion picture theaters.

l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air contaminants from their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.

5. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

Source Curtailment

Any person responsible for the operation of a source of air contaminants listed

Pursuant to the authority of section 136B.4(3) of the Code the rules appearing in 1971, pages 400-409, relating to

below shall take all required control actions for this emergency level.

Source of Air Pollution

1. Coal or oil-fired electric power generating facilities.

Control Actions

a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.
b. Maximum utilization of mid-day (12:00 noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.

c. Maximum reduction by diverting electric power generation to facilities outside of emergency area.

2. Coal and oil-fired process steam generating facilities.

a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.

b. Maximum utilization of mid-day (12:00 noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.

c. Taking the action called for in the emergency plan.

3. Manufacturing industries of the following classifications:

Primary Metals Industries
Petroleum Refining
Chemical Industries
Mineral Processing Industries
Grain Industry
Paper and Allied Products

a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

b. Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

c. Maximum reduction of heat load demands for processing.

d. Maximum utilization of mid-day (12:00 noon to 4:00 P.M.) atmospheric turbulence for boiler lancing and soot blowing.

These rules are intended to implement sections 136B.4(3) and 136B.4(5) of the Code.

[Effective June 16, 1972]

air pollution control are amended by adding the following new chapter.

[Filed May 2, 1972]

CHAPTER 9
CERTIFICATE OF ACCEPTANCE

9.1(136B)T.IV General.

9.1(1) Purpose. Political subdivisions shall meet the conditions specified in this chapter if they intend to secure acceptance of the local air pollution control program and to obtain a certificate of acceptance from the commission, as provided in section 136B.15 of the Code.

9.1(2) Limitation. When a certificate of acceptance is issued to a political subdivision, the commission retains authority to take emergency action as provided in section 136B.9, paragraph 5 of the Code.

9.2(136B)T.IV Certificate of acceptance. The governing body of a political subdivision may make application for a certificate of acceptance.

a. Forms. Each application for a certificate of acceptance shall be submitted to the technical secretary on the form "Application for a Certificate of Acceptance of Local Air Pollution Control Program". Application forms will be available at the department.

9.2(2) Processing of applications. The technical secretary shall make an investigation of the program covered by an application for a certificate of acceptance to evaluate conformance with applicable provisions of section 136B.15 of the Code as soon as practicable.

a. Granting of certificate. A certificate of acceptance may be granted by the commission upon receipt of an affirmative recommendation from the technical secretary, or upon favorable action following a hearing on the application.

b. Review of program. When a certificate of acceptance has been granted for a local air pollution control program, the commission shall provide for a review of the program activities at such intervals as they may prescribe, for evaluation of the continuation of the certificate. Following such review, the commission may continue the certificate in effect, or suspend the certificate.

(1) Suspension of certificate. If the commission determines at any time that a local air pollution control program is being conducted in a manner which is not consistent with the factors described herein, a notice to the political subdivision shall be provided setting forth the deviations from the standards prescribed herein. Such notice shall include a listing

of the corrective measures that are to be completed within a specified period of time. If the commission finds, after such time period, that the specified corrective action has not been completed, the commission shall suspend the certificate of acceptance, and resume administration of the regulatory provisions of the statute in the political subdivision. Suspension of a certificate shall be without prejudice to the right of the applicant for requesting a hearing before the commission.

(2) Reinstatement of certificate. If the commission shall receive evidence that is deemed to indicate correction of the deviations from the standards, a suspended certificate of acceptance shall be reinstated upon the request of the political subdivision involved. Upon reinstatement of a certificate, the political subdivision shall resume the regulatory functions of the program.

9.3(136B)T.IV Ordinance or regulations.

9.3(1) Legal aspects. Each local control program considered for a certificate of acceptance shall be conducted under an appropriate ordinance or set of regulations.

a. Definitions. The definition of air pollution included in the ordinance or regulations shall be consistent with that specified in section 136B.2, paragraph 3 of the Code.

(1) The other definitions included in the ordinance or regulations shall be consistent with those specified in chapter 1 of these rules.

9.3(2) Legal authority. The ordinance or regulations shall provide authority to the local control agency as follows:

a. Scope of control. Authority and responsibility for air pollution control within the entire area included in the jurisdiction involved.

b. Degree of control. Authority to prevent, abate, and control air pollution from all sources within its area of jurisdiction, in accordance with requirements consistent with, or more strict than, the provisions specified in these rules.

c. Enforcement. Legal authority to enforce its requirements and standards.

d. Inspection and tests. Legal authority to make inspections, perform emission tests, and obtain data, reports, or other information relating to sources of air pollution which may be necessary to prepare air contaminant emission in-

ventories, and to evaluate control measures needed to meet specified goals.

9.3(3) Control of air pollution. The ordinance or regulations shall contain provisions applicable to the control or prohibition of emissions of air contaminants as listed below.

a. Emission control. Requirements specifying maximum concentrations, density, or rates of discharge of emissions of air contaminants from specified sources.

(1) These requirements may be included in the ordinance or regulations, or in standards adopted by the local control agency under the authority granted by such ordinance or regulations.

(2) These requirements shall not establish an emission standard for any specific source that is in excess of the emission standard specified in chapter 4 of these rules for that source. However, these requirements may establish an emission standard for any specific source that is more strict than the emission standard specified in chapter 4 of these rules for that source.

b. Prohibition of emissions. Provisions prohibiting the installation of equipment having a potential for air pollution without adequate control equipment.

(1) Such restriction may be included in the building code applicable to the jurisdiction covered by the local control agency.

c. Open burning. Provisions prohibiting open burning, including backyard burning, in urban areas within the jurisdiction of the local control agency.

(1) Provisions relating to backyard burning may consist of a program requiring the prohibition of such burning within a reasonable period of time.

(2) Provisions applicable to open burning may include a variance procedure.

d. Requirements for permits. Provisions requiring installation and operating permits for all new or altered equipment capable of emitting air contaminants into the atmosphere installed within the jurisdiction of the local control agency.

9.3(4) Enforcement. The ordinance or regulations of the local control agency shall include an effective mechanism for enforcing the provisions specified thereunder, as listed below.

a. Procedures. The local control ordinance or regulations shall specify that

any violation of its provisions are subject to civil and criminal penalties.

b. Penalties. The penalties specified in such ordinance or regulations shall include fines, injunctive relief, and sealing of equipment found to be not in compliance with applicable provisions of the ordinance or regulations.

(1) Fines consistent with the applicable provisions of section 136B.16 of the Code shall be specified.

c. Variances. A procedure for granting variances, or extensions of time to attain compliance status, providing that the authority to grant such variance or extension of time shall not be allocated to any administrative officer of the local control agency.

(1) The local control agency shall maintain on file a record of the names, addresses, sources of emissions, types of emissions, rates of emissions, reason for granting, conditions, and length of time specified, relating to all variances or extension of time granted; and shall make such records available to the commission or the department upon request.

9.4(136B)T.IV Administrative organization.

9.4(1) Administrative facilities. Each local control program considered for a certificate of acceptance shall have the administrative facilities necessary for effective operation of such program including, but not limited to, those listed below.

a. Agency. Designation of a legally constituted body within the organizational structure of the applicable political subdivision, or combination of political subdivisions, as the administrative authority for the local control program.

b. Procedures. Adoption of definite administrative procedures for developing, promulgating, and enforcing requirements and standards for air pollution control within the jurisdiction of the local control agency.

c. Staff. Employment of a technical and clerical staff deemed adequate to conduct the air pollution control activities in the local control program.

(1) Key technical staff personnel shall have received training or experience in air quality management program procedures.

(2) At least one member of the technical staff shall be assigned full-time duty in the operation of the local control program.

9.4(2) Financial support. Each local control program considered for a certificate of acceptance shall have adequate financial support for the operation of effective program activities.

9.4(3) Physical facilities. Each local control program considered for a certificate of acceptance shall have the physical facilities necessary for the operation of effective program activities, including those listed below.

a. Office space. Sufficient office space and equipment to accommodate the members of the technical and clerical staff.

b. Laboratory facilities. The laboratory space and equipment shall be adequate for the effective exercise of the specific functions required in the operation of the local control program.

c. Transportation facilities. These facilities shall include provisions for transportation of personnel to service air monitoring equipment, visits to sources of emissions for investigative purposes, and other appropriate program activities.

9.5(136B)T.IV Program activities.

9.5(1) Control program. Each local control program considered for a certificate of acceptance shall conduct air pollution control activities adequate to provide adequate control of air pollution within the jurisdiction of the local control program, including, but not limited to, those listed below. In conducting these program activities, the local control agency shall make every effort to meet the specified ambient air quality objectives applicable to the state of Iowa.

a. Evaluation of problems. Determination of the actual and potential air pollution problems within the jurisdiction of the local control agency, and comparison of the present air quality in that jurisdiction with the air quality standards and objectives promulgated for this state.

(1) The air quality within the jurisdiction shall be determined by an

air monitoring program, using sampling techniques and laboratory determinations compatible with those used in the air pollution control program of this state. The air monitoring program of the local control agency shall give attention to the air contaminants considered to be indices of pollution in this state.

(2) The current emissions of significant air contaminants from sources located within the jurisdiction of the local control agency shall be determined through an emissions inventory. The data collected should be used to determine the levels of air contaminant emissions appropriate to achieve or maintain the levels specified in air quality goals or objectives, and to calculate the reductions in emissions inventory to meet those goals or objectives.

b. Control activities. Conducting of activities to abate or control emissions of air contaminants from existing equipment or from new or altered equipment located within the jurisdiction of the local control agency.

(1) A program of plant inspections shall be conducted with respect to control of emissions from existing equipment. These activities should include the collection of data related to the types of emissions and the rate of discharge of emissions from each source involved, along with stack sampling when deemed appropriate.

(2) Procedures for plan review and the issuing of permits relating to the installation, or alteration such that the emission of air contaminants is significantly altered, shall be conducted with respect to control of emissions from new or altered sources. These procedures may include provisions for permits relating to the use of the equipment involved.

These rules are intended to implement sections 136B.4(3) and 136B.15 of the Code.

[Effective June 16, 1972]

Pursuant to the authority of section 136B.4(3) of the Code the rules appearing in 1971 IDR, pages 400-409, relating to air pollution control are amended by adding the following new chapter.

[Filed May 2, 1972]

**CHAPTER 10
MISCELLANEOUS**

10.1(136B)T.IV Scope.

10.1(1) Conformance. Nothing in

these rules is intended to permit any practice which is in violation of any statute, ordinance, or regulation.

These rules are intended to implement section 136B.4(3) of the Code.

[Effective June 16, 1972]

HEALTH DEPARTMENT

(continued)

Pursuant to the authority of section 135C.14 of the Code, the rules relating to the licensing of nursing homes and custodial homes found in 1971 I.D.R., pages 417 through 435, are rescinded and the following adopted in lieu thereof. [Chs. 1 to 10]

[Filed May 23, 1972]

TITLE X

HEALTH CARE FACILITIES

CHAPTER 1

GENERAL PROVISIONS

1.1(135C)T.X Definitions. For the purpose of these rules, the following terms shall have the meaning indicated in this chapter. The definitions set out in section 135C.1 of the Code shall be considered to be incorporated verbatim in the rules. The use of the words "shall" and "must" indicate those standards are mandatory. The use of the words "should" and "could" indicate those standards are recommended.

1.1(1) "Administrator" means a person who administers, manages, supervises and is in general administrative charge of a health care facility whether or not such individual has an ownership interest in such facility and whether or not his functions and duties are shared with one or more individuals.

1.1(2) "Alcoholism" means a state of dependency resulting from excessive or prolonged consumption of alcoholic beverages.

1.1(3) "Ambulatory" means able to walk or move about without the aid of another person or of a mechanical device such as a wheelchair.

1.1(4) "Basement" means that part of a building where the finish floor is more than thirty inches below the finish grade of the building.

1.1(5) "Bedfast" means a person who because of his condition, is required to remain in bed all of the time and is dependent upon others for assistance to move to safety in an emergency.

1.1(6) "Board" means the provision of regular meals.

1.1(7) "Chairfast" means capable of sitting but lacking the capability of bearing own weight even with the aid of a mechanical device or another individual.

1.1(8) "Commissioner" means the commissioner of public health.

1.1(9) "Communicable disease" means a disease capable of spread from man to man or from animal to man.

1.1(10) "Department" means Iowa state department of health.

1.1(11) "Direction" means guidance or a standing operating procedure provided by the administrator or director of nursing service to personnel of the health care facility to provide for continuing quality care in the absence of the responsible person.

1.1(12) "Director of nursing service" means either a registered nurse or licensed practical nurse, as required by the category of health care facility, is currently licensed by the Iowa board of nursing and who has been delegated by the administrator the authority to provide, direct and supervise nursing care, and who shall assist the administrator in planning for adequate staff, the employment of competent personnel and the purchase of necessary equipment and supplies.

1.1(13) "Distinct part" means a clearly identifiable area or section within a health care facility, consisting of at least a nursing unit, wing, floor or building containing contiguous rooms.

1.1(14) "Drug addiction" means a state of dependency resulting from excessive or prolonged use of drugs as defined in chapter 148, Acts First Session, 64th General Assembly.

1.1(15) "Existing nursing or custodial home" means a health care facility licensed prior to the effective date of these rules.

1.1(16) "Mental illness" means a condition which makes the person potentially dangerous to himself or others.

1.1(17) "New nursing or custodial home" means one licensed after the effective date of these rules.

1.1(18) "Nursing care" means a planned program of services which meets the physical and emotional needs of the patient, is supervised or administered by a qualified nurse and includes those services which a patient normally can do for himself.

1.1(19) "Personal care" means assistance with the activities of daily living which the recipient can provide for him-

self only with difficulty or not at all. Examples are help in walking and getting in and out of bed, assistance with personal hygiene and bathing, help with dressing and feeding, supervision over medications which can be self-administered and other types of personal assistance.

1.1(20) "*Qualified nurse*" means a registered or practical nurse currently licensed under Iowa law.

1.1(21) "*Rehabilitation*" means a program of care given to chronically ill, disabled and aged patients in nursing homes to help them to do more for themselves and become less dependent upon others.

1.1(22) "*Restraint*" means a mechanical device applied to a person to limit movements for therapeutic or protective reasons. Restraints include anklets, wristlets, manacles, restraining sheets and strait jackets.

1.1(23) "*Supervision*" means the direct overseeing and management of programs and services.

1.2(135C)T.X *Licensing*. On approval of the department, after co-ordination with the state fire marshal, special variations and considerations may be granted from these rules and standards providing that it does not endanger the health, safety or welfare of any resident or patient and that alternate means to effect the same degree of protection shall be used when such variances are permitted. Details regarding future plans of compliance must be indicated in writing to the department.

1.2(1) *General requirements*.

a. In order to obtain a license a health care facility must:

(1) Meet the physical standards set forth in 1.13(135C)T.X;

(2) Have a written agreement with another reasonably accessible health care facility offering greater care providing for the transfer and timely acceptance of a resident or patient whose condition requires greater care;

(3) Have a written agreement with a hospital for the timely admission of a resident or patient who, in the opinion of the attending physician, requires hospitalization;

(4) Must meet the requirements of a particular category of health care facility.

b. The resident care program, staffing, services and equipment provided

shall determine the licensure category into which the health care facility or distinct part shall be placed. A health care facility may be shifted from its present licensed category to a category more appropriate to its actual operations and services offered if the health care facility fails to substantially meet the required minimum standards and rules within a specific period reasonably related to the nature of the deficiencies as indicated by the department.

c. The licensee of a health care facility may elect at any time to change its licensed category by submission of a completed application, fee, necessary information and meeting such requirements as provided for in the standards and rules governing operation.

d. The license shall be suitably framed and displayed in a conspicuous place where it can be read at the main entrance inside the health care facility.

e. The license shall be valid only in the possession of the person to whom it is issued.

f. The posted license shall reflect accurately the current status of the health care facility and the category of the health care facility.

g. The department shall be notified at once by letter of any reduction or loss of staff lasting more than seven days which places its staffing below that required for licensing.

h. The health care facility must comply with all applicable statutes and local ordinances prior to licensing and renewal of license.

i. Prior to the purchase, transfer or assignment of a health care facility, the prospective purchaser shall:

(1) Inform the department of his intent;

(2) Obtain and submit a written request from the licensee that information from the department's files concerning the health care facility may be revealed to him by the department.

j. Prior to the purchase, transfer or assignment of a health care facility, the licensee shall:

(1) Inform the department of the pending sale of the health care facility;

(2) Give evidence that all standards and rules are substantially in satisfactory compliance or shall be made so prior to the completion of the sale of the health care facility.

k. Infants and children under the age of sixteen shall not be admitted to health care facilities for adults unless given prior written approval by the department. A distinct part of a health care facility, segregated from the adult section, may be established based on a program of care submitted by the licensee or applicant which is commensurate with the needs of the residents or patients of the health care facility and has received the department's review and approval.

1.2(2) Applications.

a. Application shall be made on forms furnished by the department.

b. The application shall be submitted to the department thirty days prior to proposed opening date of the health care facility or expiration date of the license.

c. Prior to accepting residents or patients, a satisfactory fire safety certificate from the state fire marshal shall be on file with the department.

d. The license fee shall be submitted with the application.

e. An eight and one-half by eleven inch drawing of the floor plan of the health care facility shall be submitted with all initial license applications and which include the following information:

- (1) Room measurements;
- (2) Room numbers;
- (3) Use of each room;
- (4) Windows and door location;
- (5) Bed placement.

f. A photograph of the health care facility shall accompany the application.

g. Licenses expire one year after the date of issuance indicated on the license.

1.2(3) Notifications required by the department.

a. Any structural change in the health care facility or premises shall not be undertaken until notification has been made in writing to the department.

b. Proposed structural changes must be approved by the department.

c. The department shall be notified immediately in writing of any proposed change in location, name or ownership of the health care facility.

d. A new application shall be submitted prior to a change of the health care facility's ownership.

1.2(4) Hearings.

a. The hearing shall be conducted by the commissioner, or a duly qualified employee of the department who has been

designated in writing by the commissioner as a hearing officer, to conduct the hearing.

b. The commissioner or hearing officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers, and administer oaths to witnesses.

c. The hearing shall be conducted at such time and place as designated by the department.

d. The commissioner or hearing officer shall permit the applicant or licensee to appear in person and to be represented by counsel at the hearing at which time the applicant or licensee shall be afforded the opportunity to present all relevant matter in support of his application for license or renewal of license or in resisting the revocation or suspension thereof and cross-examine witnesses.

e. When the hearing has been conducted by a hearing officer, the commissioner shall review the record and findings of fact before rendering a decision. Extenuating circumstances shall not be the basis for any exception from the commissioner's ruling or used as a defense by the applicant or licensee.

f. The commissioner or hearing officer is authorized to conduct such hearing in an informal manner without recourse to the technical common law rules of evidence, but such evidence received shall be substantial, reliable and probative.

g. All subpoenas issued by the commissioner or hearing officer may be served as provided for in civil action. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the district court and shall be paid by the party to the proceeding at whose request the subpoena is issued.

1.3(135C)T.X Administration.

1.3(1) The licensee shall:

a. Assume the responsibility for the overall operation of the health care facility.

b. Be responsible for compliance with all applicable laws and with the rules of the department.

c. Establish written policies for the operation of the health care facility.

d. Designate in writing the individual authorized to act in the absence of the licensee.

1.3(2) General policies.

a. Each health care facility shall have some one person in charge:

(1) Who shall be at least nineteen years of age;

(2) Who shall be empowered to act on behalf of the licensee during his absence concerning the health, safety and welfare of the residents or patients.

b. All persons involved in service to the residents or patients in a health care facility shall be in good physical and mental health, of good moral character and competent to perform the assigned task.

c. Meal planning and food preparation shall be performed by a person who has a good understanding of nutritional needs and proper food sanitation practices.

d. No person with a current record of habitual alcohol intoxication or addiction to the use of drugs shall manage or assist in the management of a health care facility.

e. No person under the influence of alcohol or drugs shall be permitted to provide services in a health care facility.

f. No person with a contagious or infectious disease shall be allowed to provide services in a health care facility.

g. There shall be written policies for emergency medical care and for sudden illnesses among residents or patients.

h. Visiting hours.

(1) There shall be posted daily visiting hours, both day and evening;

(2) Relatives shall be permitted to visit residents or patients for special reasons at any reasonable time;

(3) Each resident or patient shall be privileged to have privacy with his visitors, physician or any agency representative who has responsibility for the resident's or patient's care.

i. Religious services.

(1) Transportation arrangements shall be made for residents or patients who desire to attend church services;

(2) Resident's or patient's request to see a clergyman shall be honored;

(3) A resident's or patient's right to his own religious convictions or absence of them shall not be infringed upon.

j. Mail.

(1) Residents or patients shall receive their mail unopened;

(2) Outgoing mail shall not be censored, controlled or restricted;

(3) Assistance with correspondence shall be provided when requested.

k. A telephone shall be accessible to the residents or patients within the health care facility to make personal calls.

1.4(135C)T.X Admission, transfer and discharge.**1.4(1) General admission policies.**

a. No health care facility shall admit more residents or patients than the number of beds for which it is licensed.

b. There shall be no more beds erected than is stipulated on the license.

c. There shall be no more beds erected in a room than its size and other characteristics will permit.

d. No resident or patient shall be admitted or retained in a health care facility who is in need of greater services than the health care facility can provide.

e. The admission of a resident or patient to a health care facility shall not give the health care facility or any employee of the health care facility the right to manage, use or dispose of any property of the resident or patient except as may be necessary for the safety and orderly management of the health care facility as required by these rules.

f. The admission of a resident or patient shall not grant the health care facility the authority or responsibility to manage the personal affairs of the resident or patient except as may be necessary for the safety of the resident or patient and safe and orderly management of the health care facility as required by these rules.

g. A health care facility shall provide for the safekeeping of personal effects, funds and other property of its residents or patients. The health care facility may require that items of exceptional value or which would convey unreasonable responsibilities to the licensee be removed from the premises of the health care facility for safekeeping.

h. A health care facility shall keep complete and accurate records of all funds and other effects and property of its residents or patients received by it for safekeeping.

i. Funds or properties received by the health care facility, belonging to or due a resident or patient, expendable for his account, shall be trust funds.

(1) Trust funds shall be kept separate from the funds and property of the health care facility and other residents or patients;

(2) A trust fund shall be specifically credited to this resident or patient and expended only for this resident or patient;

(3) The health care facility shall furnish for any resident or patient upon request a complete and certified statement of all funds or other properties which have been entrusted to the management of the health care facility. This statement may be requested by the resident or patient, the legal representative, any governmental unit contributing funds or other property to the account of the patient or resident, or private charitable agency contributing funds or other property to the account of the patient or resident.

j. No owner, administrator, employee or representative of a health care facility shall pay any commission, bonus or gratuity in any form whatsoever, directly or indirectly, to any person for residents or patients referred to such health care facility.

1.4(2) Restrictions.

a. A person who is in an active stage of alcoholism, drug addiction, mental illness or communicable disease shall not be admitted or retained in the health care facility.

b. A person who is unduly disturbing or dangerous to himself or other resident or patient shall not be admitted or retained in the health care facility.

1.4(3) *Contracts.* Each resident or patient shall be covered by a contract executed at the time of admission or prior to admission. It shall:

1. Be signed by a representative of the health care facility and the resident or patient or his legal representative; each party to the contract shall have a duplicate of the original; the health care facility shall keep all contracts on file for at least one year after its expiration date;

2. State the program of care and services to be provided by your health care facility;

3. State all the charges that will be made and methods of their payments; in the event of discharge or death or transfer there shall be an agreement in regard to refund of advance payments;

4. Enumerate personal services the resident or patient requires and charges which will be made for them; supplemental charges for additional services as they become necessary to the resident or patient also shall be listed;

5. State any other responsibilities of the resident or patient and of the facility which are in addition to those required by chapter 135C of the Code;

6. Not be construed or drawn so as to relieve the health care facility of any obligations imposed upon it by chapter 135C of the Code and standards and rules promulgated by the department;

7. Stipulate how personal funds will be dispersed;

8. State the conditions under which the involuntary discharge or transfer of resident or patient would be effective;

9. State the conditions of voluntary discharge or transfer;

10. Provide for its being amended to reflect changing costs or circumstances with notification to the resident or patient or legal representative at least thirty days prior to the effective date of changes.

1.4(4) *Discharge or transfer.*

a. Prior notification shall be made to the next of kin or legal representative prior to transfer or discharge of a resident or patient who is not capable of managing his own affairs.

b. Proper arrangements shall be made by the health care facility for the welfare of the resident or patient prior to transfer or discharge in the event of an emergency or inability to reach the next of kin or legal representative.

c. The licensee shall not refuse to discharge or transfer a resident or patient when the physician, family, resident or patient, or legal representative requests such discharge or transfer.

d. The attending physician shall be consulted or notified of all cases of discharge or transfer.

e. Prior to transfer or discharge of a resident or patient to another health care facility, arrangements for the orderly implementation of this procedure shall be arranged in advance with the health care facility to which the transfer will be made.

f. Where a sponsoring agency is involved, it shall be informed of the discharge or transfer of any resident or patient in which it has an interest.

g. When a resident or patient is transferred, discharged or deceased, the appropriate record shall be completed.

1.5(135C)T.X Medical services.

1.5(1) Each resident or patient in a health care facility shall have a designated physician licensed to practice in Iowa, who may be called when needed.

1.5(2) Each resident or patient admitted to a health care facility shall have had a physical examination prior to admission. A record of the examination, signed by the physician, shall be a part of the resident's or patient's record.

1.5(3) Arrangements shall be made to have a physician available to furnish medical care in case of emergency.

1.5(4) Physicians admitting residents or patients into a health care facility shall be requested to meet with the care review committee when it is deemed necessary by the licensee or the committee members.

1.6(135C)T.X Records.

1.6(1) *Resident or patient record.* The licensee shall keep a permanent record on all residents or patients admitted to a health care facility with all entries current, dated and signed.

The record shall include:

1. Name and home address of resident or patient;
2. Birthdate, sex, and marital status of resident or patient;
3. Church affiliation;
4. Physician's name, telephone number and address;
5. Dentist's name, telephone number and address;
6. Name, address and telephone number of next of kin or responsible agent;
7. Name, address and telephone number of person to be notified in case of emergency;
8. Condition on admission, transfer and discharge;
9. Certification by the physician that the resident or patient does not require a higher degree of care;
10. Attendance of a physician or other professional services;

1.6(2) *Incident records.*

a. Report of incidents shall be in detail.

b. The person in charge at the time of the incident shall prepare and sign the report.

c. The report shall cover all accidents where there is apparent injury or where hidden injury may have occurred.

d. The report shall cover all accidents or unusual occurrences within the health care facility or on the premises affecting residents or patients or visitors.

e. The report shall be kept on file in the health care facility.

1.6(3) *Personal records.* Personal records shall contain:

a. Confidential record:

(1) Factual information regarding personal statistics, family and responsible relative resources, financial status, and other confidential information;

(2) Individualized social service assessment summary, if any, and planning;

(3) Accessible to professional staff involved in planning for services to meet needs of the resident or patient;

(4) Shall be kept on file in the health care facility.

b. Resident's or patient's chart:

(1) Statement of resident's or patient's problems and needs;

(2) Recommendations;

(3) Social service plans and recommendations, if any, for the resident's or patient's record shall be recorded with the date and worker's signature.

c. When the resident's or patient's records are closed, the information shall become a part of the final record.

1.6(4) Death record shall include: Notification of physician; notification of family; and disposition of body.

1.6(5) *Retention of records.*

a. Records shall be retained in the health care facility for five years following termination of services.

b. Records shall be retained within the health care facility upon change of ownership.

c. The resident's or patient's records shall be kept confidential and shall be revealed only to persons authorized by law.

d. The resident's or patient's record shall be released to the individual's physician when the health care facility ceases to operate.

1.6(6) *Reports to the department.* The licensee shall furnish statistical information to the department on request.

1.7(135C)T.X Resident or patient care program and other services.

1.7(1) A program of resident or patient care on a twenty-four-hour basis shall be established in writing which is

commensurate with the needs of the residents or patients in the health care facility.

1.7(2) A resume of the resident or patient care program and other services provided in the health care facility shall be submitted to the department for review and approval prior to licensure of the health care facility.

1.7(3) *Resident or patient care and personal services.*

a. Beds shall be made daily and adjusted as necessary. A complete change of linen shall be made at least once a week and more often if necessary.

b. Each resident or patient shall receive sufficient supervision so that his personal cleanliness is maintained.

c. Residents or patients shall have clean clothing as needed to present a neat appearance, be free of odors and to be comfortable. Clothing shall be appropriate to their activities and to the weather.

d. Residents or patients shall receive kind and considerate care at all times and shall not be abused physically, mentally or verbally in any way.

e. Residents or patients shall be encouraged to leave their rooms and make use of the recreational room or living room of the health care facility.

f. Residents or patients sharing a bedroom shall be of the same sex except where the room is occupied by husband and wife.

g. Residents or patients of one sex shall not be required to pass through another's bedroom to reach a bathroom, living room, dining room, corridor or other common areas of the health care facility.

h. Residents or patients shall not have their personal lives regulated or controlled beyond reasonable adherence to meal schedules, bedtime hours and other elements of group living.

i. Uncontrollable residents or patients shall be transferred or discharged from the home in accordance with contract arrangements and requirements of chapter 135C, Code of Iowa.

1.8(135C)T.X Drugs.

1.8(1) *Drug storage.*

a. A cabinet with a lock shall be provided which can be used for the storage of drugs, solutions and prescriptions.

b. A bathroom shall not be used for drug storage.

c. The drug storage cabinet shall be kept locked.

d. The medicine cabinet key shall be in the possession of a responsible employee.

e. Medications requiring refrigeration shall be kept in a refrigerator.

f. All potent, poisonous or caustic drugs shall be stored separately from other drugs. They shall be plainly labeled and stored in a specific, well-illuminated cabinet, closet or storeroom and made accessible only to authorized persons.

g. All flammable materials shall be specially stored and handled in accordance with applicable local and state fire regulations.

1.8(2) *Drug safeguards.*

a. All prescribed medications shall be clearly labeled indicating the resident's or patient's full name, physician's name, prescription number, name and strength of drug, dosage, directions for use, date of issue; and name, address and telephone number of pharmacy or physician issuing the drug. Standard containers shall be utilized for dispensing drugs. Paper envelopes shall not be considered standard containers.

b. Medication containers having soiled, damaged, illegible or makeshift labels shall be returned to the issuing pharmacist, pharmacy or physician for relabeling or disposal.

c. There shall be no medications or any solution in unlabeled containers.

d. The medications of each resident or patient shall be kept or stored in the originally received containers.

e. Labels on containers shall be clearly legible and firmly affixed. No label shall be superimposed on another label of a drug container.

f. When a resident or patient is discharged or leaves the health care facility, the unused prescription shall, upon written order by the physician, be sent with him or with a responsible agent.

g. Unused prescription drugs prescribed for residents or patients who have deceased shall be destroyed by the charge person with a witness and notation made on the resident's or patient's record.

h. Prescriptions shall be refilled only with the permission of the attending physician.

i. No medications prescribed for one resident or patient may be administered to or allowed in the possession of another resident or patient.

1.9(135C)T.X Food service department.**1.9(1) Nutrition and meal service.**

a. The food served shall be provided in amounts required to meet the recommended daily allowances and the special nutritional needs of the residents or patients in accordance with the physician's orders, "Food for Fitness, A Daily Food Guide", Leaflet No. 424, U.S. Department of Agriculture, can be used as a guide for planning meals which will generally meet the recommended daily allowances. The four food groups listed below are the same as in Leaflet No. 424 and Basic Food Groups for Menu Planning in the *Simplified Diet Manual* (third edition), Nutrition Service, Iowa State Department of Health, Iowa State University Press, Ames, Iowa, 1969.

(1) Milk—two or more cups served as beverage or used in cooking;

(2) Meat group—two or more servings of meat, fish, poultry, eggs, cheese, or equivalent—at least five ounces edible portion per day;

(3) Vegetable and fruit group—four or more servings. This will include a citrus fruit or other fruit and vegetable important for vitamin C; a dark green or deep yellow vegetable for vitamin A, at least every other day; and other vegetables and fruits, including potatoes;

(4) Bread and cereal group—four or more servings of whole grain, enriched or restored.

NOTE: Other foods to round out meals and snacks to satisfy individual appetites and provide additional calories.

b. "Family Food Budgeting for Good Meals and Good Nutrition, No. 94, revised in 1971, Table 2. Basic Low Cost Family Food Plan, U.S. Department of Agriculture, shall be used as the established food portion requirements for residents and patients.

1.9(2) Storage, preparation and service.

a. All food and drink shall be clean, wholesome, free from spoilage and safe for human consumption.

b. The use of foods from salvaged, damaged or unlabeled containers shall be prohibited.

c. All perishable or potentially hazardous food shall be stored at safe temperatures (45°F. or below or 140°F. or above).

d. No perishable food shall be allowed to stand at room temperature any

longer than is required to prepare and serve.

e. Table service shall be attractive. Dishes shall be free of cracks, chips and stains.

1.9(3) Sanitation.

a. "Food Service Sanitation Manual," 1962—U.S. Department of Health, Education and Welfare, Public Health Service, U.S. Government Printing Office, Washington, D.C., shall be used as the established, nationally recognized reference for establishing and determining satisfactory compliance with food service sanitation.

b. Persons handling food shall be knowledgeable of good sanitation practices including emphasis on hand washing.

c. The use of tobacco shall be prohibited in the kitchen.

d. Clothing of food handlers shall be clean and washable.

e. There shall be no animals or birds in the food preparation area.

f. All foods, while being stored, prepared, displayed, served or transported shall be protected against contamination from flies, dust, rodents and other vermin. Foods shall be protected from unclean utensils and work surfaces, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage.

g. Dishes, silverware and cooking utensils shall be properly cleansed by prerinsing or scraping, washing, sanitizing and air drying.

h. No dishes shall be towel dried.

i. The walls, ceilings and floors of all rooms in which food is prepared and served shall be in good repair, smooth, washable, of a light color and shall be kept clean.

j. Spillage and breakage shall be cleaned immediately.

k. All garbage not mechanically disposed of shall be kept in nonabsorbent, cleanable containers pending removal. All filled containers shall be covered and stored in a sanitary manner.

1.10(135C)T.X Orientation.

1.10(1) There shall be an organized orientation program:

a. The program shall be planned and implemented to resolve or reduce personal, family, business, and emotional problems that may interfere with the medical or health care, recovery and rehabilitation of the individual.

b. Services are concerned with the psychosocial needs of residents, the social milieu of the facility and other aspects of institutional life.

c. The total well-being of the resident in achieving a satisfying day-to-day living experience shall be the primary emphasis of the orientation program.

1.10(2) Reserved for future use.

1.11(135C)T.X Care review committee.

1.11(1) Each health care facility shall establish a care review committee in accordance with section 135C.25, Code of Iowa, which shall operate within the scope of these rules and regulations for health care facilities.

1.11(2) Purpose.

a. The committee shall represent the rights of the consumer in the health care facility for determination of appropriate care, of services available in the health care facility, and the determination of any discriminative practices.

b. The committee shall consider the needs of the residents or patients in respect to the services the health care facility is authorized to render.

c. The committee shall relate itself to the physical, personal, spiritual and social needs of the individual resident or patient.

1.11(3) Composition of the committee.

a. Each care review committee shall consist of at least three members and no more than five.

b. The licensee shall appoint the members of the committee from church groups, recognized service clubs, public office holders, retired professionals or other individuals who have an interest in the provision of health care services and protection of dependent persons.

c. Membership of the care review committee shall be evaluated by the department prior to renewal of license each year.

d. A care review committee found to be functioning unsatisfactorily by the department may be required to replace such membership by new appointments made by the licensee.

e. The members of the care review committee shall not be employed by or related to the licensee nor a public employee involved with the sponsoring or placement of residents or patients or who inspects or otherwise evaluates the health care facility, residents or patients.

f. The committee shall elect a chairman and secretary at its first meeting and shall meet at such intervals and on such occasions as required to accomplish its purpose.

g. Information concerning the operation of the health care facility and residents or patients residing therein is a privileged communication and shall not be disclosed publicly in such a manner as to identify individuals or the health care facility.

h. The committee shall be made acquainted and knowledgeable by the licensee of the rules and regulations of the department governing the operation of the health care facility and the services it is licensed to provide.

1.11(4) Function of the committee.

a. The committee shall determine whether the health care facility is fulfilling the contract for services and program of care as agreed upon in the contract.

b. The care review committee may function for more than one facility.

c. Committee members may recommend that the resident or patient be transferred due to the inability or failure of the facility to provide services needed by the resident or patient.

d. Each resident or patient shall be reviewed on an annual basis and the committee shall summarize its findings and its recommendations for each individual resident or patient.

e. The committee members shall make themselves available and be responsive to the right to be heard regarding any complaint against the health care facility.

f. The committee shall determine through its observations, conference with the resident or patient, and consultation with others that adequate services are being provided. Determination shall be made regarding the following: Cleanliness of resident or patient; absence of signs of malnutrition and dehydration; preservation of the highest level of independent functioning in relation to each individual's physical and mental capabilities; consideration of the resident's or patient's psychosocial needs; situations affecting resident's or patient's welfare and safety; sanitation of the health care facility and grounds; the physical structure of the health care facility contains no physical barriers which would prevent any resident or patient from freely using the services of the health care facility or exiting to the outside.

g. The opinions, suggestions and ideas of the committee shall be given to the licensee at the conclusion of each meeting.

h. The committee may report to the department for counsel and guidance in situations where the licensee fails to recognize the intent of their findings and recommendations.

i. The committee shall be available to meet with the department upon request.

j. Any official agency will have the privilege of meeting with the committee to discuss problems in the health care facility pertinent to the agency's official capacity.

1.11(5) Assistance to the committee.

a. All physicians admitting residents or patients to the health care facility shall have the responsibility of assisting the care review committee when necessary.

b. The physician's certification of care shall be made available to the committee by the licensee.

c. The licensee of a health care facility shall meet with the committee on a consultation basis and furnish information upon request to the committee.

d. Committee members may seek advice and counsel from allied health professionals, from specialists in the community, or from appropriate state agencies.

1.11(6) Limitations of the committee.

a. The medical treatment of the individual resident or patient shall not be an area of concern for the care review committee except when direction is provided by the resident's or patient's personal physician.

b. The committee shall not have access to the medical record of the resident or patient.

c. The committee shall not have access to the confidential record prepared by the staff of the social services department. The person responsible for the social services shall be available to the committee to interpret the psychosocial needs of the individual.

1.12(135C)T.X Safety.

1.12(1) The "Safety Manual for Nursing Homes and Homes for the Aged", published by the National Safety Council, Washington, D.C., 1962, shall be used as the established criteria in determining satisfactory compliance with safety requirements in health care facilities.

1.12(2) All health care facilities shall meet the fire safety rules as promulgated by the state fire marshal.

1.12(3) The size of the health care facility and needs of the residents and patients shall be taken into consideration in evaluating safety precautions and practices.

1.12(4) Administration.

a. The licensee of a health care facility shall be responsible for the provision and maintenance of a safe environment for residents or patients and personnel.

b. The administrator shall have a written emergency plan to be followed in the event of fire, tornado, explosion or other emergency.

1.12(5) Resident or patient care.

a. Each resident or patient shall receive adequate supervision to insure against hazard from himself, others or elements in his environment.

b. Residents or patients shall be permitted to smoke only where proper facilities are provided. Smoking shall not be permitted in bedrooms. Smoking by residents or patients considered to be careless shall be prohibited except when the resident or patient is under direct, competent supervision.

1.12(6) Housekeeping.

a. Resident's or patient's personal possessions which may constitute a hazard to himself or others shall be removed and stored. The health care facility shall be kept free of any unnecessary accumulations of equipment, personal possessions, boxes, trunks, suitcases, papers, broken or unusable furniture and similar items.

b. Polishes used on floors shall provide a nonslip finish.

c. Throw or scatter rugs shall not be permitted.

d. Floor coverings torn or split shall be replaced or repaired in a professional manner.

e. Entrances, steps and outside walkways shall be kept free from ice and other hazards.

f. Residents or patients shall not have access to storage areas for all cleaning agents, bleaches, insecticides or any other poisonous, dangerous or flammable materials. These substances shall be used only under controlled conditions by personnel knowledgeable and trained in their use.

1.13(135C)T.X Building, furnishings, equipment and supplies.

1.13(1) Building.

a. The health care facility shall be in a neighborhood free from excessive noise, dirt, polluted or odorous air or similar disturbances. There shall be area available for outdoor activities calculated at twenty-five square feet per licensed bed. Open air porches may be included in meeting such requirements.

b. *General requirements.*

(1) Every home located within the corporate limits of a municipality shall comply with all the applicable local ordinances.

(2) The Handbook of the Illuminating Engineering Society shall be used as the established, nationally recognized criteria for determining satisfactory lighting requirements within a health care facility.

(3) For purposes of computation of usable floor space in bedrooms and other living areas of the health care facility, that part of the room having no less than seven feet of ceiling height shall be used. Usable floor space shall not include space needed for door swings, irregularities in the rooms such as alcoves and offsets or wardrobes being used as a substitute for closet space.

(4) No part of any room shall be enclosed, subdivided or partitioned unless such part is separately lighted and ventilated and meets such other requirements as its usage and occupancy dictates.

(5) No room in a basement shall be occupied for living purposes unless it meets with the approval of the department.

(6) Rooms in which beds are erected shall not be used for purposes other than bedrooms.

(7) Light fixtures shall be so equipped to prevent glare.

(8) Rechargeable battery-operated emergency lights in good working condition shall be available at all times.

(9) Exposed heating pipes, hot water pipes or radiators in rooms and areas used by residents or patients and within reach of residents or patients shall be covered or protected to prevent injury or burns to residents or patients.

(10) Beds shall not be placed in such a manner that the side of the bed is against the radiator or in close proximity to it unless it is so covered as to protect the residents or patients from

contact with it or from excessive heat.

(11) All fans located within seven feet of the floor shall be protected by screen guards. (Mesh or screen of not less than sixteen gauge is recommended.)

(12) All toilet, bath and shower facilities shall be supplied with adequate safety devices appropriate to the needs of the individual residents or patients. Raised toilet seats shall be available for residents or patients who are aged or infirm.

(13) Whenever glass sliding doors or transparent panels are used, they shall be marked conspicuously.

(14) Night lights shall be provided in potentially dangerous areas.

(15) All stairways in resident or patient occupied areas shall have substantial handrails on both sides.

(16) Upon entry into any room, there shall be a light switch adjacent to the door.

(17) Each stairway shall have protective barriers and doorway landings shall be provided.

(18) All windows shall be supplied with curtains and shades or drapes which are kept clean and in good repair.

1.13(2) Furnishings, equipment and supplies. All furnishings and equipment shall be durable, cleanable and appropriate to its function and in accordance with the department's approved program of care.

1. All resident or patient areas shall be decorated, painted and furnished to provide a homelike atmosphere.

2. Upholstery materials shall be moisture and soil resistant.

1.13(3) Bedrooms.

a. Each resident or patient shall be provided with a standard, single or twin bed, substantially constructed and in good repair. Rollaway beds, metal cots, or folding beds are not acceptable.

b. Each bed shall be equipped with casters or glides, clean springs in good repair; a clean, comfortable, well-constructed mattress approximately five inches thick and standard in size for the bed; clean, comfortable pillows of average bed size; and moisture proof covers and sheets as necessary to keep the mattress and pillows dry and clean.

c. Single bedrooms shall have a minimum of eighty square feet of usable floor space.

d. Multiple bedrooms shall have a minimum of sixty square feet of usable floor space.

e. After January 1, 1975, every licensed health care facility shall provide the following:

(1) Single bedrooms shall have a minimum of one hundred square feet of usable floor space per bed.

(2) Multiple bedrooms shall have a minimum of eighty square feet of usable floor space per bed.

f. Nonambulatory residents or patients shall not be housed above the first floor unless suitably sized elevators, commensurate with the resident's or patient's condition, are provided. They shall be installed and maintained in accordance with the American Standard Safety Code for Elevators, Dumbwaiters and Escalators.

g. The window area in all bedrooms shall be at least one-eighth of the floor area.

h. Each resident or patient shall have a bedside table with a drawer to accommodate personal possessions.

i. There shall be a comfortable chair, either a rocking chair or arm chair, per resident or patient bed. The resident's or patient's personal wishes shall be considered.

j. There shall be a chest of drawers for the resident's or patient's clothing. In a multiple bedroom, drawer space shall be assigned each resident or patient.

k. There shall be a wardrobe or closet in each resident or patient room. In a multiple bedroom, closet or wardrobe space shall be assigned each resident or patient sufficient for his needs.

l. Reading lamps shall be provided each resident or patient in his room.

m. Walls, ceilings and floors shall have easily cleanable surfaces, shall be kept clean and in good repair.

n. Usable floor space of a room shall be no less than eight feet in any one dimension.

o. Beds and other furnishings shall not obstruct free passage to and through doorways.

1.13(4) Dining and living rooms.

a. Every health care facility shall have a dining room and a living room accessible to all residents or patients. Each of these rooms shall:

(1) At no time be used as a bedroom;

(2) Provide a minimum of 180 square feet of usable floor space and be no less than ten feet in any one dimension;

(3) Provide a minimum of fifteen square feet of usable seating area per licensed bed.

b. Dining room area.

(1) Dining tables and chairs shall be provided;

(2) Tables shall be of sturdy construction with smooth, durable, non-permeable tops that can be cleaned with a detergent and sanitizing solution;

(3) Dining chairs shall be sturdy and comfortable.

c. Living room area.

(1) Comfortable arm chairs and sofas shall be provided;

(2) A television and radio shall be provided and shall be kept in good working order;

(3) Magazine racks and bookshelves shall be provided.

d. A combination dining and living room area may be used as a multi-purpose area if of adequate size and approved by the department. This room may be used for dining, social and diversional activities.

1.13(5) Family and employee accommodations.

a. If the family or employees live within the health care facility, there shall be provided separate living quarters, including bathing, toilet and recreation facilities.

b. In health care facilities where the total occupancy of family, employees and residents or patients is five or less, one toilet and one tub or shower shall be the minimum requirement.

1.13(6) Supplies.

a. There shall be an adequate supply of linen so that each resident or patient shall have at least two wash cloths, hand towels, and bath towels per week.

b. A complete change of bed linens shall be available in the linen storage area for each bed.

c. Sufficient light weight, clean, serviceable blankets shall be available. All blankets shall be laundered as often as necessary for cleanliness and freedom of odors.

d. Each bed shall be provided with clean, washable bedspreads. There shall be a supply available when changes are necessary.

e. Uncrowded and convenient storage shall be provided for linens, pillows and bedding.

1.14(135C)T.X Maintenance, housekeeping and sanitation.

1.14(1) Each health care facility shall establish a maintenance program to insure the continued maintenance of the health care facility, to provide good housekeeping procedures, and insure sanitary practices throughout the health care facility.

1.14(2) Maintenance.

a. The building shall be maintained in a clean, orderly condition and in good repair.

b. The electrical systems, including appliances, cords and switches, shall be maintained to guarantee safe functioning and comply with the National Electrical Code.

c. All plumbing fixtures shall function properly and comply with state plumbing code.

d. Yearly inspections of the heating and cooling systems shall be made to guarantee safe operation.

e. The grounds and any other buildings shall be maintained in a sanitary and orderly condition and shall be kept free of breeding areas for flies and rodents.

f. Draperies and furniture shall be attractive and in good repair.

g. There shall be a maintenance program to maintain the interior and exterior in good repair. Cracks in plaster, peeling wallpaper or paint shall be promptly repaired or replaced in a professional manner.

1.14(3) Housekeeping.

a. Procedures shall be established for daily and weekly cleaning schedules.

b. Each resident or patient unit shall be cleaned on a routine schedule.

c. There shall be an established procedure for thorough cleaning of each resident or patient unit where the resident or patient remains for an indefinite period.

d. All rooms, corridors, linen closets and storage areas shall be kept in a sanitary, orderly condition.

e. All odors shall be kept under control by cleanliness and proper ventilation. Odors caused by unsanitary conditions or by poor housekeeping shall not be masked.

f. All storage areas, attics and basements shall be kept free of discarded furniture, equipment and accumulations of refuse.

1.14(4) Laundry.

a. If laundry is done in the health care facility, the following shall be provided:

(1) A clean, dry, well-lighted room to accommodate a washer and dryer of adequate size to serve the needs of the health care facility;

(2) The laundry room, when possible, should be divided into separate areas, one for sorting soiled linen and one for sorting and folding clean linens;

(3) The laundry shall be located in such a manner that it is not necessary to transport linen through the dietary area;

(4) In facilities not built expressly as health care facilities, the department may make an exception to the above regulations providing soiled linens are transported in leakproof, clean and closed containers.

b. If laundry is not done in the health care facility, an area shall be provided:

(1) For collecting and counting soiled linen;

(2) For receiving and storage area for clean linens; the receiving area must be separate from the soiled linen area.

c. The laundry room shall be painted in a light color. Floors, walls and ceilings shall be smooth, washable and in good repair.

d. Resident's or patient's personal laundry shall be marked with an identification.

1.14(5) Water supply.

a. Every health care facility shall have an adequate and sanitary water supply from an approved source. A municipal source of supply shall be considered as meeting this requirement.

b. Private sources of supply shall be surveyed and shall comply with the recommendations of the Iowa state department of health.

c. Private sources of supply shall be tested annually and the report submitted with the annual application for license.

d. Individual testing schedules for private sources of supply may be set at the discretion of the Iowa state department of health.

e. A bacterially unsafe source of supply shall be grounds for denial, suspension or revocation of license.

f. Hot and cold running water under pressure shall be available in the health care facility.

1.14(6) *Food and drink.* All food and drink consumed within the health care facility shall be clean and wholesome and comply with all local ordinances and applicable provisions of state and federal laws.

1.14(7) *Miscellaneous.* No animals shall be allowed within the health care facility except with written approval of the department and under controlled conditions.

1.14(8) *Heating.* A centralized heating system capable of maintaining a minimum temperature of 78° F. shall be provided. Unit or space heaters are prohibited from being used or stored in the health care facility.

1.14(9) *Sewerage system.*

a. Sewage shall be collected and disposed of in a manner approvable by the department. Disposal into a municipal system will be considered as meeting this requirement.

b. Private sewerage systems shall be surveyed and shall comply with the recommendations of the Iowa state department of health.

c. Every health care facility shall have an interior plumbing system complete with flushing device.

1.14(10) *Garbage and waste disposal.*

a. All garbage shall be stored and disposed of in a manner that will not permit transmission of disease, create a nuisance or provide a breeding or feeding place for vermin or insects.

b. All containers for refuse shall be water tight, rodent proof and have tight fitting covers.

c. Containers shall be returned to a clean condition each time the containers are emptied.

d. All wastes shall be properly disposed of in compliance with local ordinances and state codes.

1.14(11) *Screens.*

a. Screens of sixteen mesh per square inch shall be provided at all openings.

b. Screen doors shall swing outward and be self-closing. At the discretion of the state fire marshal, screens for fire doors may swing in.

These rules are intended to implement section 135C.14 of the Code.

[Effective May 23, 1972]

CHAPTER 2

ADULT FOSTER HOME

2.1(135C)T.X *Definitions.* See rule 1.1(135C)T.X.

2.2(135C)T.X *Licensing.* Each adult foster home shall comply with the provisions relating to licensing as stated in rule 1.2(135C)T.X.

2.3(135C)T.X *Administration.* Each adult foster home shall comply with the provisions relating to administration as stated in rule 1.3(135C)T.X. In addition, each adult foster home shall comply with the following:

2.3(1) *General policies.* Family members shall be qualified to provide services and supervision required to meet the needs of the resident.

2.3(2) Reserved for future use.

2.4(135C)T.X *Admission, transfer and discharge.* Each adult foster home shall comply with the provisions relating to admission, transfer and discharge as stated in rule 1.4(135C)T.X. In addition, each adult foster home shall comply with the following:

2.4(1) *General admission policies.* No resident who is in need of nursing care or custodial care shall be admitted or retained in an adult foster home.

2.4(2) Reserved for future use.

2.5(135C)T.X *Medical services.* Each adult foster home shall comply with the provisions relating to medical services as stated in rule 1.5(135C)T.X. In addition, each adult foster home shall comply with the following:

2.5(1) Residents shall be admitted to an adult foster home based on a written order by a physician certifying that the individual being admitted requires only accommodation, board and supervision; but does not require nursing or custodial care.

2.5(2) Licensee shall require residents to keep him advised of current medications, treatments and diet so that the licensee will be knowledgeable and can offer supervision when required.

2.6(135C)T.X *Records.* Each adult foster home shall comply with the provisions relating to records as stated in rule 1.6(135C)T.X.

2.7(135C)T.X *Resident care program.* Each adult foster home shall comply with the provisions relating to resident or patient care program as stated in rule 1.7(135C)T.X. In addition, each adult

foster home shall comply with the following:

2.7(1) Resident care and personal services.

a. Additional services shall be provided the resident on a temporary basis for short illnesses and minor ailments when the resident's physician so directs. A resident requiring bed care or nursing services for more than seventy-two hours shall be transferred to a facility licensed to provide nursing care.

b. Residents in the facility shall be required to bathe at least once a week.

c. Medications ordered by the physician shall be self-administered under the supervision of the charge person.

d. Residents shall not share a bedroom with a family member or employees of the owner or operator.

e. Residents physically and mentally able shall be permitted to leave the health care facility and environs unless good cause is established for refusing such permission.

2.7(2) Reserved for future use.

2.8(135C)T.X Drugs. Each adult foster home shall comply with the provisions relating to drugs as stated in rule 1.8 (135C)T.X. In addition, each adult foster home shall comply with the following:

2.8(1) Residents residing in an adult foster home are individuals who are essentially capable of managing their own affairs, which includes self-administration of medications.

2.8(2) As a convenience the licensee may provide storage and handling of medications. This service shall be permitted under the following conditions as provided in rule 1.8(135C)T.X, 1.8(1)—Drug storage and 1.8(2)—Drug safeguards.

2.9(135C)T.X Food service. Each adult foster home shall comply with the provisions relating to food service as stated in rule 1.9(135C)T.X. In addition, each adult foster home shall comply with the following:

2.9(1) Food service shall be provided the residents in a family setting using the kitchen or dining room.

2.9(2) Residents shall be served at the time the family is served.

2.9(3) Sanitation.

a. Washing and sanitizing of dishes and utensils shall meet approved sanitation procedures and practices. Mechanical dishwashers are recommended.

b. All dishes, silverware and cook-

ing utensils shall be stored in a closed cabinet.

c. All appliances and work areas shall be kept clean.

2.10(135C)T.X Orientation program. Each adult foster home shall comply with the provisions relating to orientation program as stated in rule 1.10(135C)T.X.

2.11(135C)T.X Resident activities.

2.11(1) Adult foster home personnel shall encourage activity for the resident.

2.11(2) The residents shall be encouraged and assisted in continuing hobbies or special interests.

2.11(3) The resident shall be included as much as possible in the recreational and social gatherings of the family.

2.11(4) The resident shall be permitted and assisted where necessary to attend the church of his choice, and to participate in church functions.

2.12(135C)T.X Care review committee. Each adult foster home shall comply with the provisions relating to care review committee as stated in rule 1.11 (135C)T.X.

2.13(135C)T.X Safety. Each adult foster home shall comply with the provisions relating to safety as stated in rule 1.12(135C)T.X.

2.14(135C)T.X Buildings, furnishings and equipment. Each adult foster home shall comply with the provisions relating to buildings, furnishings and equipment as stated in rule 1.13(135C)T.X. In addition, each adult foster home shall comply with the following:

2.14(1) Bath and toilet facilities.

a. Toilet and bathing facilities shall be adequate to meet the needs of the resident and family.

b. Provision shall be made for bars to hold individual towel and wash cloth.

2.14(2) Living room.

a. Every adult foster home shall permit residents to use the family living room.

b. Visitors of the residents shall be permitted to use the family living room.

2.14(3) The dining area shall be sufficiently large to accommodate eating facilities for residents and the family.

2.15(135C)T.X Maintenance, housekeeping and sanitation. Each adult foster home shall comply with the provisions relating to maintenance, housekeeping

and sanitation as stated in rule 1.14 (135C)T.X.

These rules are intended to implement section 135C.14 of the Code.

[Effective May 23, 1972]

CHAPTER 3

BOARDING HOME

3.1(135C)T.X Definitions. See rule 1 (135C)T.X.

3.2(135C)T.X Licensing. Each boarding home shall comply with the provisions relating to licensing as stated in rule 1.2 (135C)T.X. In addition, each boarding home shall comply with the following:

3(2.1) Licenses for distinct parts.

a. Separate licenses may be issued for distinct parts of a facility which are clearly identifiable, containing contiguous rooms in a separate wing of building or on a separate floor of the facility and which provide care and services of separate categories.

b. The following requirements shall be met for a separate licensing of a distinct part:

(1) Shall serve only residents or patients who require the category of care and services immediately available to them within that part.

(2) The distinct part shall meet all the standards, rules and regulations pertaining to the category for which a license is being sought.

(3) A distinct part must be operationally and financially feasible.

(4) A separate staff with qualifications appropriate to the care and services being rendered are regularly assigned and working in the distinct part under responsible management.

(5) Separately licensed distinct parts may have certain services, e.g., management, building maintenance, laundry and dietary in common with each other.

3.2(2) Classification within categories. Special variations and considerations may be granted a health care facility which is operated wholly or utilizes a distinct part of the facility for people who have special problems such as retardation, physical disabilities, are children, have a physical or mental dependency or a condition in common which can best be treated in a specialized environment under an approved program of care commensurate with the needs of the residents of the facility.

a. Such a facility or distinct part thereof shall be provided with the kind of equipment, numbers of qualified staff and operated in such fashion as to meet with the approval of the department.

b. On approval of the department, the state fire marshal, and the department of social services, other variations from the established rules and regulations and standards for a licensed health care facility of that category may be made as is necessary to successfully implement the specialized program providing that it does not endanger the health, safety or welfare of any resident or patient and that alternate means to effect the same degree of protection shall be used when such variances are permitted.

c. Day care services for children and adults and types of related community medical, nursing and residential services compatible with the licensed facility's program may be offered as special services in a health care facility if its programs meet with the approval of the department and such additional equipment, space, service facilities and staff as are necessary for its implementation.

3.3(135C)T.X Administration. Each boarding home shall comply with the provisions relating to administration as stated in rule 1.3 (135C) T.X.

3.3(1) The licensee shall:

a. Be responsible for the selection and direction of competent personnel to provide services for the resident care program.

b. Be required to maintain financial records.

3.3(2) General policies.

a. There shall be written policies for resident care programs and services as outlined in these rules.

b. There shall be written personnel policies to include job summary, hours of work, salary, vacation, sick leave and responsibilities.

c. Health examinations.

(1) Health examinations for all employees shall be available for review.

(2) Health examinations for all personnel shall be done at the commencement of employment and at least yearly.

(3) Health examinations shall be in sufficient detail to determine freedom from clinical evidence of any disease in a communicable form.

3.4(135C)T.X Personnel.

3.4(1) General qualifications.

a. Persons employed in a boarding

home shall be qualified to provide services and supervision required to meet the needs of the residents.

b. All personnel employed in a boarding home shall be no less than sixteen years of age nor more than seventy years of age. Exception to the above regulation may be made on an individual basis on a written request to the department.

c. A training program for all personnel is recommended.

d. In facilities licensed for sixteen beds or more, persons in charge of meal planning and food preparation shall have had special training approved by the department.

e. Recognized retarded individuals may be employed but only after an individual request has been made to and approved by the department.

f. Return to duty by personnel following contagious or infectious disease may be made subject to a physician's approval.

3.4(2) Personnel in the facility shall be sufficient to provide twenty-four-hour coverage for residential care services.

a. The person in charge shall be at least nineteen years of age, shall have had experience in the facility and shall have had training to carry out the assignments and to take care of emergencies and sudden illnesses.

b. Persons carried on the resident census shall not perform tasks which would replace paid employees to fulfill staffing requirements. Work programs for residents shall be done only in accordance with physician's orders. Types of tasks given residents will be subject to approval of the department.

3.5(135C)T.X Admission, transfer and discharge. Each boarding home shall comply with the provisions relating to admission, transfer and discharge as stated in rule 1.4(135C)T.X. In addition, each boarding home shall comply with the following:

3.5(1) General admission policies. No resident shall be admitted or retained in a boarding home who is in need of nursing or custodial care.

3.5(2) Reserved for future use.

3.6(135C)T.X Medical services. Each boarding home shall comply with the provisions relating to medical services as stated in rule 1.5(135C)T.X. In addition, the boarding home shall comply with the following:

3.6(1) Residents shall be admitted to a boarding home only on a written order by a physician certifying that the individual being admitted requires accommodation, board and supervision, and does not require nursing or custodial care.

3.6(2) The licensee shall require residents to keep him advised of current medications, treatments and diet so that appropriate supervision can be rendered when it is required.

3.7(135C)T.X Records. Each boarding home shall comply with the provisions relating to records as stated in rule 1.6T.X. In addition, each boarding home shall comply with the following:

3.7(1) Personnel. An employment record shall be kept for each employee consisting of the following information: Name and address of employee; social security number of employee; date of birth; date of employment; experience and education; references (names and addresses of three); position in the home; a record of the employee's physical examination shall be kept in the home and available for review; date and reason for discharge and resignation.

3.7(2) Reserved for future use.

3.8(135C)T.X Resident care program and other services. Each boarding home shall comply with the provisions relating to resident care program and other services as stated in rule 1.7(135C)T.X. In addition each boarding home shall comply with the following:

3.8(1) Resident care and personal services.

a. Additional services shall be provided the resident on a temporary basis for short illnesses and minor ailments when the resident's physician so directs.

b. A resident requiring bed care or nursing services for more than seventy-two hours shall be transferred to a health care facility licensed to provide nursing care.

c. Residents in the facility shall be required to bathe at least once a week.

d. Residents shall not share a bedroom with a family member or employees of the owner or operator.

e. Physically and mentally able residents shall be permitted to leave the facility and environs at reasonable times unless there are justifiable reasons established for refusing such permission.

3.8(2) Reserved for future use.

3.9(135C)T.X Drugs. Each boarding home shall comply with the provisions relating to drugs as stated in rule 1.8(135C)T.X. In addition, each boarding home shall comply with the following:

3.9(1) Residents residing in a boarding home are individuals who are essentially capable of managing their own affairs, which includes self-administration of medications. Residents who are unable or cannot be trusted to take their own medications shall be transferred to a facility licensed to offer personal services.

3.9(2) As a convenience, the licensee may provide storage and handling of medications. This service shall be in compliance with 1.8(1)—Drug storage and 1.8(2)—Drug safeguards.

3.10(135C)T.X Food service. Each boarding home shall comply with the provisions relating to food service as stated in rule 1.9(135C)T.X. In addition, each boarding home shall comply with the following:

3.10(1) Organization of food service.

a. A trained cook manager or a person who is in training to meet this requirement shall be employed.

b. Food service personnel shall be on duty for a twelve hour span extending from the preparation of breakfast through supper.

c. There shall be written policies and procedures which are applicable to the food service facility. A schedule of duties to be performed daily shall be posted in each area.

d. There shall not be more than a fourteen hour span between the evening meal and breakfast.

3.10(2) Menus, storage, preparation and service.

a. Menus shall be written at least one week in advance.

b. Menus shall include a variety of foods prepared in various ways.

c. Records of menus as served and amended shall be filed and maintained for thirty days and shall be available for review by departmental personnel.

d. A file of tested recipes adjusted to the number of people fed in the facility shall be maintained.

e. Supplies of staple foods for a minimum of a one-week period and of perishable foods for a minimum of a two-day period shall be maintained on the premises. Minimum food portion requirements shall conform to the amounts listed for a low cost plan as provided in

"Family Food Budgeting for Good Meals and Good Nutrition, Revised 1971, No. 94, Table 2 Basic Low Cost Family Food Plan", U.S. Department of Agriculture."

f. Ice shall be stored and handled in such manner as to prevent contamination. Ice scoops should be sanitized daily and kept in a clean container.

3.10(3) Sanitation.

a. Mechanical dishwasher or a three-compartment sink is required.

b. Directions for the dishwashing procedure shall be posted and available to all kitchen personnel. The proper procedure shall be utilized for the welfare of the residents and employees.

c. Dishwashing machine must provide a wash temperature of 140° F. and a rinse temperature of 180° F. The machine shall have temperature gauges.

d. All dishes, silverware and cooking utensils shall be stored in a closed cabinet.

e. All appliances, work and serving areas shall be kept clean.

f. The food service area shall be located so it will not be used as a passageway by residents or nonfood service staff.

g. The food preparation area shall not be used for serving meals to residents, staff or food service personnel.

h. Washing, ironing, sorting of either clean or dirty laundry and folding of laundry shall not be done in the food service area.

i. Poisonous compounds shall not be kept in food storage or preparation areas.

3.11(135C)T.X Orientation programs. Each boarding home shall comply with the provisions relating to orientation programs as stated in rule 1.10(135C)T.X.

3.12(135C)T.X Resident activities.

3.12(1) The resident shall be encouraged and assisted in continuing normal activities within his limitations and in accord with his interest.

3.12(2) The facility shall have a staff member to direct the activities.

3.12(3) A staff member shall utilize community service groups, volunteer groups and social and recreational opportunities in planning for resident activities.

3.12(4) Consultation services available from the department should be utilized.

3.12(5) All residents shall be encouraged to participate in the activity pro-

grams of the facility but no resident shall be forced to participate.

3.12(6) A variety of activities shall be provided to satisfy the needs and interests of the residents.

a. Arts and crafts shall be included in the activity program.

b. A recreational social program shall be considered as an important aspect of the activity program.

3.12(7) Hobbies or special interests which the resident has shall be encouraged.

3.12(8) Monthly program calendars should be prepared in advance and posted.

3.12(9) Supplies.

a. The health care facility shall make available a variety of supplies and equipment of the nature calculated to fit the needs of the residents.

b. Supplies and equipment shall include books, magazines, tables for card playing, daily newspapers, radio, television, etc.

c. Storage shall be provided for recreational equipment and supplies.

3.13(135C)T.X Care review committee. Each boarding home shall comply with the provisions relating to care review committee as stated in rule 1.11(135C) T.X.

3.14(135C)T.X Safety. Each boarding home shall comply with the provisions relating to safety as stated in rule 1.12(135C) T.X.

3.15(135C)T.X Buildings, furnishings, equipment and supplies. Each boarding home shall comply with the provisions relating to buildings, furnishings, equipment and supplies as stated in rule 1.13(135C) T.X. In addition, each boarding home shall comply with the following:

3.15(1) Furnishings and equipment.

a. Night lights shall be provided in corridors, at stairways, bathrooms, toilets, attendant's stations and resident's bedroom.

b. Bedrooms shall not open directly into the food preparation area. Neither shall they be located in such a manner that it is necessary to pass through the kitchen to reach them.

c. Bedrooms shall open directly into a corridor or common living area. Bedrooms shall not be used as a thoroughfare.

d. Bath and toilet facilities.

(1) Provision shall be made for bars to hold individual towel and wash cloths.

(2) All lavatories shall have paper towel dispensers and an available supply of soap.

(3) Minimum numbers of toilet and bath facilities shall be one lavatory, one toilet for each ten residents and one tub or shower for each fifteen residents or fraction thereof.

(4) There shall be a minimum of one bathroom with tub or shower, toilet stool and lavatory on each floor in multistory buildings. Separate toilets for the sexes shall be provided.

(5) Grab bars shall be provided at all toilet stools, tubs and showers where the resident is aged or infirm. Grab bars, accessories and anchorage shall have sufficient strength to sustain a dead weight of 250 pounds for five minutes.

(6) Toilet and bath facilities shall have an aggregate window area of at least four square feet. Facilities having a system of forced air ventilation are exempt from this regulation providing there is a complete air change every seven minutes.

(7) Hot water to resident lavatories, baths and showers shall not be more than 110°F.

e. Dining and living rooms. Every facility shall have a dining room and a living room accessible to all residents. Each of these rooms shall provide accommodation for the seating of all residents at one time.

3.15(2) Reserved for future use.

3.16(135C)T.X Maintenance, housekeeping and sanitation. Each boarding home shall comply with the provisions relating to maintenance, housekeeping and sanitation as stated in rule 1.14(135C) T.X. In addition, each boarding home shall comply with the following:

3.16(1) Janitor closet.

a. Facilities shall be provided for storage of cleaning equipment, supplies and utensils.

b. Mops, scrub pails and other cleaning equipment used in the resident areas shall not be stored or used in the dietary area.

c. Water for filling scrub pails and drains for emptying scrub pails shall be available in the janitor's closet.

d. A janitor's sink shall be available for cleaning janitorial equipment and dumping waste water.

3.16(2) Reserved for future use.

These rules are intended to implement section 135C.14 of the Code.

[Effective May 23, 1972]

CHAPTER 4**CUSTODIAL HOME**

4.1(135C)T.X Definitions. See rule 1.1(135C)T.X.

4.2(135C)T.X Licensing. Each custodial home shall comply with the provisions relating to licensing as stated in rule 1.2(135C)T.X. In addition, each custodial home shall comply with the following:

4.2(1) Licenses for distinct parts.

a. Separate licenses may be issued for distinct parts of a custodial home which are clearly identifiable, containing contiguous rooms in a separate wing or building or on a separate floor of the facility and which provide care and services of separate categories.

b. The following requirements shall be met for a separate licensing of a distinct part:

(1) Shall serve only residents who require the category of care and services immediately available to them within that part.

(2) The distinct part shall meet all the standards, rules and regulations pertaining to the category for which a license is being sought.

(3) A distinct part must be operationally and financially feasible.

(4) A separate staff with qualifications appropriate to the care and services being rendered are regularly assigned and working in the distinct part under responsible management.

(5) Separately licensed distinct parts may have certain services such as management, building maintenance, laundry and dietary in common with each other.

4.2(2) Classification within categories. Special variations and considerations may be granted a custodial home which is operated wholly or utilizes a distinct part of the facility for people who have special problems such as retardation, physical disabilities, are children, have a physical or mental dependency or a condition in common which can best be treated in a specialized environment under an approved program of care commensurate with the needs of the residents of the facility.

a. Such a facility or distinct part thereof shall be provided with the kind

of equipment, numbers of qualified staff and operated in such fashion as to meet with the approval of the department.

b. On approval of the department, the state fire marshal, and the department of social services, other variations from the established rules and standards for a licensed health care facility of that category may be made as is necessary to successfully implement the specialized program of care providing that it does not endanger the health, safety or welfare of any resident and that alternate means to effect the same degree of protection shall be used when such variances are permitted.

c. Day care services for children and adults and types of related community medical, nursing and residential services compatible with the licensed facility's program may be offered as special services in a health care facility if its programs meet with the approval of the department and such additional equipment, space, service facilities and staff as are provided for its implementation.

4.3(135C)T.X Administration. Each custodial home shall comply with the provisions relating to administration as stated in rule 1.3(135C)T.X.

4.3(1) The licensee shall:

a. Appoint an administrator to discharge its responsibilities; his authority and duties shall be defined in a written statement endorsed by the licensee;

b. Have policies for the operation of the facility which shall be available for review;

c. Be responsible for the selection and direction of competent personnel to provide services for the resident care program;

d. Be required to maintain financial records;

e. The custodial home payroll records shall be made available for departmental review as needed.

4.3(2) General policies.

a. The charge person shall be capable of carrying out administrative duties and of assuming administrative responsibilities.

b. There shall be written policies for resident care programs and services as outlined in these rules.

c. There shall be written personnel policies to include job summary, hours of work, salary scale, responsibilities, vacation, sick leave and qualifications.

d. Health examinations for all personnel shall be done at the commence-

ment of employment and at least yearly and shall be sufficient in detail to determine freedom from clinical evidence of any disease in a communicable form.

4.4(135C)T.X Personnel.

4.4(1) General qualifications.

a. Persons employed in a custodial home shall be qualified through training as an aide or attendant or through experience to provide services and supervision required to meet the needs of the residents.

b. All personnel employed in a custodial home shall be no less than sixteen years of age nor more than seventy years of age. Exception to the above regulation may be made on an individual basis on a written request to the department.

c. There shall be an on-going in-service training program for all personnel.

d. In facilities licensed for sixteen beds or more, persons in charge of meal planning and food preparation shall have had training approved by the department.

e. Recognized retarded individuals may be employed for specific duties but only after an individual request has been made to the department and approval given.

f. Return to work of personnel having a contagious or infectious disease may be made subject to a physician's approval.

4.4(2) Staffing.

a. The department shall establish on an individual facility basis the numbers and qualifications of the staff required in the facility using as its criteria the services being offered and the needs of the residents.

b. Persons carried on the resident census shall not perform tasks which would replace paid employees to fulfill staffing requirements. Work programs for residents shall be done only in accordance with physician's orders. Types of tasks given residents will be subject to departmental approval.

4.5(135C)T.X Admission, transfer and discharge. Each custodial home shall comply with the provisions relating to admission, transfer and discharge as stated in rule 1.4(135C)T.X. In addition, each custodial home shall comply with the following:

4.5(1) General admission policies.

a. No resident shall be admitted

or retained in a custodial home who is in need of nursing care.

b. The resident's record shall be complied with as set forth in these rules.

4.5(2) Reserved for future use.

4.6(135C)T.X Medical services. Each custodial home shall comply with provisions relating to medical services stated in rule 1.5(135C)T.X. In addition, each custodial home shall comply with the following:

4.6(1) Each resident shall be admitted to a custodial home on a written order by his personal physician certifying that the individual being admitted requires only personal assistance with daily living and does not require nursing care.

4.6(2) Orders given by a physician for the treatment or medication of any resident shall be in writing.

4.6(3) Each resident shall be visited by or shall visit his physician at least once each year. This visit shall be recorded on the resident's record.

4.6(4) The facility shall make provisions for contacting the attending physician on indication of illness of resident.

4.7(135C)T.X Records. Each custodial home shall comply with provisions relating to records stated in rule 1.6(135C)T.X. In addition, each custodial home shall comply with the following.

4.7(1) Personnel.

a. An employment record shall be kept for each employee consisting of the following information: Name and address of employee; social security number of employee; date of birth; date of employment; experience and education; names and addresses of three references; position in the facility; date of discharge or resignation; reason for discharge or resignation.

b. A record of the employee's annual physical examination shall be kept in the facility and shall be available for review.

4.7(2) Resident records. The administrator shall keep a permanent record of all residents admitted to the custodial home. The record shall include:

a. Physical examination and medical history;

b. Certification by the physician that the resident does not require nursing care and requires only custodial care services;

c. Medication;

d. Room assignment and disposition of valuables;

e. Unusual incidents and accidents;

f. Change of condition;

g. Upon discharge or referral, instructions given to resident or responsible agent and list of medications.

4.7(3) Medication record.

a. The medication record shall comply with these rules.

b. The Schedule II drug medication records shall be kept in accordance with state and federal laws.

4.8(135C)T.X Resident care program and other services. Each custodial home shall comply with provisions relating to resident care program and other services stated in rule 1.7(135C)T.X. In addition, each custodial home shall comply with the following:

4.8(1) Reserved for future use.

4.8(2) Resident care and personal services.

a. Additional services shall be provided the resident on a temporary basis for short illnesses and minor ailments when the resident's physician so directs. A resident requiring bed care or nursing services for more than seventy-two hours shall be transferred to a facility licensed to provide nursing care.

b. Residents in the facility shall be required to bathe at least once a week.

c. Medications ordered by the physician shall be administered by the personnel employed to supervise resident's care.

d. Residents shall not share a bedroom with a family member or employees of the owner or operator.

4.8(3) Resident privileges.

a. Physically and mentally able residents shall be permitted to leave the facility and grounds at reasonable times unless there are justifiable reasons established for refusing such permission.

b. Living room and recreational areas shall be freely accessible to the residents at all reasonable times.

4.9(135C)T.X Drugs. Each custodial home shall comply with the provisions relating to drugs as stated in rule 1.8(135C)T.X. In addition, each custodial home shall comply with the following:

4.9(1) Drug storage.

a. The drug cabinet shall have a work counter. Both the counter and cabinet shall be well lighted.

b. Running water shall be in close proximity to the medicine cabinet.

c. Schedule II drugs, as defined by chapter 148, Acts of the First Session of the 64th General Assembly, shall be kept in a locked box within the medication cabinet.

d. Bulk supplies of prescription drugs shall only be kept in a licensed pharmacy.

e. Inspection of drug storage condition shall be made by the administrator and a registered pharmacist not less than once every three months. The inspection shall be verified by a report signed by the administrator and the pharmacist and filed with the administrator. The report shall include, but not be limited to, certifying absence of the following: Expired drugs; deteriorated drugs; improper labeling; drugs for which there is no current physician's order; drugs improperly stored.

4.9(2) Administration.

a. A designated individual shall be responsible for the administration of all medications as prescribed by the physician.

b. The individual charged with the responsibility of administering medication shall have some knowledge of the purpose of the drug, its dangers and contraindications.

c. The person assigned the responsibility of medication administration must complete the procedure by personally preparing the dose and observing the actual act of swallowing the oral medication.

d. A written record of medications administered shall be made.

e. Records shall be kept of all Schedule II drugs received and dispensed.

4.9(3) Other drug safeguards.

a. Unused prescription drugs prescribed for residents who have deceased shall be destroyed by the person responsible for administration of medications. A witness shall be present and notation made in the resident's record regarding the disposition of the drugs. The drugs may also be returned to the dispensing pharmacist for destruction and a notation made in the record to that effect.

b. Instructions shall be requested of the Iowa board of pharmacy examiners concerning disposal of unused Schedule II drugs prescribed for residents who have died and for whom the Schedule II drug was discontinued.

c. There shall be a formal routine for the proper disposal of discontinued medications within a reasonable but specified time. These medications shall not be retained with the resident's current medications. Discontinued drugs shall be destroyed by a responsible person with a witness and notation made to that effect or returned to the pharmacist for destruction. Schedule II drugs shall be disposed of in accordance with the provisions of the Iowa board of pharmacy examiners.

d. All medication orders which do not specifically indicate the number of doses to be administered or the length of time the drug is to be administered shall be stopped automatically after a given time period. The automatic stop order may vary for different types of drugs. The personal physician of the resident, in conjunction with the pharmacist, shall institute these policies and provide procedures for review and enforcement.

e. No resident shall be allowed to keep in his possession any medications unless the attending physician has certified in writing on the resident's medical record that the resident is mentally and physically capable of doing so.

f. No medications or prescription drugs shall be administered to a resident without a written order signed by the attending physician.

g. No medicines prescribed for one resident may be administered to or allowed in the possession of another resident.

h. Injectable medications shall not be given in a custodial home, except by a qualified nurse in the event of a short illness of a resident.

4.10(135C)T.X Food service. Each custodial home shall comply with the provisions relating to food service as stated in rule 1.9(135C)T.X. In addition, each custodial home shall comply with the following:

4.10(1) Organization of food service department.

a. A trained cook manager or a person who is in training to meet this requirement shall be employed.

b. Food service personnel shall be on duty for a twelve hour span extending from the preparation of breakfast through supper.

c. There shall be written policies and procedures which are applicable to food service.

d. There shall be written job descriptions covering each type of job in the food service department. These job descriptions shall be posted or kept in a notebook which is available for use in the food service area.

4.10(2) Nutrition and meal service.

a. Special nourishments shall be available when ordered by a physician.

b. It is recommended that personnel responsible for food services should receive instructions through available programs from various sources including the department.

c. There shall not be more than a fourteen-hour span between the evening meal and breakfast.

4.10(3) Menus, storage, preparation and service.

a. Menus shall be written at least one week in advance. Any substitution from the planned menu shall be recorded on the menu.

b. Menus shall include a variety of foods prepared in various ways. The same menu shall not be repeated on the same day of the following week.

c. Records of menus as served and amended shall be filed and maintained for thirty days and shall be available for review by departmental personnel.

d. A file of tested recipes adjusted to the number of people to be fed in the facility shall be maintained. Methods of food preparation used shall conserve nutritive value, flavor and appearance.

e. Supplies of staple foods for a minimum of a one-week period and of perishable foods for a minimum of a two-day period shall be maintained on the premises. Minimum food portion requirements for a low cost plan shall conform to the amounts listed in "Family Food Budgeting for Good Meals and Good Nutrition, No. 94, Revised 1971, 'Table 2 Basic Low Cost Family Food Plan', U.S. Department of Agriculture".

f. Records of foods purchased shall be retained for three months and shall be made available for review by the department when there is a need to know.

g. Ice shall be stored and handled in such manner as to prevent contamination. Ice scoops should be sanitized daily and kept in a clean container.

4.10(4) Sanitation.

a. Hairnets or coverings (other than spray net) shall be worn by all food service personnel.

b. Poisonous compounds shall not

be kept in food storage or food preparation areas.

c. Washing and sanitizing of dishes and utensils shall follow good sanitation procedure and practice.

d. A mechanical dishwasher or a three compartment sink is required.

e. Directions for the dishwashing procedure shall be posted and available to all kitchen personnel. The proper procedure shall be utilized for the welfare of the residents and employees.

f. A dishwashing machine must provide a wash temperature of 140° F. and a rinse temperature of 180° F. The machine shall be provided with temperature gauges.

g. All dishes, silverware and cooking utensils shall be stored above the floor in a clean, dry place protected from flies, dust and other contaminants.

h. There shall be effective procedures established for cleaning all work and serving areas. A schedule for duties to be performed daily shall be posted in each food area.

i. The food service area shall be located so it will not be used as a passageway by residents or nonfood service staff.

j. Residents shall not be allowed in the food preparation area. The food preparation area shall not be used for serving meals to either residents, staff or food service personnel.

k. Washing, ironing, sorting of either clean or dirty laundry and folding of laundry shall not be done in the food service area; neither shall dirty linen be carried through this area unless it is in a sealed, leakproof container.

4.11(135C)T.X Orientation programs. Each custodial home shall comply with the provisions relating to orientation programs as stated in rule 1.10(135C)T.X.

4.12(135C)T.X Resident activities program.

4.12(1) Each custodial home shall have an activity program for the group and for the individual resident.

4.12(2) The residents shall be encouraged and assisted in continuing normal activities within limitations and in accord with their interests.

4.12(3) The facility shall designate a staff member to direct the activities program.

4.12(4) The staff member shall be qualified through experience or shall

have had training in directing group activities.

4.12(5) The staff member shall utilize community service groups, volunteer groups and social recreational opportunities in planning for resident activities.

4.12(6) Consultation services available from the department should be utilized.

4.12(7) All residents shall be encouraged to participate in the activity program of the facility but no resident shall be forced to participate.

4.12(8) Residents shall understand as much as possible the objectives of the program.

4.12(9) A variety of activities shall be provided to satisfy the needs and interests of the residents.

4.12(10) Arts and crafts shall be included in the activity program.

4.12(11) An active social recreational program shall be considered as an important aspect of the activity program.

4.12(12) Monthly program calendars should be prepared in advance.

4.12(13) *Supplies and equipment.*

a. The facility shall make available a variety of supplies and equipment of a nature calculated to fit the needs of the residents.

b. Supplies and equipment shall include books, magazines, tables for card playing, daily newspapers, radio, television, and similar materials.

c. Storage shall be provided for recreational equipment and supplies.

4.13(135C)T.X Care review committee. Each custodial home shall comply with the provisions relating to care review committee as stated in rule 1.11(135C)T.X.

4.14(135C)T.X Safety. Each custodial home shall comply with the provisions relating to safety as stated in rule 1.12(135C)T.X. In addition, each custodial home shall comply with the following:

4.14(1) The administrator shall have a written emergency plan to be followed in the event of fire, tornado, explosion or other emergency. The plan shall be posted and make provision for:

a. Designation of responsibility;

b. The persons to notify;

c. Fire extinguisher locations;

d. Evacuation routes;

e. Procedures for evacuating residents and transportation to a place of safety;

f. Emergency lighting;

g. Plans for evacuation in the event of heating failure;

h. Immediate and succeeding steps of procedures to be followed in different emergencies.

4.14(2) Residents not fully in possession of their faculties and who have been known to wander shall be provided with identification wrist bands or other appropriate means of identification.

4.14(3) *Restraints.*

a. No form of restraint shall be used.

b. Residents shall not be kept behind locked doors.

c. Temporary seclusion of residents shall be used only when necessary to prevent injury to the resident or to others pending transfer to appropriate placement.

d. A dutch door (half door) equipped with a securing device which may be readily opened by personnel shall be considered an appropriate means of temporarily confining a resident in his room.

4.14(4) *Housekeeping.*

a. A procedure shall be established for training housekeeping personnel in safety practices.

b. Sufficient numbers of refuse containers shall be available so that accumulations of trash will not constitute a hazard.

4.15(135C) *T.X Building, furnishings and equipment.* Each custodial home shall comply with the provisions relating to building, furnishings and equipment as stated in rule 1.13(135C) *T.X.* In addition, each custodial home shall comply with the following:

4.15(1) The stipulated requirements for lighting as stated shall be in effect:

a. Bath and toilet rooms—twenty foot candles;

b. Kitchen—thirty foot candles.

c. Attendant's station—twenty foot candles;

d. Resident rooms—general—ten foot candles

reading—thirty foot candles;

e. Dining room — thirty foot candles;

f. Recreation room—one-hundred foot candles;

g. Corridors—ten foot candles;

h. Stairways—twenty foot candles;

i. Exit stairways—five foot candles.

4.15(2) Night lights shall be provided in corridors, at stairways, bath-

rooms, toilets, attendant's stations and resident's bedrooms furnishing not less than one foot candle throughout the area at all times.

4.15(3) *Family and employee accommodations.*

a. Operator's and employee's children shall not be allowed into the areas where custodial residents are housed or in service areas.

4.15(4) *Dining room.*

a. Provide accommodation for the seating of at least fifty percent of all residents at any one time.

b. The dining room shall be furnished appropriate to the size and function of the facility.

c. Dining tables and chairs shall be provided. Tables should be so constructed that a person seated in a wheelchair can dine comfortably.

4.15(5) *Living room.*

a. The living room shall be furnished appropriate to the size and function of the facility. It shall be maintained for the use of residents and their visitors and may be used for recreational activities.

b. The living room shall be furnished and arranged for multipurpose use, with comfortable, easy chairs; sofas; end tables; reading lights; racks for magazines and books; and other appropriate diversional therapy supplies.

c. Card tables or game tables shall be made available. The tables should be of a height to allow a person seated in a wheelchair to partake in the games or card playing.

d. Chairs of proper height and appropriate to their use shall be provided for seating residents at game tables and card tables.

4.15(6) *Bedrooms.*

a. Each room shall have sufficient mirrors to serve resident's needs.

b. Bedrooms shall open directly into a corridor or common living area. Bedrooms shall not be used as a thoroughfare.

c. The resident bedroom shall not be occupied by a family member or employees of the owner or operator.

d. Clothing shall be hung in closets or wardrobes available in each room.

e. There shall be an approved, electrically operated call system for any nonambulatory custodial resident.

4.15(7) Bath and toilet facilities.

a. Minimum numbers of bath facilities shall be one tub or shower for each fifteen residents or fraction thereof.

b. Minimum number of toilet facilities shall be one lavatory and one toilet for each ten residents or fraction thereof.

c. There shall be a minimum of one bathroom with tub or shower, toilet stool and lavatory for each floor in multi-story buildings. Separate toilets for the sexes shall be provided.

d. Grab bars shall be provided at all toilet stools, tubs and showers. Grab bars and accessories shall have sufficient strength to sustain a dead weight of 250 pounds for five minutes.

e. Shower stalls shall be large enough to permit showering of residents in wheelchairs or shower chairs which have been manufactured for that purpose.

f. Separate toilet facilities shall be provided for the use of employees and the public.

g. Toilet and bath facilities shall have an aggregate window area of at least four square feet. Facilities having a system of forced air ventilation are exempt from this regulation providing there is a complete air change every seven minutes.

h. Toilet and bathing facilities shall not open directly into food preparation areas.

i. Individual towel and wash cloth bars shall be provided.

j. All lavatories shall have paper towel dispensers and soap.

k. Hot water to resident lavatories, baths and showers shall be no more than 110° F.

4.15(8) Attendant's station.

a. An attendant's station shall be provided which is centrally located in the resident area.

b. The station shall contain a minimum of forty square feet. It shall have a well-lighted desk with the necessary equipment for the keeping of required records and for supplies.

4.16(135C) T.X Maintenance, housekeeping and sanitation. Each custodial home shall comply with the provisions relating to maintenance, housekeeping and sanitation as stated in rule 1.14(135C) T.X. In addition, each custodial home shall comply with the following:

4.16(1) All personnel shall be thor-

oughly acquainted and trained in their jobs in order to assume the responsibility of their positions.

4.16(2) Maintenance.

a. Maintenance personnel shall follow established written procedures.

b. Maintenance personnel shall be provided a work schedule with sufficient detail to enable the worker to meet employer expectations.

c. Maintenance personnel shall be provided with appropriate equipment.

d. Where the repair of a ceiling, wall, floor or any other portion of a building has failed to correct a maintenance problem or structural defect, the renovation of that portion shall be made so that satisfactory compliance is achieved.

4.16(3) Housekeeping.

a. Clothing worn by personnel shall be clean and easily washable.

b. Housekeeping personnel shall be provided with appropriate and properly maintained equipment.

c. Bathtubs, shower stalls or lavatories shall not be used for laundering, cleaning utensils and mops for storage purposes.

d. Sufficient and appropriate facilities shall be provided for satisfactory cleaning and for the storage of housekeeping equipment and supplies.

e. All furniture, bedding, linens and appliances shall be cleaned before use by another resident.

f. Kitchen sinks shall not be used for the cleaning of mops, soaking laundry, cleaning or dumping waste water.

4.16(4) Laundry.

a. Except for related activities, the laundry room shall be used for no other purpose.

b. The laundry room shall contain no less than one-hundred and forty-five square feet of floor space.

4.16(5) Linen storage.

a. Facilities shall be provided for the storage of clean linen.

b. If laundry is not processed in the facility, the linen storage area can be used as a receiving and counting area.

4.16(6) Food and drink. All cooking stoves shall be provided with a properly sized exhaust system and hood to eliminate excess heat, moisture and odors from the kitchen.

4.16(7) Janitor closet.

a. Facilities shall be provided for storage of cleaning supplies and utensils.

b. Mops, scrub pails and other cleaning equipment used in the resident areas shall not be stored or used in the dietary area.

c. Water for filling scrub pails and drains for emptying scrub pails shall be available in the janitor's closet.

d. A janitor's sink shall be available for cleaning janitorial equipment and dumping waste water.

These rules are intended to implement section 135C.14 of the Code.

[Effective May 23, 1972]

CHAPTER 5

BASIC NURSING HOME

5.1(135C)T.X Definitions. See rule 1.1 (135C)T.X.

5.2(135C)T.X Licensing. Each basic nursing home shall comply with the provisions relating to licensing as stated in rule 1.2(135C)T.X. In addition, each basic nursing home shall comply with the following:

5.2(1) Licenses for distinct parts.

a. Separate licenses may be issued for distinct parts of a nursing home which are clearly identifiable, containing contiguous rooms in a separate wing or building or on a separate floor of the facility and which provide care and services of separate categories.

b. The following requirements shall be met for a separate licensing of a distinct part:

(1) Shall serve only patients who require the category of care and services immediately available to them within that part;

(2) The distinct part shall meet all the standards, rules and regulations pertaining to the category for which a license is being sought;

(3) A distinct part must be operationally and financially feasible;

(4) A separate staff with qualifications appropriate to the care and services being rendered are regularly assigned and working in the distinct part under responsible management;

(5) Separately licensed distinct parts may have certain services, e.g., management, building maintenance, laundry and dietary in common with each other.

5.2(2) Classification within categories. Special variations and considerations may be granted a health care facility which is operated wholly or utilizes a distinct part of the facility for people who have

special problems such as retardation, physical disabilities, are children, have a physical or mental dependency or a condition in common which can best be treated in a specialized environment under an approved program of care commensurate with the needs of the residents or patients of the facility.

a. Such a facility or distinct part thereof shall be provided with the kind of equipment, numbers of qualified staff and operated in such fashion as to meet with the approval of the department.

b. On approval of the department, the state fire marshal, and the department of social services other variations from the established rules and standards for a licensed health care facility of that category may be made as is necessary to successfully implement the specialized program of care providing that it does not endanger the health, safety or welfare of any resident or patient and that alternate means to effect the same degree of protection shall be used when such variances are permitted.

c. Day care services for children and adults and types of related community medical, nursing and residential services compatible with the licensed facility's program may be offered as special services in a health care facility if its programs meet with the approval of the department and such additional equipment, space, service facilities and staff as are provided for its implementation.

5.3(135C)T.X Administration. Each basic nursing home shall comply with the provisions relating to administration as stated in rule 1.3(135C)T.X. In addition, each nursing home shall comply with the following:

5.3(1) The licensee may be a proprietorship, association, corporation or governmental unit. The licensee shall:

a. Appoint an administrator to discharge its responsibilities. His authority and duties shall be defined in a written statement endorsed by the licensee;

b. Be knowledgeable and comply with the rules and lawful orders and directions of the department concerning the facility;

c. Establish written policies for the operation of the facility which shall be available for review;

d. Establish job descriptions for the administrator and his assistants;

e. Be responsible for the selection and direction of competent personnel to

provide services for the patient care program;

f. Be required to maintain financial and statistical records capable of verification by qualified persons. The records shall be kept on the accrual basis for accounting. Income records shall be maintained so as to show the individual charges for patient care and source of payment such as state patient, private patient, Title XVIII or Title XIX. All expenses including salaries must be reflected in applicable cost centers which must include but not be limited to administrative; property expense; plant operating expense; dietary expense; laundry and linen expense; housekeeping expense; nursing care expense; recreation expense; and personal purchases for patients;

g. Make the nursing home work record available for departmental review as needed. These records shall clearly reflect the hours of the days worked by all employees of the facility;

h. Notify the department:

(1) Thirty days in advance of the sale of the health care facility;

(2) Thirty days in advance of the closure of the health care facility;

(3) Of a change of administrator;

(4) Thirty days in advance of any contemplated changes in the physical plant, its functional operation or addition or deletion of major services.

5.3(2) General policies.

a. Each nursing home shall have some one person in charge, duly licensed as a nursing home administrator or acting in a provisional capacity in accordance with the laws of the state of Iowa and the rules of the Iowa Board of Examiners for Nursing Home Administrators.

b. A licensed administrator may act as an administrator for more than one facility provided that the equivalent of two full days per week is spent in each facility.

c. A licensed administrator in charge of more than one facility shall employ a full-time individual designated as an assistant administrator for each facility.

d. The licensee may be the licensed nursing home administrator providing he meets the requirements as set forth in these regulations and devotes the required time to administrative duties.

Residency in the facility does not in itself meet this requirement.

e. A provisional administrator may be appointed on a temporary basis by the nursing home licensee to assume the administrative responsibilities for a nursing home for a period not to exceed six months when, through no fault of its own, the home has lost its administrator and has not been able to replace him provided:

(1) The department has been notified prior to the date of the administrator's appointment;

(2) That the Board of Examiners for Nursing Home Administrators has approved the administrator's appointment and has confirmed such appointment in writing to the department.

f. In the absence of the administrator, a responsible person shall be designated in charge of the facility. The person designated shall:

(1) Be knowledgeable of the operation of the facility;

(2) Have access to records concerned with the operation of the facility;

(3) Be capable of carrying out administrative duties and of assuming administrative responsibilities.

g. There shall be written policies for patient care programs and services as outlined in these rules.

h. There shall be written personnel policies including the hours of work, salary scale; responsibilities; vacation allowance; sick leave; and attendance at educational programs.

i. There shall be a written job description developed for each category of worker. The job description shall include title of job; job summary; age range; qualifications (formal education and experience); skills needed; physical requirements; and responsibilities.

j. Health examinations for all personnel shall be done at the commencement of employment and, thereafter, at least yearly.

k. Health certificates for all employees shall be available for review.

l. Health examinations shall be in sufficient detail to determine freedom from:

(1) Clinical evidence of any disease in a communicable form;

(2) Boils or infected wounds;

(3) Acute or chronic inflammatory condition of respiratory system. A chest X ray or tuberculin skin test is re-

quired annually. A positive skin test requires a chest x-ray;

(4) Evidence of a carrier state or an intestinal infection. Food handlers and nursing staff specifically shall be required to report disabilities and illnesses, especially boils, infected wounds, rashes, sores, acute respiratory infections and intestinal infections;

(5) The health care facility shall have written procedures to be followed in the event of sudden illnesses among employees and patients;

(6) The health care facility shall have established policies concerning the control, investigation and prevention of infections within the facility.

m. Religious services:

(1) Religious services shall be provided or arranged for the patients who desire to participate;

(2) Assistance to patients for chapel services shall be provided;

(3) Privacy shall be provided when requested for the clergyman's visit with individual patients.

5.4(135C)T.X Personnel.

5.4(1) General qualifications.

a. Persons employed in a nursing home shall be qualified through training or through experience to perform the type of work for which they have been employed.

b. The nurse employed to supervise nursing service shall be a qualified nurse as defined in these regulations.

c. All nursing service personnel employed in a nursing home shall be no less than eighteen years of age nor more than seventy years of age. Exception to the above regulation may be made on an individual basis upon submitting a written request to the department.

d. Effective July 1, 1973, nurse aides, orderlies or attendants shall be qualified, having completed or being currently enrolled in a nurse aide educational program approved by the department, and which may be provided by the facility.

e. There shall be an on-going in-service educational and training program for all personnel.

f. Persons in charge of meal planning and food preparation shall have had training approved by the department.

g. Recognized retarded individuals may be employed for specific duties but

made to the department and approval has been given.

5.4(2) Nursing supervision and staffing in a basic nursing home.

a. A basic nursing home with a licensed bed capacity of one to twenty beds shall have a qualified nurse on duty a total of fifty-six hours per week. Nursing hours to be increased 1.12 hours per licensed bed per week for each bed over twenty. (Example: A fifty bed nursing home would require 89.60 hours per week.)

b. At least one qualified nurse shall be employed eight hours per day each day of the week and shall be on duty between 6:00 a.m. and 7:00 p.m.

c. A qualified nurse's work week shall not exceed forty-eight hours per week. This person shall not be engaged in other full-time employment.

d. A qualified nurse shall be on call and available for service during those periods when a qualified nurse is not on duty.

e. Where only part-time nurses are employed, one nurse shall be designated director of nursing service. The person so designated shall be the nurse the best qualified and actively pursuing the responsibilities of the position.

f. A qualified nurse shall be employed to relieve the supervising nurses on holidays, vacation, sick leave, days off, absences or emergencies. Pertinent information for contacting such relief person shall be posted.

g. If the director of nursing service acts in a dual role as an administrator, a qualified nurse must be employed to relieve her when she is performing in her administrative capacity.

h. There shall be at least one person, who shall be capable of rendering nursing service, awake, dressed and on duty at all times.

i. Nursing service for female patients shall be provided by female personnel. Unlicensed male personnel shall not be permitted to give care to female patients at any time unless a female nurse or aide is also in attendance. Consideration shall be shown the individual patient's feelings in this regard.

j. The aide placed in charge during the absence of the qualified nurse shall be at least nineteen years of age, shall have had experience in the facility and shall have had special training to carry out her assignments and to take

care of emergencies and sudden illnesses.

k. The department shall establish on an individual facility basis the numbers and qualifications of the staff required in the facility using as its criteria the services being offered and the needs of the patients.

l. A basic nursing home with a licensed bed capacity of thirty or more beds shall have at least two attendants on duty 11:00 p.m. to 7:00 a.m. If the attendants on this shift are assigned duties other than nursing service, the duties assigned to them shall not be away from the patient care area.

m. The department may require more qualified nurses on the various shifts commensurate with the needs of the patients. Additional nurse staffing shall be established by the department where distinct parts, multistoried nursing units and atypical situations occur.

n. Persons carried on the patient census performing work shall not be used to replace paid employees in fulfilling staffing requirements. Work programs for patients shall be done only in accordance with physician's orders. Types of tasks given patients will be subject to departmental approval.

5.5(135C)T.X Admission, transfer and discharge. Each basic nursing home shall comply with the provisions relating to admission, transfer and discharge as stated in rule 1.4(135C)T.X. In addition, each basic nursing home shall comply with the following:

5.5(1) General admission policies.

a. Patients may be admitted and retained in a licensed nursing care facility which offers greater care and services than is required or needed by the individual.

b. No patient shall be admitted or retained in a nursing home who is in need of medical procedures or nursing care in excess of that which the facility can provide as determined by his physician.

c. No patient shall be admitted or retained in a nursing home who is in need of greater services than the facility is licensed to provide.

d. The admission record shall be complied with as set forth in these rules.

5.5(2) Restrictions. A person who is acutely ill or who requires medical services greater than that provided in the facility shall not be admitted or retained in the facility.

5.5(3) Contracts. State the type of nursing care and other services to be provided by the facility to the patient.

5.6(135C)T.X Medical services. Each basic nursing home shall comply with the provisions relating to medical services as stated in rule 1.5(135C)T.X. In addition, each basic nursing home shall comply with the following:

5.6(1) Each patient in a nursing home shall be under the medical direction of a physician licensed to practice medicine in Iowa.

5.6(2) A patient shall be admitted to a nursing home only on a written order by the attending physician certifying that the individual being admitted requires no greater degree of nursing care than the facility is capable of providing as indicated by his license.

5.6(3) Each patient shall be permitted free choice of a physician.

5.6(4) On admission to a nursing home the patient's physician will indicate the time of the next routine visit and intervals of successive visits. All visits shall be recorded on the patient's record.

5.6(5) A schedule listing the names and telephone numbers of the physicians shall be posted in each nursing station.

5.6(6) Orders concerning medications and treatments shall be in effect for the specified number of days indicated by the physician. If not specified, the period shall not exceed thirty days. Reorders of medications or treatments shall be written on the physician's record.

5.6(7) Telephone orders shall be taken by the qualified nurse. However, in the absence of the nurse, the person in charge shall receive the order. Orders shall be written into the patient's record and signed by the person receiving the order. Telephone orders shall be submitted to the physician for his signature within forty-eight hours.

5.6(8) The qualified nurse or charge person in the absence of the nurse shall notify the physician of any accident, injury or change in the patient's condition.

5.6(9) Physicians admitting patients into a nursing home shall be requested to meet the care review committee when it is deemed necessary by the administrator, director of nursing service or the committee members.

5.7(135C)T.X Records. Each basic nursing home shall comply with the provisions relating to records as stated in rule

1.6(135C)T.X. In addition, each basic nursing home shall comply with the following:

5.7(1) Personnel.

a. An employment record shall be kept for each employee consisting of the following information: Name and address of employee; social security number of employee; date of birth; date of employment; experience and education; names and addresses of three references; position in the facility; date of discharge or resignation; reason for discharge or resignation.

b. A record of the employee's annual physical examination shall be kept in the facility and available for review.

5.7(2) Patient clinical records. There shall be a separate clinical record for each patient admitted to a nursing home with all entries current, dated and signed.

5.7(3) The admission record shall include:

a. Admission diagnosis;

b. Mortician's name, address and telephone number;

c. Physical examination: The record of the physical examination and medical history shall include patient's name, sex and age; medical history; physical examination; diagnosis; statement of chief complaint; estimation of restoration potential; results of tuberculin skin test or chest X ray and other diagnostic procedures.

d. Physician's orders. The record of the physician's orders shall include:

(1) Certification that the patient requires no greater degree of nursing care than the facility is licensed to provide;

(2) Medication;

(3) Treatments;

(4) Restorative and special medical procedures;

(5) Dietary needs.

e. Progress notes.

(1) Physicians shall enter a progress note at the time of each visit;

(2) Other professionals, i.e., dentists, social workers, physical therapists and others shall enter progress notes on a special form.

f. Laboratory and X ray reports.

g. Nurses record. The nurses record shall include the following information:

(1) *Admitting notes.* Time and mode of transportation; room assignment; disposition of valuables; symptoms and complaints; general condition

of patient; blood pressure and weight;

(2) *Routine notes.* Physician's visits; telephone calls to and from the physician; unusual incidents and accidents; change of condition; social interaction;

(3) *Discharge and referral.* Time and mode of transportation; patient's general condition; instructions given to patient or responsible agent; list of medications; completion of referral form for continuity of care;

(4) *Death.* Notification of physician, family and disposition of body.

h. Medication record. The medication record shall comply with these rules.

i. Schedule I and II drug records shall be kept in accordance with state and federal laws.

j. Death record.

(1) The death record shall include name, age, sex and race of deceased; date and time of death; physician's name and address; immediate cause of death; name and address of relative or legal representative notified of death; name and address of mortician receiving the body; signature of the physician or mortician;

(2) If the physician does not sign the death record, a copy of the death certificate shall be obtained by the facility as soon as it becomes available and made a part of the patient's medical record retained by the facility.

k. Transfer or referral form.

(1) The transfer or referral form shall include identification data from the admission record; name of transferring institution; name of receiving institution; date of transfer;

(2) Nurses report shall include patient attitudes, behavior; interests; functional abilities (activities of daily living); unusual treatments; nursing care; problems (likes and dislikes); nutrition; current medications (when last given); and condition on transfer;

(3) Physician's report shall include reason for transfer, medications; treatment; diet; activities; significant laboratory and X-ray findings; and diagnosis and prognosis.

l. Incident report.

(1) A printed incident report form shall be used;

(2) The nursing personnel on duty shall prepare and sign the form.

m. Consultation reports. Consultation reports shall indicate services ren-

dered by allied health professionals in the facility or in health centered agencies such as dentists, physical therapists; podiatrists; oculists; and others.

5.8(135C)T.X Patient care program and other services. Each basic nursing home shall comply with the provisions relating to resident or patient care program and other services as stated in rule 1.7(135C) T.X. In addition, each basic nursing home shall comply with the following:

5.8(1) An organized program of patient care on a continuous, twenty-four-hour basis commensurate with the needs of the patients shall be established in writing for the facility. The staffing and equipping of the facility shall be adequate to actively implement the program.

5.8(2) A resume of the nursing care program and other services provided in the facility shall be submitted to the department for review and approval prior to licensure of the facility.

5.8(3) Individual patient care plans based on the nature of the illness or disability, treatment and care prescribed, long and short term goals and other pertinent information shall be developed. These plans shall be in writing, revised as necessary and kept current. They shall be made available to those rendering the services and for review by the department.

5.8(4) Reserved for future use.

5.8(5) Nursing care shall be given by a registered nurse, licensed practical nurse or delegated to other trained, non-professional personnel.

5.8(6) The program plan for a basic nursing home shall have the following actively implemented characteristic nursing services under the daily supervision of at least a licensed practical nurse with ancillary coverage on a twenty-four-hour basis sufficient to meet the needs of the patient.

a. Supervised individual care to insure patients against hazard to themselves from others or the environment.

b. A qualified nurse shall be employed eight hours per day each day of the week and shall be on duty scheduled hours between 6:00 a.m. and 7:00 p.m.

c. Personal care or assistance with personal care according to needs of the patient such as bathing, daily hair care, routine shampoo, daily oral hygiene, nail care, and shaving.

d. Emphasize activities of daily living and physical exercise in respect to

the needs, capabilities and interest of the patient.

e. Bowel and bladder control program to meet individual needs, including care of in-dwelling catheters.

f. Observation and recording of vital signs and blood pressure.

g. Knowledge and skills required in techniques for transfer of patient to bed, to wheelchair, ambulation, and similar activities.

h. Knowledge and training as necessary for prevention of skin irritation and treatment of uncomplicated decubitus ulcers.

i. Knowledge and training required for the administration of all medication. Injectable medications shall only be administered by a qualified nurse or physician.

j. Regular diets with modified diets for individual patient's needs, such as, diabetic.

k. Self-care initiated for feeding, grooming, ambulation, and toilet activities.

l. Assistance with feeding patients (except tube feedings).

m. Provision of protective restraints as ordered by a physician and in accord with written patient care policies and procedures.

n. Emergency and arranged medical care in accord with written policies and procedures of the facility.

5.8(7) Every basic nursing home shall have a director of nursing service who shall:

a. Carry out the physician's orders, provide nursing services, treatments and procedures.

b. Plan for the nursing needs of the patients.

c. Have available a nursing procedure manual.

d. Promote preventive nursing procedures as appropriate for the patient's care and safety.

e. Provide and utilize the written nursing care plans for each patient.

f. Observe signs and symptoms and report to the physician reactions to treatments including drugs, and changes in patient's physical or emotional condition.

g. Plan inservice program and make provision for training nursing personnel, including aides, as necessary.

h. Plan with the physician, family and public health nursing and other health related agencies and facilities for

the nursing care of the patient upon discharge from the nursing home.

i. Designate a responsible person to be in charge during her absence. If this person is not a qualified nurse, he shall be well instructed in his duties and responsibilities.

j. Be responsible for all assignments and work schedules for all nursing personnel and ancillary workers.

k. Be available for on-call service.

5.8(8) A waived licensed practical nurse will not qualify as a director of nursing service in a facility of more than twenty beds.

5.9(135C)T.X Drugs, storage and handling. Each basic nursing home shall comply with the provisions relating to drugs as stated in rule 1.8(135C)T.X. In addition, each basic nursing home shall comply with the following:

5.9(1) Drug storage.

a. A cabinet with a lock, convenient to nursing service, shall be provided and used for storage of all drugs, solutions and prescriptions.

b. The cabinet shall have a work counter. Both counter and cabinet shall be well lighted, shall be kept clean and shall be well organized.

c. Running water shall be in close proximity to the medicine cupboard.

d. A bathroom shall not be used for drug storage in a nursing home.

e. The drug storage cabinet shall be kept locked.

f. The medicine cabinet key shall be in the possession of the person directly responsible for issuing medications.

g. Schedule II drugs shall be kept in a locked box within the medication cupboard.

h. Bulk supplies of prescription drugs shall not be kept in a nursing home unless a licensed pharmacy is established in the facility under the direct supervision and control of a pharmacist.

i. Inspection of drug storage condition shall be made by the director of nursing services and a registered pharmacist not less than every three months. The inspection shall be verified by a report signed by the nurse and pharmacist and filed with the administrator. The report shall include, but not be limited to, verifying absence of the following: Expired drugs, deteriorated drugs; improper labeling; drugs for which there is no current physician's order; drugs improperly stored.

j. If the facility permits registered nurses to dilute or reconstitute drugs at the nursing station, distinctive supplementary labels shall be available for the purpose. The notation on the label shall be made so as to be indelible.

k. Dilution and reconstitution of drugs and their labeling shall be done by the pharmacist whenever possible. If not possible, the following will be carried out only by the registered nurse:

(1) Adequate directions for dilution or reconstitution and expiration date should accompany the drug;

(2) A distinctive supplementary label shall be affixed to the drug container when diluted or reconstituted by the nurse for other than immediate use and bear the following on the label: Patient's name; dosage and strength per unit/volume; nurse's name; expiration date; date and time of dilution.

5.9(2) Drug administration.

a. A qualified nurse or a designated individual shall be responsible for the administration of all medications as prescribed by the physician. The nurse shall be held responsible for all medications.

b. The individual charged with the responsibility of administering medications shall have some knowledge of the purpose of the drug, its dangers and contraindications.

c. The person assigned the responsibility of medication administration must complete the procedure by personally preparing a unit dose, administering and observing the actual act of swallowing the oral medication.

d. A written record of medications administered shall be made.

e. Records shall be kept of all Schedule II drug medications received and dispensed in accordance with the controlled drug and substance Act.

f. Any unusual patient reaction shall be reported by the physician at once.

5.9(3) Emergency medication kit. A basic nursing home may provide an emergency medication tray containing prescription drugs. If such emergency medication tray is provided, there shall be compliance with the following requirements:

a. The prescription drugs as well as nonprescription items in the tray must be prescribed or approved by the physicians who provide emergency service to the facility.

b. The medication kit shall be stored in an accessible place.

c. The tray shall contain a list of its contents and quantities of each item on the outside cover and within the box.

d. The tray shall be closed with a seal which may be broken when the drugs are required in an emergency or for inspection.

e. A permanent record shall be kept of each time the tray is utilized.

f. The tray shall be inspected by a pharmacist at least every three months to determine the stability of items in the tray and to replace immediately any items removed and not replaced. A permanent record shall be kept of inspections by a pharmacist.

5.9(4) Other drug service safeguards include:

a. Unused prescription drugs prescribed for patients who have died shall be destroyed by the responsible nurse. A witness shall be present and notation made in the patient's record regarding the disposition of the drug. The drugs may also be returned to the dispensing pharmacist for destruction, and a notation made to that effect.

b. Instruction shall be requested of the State Board of Pharmacy Examiners concerning the disposal of unused Schedule II drugs prescribed for patients who have died or for whom the Schedule II drug was discontinued.

c. There shall be a formal routine for the proper disposal of discontinued medications within a reasonable but specified time. These medications shall not be retained with the patient's current medications. Discontinued drugs shall be destroyed by the responsible nurse or returned to the pharmacist for destruction. Drugs listed under the Schedule II drugs shall be disposed of in accordance with the provisions of the Iowa Board of Pharmacy Examiners.

d. All medication orders which do not specifically indicate the number of doses to be administered or the length of time the drug is to be administered shall be stopped automatically after a given time period. The automatic stop order may vary for different types of drugs. The pharmacist, in consultation with the physicians serving the home, shall institute policies and provide procedures for review and enforcement of stop orders on drugs.

e. Prescriptions shall be refilled only with the permission of the attending physician.

f. No patient shall be allowed to keep in his possession any medications unless the attending physician has certified in writing on the patient's medical record that the patient is mentally and physically capable of doing so.

g. No medications and prescription drugs shall be administered to a patient without a written order signed by the attending physician.

5.9(5) A pharmacy operating in connection with a nursing home shall comply with the provisions of the Pharmacy Law requiring registration of pharmacies, and the regulations of the Iowa State Board of Pharmacy Examiners.

5.9(6) In a nursing home with a pharmacy or drug supply, service shall be under the personal supervision of a pharmacist licensed to practice in the state of Iowa.

5.10(135C)T.X Food service. Each basic nursing home shall comply with the provisions relating to food service as stated in rule 1.9(135C)T.X. In addition, each basic nursing home shall comply with the following:

5.10(1) Organization of food service department.

a. A trained cook manager or a person who is in training to meet that requirement shall be employed to supervise the food service activities. This requirement can be met by subscribing to the home study course offered by the health department, or the equivalent thereof.

b. Food service personnel shall be on duty for a twelve-hour span extending from the preparation of breakfast through supper in the food service department.

c. Kitchen personnel shall not be assigned to patient care.

d. Nursing service, laundry or housekeeping personnel shall not be assigned to prepare food on the days after they have worked in either nursing service, laundry or housekeeping areas.

e. There shall be written policies and procedures governing the operation of the food service department.

f. There shall be written job descriptions for each type of position in the food service department. The job descriptions shall be posted or kept in

a notebook and made available for use in the food service department.

5.10(2) Nutrition and meal service.

a. Simple therapeutic diets, if required, shall be ordered by a physician and such diets served as ordered. The established criteria to be used for planning simple therapeutic diets is the department's "Simplified Diet Manual".

b. Special nourishments shall be available when ordered by a physician.

c. Food shall be cut, chopped, ground or blended to meet individual needs.

d. Personnel responsible for simple therapeutic diets for patients with stable conditions should receive instructions on those diets through training programs from the department or training programs which meet the department's approval.

e. If a three or four or five meal plan is in effect, the nutritional value provided shall meet recommended daily allowances. The night feeding shall include foods which are good sources of protein.

f. There shall be no more than a fourteen-hour span between the evening meal and breakfast.

5.10(3) Menus, storage, preparation and service.

a. Menus shall be written at least one week in advance. The current menu shall be located in one or more accessible places in the dietary department for easy use by persons purchasing, preparing and serving food. Any substitutions for the planned menu shall be recorded on the menu.

b. Menus shall include a variety of food prepared in various ways. The same menu shall not be repeated on the same day of the following week.

c. Records of menus as served and amended shall be filed and maintained for thirty days and shall be available for review by departmental personnel.

d. A file of tested recipes adjusted to the number of people fed in the facility shall be maintained. Methods of food preparation used shall conserve nutritive value, flavor and appearance.

e. Supplies of staple foods for a minimum of a one-week period and of perishable foods for a minimum of a two-day period shall be maintained on the premises. "Family Food Budgeting for Good Meals and Good Nutrition, No. 94, Revised in 1971, Table 2 Basic Low Cost

Family Food Plan', U. S. Department of Agriculture" shall be used as the established criteria for judging satisfactory compliance for minimum food portion requirements for patients.

f. Records of foods purchased shall be retained for three months and shall be made available to the department when there is a need to know.

g. Cooked foods being held for serving later shall be maintained at a temperature of 140°F. or higher.

h. Effective procedures shall be established to provide and maintain food at proper serving temperatures.

i. No perishable food shall be allowed to stand at room temperature any longer than is required for its preparation and serving.

j. Ice shall be stored and handled in such manner as to prevent its contamination. Ice scoops should be sanitized daily and kept in a clean container.

5.10(4) Sanitation.

a. Continuous on-the-job training should be encouraged.

b. Hairnets or head coverings (other than spray net) shall be worn by all food service personnel.

c. Containers of poisonous compounds shall not be kept in food storage or preparation areas.

d. Washing and sanitizing of dishes and utensils shall follow approved sanitation procedure and practice.

e. A mechanical dishwasher is required in all facilities of over fifteen beds.

f. Directions for the dishwashing procedure shall be posted and available to all kitchen personnel. The proper procedure shall be utilized for the welfare of the patients and employees.

g. A dishwashing machine must provide a wash temperature of 140°F. and a rinse temperature of 180°F. The machine shall be provided with temperature gauges.

h. All dishes, silverware and cooking utensils shall be stored above the floor in a clean, dry place protected from flies, splash, dust and other contaminants.

i. There shall be effective procedures established for cleaning all work and serving areas. A schedule of duties to be performed daily shall be posted in each area.

j. The top surfaces of tables and counters on which food is prepared or served and drain boards for dishes shall

be smooth, of tight jointed material and shall be covered with impervious material in good repair and shall be kept clean.

k. The food service area shall not be used as a passageway by patients or nonfood handling staff.

l. Patients shall not be allowed in the food preparation area.

m. The food preparation area shall not be used as a dining area for patients, staff or food service personnel.

n. All food preparation shall be performed in the kitchen. None of the food preparation operations shall be conducted in a room used for living, sleeping or laundry.

o. There shall be no washing, ironing, sorting or folding of laundry in the food service area. Neither shall unbagged, dirty linen be carried through this area unless it is in a sealed, leakproof container.

5.11(135C)T.X Orientation programs. Each basic nursing home shall comply with the provisions relating to orientation programs as stated in rule 1.10(135C)T.X.

5.12(135C)T.X Patient activities program.

5.12(1) Each facility shall have an organized activity program for the group and for individual patients developed in accordance with the age and condition of the patient.

5.12(2) The program shall be provided as an important adjunct for the active treatment program to encourage resumption of normal activities within limitations set by the patient's physician.

5.12(3) The facility shall designate a staff member to direct the activities program.

5.12(4) Requirements for the program shall include an activity director who shall:

a. Be qualified through experience or shall have had training in directing group activities.

b. Make use of all the available community service groups, social and recreational opportunities in planning for patient activities.

c. Be provided with sufficient time to implement an active, meaningful program.

d. Utilize consultation services available from the department.

5.12(5) Volunteer or auxiliary assistance.

a. Volunteer or auxiliary groups may assist the total activity program.

b. The director of the activity program shall be responsible for the organization and planning for volunteer or auxiliary groups.

5.12(6) Participation of patients.

a. All patients shall be encouraged to participate in the activity program of the facility but no patient shall be forced to participate.

b. Patients shall understand as much as possible the objectives of the program.

5.12(7) Program.

a. A variety of activities shall be provided to satisfy the needs and interests of the patients including arts and crafts.

b. An active social recreational program shall be considered as an important aspect of the activity program.

c. Suitable activities shall be provided for the patients unable to leave their rooms.

5.12(8) Supplies and equipment.

a. The facility shall make available a variety of supplies and equipment of a nature calculated to fit the needs of the patients.

b. Supplies and equipment shall include books, magazines, tables for card playing, daily newspapers, radio and television.

c. Storage shall be provided for recreational equipment and supplies.

5.12(9) Records.

a. Attendance records shall be kept.

b. Monthly program calendars should be prepared in advance.

c. Records shall be made available to the administrator and director of nursing.

5.13(135C)T.X Dental, diagnostic and other services.

5.13(1) Dental services.

a. The nursing home personnel shall assist patients to obtain regular and emergency dental services.

b. Transportation arrangements shall be made when necessary for the patient to be transported to the dentist's office.

c. Dental services shall be performed only on the request of the patient, responsible relative or legal representative. The patient's physician shall be advised of the patient's dental problems.

d. All dental reports or progress notes shall be included in the clinical record.

c. Nursing personnel shall assist the patient in carrying out dentist's recommendations.

f. Dentists shall be asked to participate in the inservice program of the facility.

5.13(2) Diagnostic services.

a. The nursing home shall make provisions for promptly securing required clinical laboratory, X-ray and other diagnostic services.

b. All diagnostic services shall be provided only on the written, signed order of a physician.

c. Agreements shall be made with the local hospital laboratory or independent laboratory to perform specific diagnostic tests when they are required.

d. Transportation arrangements for patients shall be made, when necessary, to and from the source of service.

e. Copies of all diagnostic reports shall be requested by the facility and included in the patient's clinical record.

f. The physician ordering the specific diagnostic service shall be promptly notified of the results.

g. Simple tests such as customarily done by nursing personnel for diabetic patients may be performed in the facility.

5.13(3) Other services.

a. The nursing home shall assist patients to obtain such supportive services as requested by the physician.

b. Transportation arrangements shall be made when necessary.

c. Services could include the need for prosthetic devices, glasses, hearing aids and other necessary items.

5.14(135C)T.X Care review committee. Each basic nursing home shall comply with the provisions relating to care review committee as stated in rule 1.11(135C) T.X.

5.15(135C)T.X Safety. Each basic nursing home shall comply with the provisions relating to safety as stated in rule 1.12(135C) T.X. In addition, each basic nursing home shall comply with the following:

5.15(1) Administration.

a. The administrator of a health care facility shall be responsible for the provision and maintenance of a safe environment for patients and employees.

b. The administrator shall have a written emergency plan to be followed in the event of fire, tornado, explosion or other emergency. The plan shall be post-

ed and provisions made for: Designation of responsibility; the persons to notify; fire extinguisher locations; evacuation routes; procedures for evacuating helpless patients and transportation to a place of safety; emergency lighting supply; evacuation procedure in the event of failure of the heating plant; immediate and succeeding steps of procedures to be followed in different emergencies.

5.15(2) Patient care.

a. There shall be a readily available supply of self-help and ambulation devices such as wheelchairs, walkers and such other devices maintained in good repair that will meet the current needs of all patients.

b. Each ambulatory patient shall be provided with well-fitting shoes to provide support and prevent slipping.

c. Equipment for personal care shall be maintained in a safe and sanitary condition.

d. The expiration date for sterile equipment shall be exhibited on their wrappings.

e. Patients not fully in possession of their faculties and who have been known to wander shall be provided with identification wrist bands or other appropriate means of identification.

f. Smoking by employees is prohibited in all rooms, wards and areas adjacent to where oxygen is being administered or in rooms where oxygen is stored.

g. Wherever full or empty tanks of oxygen are being used or stored they shall be securely supported in an upright position.

h. Electric heating pads, blankets or sheets shall be used only on the written order of a physician.

5.15(3) Restraints.

a. Restraints shall be used only in an emergency and only upon order by a physician.

b. The physician shall be called to certify the type of restraint or seclusion required in situations of a behavior or emotional problem patient who needs a specific type of restraint.

c. Any order by the physician must be in writing and shall contain the patient's name, date, time of order and reason for restraint.

d. The number of hours a patient is under restraint shall be recorded in the patient's record.

e. The bed patient under restraint shall have his position changed and the restraint removed at two-hour intervals.

Notation of this action shall be recorded in the nurse's notes when bed restraints are utilized.

f. All orders for restraints shall be renewed on a weekly basis.

g. No form of restraint shall be used or applied in such manner as to cause injury to the patient.

h. Patients shall not be kept behind locked doors. A dutch door (half door) equipped with a securing device that may be readily opened by personnel shall be considered an appropriate means of temporarily confining a patient in his room.

i. Restraints shall be applied only when necessary to prevent injury to the patient or to others and shall be employed only when alternate measures are not sufficient to accomplish this purpose. A geriatric chair shall be considered an appropriate device to limit movement and prevent wandering.

j. Locked restraints or being restrained behind locked doors shall be permitted only in institutions of fire resistive construction with approved programs for the care of such persons.

k. Methods of restraints shall permit rapid removal of the patient in the event of fire or other emergency.

5.15(4) Housekeeping.

a. A definite procedure shall be established for training housekeeping personnel practices.

b. Sufficient numbers of noncombustible refuse containers shall be available so that accumulations of trash will not constitute a hazard.

c. Storage space shall be provided in the facility for the orderly storage of wheelchairs, walkers, bed rails, commodes and similar equipment not in current use. A hallway or corridor shall not be used for storage of such equipment. Bedside utensils shall not be stored in bathrooms or toilet facilities but in utility rooms appropriately supplied with enclosed cabinets.

5.16(135C)T.X Supplies and equipment for nursing services.

5.16(1) The manual "Hospital and Nursing Home Equipment Planning Guide", U.S. Department of Health, Education and Welfare, Public Health Service, Division of Hospital and Medical Facilities Architectural, Engineering and Equipment Branch, Washington, D.C. 20201, shall be used for establishing the types of and quantities of equipment and

supplies needed for nursing services in nursing homes.

5.16(2) All nursing care equipment shall be properly sanitized or sterilized before use by another patient.

5.16(3) Sanitary and protective storage shall be provided for all equipment and supplies.

5.16(4) All items that must be sterilized shall be autoclaved unless sterile disposable items are furnished which are promptly disposed of after a single use.

5.16(5) Supplies and equipment for nursing and personal care sufficient in quantities to meet the needs of the patients shall be provided and, as a minimum, would include the following:

Bath basins
 Soap containers
 Denture cups
 Emesis basins
 Mouth wash cups
 Bedpans
 Urinals
 Autoclave
 Enema equipment
 Commodes
 Quart graduate measure
 Thermometer for measurement of bath water temperature
 Mouth thermometer
 Rectal thermometer
 Basins for sterilizing thermometers
 Basins for irrigations
 Asepto syringes
 Sphygmomanometer
 Stethoscope
 Ice caps
 Hot water bottles
 Rectal tubes
 Catheters and catheterization equipment
 Douch nozzle
 Invalid cushions
 Wheelchairs
 Moisture-proof draw sheets
 Moisture-proof pillow covers
 Moisture-proof mattress covers
 Foot tubs
 Metal pitcher
 Disinfectant solutions
 Alcohol
 Lubricating jelly
 Skin lotion
 Paper towels
 Paper handkerchiefs
 Insulin syringes
 2 cc hypodermic syringes
 Hypodermic needles
 Tourniquet
 Medicine dispensing containers

Bandages
 Adhesive
 Applicators
 Tongue blades
 Toilet paper
 Rubber gloves or disposable gloves
 Suction machine
 Portable linen hampers

5.17(135C)T.X Buildings, furnishings, equipment and supplies. Each basic nursing home shall comply with the provisions relating to building, furnishings, equipment and supplies as stated in rule 1.13(135C)T.X. In addition, each basic nursing home shall comply with the following:

5.17(1) Dining and living rooms.

a. Provide accommodation for the seating of at least fifty percent of the patients in the dining room at any one time.

b. The dining room shall be furnished appropriate to the size and function of the facility.

c. Patients shall be encouraged to eat in the dining room.

d. The living room shall be furnished appropriate to the size and function of the facility. It shall be maintained for the use of patients and their visitors, and may be used for recreational activities.

e. Card tables or game tables shall be made available in the living room. The tables should be of a height to allow a person seated in a wheelchair to partake in the games or card playing.

f. Chairs of proper height and appropriate to their use shall be provided for seating patients at game tables and card tables.

5.17(2) Bedrooms.

a. After January 1, 1975, bedrooms shall contain no more than four beds.

b. Adjustable beds shall be provided for nonambulatory patients.

c. There shall be a chest of drawers for the patient's clothing. In multiple rooms, drawer space shall be assigned each patient sufficient for his needs.

d. Each room shall have sufficient mirrors to serve patients' needs.

e. Sturdy, adjustable overbed tables shall be provided for patients who are unable to eat in the dining room.

f. Bedrooms shall not open directly into the food preparation area. Neither shall they be located in such a manner that it is necessary to pass through the kitchen to reach them.

g. Bedrooms shall open directly into a corridor or common living area. Bedrooms shall not be used as a thoroughfare.

h. Floor coverings shall be easily cleaned and in good repair.

i. Floor coverings shall be installed in a professional manner.

j. Patient bedrooms shall not be occupied by family members or employees of the owner or operator.

k. Design of the room shall be such as to provide space between beds and between the foot of the beds and walls, furniture and other obstructions so as to permit free passage of a wheelchair or patient on crutches.

l. For each bed in every patient's room there shall be one clothes closet or wardrobe not less than twenty-two inches deep and twenty inches wide.

m. There shall be an approved, electrically operated nurse call system for each patient.

n. Beds shall not be placed with the head of the bed in front of a window or radiator.

o. Beds and other furnishings shall not obstruct free passage to and through doorways.

p. A bed screen shall be available in every patient room where:

- (1) The patient is nonambulatory;
- (2) The patient desires it;
- (3) The relatives or guardian request it;
- (4) Nursing services are being rendered.

5.17(3) Bath and toilet facilities.

a. Minimum numbers of toilet and bath facilities shall be one lavatory, one toilet and one tub or shower for each fifteen patients or fraction thereof.

b. There shall be a minimum of one bathroom with tub or shower, toilet stool and lavatory on each floor of multi-story buildings. Separate toilets for the sexes shall be provided.

c. Grab bars shall be provided at all toilet stools, tubs and showers. Grab bars and accessories shall have sufficient strength to sustain a dead weight of 250 pounds for five minutes. Raised toilet seats are highly desirable for patients who are aged and infirm.

d. Shower stalls shall be accessible and large enough to permit showering of patients in wheelchairs or shower chairs. Chairs shall have been manufactured for that purpose.

e. Separate toilet facilities shall be provided for the use of employees and the public.

f. Toilet and bath facilities shall have an aggregate window area of at least four square feet. Facilities having an approved system of forced air ventilation are exempt from this regulation providing there is a complete air change every seven minutes.

g. Toilet and bathing rooms shall not open directly into food preparation areas nor shall be located in such a manner that patients or employees carrying bedpans or urinals must pass through food preparation areas to reach them.

h. Individual towel and wash cloth bars shall be provided.

i. All lavatories shall have paper towel dispensers and soap.

j. Hot water to patient lavatories, baths and showers shall not exceed 110°F.

5.17(4) Nurses station.

a. A nurses station shall be provided and be centrally located in the patient area.

b. The station shall contain a minimum of eighty square feet. It shall have a well-lighted desk with the necessary equipment for the keeping of required records, supplies, reference books and chart racks.

5.17(5) Supplies.

a. A first-aid or emergency kit shall be available in every nursing home.

b. There shall be disposable or one-time use items available appropriate to the size of the facility with provisions made for their proper disposal so as to prevent their reuse.

c. Convenient, safe storage shall be provided for bath and toilet supplies, bathroom scales, mechanical lift and shower chairs.

5.18(135C)T.X Maintenance, housekeeping and sanitation. Each basic nursing home shall comply with the provisions relating to maintenance, housekeeping and sanitation as stated in rule 1.14(135C) T.X. In addition, each basic nursing home shall comply with the following:

5.18(1) Each facility shall establish a written maintenance program to insure the proper care of the building, to provide good housekeeping procedures and insure sanitary practices throughout the facility.

5.18(2) All personnel shall be thoroughly acquainted and trained in their

jobs in order to assume the respective responsibilities of their positions.

5.18(3) Maintenance.

a. The building shall be maintained in a clean, orderly condition and in good repair.

b. Maintenance personnel shall:

(1) Follow established written procedures;

(2) Be provided with appropriate, well-constructed and properly maintained equipment;

(3) Be provided a work schedule with sufficient detail to enable the worker to meet employer expectations.

c. All plumbing fixtures shall function properly, free of cross connections, be in good repair and comply with the state plumbing code.

d. When the repair of a ceiling, wall, floor or any other portion of a building has failed to correct a maintenance problem or structural defect, the renovation of that portion shall be made so that satisfactory compliance is achieved.

5.18(4) Housekeeping.

a. Any person engaged in housekeeping or laundry services shall not be simultaneously involved in the preparation of food, food service or patient care.

b. Clothing worn by personnel shall be clean and easily washable.

c. Housekeeping personnel shall be provided with well-constructed and properly maintained equipment appropriate to the function for which it is to be used.

d. Bathtubs, shower stalls or lavatories shall not be used for laundering, the cleaning of utensils and mops, or for storage.

e. Each floor shall provide for the cleaning and storage of housekeeping equipment and supplies.

f. All furniture, bedding, linens and appliances shall be cleaned before use by another patient.

g. Kitchen sinks shall not be used for the cleaning of mops, soaking laundry, cleaning bedside utensils, nursing utensils or dumping of waste water.

5.18(5) Laundry.

a. If laundry is processed in the home, the following facilities shall be provided:

(1) The laundry room in any facility serving more than twenty patients shall contain no less than 125 square feet of available floor space;

(2) Except for related activities, the laundry room shall not be used for other purposes;

(3) All soiled linens shall be collected in and transported to the laundry in closed, leakproof laundry bags or covered, impermeable containers;

(4) Procedures shall be written for the proper handling of wet, soiled and contaminated linens;

(5) The laundry room should be divided into separate areas, one for sorting and soaking soiled linens and one for sorting and folding clean linens;

(6) The laundry should be located in such a manner that it is not necessary to transport linen through the dietary area.

b. If laundry is not processed in the facility an area shall be provided:

(1) For collecting, storing and processing soiled linen;

(2) For soaking soiled and stained linen;

(3) For receiving, sorting and storage of clean linen;

(4) The receiving area must be separate from the soiled linen area.

5.18(6) General requirements.

a. The stipulated requirements for lighting as stated shall be in effect:

(1) Bath and toilet rooms—twenty foot candles;

(2) Kitchen—thirty foot candles;

(3) Nurses station—twenty foot candles;

(4) Patient rooms—general—ten foot candles:—reading—thirty foot candles;

(5) Dining room—thirty foot candles;

(6) Recreation room—one hundred foot candles;

(7) Corridors—ten foot candles;

(8) Stairways—twenty foot candles;

(9) Exit stairways—five foot candles.

b. The total window area in each room shall be at least one-eighth of the superficial floor area.

c. Night lights shall be provided in corridors, at stairways, bathrooms, toilets, nurses stations and patient's bedrooms furnishing not less than one foot candle of light at the floor level at all

5.18(7) Family and employee accommodations. Operator's and employec's children shall not be allowed into the service areas or where patients are housed.

5.18(8) Utility room.

a. There shall be at least one utility room in each facility. In multistory facilities there shall be one utility room on each floor.

b. The utility room shall be divided into clean and soiled work areas, except that separate utility rooms for soiled and clean work may be used.

c. The clean area shall have at least one cupboard for storing clean supplies and shall have equipment for sterilizing supplies.

d. The soiled area shall have a service sink and a two-compartment sink large enough for the cleaning and sanitizing of bedpans, urinals and wash basins.

5.18(9) Linen storage.

a. Facilities shall be provided at each nursing unit for the storage of clean linen.

b. A central storage area shall be provided in close proximity to the laundry if adequate storage is not available in nursing units for surpluses.

c. If the laundry is not processed in the facility, the linen storage area can be used as a receiving and counting area.

5.18(10) Kitchen exhaust systems. All cooking stoves shall be provided with a properly sized and approved exhaust system and hood to eliminate excess heat, moisture and odors from the kitchen.

5.18(11) Garbage and waste disposal. Special provision shall be made for the disposal of soiled dressings and similar items in a safe, sanitary manner.

5.18(12) Janitor closet.

a. Facilities shall be provided for storage of cleaning supplies and utensils.

b. Mops, scrub pails and other cleaning equipment used in the patient areas shall not be stored or used in the dietary area.

c. Water for filling scrub pails and drains for emptying scrub pails shall be available in the janitor's closet.

d. A janitor's sink shall be available for cleaning janitorial equipment and dumping waste water.

These rules are intended to implement section 135C.14 of the Code.

CHAPTER 6

INTERMEDIATE NURSING HOME

6.1(135C)T.X Definitions. See rule 1.1(135C)T.X.

6.2(135C)T.X Licensing. Each intermediate nursing home shall comply with the provisions relating to licensing as stated in rule 1.2(135C)T.X and rule 5.2(135C)T.X. An occupational therapy program shall not be required for licensure.

6.3(135C)T.X Administration. Each intermediate nursing home shall comply with the provisions relating to administration as stated in rule 1.3(135C)T.X and rule 5.3(135C)T.X.

6.4(135C)T.X Personnel. Each intermediate nursing home shall comply with the provisions relating to personnel as stated in rule 5.4(135C)T.X. In addition each intermediate nursing home shall comply with the following:

6.4(1) Nursing supervision and staffing.

a. An intermediate nursing home with a licensed bed capacity of one to 75 beds shall have 168 hours of nursing service by qualified nurses per week. Nursing hours to be increased 1.12 hours per licensed bed per week for each bed over 75. (Example: A 100-bed facility would require 196 hours per week.)

b. The nurses' hours shall be scheduled so that there is a qualified nurse on duty twenty-four hours a day, seven days a week.

c. One registered nurse shall be designated director of nursing service. The director of nursing service shall work at least forty hours per week and time of duty shall be between 6:00 a.m. and 7:00 p.m.

6.4(2) Reserved for future use.

6.5(135C)T.X Admission, transfer and discharge policies. Each intermediate nursing home shall comply with the provisions relating to admission, transfer and discharge as stated in rule 1.4(135C)T.X and rule 5.5(135C)T.X.

6.6(135C)T.X Medical services. Each intermediate nursing home shall comply with the provisions relating to medical services as stated in rule 1.5(135C)T.X and rule 5.6(135C)T.X. In addition each intermediate nursing home shall comply with the following:

6.6(1) Telephone orders shall be taken by the qualified nurse. Orders shall be written into the patient's record and

signed by the person receiving the order. Telephone orders shall be submitted to the physician for his signature within forty-eight hours.

6.6(2) The qualified nurse shall notify the physician of any accident, injury, or change in the patient's condition.

6.7(135C)T.X Records. Each intermediate nursing home shall comply with the provisions relating to records as stated in rule 1.6(135C)T.X and rule 5.7(135C)T.X.

6.8(135C)T.X Patient care program and other services. Each intermediate nursing home shall comply with the provisions relating to patient care program and other services as stated in rule 1.7(135C)T.X and rule 5.8(135C)T.X. In addition each intermediate nursing home shall comply with the following:

6.8(1) The program plan for an intermediate nursing home shall have the the following actively implemented characteristic nursing services under the daily supervision of a registered nurse with qualified nurse supervision on a twenty-four-hour basis. Facilities not supplying all of the following services will be placed in the category of a health facility offering fewer services to patients.

a. Care and services emphasized by a higher level of nursing direction than a basic nursing home. Observation, nursing skills and supportive services are under the direction of a physician who shall act as a medical consultant for the intermediate nursing home and in an advisory capacity to its care review committee.

b. Nursing services shall be under the direction of a registered nurse.

c. A qualified nurse shall be on duty twenty-four hours a day, seven days a week.

d. Regular diets with a variety of modified and therapeutic diets for individual patient's needs.

e. Skilled nursing procedures under the supervision of a registered nurse, including oxygen therapy, intravenous infusions. Injectable medications shall be administered by qualified nursing personnel.

f. Knowledge and skill in the utilization of intermittent positive breathing equipment and nebulizers.

g. Knowledge and skill required for tube feedings and maintenance of tracheotomy.

h. Restorative nursing procedures such as gait training and bowel and blad-

der training in the case of patients who have been determined to have restorative potential and can benefit from the training.

i. Nursing services assist in the motivation of patients in a diversional and activity program.

6.8(2) The director of nursing services shall:

a. Evaluate and regularly re-evaluate the nursing needs of the patient.

b. Develop and implement the written nursing care plan for the patient.

c. Carry out physician's orders, provide nursing service, treatments, and diagnostic and preventive procedures requiring substantial specialized skill.

d. Develop and have available written nursing procedures.

e. Initiate preventive and rehabilitative nursing procedures as appropriate for the patients' care and safety.

f. Teach, supervise and counsel the patient and staff members regarding the nursing care needs and other relative problems of the patient.

6.9(135C)T.X **Drug storage and handling.** Each intermediate nursing home shall comply with the provisions relating to drug storage and handling as stated in rule 1.8(135C)T.X and rule 5.9(135C)T.X. In addition each intermediate nursing home shall comply with the following:

6.9(1) *Drug storage.* A kitchen or bathroom shall not be used for drug storage.

6.9(2) *Drug administration.*

a. A qualified nurse shall administer and be held responsible for all medications.

b. The person assigned the responsibility of medication administration must complete the procedure by personally preparing a unit dose, administering, and observing the actual act of swallowing the oral medication.

6.10(135C)T.X **Food service department.** Each intermediate nursing home shall comply with the provisions relating to food service as stated in rule 1.9(135C)T.X. and in rule 5.10 (135C)T.X. In addition each intermediate nursing home shall comply with the following:

6.10(1) *Nutrition and meal service.* Therapeutic diets, if required, shall be ordered by a physician and such diets served as ordered. The established criteria to be used for planning therapeutic

diets is the department's "Simplified Diet Manual".

6.10(2) Reserved for future use.

6.11(135C)T.X **Orientation programs.** Each intermediate nursing home shall comply with the provisions relating to orientation programs as stated in rule 1.10(135C)T.X.

6.12(135C)T.X **Patient activities program.** Each intermediate nursing home shall comply with the provisions relating to patient activities program as stated in rule 5.12(135C)T.X.

6.13(135C)T.X **Restorative services.**

6.13(1) Restorative services shall be provided to maintain function or to improve the patient's ability to carry out the activities of daily living which, at a minimum, include restorative nursing procedures.

6.13(2) *Physical therapy services.*

a. The administrator shall arrange for a licensed physical therapist to provide physical therapy services for patients when such services are ordered by a physician.

b. Physical therapy shall be rendered only by a physical therapist licensed to practice in the state of Iowa. All personnel assisting with the physical therapy of patients must be under the supervision of a licensed physical therapist.

c. The licensed physical therapist shall:

(1) Evaluate the patient and prepare a physical therapy treatment plan conforming to the medical orders and goals.

(2) Consult with other personnel in the facility who are providing patient care, and with them plan for the integration of a physical therapy treatment program into the comprehensive patient care plan.

(3) Instruct and direct the nursing personnel responsible for administering selected restorative procedures between treatments.

(4) Participate in the facility's in-service education programs.

d. Treatment records in the patient's medical chart shall include:

(1) The physician's prescription for treatment.

(2) An initial evaluation note by the physical therapist.

(3) The physical therapy care plan defining clearly the long-term and

short-term objective and outlining the current treatment program.

(4) Notes of the treatments given and changes in the patient's condition.

(5) A complete discharge summary to include recommendations for nursing staff and family.

e. There shall be adequate facilities, space, appropriate equipment, and storage areas as are essential to the treatment of referred patients.

6.13(3) Occupational therapy services.

a. The administrator shall arrange for an occupational therapist to provide occupational therapy services when such services are ordered by a physician.

b. Occupational therapy shall be given or supervised by a therapist who is registered by the American Occupation Therapy Association.

c. The occupational therapist shall:

(1) Evaluate the patient's physical or psychosocial dysfunction as related to the need for occupational therapy.

(2) Develop the treatment plan and administer or direct treatment in accordance with the physician's prescription and the rehabilitation goals.

(3) Consult with other personnel with the facility who are providing patient care and with them plan for the integration of an occupational therapy treatment program into the comprehensive patient care plan.

6.14(135C)T.X Dental, diagnostic and other services. Each intermediate nursing home shall comply with the provisions relating to dental, diagnostic and other services as stated in rule 5.13(135C)T.X.

6.15(135C)T.X Care review committee. Each intermediate nursing home shall comply with the provisions relating to care review committee as stated in rule 1.11(135C)T.X.

6.16(135C)T.X Safety. Each intermediate nursing home shall comply with the provisions relating to safety as stated in rule 1.12(135C)T.X and in rule 5.15(135C)T.X.

6.17(135C)T.X Supplies and equipment for nursing services. Each intermediate nursing home shall comply with the provisions relating to supplies and equipment for nursing services as stated in rule 5.16(135C)T.X.

In addition each intermediate nursing home shall comply with the following:

Supplies and equipment for nursing and personal care sufficient in quantities to meet the needs of the patients shall be provided and, as a minimum, would include the following:

- Oxygen therapy equipment
- Subcutaneous equipment
- Intravenous equipment
- Naso-gastric feeding equipment
- Tracheotomy care equipment

6.18(135C)T.X Building, furnishings, equipment and supplies. Each intermediate nursing home shall comply with the provisions relating to building, furnishings, equipment and supplies as stated in rule 1.13(135C)T.X and in rule 5.17(135C)T.X.

In addition each intermediate nursing home shall comply with the following:

6.18(1) Bedrooms. Adjustable hi-lo head and knee-type bed springs shall be provided for nonambulatory patients.

6.18(2) Reserved for future use.

6.19(135C)T.X Maintenance, housekeeping and sanitation. Each intermediate nursing home shall comply with the provisions relating to maintenance, housekeeping and sanitation as stated in rule 1.14(135C)T.X and in rule 5.18(135C)T.X.

These rules are intended to implement section 135C.14 of the Code.

[Effective May 23, 1972]

CHAPTER 7

SKILLED NURSING HOME

7.1(135C)T.X General provisions.

7.1(1) The standards and rules governing the accommodation, board, health care services and physical facilities provided in a skilled nursing home shall:

a. Be in accordance with those regulations imposed for certification as skilled nursing homes in the assistance programs as published in the Federal Register and Code of Federal Regulations under Title 45—Public Welfare—Chapter II — Social and Rehabilitation Service, Department of Health, Education and Welfare—effective as of April 12, 1972.

b. Conform with such other state statutes and rules as are required for licensing as an intermediate nursing home.

These rules are intended to implement section 135C.14 of the Code.

[Effective May 23, 1972]

**CHAPTER 8
EXTENDED CARE FACILITY**

8.1(135C)T.X General provisions.

8.1(1) The standards and rules governing the accommodation, board, health care services and physical facilities provided in an extended care facility shall:

a. Be in accordance with those regulations imposed for certification as extended care facilities in the Health Insurance for the Aged Program as published in the Federal Register and Code of Federal Regulations under Title 20—Employees' Benefits, Chapter III—Social Security Administration, Department of Health, Education and Welfare—effective as of April 12, 1972.

b. Conform with such other state statutes and rules as are required for licensing as an intermediate nursing home.

These rules are intended to implement section 135C.14 of the Code.

[Effective May 23, 1972]

**CHAPTER 9
DESIGN AND CONSTRUCTION
OF NEW CUSTODIAL HOMES**

9.1(135C)T.X General requirements.

9.1(1) Custodial homes shall contain the facilities described herein and shall be built in accordance with the construction requirements outlined. Facilities available through affiliation with an adjacent hospital need not be duplicated.

9.1(2) The rules and regulations apply to all new custodial homes, to buildings to be converted to custodial homes, and renovations, additions or functional alterations to existing custodial homes constructed after the effective date of the rules. Conversion of buildings or any of their parts not currently licensed as a custodial home must meet the rules governing construction of new custodial homes.

9.1(3) *Location.* The facility shall be in a good neighborhood, free from excessive noise, dirt or polluted air, and away from railroads, industrial developments and similar disturbances. There shall be surrounding land for outdoor activities. Off-street parking shall be provided. Acceptance of each custodial facility site is subject to departmental approval.

9.1(4) When construction is contemplated, whether for a new building, addi-

tion to existing building, functional alteration to existing building, or conversion of existing building, the project sponsor shall:

a. File feasibility studies with the department for review and approval.

b. Submit preliminary plans to the department for review and approval.

c. Submit final working drawings, plans and specifications to the department for review and approval.

d. Receive written approval from the department before construction, alterations, additions or renovations are started.

9.1(5) Plans and specifications shall be certified by and bear the seal of an engineer or architect licensed to practice in Iowa.

9.1(6) The design shall be in accordance with all applicable statutes and local ordinances except as stated in these rules.

9.1(7) *Variations to standards.* Certain occupancies, conditions in the area, or conditions on the site may make compliance with the rules impractical or impossible. Certain conditions may justify minor modifications of the rules. In specific cases, variations to the rules may be permitted after the following conditions are considered:

a. Design and planning for the specific property offers improved or compensating features providing equivalent desirability and utility.

b. Alternate or special construction methods, techniques, and mechanical equipment, if proposed, offer equivalent durability, utility, safety, structural strength and rigidity, protection from corrosion, decay, and insect attack and quality of workmanship.

c. Variations permitted do not individually or in combination with others endanger the health, safety or welfare of any patient or resident.

d. Variations are limited to the specific project under consideration and are not construed as establishing a precedent for similar acceptance in other cases.

e. Occupancy and function of the building.

9.1(8) Occupancy restrictions.

a. Occupancies not under the control of or not necessary to the administration of the custodial facility are prohibited therein with the exception of the residence of the owner or manager.

b. Occupancies within the custodial facility that comply with the rules and conduct commercial business activities with the general public shall have an exit or entrance to the outside for the use of these customers.

9.2(135C)T.X Operational care center.

9.2(1) The number of beds in an operational care center shall not exceed sixty unless additional services are provided. A minimum of four percent of the total bed capacity in the care center shall be in one-bed rooms, and no more than one-third of the total capacity shall be in four-bed rooms.

9.2(2) Each resident room shall meet the following requirements:

a. A maximum room capacity of four residents.

b. A minimum room area, exclusive of closets, toilet rooms, lockers, wardrobes and vestibules of one hundred square feet in one-bed rooms and eighty square feet per bed in multibed wards.

c. Multibedrooms shall be designed to permit no more than three beds side by side parallel to the window wall with a three foot working space between beds, lateral walls and room furnishings.

d. Window sill height shall not exceed thirty-six inches above the floor.

e. A resident call board shall be provided.

f. In single and two-bed rooms, the lavatory may be located in a private toilet room.

g. A wardrobe or closet for each resident shall be provided with clear dimensions of one foot, ten inches deep by two foot, six inches wide with full-length hanging space; a clothes rod and shelf shall be provided.

h. Each resident room with more than one bed shall have suitable curtain tracks, rods or equivalent durable equipment provided to permit enclosing each bed for privacy.

i. Isolation room. At least one single room with private toilet shall be provided for purposes of isolation or incompatibility with other residents in the home. This room will be used for emergency purposes and for short, intermittent periods of time. The bed in this room will not be counted in the total licensed bed capacity of the home.

j. No bedroom shall be located on a floor which is more than thirty inches below the adjacent ground level.

k. Resident baths with one shower stall or one bathtub shall be provided for each fifteen beds not individually served. Grab bars shall be provided at all bathing fixtures. Each bathtub or shower enclosure in central bathing facilities shall provide space for the private use of the bathing fixture, for dressing, and for a wheelchair and attendant. Showers in central bathing facilities shall not be less than four feet square, without curbs, and designed to permit use from a wheelchair. Soap dishes in showers and bathrooms shall be recessed. Each bathroom shall have a water closet and handwashing lavatory. Each facility must provide no less than one institutional type, free-standing bathtub accessible from both sides and with a four-foot passage on one end. When bathtubs or showers are installed in resident room toilets, they shall be equipped with screwdriver stop check valves in the water supply system.

l. A janitors' room on each floor appropriate to the size and needs of the facility shall be provided for storage of housekeeping supplies and equipment including a floor receptor or service sink.

m. No room shall be located more than one hundred twenty feet from the operational care center, the clean workroom and the soiled workroom.

9.2(3) The size of each service area will depend on the number and types of beds within the care unit and shall include:

a. An operational care center for charting by employees, doctors' use, communications, and storage of supplies and employees' personal effects.

b. An employees' toilet room convenient to the operational care center.

c. A clean workroom for storage and assembly of clean supplies containing a work counter and sink.

d. A soiled workroom containing a clinical sink, work counter and waste and soiled linen receptacles. This soiled workroom shall have a separate entrance and be physically separated from the clean workroom.

e. A medicine room adjacent to the operational care center with sink, refrigerator, locked storage and facilities for preparation of medication.

f. An enclosed storage space for clean linen storage which may be a designated area within the clean workroom.

g. An available stove or hot plate

and some type of refrigeration for serving between-meal nourishments.

h. An equipment storage room for walkers, wheelchairs, bed rails and similar bulky equipment shall be provided in each operational wing. The area of this storage room may be used in calculating the total required general storage area.

i. A stretcher and wheelchair parking area or alcove.

9.2(4) Resident toilet rooms shall be provided as follows:

a. A toilet room may be provided directly accessible from each resident room. One toilet room may serve two resident rooms but not more than eight beds. The lavatory may be omitted from the toilet room if one is provided in each resident room. The minimum dimensions of any room containing only a water closet shall be three feet by six feet.

b. Water closets must be easily usable by wheelchair residents. Grab bars shall be provided at all water closets.

c. Doors to toilet rooms shall have a minimum width of two feet ten inches to admit a wheelchair.

9.3(135C)T.X Resident's dining room, activities and recreation areas.

9.3(1) The total areas set aside for resident's dining, activities and recreation purposes shall be not less than thirty square feet per bed for the first one hundred beds and twenty-seven square feet per bed for all beds in excess of one hundred. Additional space shall be provided for outpatients if they participate in a day care program.

9.3(2) Areas appropriate for the activities program shall be provided which shall:

a. Be readily accessible to wheelchair and ambulatory residents.

b. Be of sufficient size to accommodate necessary equipment and permit unobstructed movement about of wheelchairs and residents and personnel responsible for instructing and supervising residents.

c. Have space to store activities program and recreational equipment and supplies within or convenient to the area or areas.

d. A minimum of twenty-five square feet per bed of outside recreation area shall be provided. Open air porches or roof gardens and decks may be included in meeting this requirement.

9.4(135C)T.X Personal care room.

9.4(1) A personal care room with

barber and beauty shop facilities shall be provided.

9.4(2) In facilities of less than one hundred beds a multipurpose room with appropriate space and equipment may be utilized for such activities.

9.5(135C)T.X Dietary department.

9.5(1) The construction, equipment and installation of the dietary department shall comply with or exceed the minimum standards set forth in the Public Health Service Publication No. 934 as amended. The equipment shall meet the minimum standards of the National Sanitation Foundation or be of comparable construction and composition. The facilities provided shall be adequate to meet the needs. The department shall include the following facilities unless commercially prepared dietary service, meals or disposables are to be used:

a. A food preparation center provided with a lavatory without a mirror.

b. Food serving facilities for residents and staff.

c. A dishwashing room provided with dishwashing equipment and a lavatory.

d. Potwashing facilities.

e. Refrigerated storage for at least a three-day supply of food.

f. Day storage for at least a three-day supply of food shall be provided if the dry storage room is not adjacent to the food preparation area.

g. A cart storage area.

h. Waste disposal facilities.

i. Can washing facilities

j. Staff dining facilities.

k. Resident dining facilities.

l. *Dietitian's space.* Work space in facilities with less than one hundred beds—appropriate work space may be provided in the kitchen.

m. A janitor's closet with storage for housekeeping supplies and equipment and floor receptor or service sink.

n. A toilet room with lavatory conveniently accessible for the dietary staff.

o. The outside service entrance to the food service area shall not open directly into the kitchen.

p. The food service area shall not be less than eight square feet per resident bed.

9.5(2) If a commercial service will be used or meals will be provided by an adjacent health care facility, dietary areas and equipment shall be designed to accommodate the requirements for

sanitary storage, processing and handling.

9.5(3) Detailed layout plans and specifications of equipment shall be submitted to the department for review and recommendations before the new construction, alterations or the additions to existing kitchen begins.

9.5(4) *Storerooms.*

a. Dry or staple food items shall be stored off the floor in a room not subject to sewage or waste water back-flow or contamination by condensation or rodents and vermin.

b. If necessary, mechanical ventilation shall be provided to maintain temperatures and humidity at a level appropriate for the type of food being stored.

c. No less than one linear foot of shelving (twenty inches wide) per resident bed shall be provided for food storage.

9.6(135C)T.X Administration department.

9.6(1) The administration department shall include the following facilities:

a. A business office.

b. A lobby and information center appropriately sized and equipped.

c. An administrator's office.

d. An admitting and record area.

e. A public and staff toilet room.

f. A housekeeper's space which may be combined with the clean linen room in custodial homes of less than one hundred beds.

9.6(2) Reserved for future use.

9.7(135C)T.X Laundry.

9.7(1) The laundry shall include the following facilities:

a. A soiled linen room.

b. A clean linen and mending room.

c. Linen cart storage.

d. Lavatories accessible from the soiled linen, clean linen and processing rooms.

e. A laundry processing room with equipment sufficient to process seven days' needs within the workweek.

f. A janitor's closet or alcove with storage for housekeeping supplies and equipment, floor receptor or service sink.

g. Storage for laundry supplies.

9.7(2) If laundry is processed outside the nursing home, the facilities required in paragraphs "e", "f", and "g" need not be provided.

9.8(135C)T.X General storage area. General storage areas totaling not less than ten square feet per bed shall be provided.

9.9(135C)T.X Locker rooms. Locker rooms with water closets and lavatories for staff and volunteers and rest space for employees shall be provided.

9.10(135C)T.X Engineering service and equipment areas.

9.10(1) The following engineering service and equipment areas shall be provided:

a. A boiler room, where required.

b. A maintenance shop. The maintenance shop may be located in an appropriate area other than the engineering service.

c. A storage room for building maintenance supplies which may be part of the maintenance shop in facilities of less than one hundred beds.

d. A storage room for housekeeping equipment which may be provided in space available in the janitor's closet.

e. A refuse room for trash storage located conveniently to a service entrance.

f. A yard equipment storage room for yard maintenance equipment and supplies.

9.11(135C)T.X Details and finishes.

9.11(1) Details and finishes shall be designed to provide a high degree of safety for the occupants by minimizing the opportunity for accident. Hazards such as sharp corners shall be avoided.

9.11(2) Minimum corridor widths shall be eight feet except that corridors in adjunct areas not intended for the housing, treatment or use of in-residents may be a minimum of six feet in width. Handrails may project into corridors. Minimum width of doors to all rooms needing access for beds or stretchers shall be three feet ten inches. Doors to resident toilet rooms and other rooms needing access for wheelchairs shall have a minimum width of two feet ten inches.

9.11(3) Such items as drinking fountains, telephone booths and vending machines shall be located so that they do not project into the required width of exit corridors.

9.11(4) Handrails with ends returned to the walls shall be provided on both sides of corridors used by residents in custodial homes with a clear distance

of at least one and one-half inches between handrail and wall. Handrails shall be mounted with their top surfaces thirty-one to thirty-four inches above the finished floor. Handrails shall be installed on both sides of all outside and inside stairways.

9.11(5) All doors to resident-room toilet rooms and resident-room bathrooms shall be equipped with hardware which will permit access in any emergency.

9.11(6) All doors opening into corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.

9.11(7) No doors shall swing into the corridor except closet doors.

9.11(8) Thresholds and expansion joint covers, if used, shall be flush with the floor.

9.11(9) Grab bars and accessories in resident toilet-shower-and-bathrooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five minutes.

9.11(10) Lavatories intended for use by residents shall be installed to permit wheelchairs to slide under.

9.11(11) Landings shall be provided at the top and the bottom of each stair run. There shall be an approved landing between the top step and the doorway regardless of the direction of the door swing.

9.11(12) Mirrors shall be arranged for convenient use by residents in wheelchairs as well as by residents in a standing position.

9.11(13) Paper towel dispensers shall be provided at all lavatories and sinks used for handwashing.

9.11(14) *Ceiling heights.*

a. Boiler room. Not less than two feet six inches above the main boiler header and connecting piping with adequate headroom under piping for maintenance and access.

b. Corridors, storage rooms, patient's toilet rooms, and other minor rooms. Not less than seven feet six inches.

c. All other rooms. Not less than eight feet.

9.11(15) Boiler rooms, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 85° F.

9.11(16) Noise reduction criteria. Partition, floor and ceiling construction in patient areas shall comply with table 1.

Table 1

| | Airborne Sound Impact Noise | | |
|-------------------------------------|-----------------------------|-----------------|--------|
| | Transmission Class (STC) a/ | Rating (INR) b/ | |
| | Partitions | Floors | Floors |
| Residents' room to residents' room | 45 | 45 | -2 |
| Corridor to resident's room | 40 | 45 | +5 c/ |
| Public space to residents' room d/ | 50 | 50 | +5 c/ |
| Service areas to residents' room e/ | 55 | 55 | +10 c/ |

a/ Sound transmission class (STC) shall be determined by tests in accordance with methods set forth in ASTM Standard E 90-66T.

b/ Impact noise rating (INR) shall be determined in accordance with criteria set forth in FHA Pub. No. 750. Tests shall be conducted in accordance with ISO Recommendations No. 140-1960.

c/ Impact noise limitation applicable only when corridor, public space, or service area is over residents' rooms.

d/ Public space includes lobbies, dining rooms, recreation rooms, treatment rooms, and similar spaces.

e/ Service areas include kitchens, elevators, elevator machine rooms, laundries, garages, maintenance rooms, boiler and mechanical equipment rooms, and similar spaces of high noise or vibration or both. Mechanical equipment located on the same floor or above residents' rooms, offices, operational care centers, and similar occupied spaces shall be effectively isolated from such spaces with respect to noise and vibration.

NOTE: The requirements set forth in this table assume installation methods which will not appreciably reduce the efficiency of the assembly as tested. Location of electrical receptacles, grilles, ductwork, and other mechanical items, and blocking and sealing of partitions at floors and ceilings shall not compromise the sound isolation required.

9.11(17) Finishes.

a. Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchens and related spaces shall be waterproof and grease-proof. In all areas where floors are subject to wetting, they shall have a non-slip finish.

b. Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

c. Walls generally shall be washable and in the immediate area of plumbing fixtures the finish shall be moisture-proof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

d. Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops, and similar spaces.

e. Ceilings shall be accoustically treated in corridors in resident areas, operational care centers, nourishment stations and dining and recreation areas.

9.11(18) Windows.

a. The total window area in each resident room shall be not less than one-eighth of the superficial floor area.

b. Every resident room shall have an outside window that can be opened from the inside without tools.

9.11(19) In a means of egress from a resident room, if an exit is below the outside grade level, the exit access, exit or the exit discharge shall include an approved ramp.

9.11(20) Corridor doors shall be U.L. Class "C" fire doors or solid core wood doors of the flush type not less than one and three quarters inch thick and shall be without undercuts or louvers.

9.11(21) Fire escape and porch railings shall be designed to resist a horizontal thrust of fifty pounds per running foot of railing applied to the top of the railing.

9.12(135C) T.X Elevator requirements.

9.12(1) All custodial homes where either resident beds or in-resident facilities such as diagnostic, recreation, resident dining or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:

a. At least one hospital-type elevator shall be installed where one to fifty-nine resident beds are located on any

floor other than the first. (For purposes of these requirements, the first floor is that floor first reached from the main front entrance.)

b. At least two elevators, one of which shall be hospital-type, shall be installed where sixty to two hundred resident beds are located on floors other than the first, or where resident facilities are located on a floor other than those containing the resident beds.

c. At least three elevators, one of which shall be hospital-type, shall be installed where two hundred and one to three hundred and fifty resident beds are located on floors other than the first, or where in-resident facilities are located on a floor other than those containing the resident beds.

d. For facilities with more than three hundred and fifty beds, the number of elevators shall be determined from a study of the facility plan and the estimated vertical transportation requirements.

9.12(2) Cars and platforms.

a. Elevator cars and platforms shall be constructed of noncombustible material, except that fire-retardant-treated material may be used if all exterior surfaces of the car are covered with metal.

b. Cars of hospital-type elevators shall have inside dimensions that will accommodate a resident's bed and attendants and shall be at least five feet wide by seven feet six inches deep. Car doors shall have a clear opening of not less than three feet eight inches.

c. Cars of all other required elevators shall have a minimum inside floor dimension of not less than five feet. Car doors shall have a clear opening of not less than three feet.

9.12(3) Leveling. Elevators shall have automatic leveling of the two-way automatic maintaining type with accuracy within plus or minus one-half inch.

9.12(4) Operation. Elevators (except freight elevators) shall be equipped with a two-way special service switch to permit cars to bypass all landing button calls and be dispatched directly to any floor.

9.12(5) Field inspection and tests. The contractor shall be required to cause inspections and tests to be made and shall deliver to the owner written certification that the installation meets the requirements set forth in this section.

9.12(6) Elevators shall be installed and maintained in accordance with the American Standard Safety Code for Elevators, Dumbwaiters and Escalators as published by the American Society of Mechanical Engineers, New York, New York.

9.13(135C)T.X Construction.

9.13(1) Rules and standards governing fire safety shall be promulgated by the state fire marshal under section 100.35 of the Code for facilities defined by chapter 135C.1.

9.13(2) Foundations shall rest on natural, solid ground if a satisfactory soil is available at reasonable depths. All footings shall extend to a depth not less than one foot below the estimated frost line.

9.13(3) Interior finish of walls and ceilings of all exit ways, storage rooms and areas of unusual fire hazard shall have a flame spread rating of not more than twenty-five. All other areas shall have a flame spread rating of not more than seventy-five, except that up to ten percent of the aggregate wall and ceiling area may have a finish with a rating up to two-hundred.

9.13(4) Floor finish materials shall have a flame spread rating of not more than seventy-five. Flame spread ratings for each specific product shall be determined by an independent testing laboratory in accordance with ASTM Standard No. E 84-61. Carpeting shall have a smoke density factor of one-hundred or less.

9.13(5) Buildings of two stories or more in height shall be of no less than fire-resistive construction.

9.13(6) *Sprinklers.* Automatic fire extinguishing protection shall be provided throughout all homes except those of fire-resistive construction and except for one-story protected noncombustible construction.

9.13(7) No room in a cellar shall be occupied for living purposes.

9.13(8) No room in a basement shall be occupied for living purposes unless the room meets all the requirements of the department and receives approval of the department as fit for human habitation.

9.13(9) The buildings and all parts thereof shall be of sufficient strength to support all dead, live and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practices.

9.14(135C)T.X Mechanical requirements.

9.14(1) Prior to completion of the contract and final acceptance of the facility, the architect or engineer shall obtain from the contractor certification that all mechanical systems have been tested and that the installation and performance of such systems conform to the requirements of the plans and specifications.

9.14(2) Upon completion of the contract, the contractor shall furnish the owner with a bound volume containing operating instructions, manufacturer's catalog number, and description and parts list for each piece of equipment.

9.14(3) Incinerators, if provided, shall be gas, electric, or oil fired and shall be capable of, but need not be limited to, complete destruction of pathological wastes. Design and construction of incinerators and refuse chutes shall be in accordance with Part III of the National Fire Protection Association Standard No. 82. Incinerators shall meet the requirements of Iowa Rules and Regulations Relating to Air Pollution Control adopted under the authority of chapter 135B, Code of Iowa.

9.14(4) The steam and hot water systems shall comply with the following:

a. Boilers shall have the capacity, based upon the published Steel Boiler Institute's or Institute of Boiler and Radiator Manufacturers' net ratings, to supply the normal requirements of all systems and equipment.

b. Boiler feed pumps, condensate return pumps, fuel oil pumps, and circulating pumps shall be connected and installed to provide standby service when any pump breaks down.

c. Supply and return mains and risers of space heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return end.

d. Boilers and smoke breeching, all steam supply piping and high pressure steam return piping, and hot water space heating supply and return piping shall be insulated with insulation having a flame spread rating of twenty-five or less and a smoke-developed rating of fifty or less.

9.14(5) The air conditioning, heating and ventilating systems shall comply with the following:

a. A minimum temperature of 78° F. shall be provided for all occupied areas at winter design conditions.

b. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at or near the point of discharge from the building. The ventilation rates shown on the table of pressure relationships and ventilation of certain nursing home areas shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates if they are required to meet design conditions.

c. Outdoor ventilation air intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five feet from the exhausts from any ventilating systems or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight feet above the ground level, or, if installed through the roof, three feet above roof level.

d. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas shown in the pressure relationship and ventilation table.

e. Room supply air inlets, recirculation, and exhaust air outlets shall be located not less than three inches above the floor.

f. Corridors shall not be used to supply air to or exhaust air from any room except that exhaust air from corridors may be used to ventilate rooms such as bathrooms, toilet rooms, or janitor's closets which open directly on corridors.

g. Central systems designed for recirculation of air shall be equipped with

a minimum of two filter beds. Filter bed no. 1 shall be located upstream of the conditioning equipment and shall have a minimum efficiency of thirty percent. Filter bed no. 2 shall be located downstream of the conditioning equipment and shall have a minimum efficiency of ninety percent. Central systems using one hundred percent outdoor air shall be provided with filters rated at eighty percent efficiency. The above filter efficiencies shall be warranted by the manufacturer and shall be based on the National Bureau of Standards Dust Spot Test Method with Atmospheric Dust. Filter frames shall be durable and carefully dimensioned, and shall provide an airtight fit with the enclosing ductwork. All joints between filter segments and the enclosing ductwork shall be gasketed or sealed to provide a positive seal against air leakage.

h. A manometer shall be installed showing pressure drop across each filter bed serving central air systems.

i. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay or asbestos cement.

j. Duct linings shall meet the erosion test method described in Underwriters' Laboratory, Inc., Pub. No. 181. Duct linings, coverings, vapor barriers, and the adhesives used for applying them shall have a flame spread classification of not more than twenty-five and a smoke-developed rating not more than fifty.

k. Cold air ducts shall be insulated wherever necessary to maintain the efficiency of the system or to minimize condensation problems.

l. Exhaust hoods in food preparation centers shall have a minimum exhaust rate of one hundred cubic feet per minute per square foot of hood face area. Cleanout openings shall be provided every twenty feet in horizontal exhaust duct systems serving hoods.

m. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and reasonable temperatures in the room and in adjoining areas.

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**PRESSURE RELATIONSHIPS AND VENTILATION
OF CERTAIN CUSTODIAL AND NURSING HOME AREAS**

| Area Designation | Pressure Relationship to Adjacent Areas | All Supply Air From Outdoors | Minimum Air Changes of Outdoor Air Per Hour | Minimum Total Air Changes Per Hour | All Air Exhausted Directly to Outdoors | Recirculated Within Room |
|----------------------------------|---|------------------------------|---|------------------------------------|--|--------------------------|
| Resident Room | 0 | — | 2 | 2 | — | — |
| Resident Area Corridor | 0 | — | 2 | 4 | — | — |
| Special Purpose Room* | 0 | — | 2 | 6 | Yes | No |
| Physical Therapy & Hydrotherapy* | . | — | 2 | 6 | — | — |
| Soiled Workroom | . | — | 2 | 4 | Yes | No |
| Clean Workroom* | + | — | 2 | 4 | — | — |
| Toilet Room | . | — | — | 10 | Yes | No |
| Bedpan Room* | . | — | — | 10 | Yes | No |
| Bathroom | . | — | — | 10 | Yes | No |
| Janitor's Closet | . | — | — | 10 | Yes | No |
| Sterilizer Equipment Room* | . | — | — | 10 | Yes | No |
| Linen and Trash Chute Rooms | . | — | — | 10 | Yes | No |
| Food Preparation Center | 0 | — | 2 | 10 | Yes | No |
| Dishwashing Room | . | — | — | 10 | Yes | No |
| Dietary Day Storage | 0 | — | — | 2 | — | No |
| Laundry, General | 0 | — | 2 | 10 | Yes | No |
| Soiled Linen Sorting & Storage | . | — | — | 10 | Yes | No |
| Clean Linen Storage | + | — | 2 | 2 | — | — |
| Garbage Holding Room | . | — | — | 6 | Yes | No |
| Employees' Lounge | . | — | — | 6 | Yes | No |

+ = Positive . = Negative 0 = Equal — = Optional
* = Applicable to nursing homes only

9.14(6) All plumbing and other piping systems shall be installed in accordance with the requirements of Public Health Service Publication No. 1038, A Report of Public Health Service Technical Committee on Plumbing Standards, the State Plumbing Code and applicable provisions of local ordinances.

9.14(7) Plumbing fixtures shall meet the following requirements:

a. The material used for plumbing fixtures shall be of nonabsorptive acid-resistant material.

b. Lavatories and sinks required in resident care areas shall have the water supply spouts mounted so that its discharge point is a minimum distance of five inches above the flood rim of the fixture.

c. Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

d. At least fifty percent of the water closets installed in the home shall be of the eighteen-inch geriatric type.

9.14(8) Water supply system shall meet the following requirements:

a. Every home shall have a safe and potable water supply. A municipal source of supply shall be considered as meeting this requirement.

b. Plans to develop a private source of supply must be submitted to the department for review and approval.

c. Systems shall be designed to supply water to the fixtures and equipment at a minimum pressure of fifteen pounds per square inch during maximum demand periods.

d. Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

e. Hot, cold and chilled water piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior vapor barrier.

f. Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses

or tubing can be attached such as janitor's sinks and bedpan flushing attachments. The preventive device shall be installed at a level above which any permanently attached outlet can be raised.

g. Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.

h. Bedpan flushing devices are recommended in the soiled workroom. If such devices are not provided in each resident toilet room, a hopper or clinic sink with adequate facilities shall be provided in each care unit.

i. Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

j. Plumbing fixtures which require hot water and which are intended for resident use shall be supplied with water which is controlled to provide a maximum water temperature of 110° F. at the fixture.

k. Plumbing fixtures in resident areas for utility or service used shall be provided with hot water at a minimum temperature of 140° F.

9.14(9) Hot water heaters and tanks shall meet the following requirements:

a. The hot water heating equipment shall have sufficient capacity to supply the water at the temperatures and amounts indicated below:

| | Use | | |
|--------------------|----------|---------|---------|
| | Clinical | Dietary | Laundry |
| Gal/hr/bed | 6½ | 4 | 4½ |
| Temp. °F. | 110 | 180 | 180 |

b. Storage tanks shall be provided and shall be fabricated of corrosion-resistant metals, unless other approved storage methods are provided.

9.14(10) Drainage systems shall meet the following requirements:

a. Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of or condensation from necessary overhead piping systems.

b. Building sewers shall discharge into a community sewerage system. Where such a system is not available, an approved discharge system shall be used.

9.15(135C)T.X Electrical requirements.

9.15(1) The following general electrical requirements shall be complied with:

a. All material including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the specifications listed or indicated on the plans.

b. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards.

9.15(2) The contractor shall be responsible for testing all electrical installations and systems and shall show that the equipment is correctly installed and operated as planned or specified.

9.15(3) Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and distribution panelboards shall be enclosed or guarded to provide a dead-front type of assembly.

a. The main switchboard shall be located in a separate enclosure accessible only to authorized persons.

b. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry, ventilated space devoid of corrosive fumes or gases.

c. Overload protective devices shall be suitable for operating properly in the ambient temperature conditions.

9.15(4) Lighting and appliance panelboards shall be provided for the circuits on each floor. This requirement does not apply to emergency system circuits.

9.15(5) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto and parking lots shall have electric lighting.

a. Residents' bedrooms shall have general lighting and night lighting.

b. A reading lamp shall be provided for each resident.

c. At least one luminaire for night lighting shall be switched at the entrance to each resident room.

d. Resident's reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire.

e. All switches for control of lighting in resident areas shall be of the quiet operating type.

9.15(6) Convenience outlets shall meet the following requirements:

a. Each resident bedroom shall have duplex receptacles as follows: One on each side of the head of each bed (for parallel adjacent beds, only one receptacle is required between the beds); receptacles for luminaires, television, and motorized beds, if used; and one receptacle on another wall.

b. Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty feet apart in all corridors.

c. Duplex receptacles for general use shall be installed approximately fifty feet apart in all corridors and within twenty-five feet of ends of corridors.

9.15(7) A call signal shall be installed at each resident bed and in each resident toilet, bath and shower room.

a. The call signal in toilet, bath or shower rooms shall be an emergency call.

b. All calls shall register at the operational care center and shall actuate a visible signal in the corridor at the resident's door, in the clean workroom, and the soiled workroom.

c. In multicorridor units, additional visible signals shall be installed at corridor intersections.

d. In rooms containing two or more calling stations, signal indicating lights shall be provided at each calling unit.

9.15(8) Emergency electric service shall be provided in any facility licensed or designed for more than fifty beds as follows:

a. To provide electricity during an interruption of the normal electric supply that could affect the resident care or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.

b. The source of the emergency electric service shall be as follows:

(1) An emergency generating set, when the normal service is supplied by one or more central station transmission lines;

(2) An emergency generating set or a central station transmission line when the normal electric supply is generated on the premises.

c. The required emergency generating set, including the prime mover and generator, shall be located on the prem-

ises and shall be reserved exclusively for supplying the emergency electrical system. Exception: A system of prime movers which are ordinarily used to operate other equipment and alternately used to operate the emergency generator will be permitted provided that the number and arrangement of the prime movers is such that when one of them is out of service (due to breakdown or for routine maintenance), the remaining prime mover can operate the required emergency generator and provided that the connection time requirements are met. The emergency generator set shall be of sufficient kilowatt capacity to supply all lighting and power load demands of the emergency system. The power factor rating of the generator shall be not less than eighty percent. Battery units may be used to augment the emergency lighting or for continuity of lighting during the interim transfer switching to the emergency generator immediately following an interruption of the normal service supply.

d. Emergency electric service shall be provided to circuits as follows:

(1) Exit ways and all necessary ways of approach thereto including exit signs and exit direction signs, exterior of exits, exit doorways, stairways and corridors;

(2) Dining and recreation rooms;

(3) Operational care center;

(4) Generator set location, switch-gear location and boiler room;

(5) Elevator, if required for emergency.

e. Provision shall be made for the following equipment essential to life safety and for the protection of important equipment or vital materials.

(1) Call board;

(2) Alarm system including fire alarm actuated at manual stations, water flow alarm devices of sprinkler systems if electrically operated, fire-detection and smoke detecting systems, paging or speaker systems if intended for issuing instructions during emergency conditions, and alarms required for nonflammable medical gas systems, if installed;

(3) Fire and water pumps, if installed;

(4) Sewage and sump lift pump, if installed;

(5) All required duplex receptacles in resident corridors;

(6) One elevator, where elevators are used for vertical transportation of residents;

(7) Equipment such as burners and pumps necessary for operation of one or more boilers and their necessary auxiliaries and controls, required for heating and sterilization;

(8) Equipment necessary for maintaining telephone service.

f. Where electricity is the only source of power normally used for space heating, the emergency service shall provide for heating of resident rooms. Emergency heating of resident rooms will not be required in areas where the design temperature is higher than 20° F., based on the Median of Extremes as shown in the current edition of the ASHRAE Handbook of Fundamentals, or the facility is supplied by at least two utility service feeders, each supplied by separate generating sources, or a network distribution system fed by two or more generators, with the health care facility feeders so routed, connected and protected that a fault any place between the generators and the facility will not be likely to cause an interruption of more than one of the service feeders.

g. The emergency electrical system shall be so controlled that after interruption of the normal power supply, the generator is brought to full voltage and frequency and connected within ten seconds through one or more primary automatic transfer switches to all emergency lighting, all alarms, nurses' call, equipment necessary for maintaining telephone service and receptacles in resident corridors. All other lighting and equipment required to be connected to the emergency system shall either be connected through the above described primary automatic transfer switching or shall be subsequently connected through other automatic or manual transfer switching. Receptacles connected to the emergency system shall be distinctively marked for identification. Storage-battery-powered lights, provided to augment the emergency lighting or for continuity of lighting during the interim of transfer switching immediately following an interruption of the normal service supply, shall not be used as a substitute for the requirement of a generator. Where fuel is normally stored on the site, the storage capacity shall be sufficient for twenty-four-hour operation of required emer-

gency electric services. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

9.15(9) An exit door alarm system shall be installed on the appropriate exit doors.

9.15(10) Drop cords, extension cords, or any type of flexible cord shall not be used as a substitute for fixed wiring.

9.15(11) Electrical metallic tubing or rigid heavywall conduit shall be used throughout the interior of the home grounded to the underground metallic water piping system.

9.15(12) Electrical system and equipment shall be in accordance with the applicable codes and regulations. Where such codes are not in effect the National Electric Code shall govern.

9.15(13) Electric lighting shall be provided throughout the facility in accordance with the recommended levels of the Illuminating Engineering Society Handbook.

9.16(135C)T.X Codes and standards.

9.16(1) *General.* Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances and regulations which are enforced by city, county or state jurisdictions. Where such codes, ordinances and regulations are not in effect, it shall be the responsibility of the sponsor to consult one of the national building codes generally used in the area for all components of the building type which are not specifically covered by the minimum standards set forth herein provided the requirements of the code are not inconsistent with the minimum standards herein.

9.16(2) *List of referenced codes and standards.* The following codes and standards have been utilized in whole or in part in these rules and shall be used as references when specific details are required or interpretation is needed.

American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) *Handbook of Fundamentals.*

American Society for Testing and Materials (ASTM) Standard No. E 84-61, *Method of Test for Surface Burning Characteristics of Building Material.*

American Society for Testing and Materials (ASTM) Standard No. E 90-

66T, *Recommended Practice for Laboratory Measurement of Air-borne Sound Transmission Loss of Building Floors and Walls-Tentative.*

American Society for Testing and Materials (ASTM) Standard No. E 119, *Methods of Fire Tests of Building Construction and Materials.*

Federal Housing Administration (FHA) Publication No. 750, *Impact Noise Control in Multifamily Dwellings.*

International Standards Organization (ISO) Recommendations No. 140-1960, *Field and Laboratory Measurements of Airborne and Impact Sound Transmission.*

National Electrical Manufacturers Association (NEMA) Bulletin No. XR4-10, *Minimum Power Supply Requirements.*

National Fire Protection Association (NFPA) Standard No. 70, *National Electrical Code.*

National Fire Protection Association (NFPA) Standard No. 56, *Code for Use of Flammable Anesthetics.*

National Fire Protection Association (NFPA) Standard No. 82, *Standard for Incinerators.*

National Fire Protection Association (NFPA) Standard No. 10, *Standards for the Installation of Portable Fire Extinguishers.*

National Fire Protection Association (NFPA) Standard No. 101, *Life Safety Code.*

National Fire Protection Association (NFPA) No. 565, *Standard for Non-flammable Medical Gas Systems.*

Public Health Service (PHS) Publication No. 934, *Food Service Sanitation Manual.*

Public Health Service (PHS) Publication No. 1038, *Report of Public Health Service Technical Committee on Plumbing Standards.*

Underwriters' Laboratories, Inc., (UL) Publication No. 181, *Air Ducts.*

United States of America Standards Institute (USASI) Standard No. A117.1-1961, *American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped.*

9.16(3) Availability of codes and standards listed. Copies of nongovern-

ment publications can be obtained from the various agencies at the addresses listed.

American Society of Mechanical Engineers, and, American Society of Heating, Refrigerating and Air-Conditioning Engineers

United Engineer Center
345 East 47th Street
New York, New York 10017

American Society for Testing and Materials

1916 Race Street
Philadelphia, Pennsylvania 19013

International Standards Organization (USA Headquarters, United States of America Standards Institute)

10 East 40th Street
New York, New York 10016

National Electrical Manufacturers Association

155 East 44th Street
New York, New York 10017

National Fire Protection Association

60 Batterymarch Street
Boston, Massachusetts 02110

Underwriters' Laboratories, Inc.

207 East Ohio Street
Chicago, Illinois 60611

United States of America Standards Institute (Formerly American Standards Association, Inc.)

10 East 40th Street
New York, New York 10016

National Sanitation Foundation
P.O. Box 1468

Ann Arbor, Michigan 48106

Illuminating Engineering Society
1860 Broadway

New York, New York 10023

Except as noted in the list, copies of government publications can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

These rules are intended to implement section 135C.14 of the Code.

[Effective May 23, 1972]

CHAPTER 10

DESIGN AND CONSTRUCTION OF NEW NURSING HOMES

10.1(135C)T.X General requirements.

Each nursing home shall comply with the provisions relating to general requirements as stated in rule 9.1(135C)T.X. In addition, each nursing home shall comply with the following: Nursing homes

shall contain the facilities described herein and shall be built in accordance with the construction requirements outlined. Facilities available through affiliation with an adjacent hospital need not be duplicated.

10.2(135C)T.X Operational care center. Each nursing home shall comply with the provisions relating to operational care centers as stated in rule 9.2(135C) T.X. In addition, each nursing home shall comply with the following:

10.2(1) Each patient room shall meet the following requirements:

No patient room shall be located more than one-hundred and twenty feet from a nurses' station, the clean workroom and the soiled workroom.

10.2(2) The size of each service area will depend on the number and types of beds within the care unit and shall include:

a. A clean workroom for storage and assembly of supplies for nursing procedures containing a work counter and sink.

b. A soiled workroom containing a clinical sink, work counter, and waste and soiled linen receptacles. This soiled workroom shall have a separate entrance and be physically separated from the clean workroom.

10.2(3) Patient toilet rooms shall be provided as follows: At least one room shall be provided for toilet training; shall be accessible from the nursing corridor, may serve the bathing area and shall provide a minimum of three feet clearance at the front and sides of the water closet.

10.2(4) Special purpose rooms for consultation, examination and treatment, and therapeutic and nursing procedures may serve more than one nursing unit on the same floor. Such shall provide lavatory, storage space and space for a treatment table.

10.2(5) A sterilizing room with an autoclave shall be provided. Such may serve more than one nursing unit and may be a designated area within the clean workroom.

10.3(135C)T.X Patients' dining, activities and recreation areas. Each nursing home shall comply with the provisions relating to patients' dining, activities and recreational areas as stated in rule 9.3 (135C) T.X. In addition, each nursing home shall comply with the following:

Areas appropriate for the activities program shall be provided which shall be located so as to avoid interference with the comfort and nursing care of ill patients.

10.4(135C)T.X Physical therapy unit.

10.4(1) If physical therapy is provided, the size of the area and the equipment shall be commensurate with the program.

10.4(2) If a physical therapy program is provided in the facility, the following physical therapy areas shall be provided:

a. An area which may also serve the occupational therapy unit.

b. Exercise and treatment areas including a lavatory and cubicle curtains around treatment areas. Such areas shall permit individual treatment and training in ambulation, stair-climbing and activities of daily living.

c. A hydrotherapy area with cubicle curtains.

d. Storage for physical therapy supplies and equipment.

e. A water closet located for convenient access by physical therapy patients which may also serve the occupational therapy unit.

f. Waiting space.

g. In facilities of less than one hundred beds, a multipurpose room with appropriate space may be utilized for such areas.

10.5(135C)T.X Occupational therapy unit. If occupational therapy is provided in the facility, the following occupational therapy areas shall be provided:

An office area which may also serve the physical therapy unit.

A therapy area including a sink or lavatory.

Storage for occupational therapy supplies and equipment.

A toilet room located for convenient access by occupational therapy patients.

In facilities of less than one hundred beds, a multipurpose room with appropriate space may be utilized for such areas.

10.6(135C)T.X Personal care room. Each nursing home shall comply with the provisions relating to personal care room as stated in rule 9.4(135C) T.X.

10.7(135C)T.X Dietary department. Each nursing home shall comply with the provisions relating to dietary department as stated in rule 9.5(135C) T.X.

10.8(135C)T.X Administration department. Each nursing home shall comply with the provisions relating to administration department as stated in rule 9.6(135C)T.X. In addition, each nursing home shall comply with the following: The administration department shall include a director of nurses' office which may be located in an appropriate area in facilities of less than one hundred beds.

10.9(135C)T.X Laundry. Each nursing home shall comply with the provisions relating to laundry as stated in rule 9.7(135C)T.X.

10.10(135C)T.X General storage. Each nursing home shall comply with the provisions relating to general storage as stated in rule 9.8(135C)T.X.

10.11(135C)T.X Locker rooms. Each nursing home shall comply with the provisions relating to locker rooms as stated in rule 9.9(135C)T.X.

10.12(135C)T.X Engineering service and equipment areas. Each nursing home shall comply with the provisions relating to engineering services and equipment areas as stated in rule 9.10(135C)T.X. In addition, each nursing home shall comply with the following:

The following engineering and equipment areas shall be provided. An incinerator space which shall be in a separate room or outdoors, unless other acceptable methods of disposal of pathological wastes are approved by the department.

10.13(135C)T.X Details and finishes. Each nursing home shall comply with the provisions relating to details and finishes as stated in rule 9.11(135C)T.X. In addition, each nursing home shall comply with the following:

10.13(1) Finishes. Floors in rooms used for storage of flammable anesthetic agents shall comply with NFPA Standard No. 56.

10.13(2) Oxygen systems. Where installed or used, the piping, outlets, manifold rooms and storage rooms shall be in accordance with the requirements of

the current edition of the NFPA Bulletins Nos. 56 and 565.

10.14(135C)T.X Elevator requirements. Each nursing home shall comply with the provisions relating to elevator requirements as stated in rule 9.12(135C)T.X.

10.15(135C)T.X Construction. Each nursing home shall comply with the provisions relating to construction as stated in rule 9.13(135C)T.X.

10.16(135C)T.X Mechanical requirements. Each nursing home shall comply with the provisions relating to mechanical requirements as stated in rule 9.14(135C)T.X. In addition, each nursing home shall comply with the following:

10.16(1) Water supply system shall meet the following requirements. Bedpan flushing devices are recommended in each patient toilet room and in the soiled workroom. If such devices are not provided in each patient toilet room a hopper or clinic sink with adequate facilities shall be provided in each nursing unit.

10.16(2) Nonflammable medical gas system installations shall be in accordance with the requirements of NFPA Standard No. 565.

10.17(135C)T.X Electrical requirements. Each nursing home shall comply with the provisions relating to electrical requirements as stated in rule 9.15(135C)T.X. In addition, each nursing home shall comply with the following: Nurses' call systems which provide two-way voice communication shall be equipped with an indicating light at each calling station which lights and remains lighted as long as the voice circuit is operative.

10.18(135C)T.X Codes and standards. Each nursing home shall comply with the provisions relating to codes and standards as stated in rule 9.16(135C)T.X.

These rules are intended to implement section 135C.14 of the Code.

[Effective May 23, 1972]

HEALTH DEPARTMENT

(continued)

Pursuant to authority of sections 135.11(17) and 137.9 of the Code, the rules relating to local boards appearing in 1971 IDR pages 444 and 445 are amended by adding the following chapter:

[Filed January 5, 1972]

TITLE XIV LOCAL BOARDS CHAPTER 2

DISTRICT HEALTH DEPARTMENTS

2.1(137)T.XIV Minimum standards for district health departments.

2.1(1) A district health department

shall have jurisdiction over a total population of at least 25,000 persons as determined by the most recent decennial federal census.

2.1(2) All areas under the jurisdiction of a district health department shall be contiguous, and district boundaries shall follow one or more existing county boundaries.

2.1(3) A district health department shall have jurisdiction in all cities within the county or counties of which it is composed.

2.1(4) A district health department shall provide public health nursing services and environmental health services, and may provide such other health services as are deemed advisable and necessary.

2.1(5) The district board of health shall delegate responsibility for administration of the district health department to an individual who is a full-time employee in the department.

2.2(137)T.XIV Preparation of district health department plan.

2.2(1) The state department of health shall prepare a proposed plan for formation of district health departments after consideration of the following factors:

a. Compliance with subrules 2.1(1), 2.1(2) and 2.1(3) above.

b. Opinions and desires of existing local boards of health, as determined questionnaire, conference, or other appropriate method.

c. Configuration of existing or proposed districts of other agencies whose activities are related to public health.

2.2(2) The plan shall consist of a map showing district boundaries, and a list of existing city and county boards of health in each district. The proposed plan shall be submitted to all existing local boards for consideration. At least thirty days shall be allowed for submission of comments by the local boards.

2.2(3) After consideration of comments by the local boards, the state department of health shall prepare a final plan, and shall send copies to each local board.

2.2(4) Whenever any amendment to the final plan is proposed, the state department of health shall notify all affected local boards and shall allow at least thirty days for submission of comments.

2.2(5) Whenever amendments of the plan are made, the state department of

health shall transmit copies of the amended plan to all local boards of health.

2.3(137)T.XIV Approval of district health departments. Local boards of health desiring to form a district health department shall submit the following information:

2.3(1) A resolution passed by each local board of health within the district, as designated in the state plan, stating:

a. Its desire that a district health department be formed, and

b. Its approval of the plan for appointment of district board members.

2.3(2) Adequate assurance that, upon organization as a district, the minimum organizational and service standards specified in subrules 2.1(4) and 2.1(5) above will be met. Such assurance may include:

a. Listing of existing personnel in the district whose services will be utilized by the district board.

b. Copies of existing or proposed budgets or resolutions of intent from counties, cities or other organizations, indicating that funds will be provided for the districts local health fund.

c. Such other information as shall be acceptable to the commissioner of public health.

2.3(3) A plan for appointment of the district board of health, which shall include:

a. The number of members to be appointed, which shall not be less than five nor more than eleven.

b. The number of doctors of medicine and surgery or osteopathic physicians and surgeons to be appointed, which shall not be less than one nor more than three.

c. The term of office of the members, which shall not be less than two nor more than six years.

d. The dates of appointment of members. Except for appointment of the original board, and appointments for filling vacancies in unexpired terms, no more than sixty percent of the board members shall be appointed in any one year.

e. The appointing authority for each board member. Members may be appointed by:

(1) County boards of supervisors.

(2) City or town councils.

f. The method or methods of filling vacancies in unexpired terms of each board member.

g. Any other qualifications or restrictions relating to appointment of board members.

(1) When a district includes more than one county, at least one member shall be appointed from each county.

(2) When a district includes a city of over 25,000 population, at least one board member shall be appointed from such city.

2.3(4) Upon receipt of all necessary information, as specified in subrules 2.3(1), 2.3(2) and 2.3(3) above, the state department of health shall review such information, and shall determine, within thirty days, whether the minimum standards specified in rule 2.1(137)T.XIV above will be met by the proposed district.

2.3(5) Upon determination that minimum standards will be met by the proposed district, the state department of health shall approve formation of the district, and shall set an effective date for district formation, which shall not be less than thirty days from the date of approval.

2.3(6) Notice of approval for district formation, including the effective dates, shall immediately be sent to:

a. The county board of health of each county in the district.

b. The board of supervisors of each county in the district.

c. The city board of health of each city over 25,000 population in the district, unless such board has been terminated.

2.3(7) Upon receipt of the notice of approval for district formation, each appointing authority shall, prior to the effective date of formation of the district, appoint board members as specified in the plan referred to in subrule 2.3(3) above, who shall take office on the effective date.

2.4(137)T.XIV Additions to district health departments.

2.4(1) The board of health of any county, or any city over 25,000 population which desires to be added to an existing district health department, shall submit an application to the district board of that district.

2.4(2) If addition of said city or county is approved by a majority of the members of the district board, the following information shall be submitted to the state board of health:

a. A resolution passed by the board of health of the applicant city or county, stating its desire to be added to the district, and approving the revised plan for appointment of district board members.

b. Adequate assurances, as described in subrule 2.3(2), that minimum service standards will continue to be met following addition of the applicant city or county.

c. A revised plan for appointment of members of the district board of health, which shall conform with all requirements of subrule 2.3(3).

d. A resolution or statement of agreement from each appointing authority whose authority to appoint board members is affected by the revised plan for appointment of district board members.

e. A resolution passed by the district board approving addition of the applicant city or county.

2.4(3) If addition of the applicant city or county to the district is approved by the state board of health, an effective date shall be set for the action, and notification sent to:

a. The district board of health.

b. The board of health of the applicant city or county.

c. The board of supervisors of the applicant county.

d. The council of the applicant city.

e. The council of each city and town within the applicant county.

2.4(4) Any new district board of health members required by the revised plan shall be appointed prior to the effective date by the appropriate authorities, and shall take office on the effective date.

2.5(137)T.XIV Withdrawal from district health departments.

2.5(1) The board of supervisors of any county, or the city council of any city over 25,000 population, desiring to withdraw from a district health department, shall submit an application to the district board of health of that district.

2.5(2) If withdrawal of said county or city is approved by a majority of the members of the district board, the following information shall be submitted to the state board of health:

a. A resolution passed by the board of supervisors of the applicant county, or the city council of the applicant city, stating its desire to withdraw from the district and stating also its intent to:

(1) Apply for addition to another district, or

(2) Appoint a county or city board of health.

b. Adequate assurances, as described in section 2.3(2) that minimum

service standards will continue to be met in the district following withdrawal of the applicant county or city.

c. Assurance that minimum standards specified in subrules 2.1(1), 2.1(2) and 2.1(3) above, will continue to be met in the district following withdrawal of the applicant county or city.

d. A revised plan for appointment of the district board of health, which shall conform with all requirements of subrule 2.3(3) above.

e. A resolution passed by the district board approving withdrawal of the applicant city or county, and approving the revised plan for appointment of the district board of health.

2.5(3) If withdrawal of the applicant county or city from the district is ap-

proved by the state board of health, an effective date shall be set for the action, and notification sent to:

a. The district board of health.
b. The board of supervisors of the applicant county.

c. The council of the applicant city.

d. The council of each city or town within the applicant county.

2.5(4) Any new district board of health members required by the revised plan shall be appointed prior to the effective date by the appropriate authorities, and shall take office on the effective date.

These rules are intended to implement section 137.9 of the Code.

[Effective February 4, 1972]

HEALTH DEPARTMENT

(continued)

Pursuant to the authority of House File 1104, Laws of the Sixty-fourth General Assembly, the following rules are adopted.

[Filed June 14, 1972]

TITLE XX

IMPACT-RESISTANT LENSES

CHAPTER 1

STANDARD FOR IMPACT RESISTANCE AND METHOD OF TESTING

1.1(H.F. 1104, 64th G.A.)T.XX Standard for Impact-Resistant Lenses. In order for a lens to be considered impact resistant, the lens must not fracture when subjected to the test specified below. For the purpose of these rules, a lens will be considered to have fractured if it cracks through its entire thickness, including a laminar layer, if any, and across a complete diameter into two or more separate pieces or if any lens material visible to the naked eye becomes detached from the ocular surface.

1.2(H.F. 1104, 64th G.A.)T.XX. Method of Testing Lenses. All lenses used in eyeglasses or sunglasses must be capable of withstanding an impact test in which a 5/8-inch steel ball weighing approximately 0.56 ounces is dropped from a height of 50 inches upon the horizontal upper surface of the lens. The ball shall strike within a 5/8-inch diameter circle located at the geometric center on the exterior surface of the lens. The ball may be guided, but not restricted, in its fall by

being dropped through a tube extending to within approximately 4 inches of the lens. The test shall be conducted with the lens supported by a tube (1-inch inside diameter, 1 1/4-inch outside diameter, and approximately 1-inch high) affixed to a rigid iron or steel base plate. The total weight of the base plate and its rigidly attached fixtures shall be not less than 27 pounds. For lenses of small minimum diameter, a support tube having an outside diameter of less than 1 1/4 inches may be used. The support tube shall be made of rigid acrylic plastic, steel or other suitable substance and shall have securely bonded on the top edge a 1/8- by 1/8-inch neoprene gasket having a hardness of 40±5, as determined by ASTM Method D 1415; a minimum tensile strength of 1,200 pounds, as determined by ASTM Method D 412; and a minimum ultimate elongation of 400 percent, as determined by ASTM Method D 412. The diameter and the contour of the lens support may be modified as necessary so that the 1/8- by 1/8-inch neoprene gasket supports the lens at its periphery. Each finished impact-resistant glass lens for prescription use shall be subjected to the impact test prescribed by this rule.

These rules are intended to implement Chapter 275, Laws of the Sixty-fourth General Assembly, and House File 1104, Laws of the Sixty-fourth General Assembly.

[Effective July 1, 1972]

HEALTH DEPARTMENT

(continued)

Pursuant to the authority of sections 135.11(13) and 135.11(17) of the Code, the subrule appearing in 1971 IDR, page 459, relating to depth of grave is amended as follows:

[Filed March 15, 1972]

Subrule 12.1(12) [of Title XXVI] is amended by striking the note to the subrule which states as follows:

NOTE: "The preceding rule shall not apply when a metal, concrete, or cement vault is used."

This rule is intended to implement sections 135.11(13) and 135.11(17) of the Code.

[Effective April 14, 1972]

HIGHER EDUCATION FACILITIES COMMISSION

Pursuant to the authority of section 261.2 of the Code rules appearing in 1971 IDR, page 473, relating to Iowa Medical Tuition Loan Plan are amended as follows:

[Filed June 29, 1972]

Subrule 3.1(3), paragraph "b", is amended by striking from lines two (2) and three (3) the words "seven percent per annum" and inserting in lieu thereof the words "nine percent per annum".

[Effective June 29, 1972]

HIGHWAY COMMISSION

Pursuant to the authority of section 321.252 of the Code the rule appearing in 1971 IDR, page 502, relating to the Manual on Uniform Traffic Control Devices for Streets and Highways is amended as follows:

[Filed May 16, 1972]

Rule 71 IDR 502, Manual on Uniform Traffic Control Devices for Streets and Highways is amended by striking from

line one (1) the words "manual filed dated January 9, 1963".

Further amend said rule by inserting after the word "The" of line one (1) the words "1971 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways prepared by the National Joint Committee on Uniform Traffic Control Devices now filed".

[Effective May 16, 1972]

LABOR BUREAU

Pursuant to authority of chapter 92 of the Code, rules relating to child labor filed on April 15, 1971, are hereby amended by adding the following new rules.

[Filed February 9, 1972]

ITEM 1 Add the following as 2.5(92):

2.5(92) Definition of other work as may be approved by the committee on child labor as provided in section 92.5(11) of the Code shall be interpreted to include the following: Manual detasseling of corn on power-operated detasseling machines.

ITEM 2 Add the following subrules to 2.8(92):

2.8(10) Definition of occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components as provided by section 92.8(1) of the Code are interpreted as follows: The term "occupations" shall include those of handling

and transporting explosives or articles containing explosive components including ammunitions.

Retail establishments, selling small arms and ammunitions, but not connected with the manufacture of explosives shall be exempt from this section.

2.8(11) Definition of occupations involved in logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill as provided by section 92.8(3) of the Code are interpreted as follows: The term "occupations" shall not include those of office work or maintenance of fire trails with hand tools.

2.8(12) Definition of occupations involving exposure to radioactive substances and to ionizing radiations as provided by section 92.8(5) of the Code are interpreted as follows: The term "occupations" shall include any work in any workroom in which (a) radium is stored or used in

the manufacture of self-luminous compound; (b) self-luminous compound is made, processed, or packaged; (c) self-luminous compound is stored, used, or worked upon; (d) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged; (e) other radioactive substances are present in the air in average concentrations exceeding ten percent of the maximum permissible concentrations in the air recommended for occupational exposure by the National Committee on Radiation Protection, as set forth in the forty-hour week column of Table One of the National Bureau of Standards Handbook No. 69 entitled "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure" issued June 5, 1959.

Any other work which involves exposure to ionizing radiations in excess of 0.5 rem per year.

2.8(13) Definitions of terms as used in section 92.8(5).

a. Self-luminous compound. Any mixture of phosphorescent material and radium, mesothorium, or other radioactive element.

b. Workroom. The entire area bounded by walls of solid material and extending from floor to ceiling with doors of solid material that shall be closed during periods of operation.

c. Ionizing radiations. Alpha and beta particles, electrons, protons, neutrons, gamma, and X-ray and all other radiations which produce ionizations directly or indirectly, but does not include electromagnetic radiations other than gamma and X-ray.

2.8(14) Definition of occupations involved in the operation of power-driven metal forming, punching, and shearing machines as provided by section 92.8(7) of the Code are interpreted as follows: Occupations of operator or helper on the following power-driven metal forming, punching, and shearing machines:

a. All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls and hot or cold rolling mills.

b. All pressing or punching machines, such as punch presses, power presses and plate punches.

c. All bending machines, such as apron brakes and press brakes.

d. All hammering machines, such as drop hammers and power hammers.

e. All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

This section shall also include the occupations of setting up, adjusting, repairing, oiling, or cleaning these machines including those with automatic feed and ejection.

2.8(15) Definitions of terms as used in section 92.8(7).

a. Operator. A person who operated a machine covered by this section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

b. Helper. A person who assists in the operation of a machine covered by this section by helping place materials into or removing them from the machine.

c. Forming, punching and shearing machines. Power-driven metalworking machines, other than machine tools which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

2.8(16) Definition of occupations in connection with mining as provided by section 92.8(8) of the Code are interpreted as follows: The term "occupations" shall not include those of office work or maintenance of living quarters.

2.8(17) Definition of occupations in or about slaughtering and meat packing establishments and rendering plants as provided by section 92.8(9) of the Code are interpreted as follows: The term "occupations" shall include those involving the killing of poultry, rabbits or small game. It shall also include the use of knives in the processing of such animals, and the operating of feeding of any power-driven machinery in any area, including the setting up, adjusting, repairing, oiling, or cleaning of any such machinery. However, it shall not include any other occupation in the processing of poultry, rabbits and small game.

The term "occupations" shall not include office work, that of the work of messengers, runners, hand truckers and similar occupations which require entering

workrooms or workplaces infrequently or for short periods of time.

2.8(18) Definitions of terms as used in section 92.8(9).

a. Slaughtering and meat packing establishments. Places in or about which cattle, hogs, sheep, lambs, goats, horses, poultry, rabbits or small game are killed, processed or butchered. The term shall also include establishments which manufacture or process meat products or sausage casings from such animals.

b. Rendering plants. Establishments engaged in the conversion of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.

2.8(19) Definition of occupations involved in the operation of certain power-driven bakery machines as provided by section 92.8(10) of the Code are interpreted as follows: The following occupations involved in the operation of power-driven bakery machines:

a. The occupations of operating, assisting to operate, or setting up, adjusting, repairing, oiling, or cleaning any horizontal or vertical dough mixer; batter mixer; bread dividing, rounding, or molding machine; dough brake; dough sheeter; combination bread slicing and wrapping machines; or cake cutting band saw.

b. The occupation of setting up or adjusting a cooky or cracker machine.

2.8(20) Definition of wrecking, demolition and shipbreaking operations as provided by section 92.8(14) of the Code are interpreted as follows: All work, including cleanup and salvage work, performed at the site of the total or partial razing, demolishing, or dismantling of a building, bridge, steeple, tower, chimney, other structure, ship or other vessel.

2.8(21) Definition of roofing operations as provided by section 92.8(15) of the Code is interpreted as follows: All work performed in connection with the application of weatherproofing materials and substances (such as tar or pitch, as-

phalt prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt or wood) to roofs of buildings or other structures. The term shall also include all work performed in connection with:

a. The installation of roofs, including related metal work such as flashing and

b. Alterations, additions, maintenance, and repair, including painting and coating, of existing roofs. The term shall include gutter and downspout work; the construction of the sheathing or base of roofs; or the installation of television antennas, air conditioners, exhaust and ventilating equipment, or similar appliances attached to roofs.

2.8(22) Definition of occupations deemed by the committee on child labor to be hazardous to life or limb as provided in section 92.8(21) of the Code shall be interpreted to include the following: Occupations involved in the operation of power cutters on corn detasseling machines.

It shall also include occupations involved in the driving of power-driven detasseling machines unless the driver has a valid driver's license or a certificate issued by the Federal Extension Service showing that he has completed a 4-H farm and machinery program.

ITEM 3 Add the following to 2.17(92):

2.17(1) Definition of part-time as provided by section 92.17(3) of the Code shall be interpreted to mean one-half of the maximum hours allowed under the Act.

2.17(2) Definition of occupation or business operated by the child's parents as provided by section 92.17(4) of the Code shall be interpreted to be those operated by the child's parent who operates and has complete control of the day to day business of the business and is on the premises during the hours of the child's employment.

This rule is intended to implement chapter 92 of the Code of Iowa (as provided above).

[Effective February 9, 1972]

LABOR BUREAU

(continued)

Pursuant to authority of Chapter 236, Acts of the First Session of the 64th General Assembly, the following rules relating to Sanitation and Shelter Rules for Railroad Employees are adopted.

[Filed June 14, 1972]

CHAPTER 3

SANITATION AND SHELTER RULES
FOR RAILROAD EMPLOYEES

3.1(Ch. 236, 64 GA) Definitions. As used herein or in connection with these rules and regulations, the following terms shall mean:

3.1(1) Bunk or section house. Any building or portion thereof, excepting a family dwelling, in which persons employed by railroad companies are furnished sleeping and/or living accommodations.

3.1(2) Caboose. Any car or coach used on a train to carry the train crew.

3.1(3) Camp car. Any group of sleeping, dining, kitchen or recreation cars, on or off rail, furnished for the use of any one gang or group of employees.

3.1(4) Commissioner. The commissioner of labor.

3.1(5) Company. A common carrier railroad company as an employer.

3.1(6) Employee. Any person employed by a company to which these rules and regulations apply.

3.1(7) Dressing room. A room used by employees either as a dressing room, or as a rest room, or for both purposes.

3.1(8) Number of employees. Unless otherwise specified, the maximum number of employees going on or coming off shift within any single hour.

3.1(9) Railroads. Common carrier railroads.

3.1(10) Sanitary. Free from or effective in preventing or checking agencies injurious to health; especially filth and infection.

3.1(11) Station. A location where freight and/or passenger traffic is ordinarily received and delivered and at which an employee is regularly assigned for duty.

3.1(12) Terminal. A location where engine and train crews in yard and train service and switchmen, switch tenders and car clerks are regularly required to report for or relieved from duty.

3.1(13) Toilets. Fixtures such as flush toilets, chemical closets, incinerator type toilets, or privies for the purpose of defecation, unless otherwise specified.

3.1(14) Usual place of employment. The place where an employee works with a reasonable measure of continuity throughout the major part of his company service.

3.1(15) Yards. Yards, section headquarters, locomotive and car shops.

3.1(16) Office work area. A yard office, station, depot, terminal, or freight, baggage and express office which is a permanent or semi-permanent stationary facility located on railroad property and a usual place of employment for the performance of clerical and/or work concerned with or identified with the office functions of the company.

3.2(Ch. 236, 64 GA) Water supply.

3.2(1) General specifications. Water supplied for domestic and drinking purposes under these regulations shall meet the standards of the state department of health. Cross-connections between a potable and impotable water supply are prohibited.

3.2(2) Drinking water.

a. An adequate supply of cool, clean, sanitary water, satisfactory for drinking purposes, shall be made available to all employees. Drinking water shall be obtained only from sources approved by the state department of health or an approved water line.

b. When necessary, this water shall be provided in suitable, clean, sterilized and sanitary containers conveniently placed for the use of employees, but not in toilet rooms. Each container shall be equipped with an approved type of fountain, approved faucet, or other approved dispenser.

c. All containers used to furnish drinking water shall be thoroughly cleansed and sterilized as often as necessary to assure a clean and sanitary water supply.

d. The common drinking cup for public use is prohibited, either single service containers or drinking fountains with sanitary angle head, shall be used in lieu thereof.

3.2(3) Required locations.

a. Running facilities. Drinking water which meets the specifications of 3.2(1) and 3.2(2) shall be provided on the following equipment when in use and when offered for use at terminals having servicing and/or replenishing facilities:

- (1) All locomotives.
- (2) Baggage and express cars (where employees are assigned for work en route).
- (3) Cabs.
- (4) Camp cars.

b. Stationary facilities. Drinking water, according to the general specifications shall be made available at the following locations:

- (1) All terminals.
- (2) All yard offices.
- (3) All stations.
- (4) All freight, baggage, and express offices (located on railroad property).
- (5) All shops and engine houses.
- (6) All bunk or section houses and section headquarters.
- (7) All lunchrooms located on railroad property.
- (8) All permanent watchmen shelters at public highway crossings.
- (9) All maintenance of way camps.
- (10) All office work areas.

3.2(4) Washing facilities.

a. General specifications — wash basins — lavatories.

(1) Wash basins or lavatories shall be made of vitrified glazed earthenware, vitreous enameled metal, or other smooth finished material, impervious to moisture.

(2) Twenty-four inches of trough or circular wash basin shall be considered the equivalent of one wash basin. The trough or circular wash basins shall not be equipped with a plug or stopper.

(3) Spring closing hand operated faucets are prohibited in trough wash sinks, or circular basins.

b. Wash basins — availability.

(1) An adequate number of wash basins or lavatories for maintaining personal cleanliness shall be provided within reasonable access for all employees normally assigned to work at the following locations: All terminals, all yard offices, all stations, all freight, baggage and express offices (located on railroad property), all shops and engine houses, all lunchrooms located on railroad property, and at all bunk or section houses.

(2) There shall be provided one lavatory for every ten employees (men or women) or portion thereof, up to 100 persons; and over 100 persons one lavatory for each additional 15 persons or portion thereof.

(3) At least one wash basin shall be located in or adjacent to each toilet room.

c. Wash basins — supplies.

(1) Hot and cold running water preferably a combination shall be supplied to wash basins.

(2) Mechanical drying facilities or individual towels, either paper or cloth, shall be provided. (The use of common towels is prohibited.)

(3) Waste receptacles shall be provided for used paper towels.

(4) Soap or other suitable cleansing agent shall be supplied at each wash basin.

(5) All supplies shall be adequate to meet the needs for which they are intended, and shall be so maintained by the employer.

(6) Employees shall exercise care to see that unnecessary waste of supplies does not occur.

3.2(5) Showers, locker rooms, dressing rooms and lockers.

a. Showers.

(1) Showers shall be required when in the judgement of the Bureau of Labor such facilities are necessary at specified locations to protect employees whose work involves exposure to poisonous, infectious or irritating material or to excessive dirt, heat fumes or vapors or other materials or substances injurious to health. Such shower facilities shall be provided in conjunction with adequate and necessary locker or dressing room facilities.

(2) Showers shall be provided with a spray fixture connected to an ample supply and pressure of hot and cold water, preferably mixed by a mixing valve.

(3) Each shower room or compartment shall be constructed of material impervious to moisture.

(4) Each shower compartment shall be not less than 36 inches in width and 36 inches in depth.

b. Lockers or dressing rooms.

(1) In all places of employment where, because of the nature of the work, it is necessary to change clothing, a locker room shall be provided separated from toilet rooms by solid partitions and doors. Such locker rooms shall have not less than eighty square feet of floor space per ten employees, or fraction, and for each additional employee not less than four additional square feet shall be added thereto. Necessary furniture such as benches and tables shall be provided.

(2) Such locker or dressing rooms shall be properly lighted, heated to a minimum of 65°F., and adequately ventilated. Where practicable cross-ventilation shall be provided.

c. Lockers. In all places of employment where the nature of the employment requires a change of clothing, individual metal lockers shall be provided. The dimensions of metal lockers shall be not less than twelve inches wide, eighteen inches deep and seventy-two inches high, exclusive of legs or other base. The lockers shall be equipped with a shelf and with not less than one clothes hook for each side or equivalent hanger bar, and also sufficient openings in the door for purposes of ventilation. Wooden lockers are prohibited.

d. Separate facilities for women.

(1) In instances where women or girls are employed in such activities, the showers, lockers and dressing rooms used by them shall be separate and apart from those used by the men and boys.

(2) These shall have separate entrances and exits and shall be so marked.

3.3(Ch. 236, 64 GA) Toilets.

3.3(1) General.

a. Where running water and sewer or septic tank connections are reasonably available, flush-type toilets and urinals shall be maintained.

b. Chemical toilets or privies may only be used where it is impractical to install inside toilet and urinal facilities.

c. No privy, urinal, cesspool, septic tank or other receptacle for human excrement shall be constructed, maintained or used, except those maintained on moving equipment, which directly or indirectly drains or discharges over, into or upon the surface of the grounds, or into the waters of the state, either directly or indirectly, unless the contents of such urinal, cesspool, septic tank or receptacle for human excrement are subjected to some recognized sterilization treatment approved by the state department of health.

3.3(2) Waterclosets.

a. Every flush toilet shall have a rim flush bowl or be so constructed as to prevent the accumulation of fecal matter on the bowl. The bowl shall be constructed of vitrified glazed earthenware, enameled metal, or other smooth finished material impervious to moisture.

b. Every such bowl shall be so installed that the surroundings and floor space can be easily cleaned.

c. No pan, plunger or wash-out water closets are permitted except that pan or double-pan types are permitted for running facilities.

d. Every flush toilet shall have a separate hinged seat made of a material, other than metal, which does not absorb moisture or which shall be finished with varnish or other substances resistant to moisture.

3.3(3) Urinals.

a. Every urinal shall be made of vitrified glazed earthenware, enameled metal, or other smooth finished material impervious to moisture.

b. Every urinal shall be located within a toilet room.

c. Twenty-four inches of trough urinal shall be equivalent to an individual urinal.

d. Wherever a slab urinal is installed, the floor, for a distance of not less than 24 inches in front of the urinal, shall be sloped toward the urinal drain, and adequate splash guards shall be installed.

e. Every urinal shall be flushed from a water-supplied tank or through valve, and flush valves shall be installed with an approved back-flow preventer. Every such tank shall furnish an adequate quantity of water for each discharge for every fixture. In place of such discharge from a tank or flush valve, water may be allowed to run continuously over slab or trough urinals.

f. Clear floor space allowed for each urinal or its equivalent shall be not less than two feet in width, adequate passage shall be allowed for.

3.3(4) Chemical toilets. All chemical toilets installed must be of a type approved by the Bureau of Labor. Containers shall be charged with chemical solution of proper strength and their contents shall be agitated daily with proper devices provided for that purpose. When containers are more than $\frac{2}{3}$ full the contents shall be disposed of in an approved manner, such as by the burial or into a public sewer system. The stacks connecting the seats with the containers shall be cleaned as often as is necessary to keep them in a clean and sanitary condition.

3.3(5) Incinerator toilets. An incinerator toilet may be described as containing a receptacle for toilet waste to

which intense heat is applied obtained from electrical current, gas or some heat producing agent.

a. All incinerator toilets used on railroad equipment in the state of Iowa must be of a type approved by the Bureau of Labor.

b. The installation and method of venting must be approved by the Bureau of Labor.

c. Clear and concise instructions must be provided by the railroad company to insure that the units are operated correctly.

3.3(6) Privies.

a. All privics shall be located so as to avoid contaminating any water of the state.

b. A suitable approach, such as concrete, gravel or cinder walk shall be provided.

c. Privies shall be constructed and maintained insect and rodent proof.

d. Every privy shall be provided with a door and such door shall be self-closing.

e. The lids over the seats shall be so constructed as to fall into a closed position when the seat is not occupied.

f. The pit, or vault shall be ventilated to the outside air by means of a stack protected at its outlet and by screens.

g. Individual seats shall be provided in accordance with the ratio hereinafter set forth.

3.3(7) Toilet rooms — specifications for.

a. Separation.

(1) No toilet room shall have direct communication with any room in which unwrapped food products are prepared, stored, handled, or sold, unless separated from said room by a self-closing door maintained in operating condition.

(2) Separate toilet facilities shall be provided for each sex, and each toilet room shall be plainly marked by a sign reading "MEN" or "WOMEN", as the case might be.

(3) There shall be no direct connection between toilet rooms for men and women. Each shall have a separate entrance, and each door leading thereto shall have an automatic closing device maintained in operating condition.

b. **Compartments.** Each water closet in toilet rooms containing more than one water closet, or water closets,

together with one or more urinals, shall be in an individual compartment.

c. **Ventilation.** Every toilet room shall be adequately ventilated.

d. **Lighting.** All toilet facilities shall be clearly lighted at all times during working hours.

e. **Heating.** Except privies, every toilet room shall be kept adequately heated.

f. **Screens.** All windows, ventilators, and other openings, shall be screened to prevent the entrance of insects. Toilet rooms shall be kept free of insects and vermin.

3.3(8) Toilets — number required — general.

a. Adequate toilet facilities shall be provided for all employees, and for each sex. Such facilities shall be conveniently located and accessible, and shall be maintained in a usable and sanitary condition at all times.

b. The following table shall be used as a guide in determining the adequacy of toilet facilities.

| Number of Employees | Minimum Number of Facilities |
|---------------------|---|
| 1 to 10 persons | 1 toilet |
| 11 to 24 persons | 2 toilets |
| 25 to 49 persons | 3 toilets |
| 50 to 74 persons | 4 toilets |
| 75 to 100 persons | 5 toilets |
| Over 100 | 1 toilet for each additional 30 persons |

c. Whenever urinals are provided, one urinal may be substituted for one toilet, provided the number of toilets shall not be reduced to less than two-thirds of the number shown in the foregoing table.

3.3(9) Toilets — supplies.

a. **Toilet paper.** An adequate supply of toilet paper with holder shall be supplied by the employer for each toilet.

b. **Sanitary napkins.** In all toilet rooms used by women the company shall permit the installation of dispensing machines for sanitary napkins.

3.3(10) Toilets — location of and type.

a. **Running facilities.** Flush type, chemical type, or incinerator type toilets shall be provided on the following running facilities.

(1) All locomotives except when used in yard service or as unmanned auxiliary units.

(2) Baggage and express cars where employees are required to work en route.

(3) Caboose.

b. Stationary facilities. Appropriate type toilets, according to the specifications herein, shall be provided and made accessible to all employees at the following locations:

- (1) All terminals.
- (2) All yard offices.
- (3) All stations or depots.
- (4) All freight, baggage and express offices (located on railroad property).
- (5) All engine houses and shops.
- (6) All bunk or section houses and section headquarters.
- (7) Lunchrooms located on railroad property.
- (8) All maintenance of way camps.
- (9) Crossing watchman locations, where practicable, and where such facilities are not otherwise readily and conveniently located.
- (10) All office work areas.

3.4(Ch. 236, 64 GA) Eating places and lunchrooms.**3.4(1) Eating places.**

a. Whenever practicable and at all permanent and semi-permanent installations an acceptable place, maintained in clean and sanitary condition, with adequate space for eating meals shall be provided for employees who bring their meals to their place of employment, or eat their meals prepared at the camp facilities.

b. Eating places shall be so constructed as to permit their being readily cleaned, and they shall be kept clean, in good repair and free of rodents, insects and vermin.

c. Kitchen cars or other camp facilities shall have adequate equipment for the sanitary preparation, cooking and refrigeration of food.

3.4(2) Lunchrooms.

a. In lunchrooms where food is served for employees, the food, equipment, and facilities shall be subject to the same inspection and regulation as is required in public eating places, generally consistent with the rules of the state pertaining to public food establishments.

b. Employees and workers handling and serving food in such places shall be subject generally to those rules of the state which are necessary to the sanitary handling of food.

c. Concessionaire facilities provided by the company in lieu of direct com-

pany operation shall comply with the regulations in this Code with respect to adequate space, adequate food handling facilities and cleanliness.

d. Adequate table and seating facilities shall be provided for the maximum number of employees using the room at any one time.

3.4(3) Lunchrooms and eating places—size, etc.

a. General. The minimum area of lunchrooms, or the amount of space to be added to that required for a locker room where a lunchroom is not provided, shall be based upon the maximum number of employees using the room or added space at any one time, generally in accordance with the following table:

| Number of Employees | Square Feet Per Employee |
|---------------------|--------------------------|
| 25 and less | 13 |
| 26 to 74 | 12 |
| 75 to 149 | 11 |
| 150 and over | 10 |

b. Ventilation. Every eating place and lunchroom shall be adequately ventilated. Where practicable cross-ventilation shall be provided.

c. Lighting. All lunchrooms shall be clearly lighted at all times during hours of use.

d. Heating. Every lunchroom shall be kept reasonably heated at all times.

e. Screens. The windows, ventilators and doors opening to the outside of all lunchrooms shall be properly screened during the season when insects are prevalent.

f. Waste disposal. One or more covered receptacles, as may be necessary, shall be furnished in lunchroom and eating places for the disposal of waste food and other waste matter. Such containers shall be emptied regularly and cleaned as often as is necessary. The area where the receptacles are kept shall be maintained free of litter occurring from the possible overflow of such receptacles.

3.5(Ch. 236, 64 GA) Sleeping accommodations.

3.5(1) Running facilities. Camp cars, other than passenger coaches, furnished for sleeping purposes, shall provide at least 50 square feet of floor space for each person with a ceiling height of not less than 7 feet, except where double bunks are used, at least 30 square feet of floor space shall be provided for each person so accommodated. Where passenger coaches are furnished, the Bureau of

Labor may designate the number of men to be housed in each coach.

a. Walls, floors and ceilings shall be so constructed as to permit them to be readily cleaned.

b. Exterior windows and doors shall be weather stripped during the cold weather.

c. Screens shall be provided during the season when insects are prevalent for outer doors and windows.

d. Heating facilities and adequate fuel shall be provided with which employees may maintain a comfortable temperature as weather conditions may require.

e. Lighting by windows and/or acceptable artificial illumination shall be provided.

f. Ventilation shall be provided by windows opening directly to the outside air.

g. Beds, bunks, or cots with proper mattresses shall be provided. Such beds, bunks or cots shall be raised at least 12 inches above the floor and be located two feet or more from the side of any other bed, bunk or cot located in the same room, and have at least 27 inches of clear space above it.

3.5(2) Stationary facilities.

a. Dormitories or bunk rooms shall be of such area as to provide at least 50 square feet of floor area for each person, except where double bunks are used, at least 30 square feet of floor space shall be provided for each person so accommodated. The headroom of dormitories or bunk rooms shall be at least 7 feet.

b. Specifications for the walls, floors, and ceilings, lockers, drinking water, toilet accommodations, washing facilities, ventilation, lighting, heat, weather stripping, screening, beds, bunks, or cots, as described in running facilities of this section shall apply to stationary facilities.

3.6(Ch. 236, 64GA) Cleanliness and maintenance.

3.6(1) General specifications.

a. The company shall provide for the cleanliness and maintenance of the facilities, fixtures, and appurtenances referred to in these regulations. Said fixtures shall be maintained in proper working order when offered for use.

b. Frequency of regular and thorough cleansing shall be determined in each case by the amount of traffic; and

in all instances the frequency of cleaning shall be adequate to keep said facilities, fixtures, and appurtenances free from vermin and rodents, and clean and wholesome at all times.

c. Toilet rooms and washrooms shall not be used for storage. Posters or signs shall be placed in toilet rooms requesting co-operation of employees in keeping the premises clean.

3.6(2) *Floors.* Floors shall be maintained in a clean and so far as practicable dry condition. Where wet processes are used, drainage shall be maintained and false floors, platforms, mats or other dry standing places shall be provided wherever practicable.

3.6(3) *Screens.* Screens required by these rules shall be of 16 mesh or equal.

3.6(4) *Cuspidors.* Where cuspidors are used they shall be of such construction as to be cleanable and shall be kept in a clean condition.

3.6(5) *Receptacles for waste.* Suitable receptacles shall be provided and used for the storage of waste and refuse and shall be maintained in a sanitary condition. Receptacles used for moist or liquid waste shall be made of metal or glazed earthenware, or be metal-lined, and shall not leak. They shall be kept covered and shall be washed out as often as necessary to keep them clean.

3.6(6) *Removal of sweepings, waste and refuse.* All sweepings, waste and refuse shall be removed in such a manner as to avoid raising dust and as often as necessary to keep all rooms used by employees clean.

3.6(7) *Yard servicing areas.* Toilet waste shall not be discharged onto the ground surface from railroad cars within servicing areas of yards. Such areas shall be kept free of refuse, litter, debris, vermin and rodents.

3.6(8) *Yard repair areas.* Where work is performed in repair yards or on repair tracks in the open or in open sheds of pits, adequate drainage shall be provided. This waste shall not drain into any water of the state, nor contaminate the ground surface, but must be disposed of in a manner approved by the state department of health.

3.6(9) Running facilities.

a. *Locomotives and yard diesels.* During use, the cabs on locomotives shall be heated to a minimum of 50°F. at floor level.

(1) When necessary to comply with rules 3.6(1)*a.* and 3.6(1)*b.* herein, all locomotives shall have their floors and toilets cleaned, and their windows washed when offered for use at terminals having servicing facilities.

(2) When required by the season of the year, doors and windows of all locomotives shall be equipped with adequate protection to occupants from the elements by means of weather-stripping, or other device sufficient to provide equally adequate protection.

b. Caboose.

(1) Caboose shall be maintained in a clean and sanitary condition.

(2) When required by the season of the year, doors, and windows of cabooses shall be equipped with adequate weather-stripping.

(3) When necessary to comply with 3.6(1)*a.* and 3.6(1)*b.* herein, cabooses shall have their toilets cleaned, and their windows washed when offered for use at terminals having servicing facilities.

(4) Every caboose used in any train in this state, regardless of service, shall be provided with a stove or other adequate means of heating. A sufficient supply of fuel for the trip or shift shall be provided. Caboose shall be heated to a minimum of 50°F. at floor level.

c. Running facilities shall be equipped with shatterproof glass.

3.6(10) Stationary facilities.

a. Bed linen. Where bed linen is furnished by the railroad it shall be changed and fresh clean linen supplied at least once a week and/or for each new occupant.

b. Crossing watchman facilities.

(1) Adequate shelter shall be furnished and maintained for crossing watchman. Such shelter shall be adequately heated, sealed and insulated against cold and inclement weather.

c. Office work areas.

(1) Office work areas shall be maintained in clean and wholesome condition when offered for use.

(2) Office work areas shall be clearly lighted at all times during hours of use.

(3) Office work areas shall be heated at all times during hours of use at not less than 65°F.

(4) Office work areas shall be provided with cross-ventilation when possible.

(5) Windows, ventilators and doors opening to the outside of office work areas shall be properly screened during the seasons when insects are prevalent.

3.7(Ch. 236, 64 GA) General rules.

3.7(1) Application for the waiver of or modification of any of the rules and regulations of the Bureau of Labor herein shall contain a reference to each rule on which modification or waiver is requested, and shall fully and clearly set forth the special grounds upon which such a request is based. Any waiver granted must be by order of the Bureau of Labor.

3.7(2) Each company subject to these amended sanitation and shelter rules and regulations, shall, within 60 days from the effective date of these rules, submit to the commission, in writing, the following:

a. A description of the current company servicing program for cleaning, maintaining and replenishing drinking water facilities as prescribed by Rule 3.2(3)*a.*

b. A list of the names of the terminals and/or locations at which said current servicing program for drinking water facilities is accomplished, said list to indicate which terminals and locations have, and which do not have servicing program facilities.

c. A description of the means the company uses, or proposes to use to accomplish said servicing program at terminals or locations not having servicing program facilities.

d. Where a company drinking water servicing program is nonexistent, or not as complete as contemplated, a description of the program the company proposes to institute.

e. A description of the current company servicing program for cleaning and maintaining toilets on locomotive, baggage and express car, and caboose units that have not been conformed to the requirements of Rule 3.3(10)*a.*

f. A description of the company timetable for bringing into conformity the locomotive, baggage and express car, and caboose units required to conform to Rule 3.3(10)*a.*

g. A description of the current company servicing program to accomplish compliance with Rule 3.6(9).

h. A list of the names of the terminals and/or locations at which said

current servicing program for locomotives, yard diesels, and cabooses is accomplished.

i. Where a company servicing program to comply with Rule 3.6(9) is non-existent, or not as complete as contemplated, a description of the program the company proposes to institute.

j. By means of a current report, to be filed not less frequently than quarterly, each company shall apprise the Bureau of Labor of the then salient effective and ineffective features of the

company servicing program employed to comply with Rules 3.2(3)a., 3.3(10)a., and 3.6(9).

3.7(3) All companies shall have one year from the effective date of the rules in which to comply with the exception of Section 3.7(3).

This rule is intended to implement Chapter 236 of the Acts of the First Session of the 64th General Assembly of Iowa (as provided above).

[Effective June 14, 1972]

MERIT EMPLOYMENT DEPARTMENT

Pursuant to the authority of chapter 19A of the Code, the rules appearing in the 1971 IDR, relating to the pay plan (Chapter 4 of the merit employment department rules), pages 587 and 588, are amended as follows:

[Filed January 18, 1972]

ITEM 1 On Page 587, beginning on line 21 and continuing into page 588, rule 4.6(19A)—Overtime—4.6(1), a, b, c(1), c(2), d, e, f, g, h, i(1), i(2), i(3); 4.6(2); 4.6(3); 4.6(4); 4.6(5), a, b, c; 4.6(6); 4.6(7), is deleted and the following inserted in lieu thereof:

4.6(19A) Overtime. Overtime shall be payable in accordance with the Code of Iowa and federal provisions of the Fair Labor Standards Act as applicable and authorized. It shall be the responsibility of the appointing authority to determine coverage and certify payment by the state comptroller.

Positions shall be categorized for purposes of determining eligibility for overtime as follows:

4.6(1) Standard workweek. A standard workweek shall include positions which require forty hours of work in seven consecutive days for shift assignments.

4.6(2) Extended workweek. An extended workweek shall include positions which require more than forty hours of work in seven consecutive days on regular daily assignments or of eighty hours of work in fourteen consecutive days for shift assignments. Extended workweeks shall be approved by the commission only after certification by the state comptroller of the availability of funds. Extended

workweeks may be established on increments of two additional hours per week up to forty-eight hours. The rate of pay for the position shall be increased one step for each two-hour increment above forty hours per week. Upon reduction of the workweek the pay of the incumbent employee shall be reduced accordingly, without right of appeal. The extended workweek shall not be applicable to positions within the classified service which are subject to the Fair Labor Standards Act.

4.6(3) Nonstandard workweek. The nonstandard workweek shall include all positions not assigned to the standard workweek and the extended workweek, which regularly and normally work in excess of forty hours per week and are compensated on that basis.

ITEM 2 By adding a new rule, page 588, as follows:

4.8(19A) Rate for granting compensatory time off. An employee shall be granted one hour of compensatory time off for each hour worked in excess of a normal workweek for a class not compensated by overtime payment. Compensatory time off shall be granted as soon as possible after it is earned and must be granted within one year of the date earned. If an employee is transferred or promoted from one agency to another or separates or retires from the classified service, he shall be given the accumulated compensatory time off prior to the effective date of such action by the agency from which he is so transferred, promoted, separated or retired.

[Effective January 18, 1972]

MERIT EMPLOYMENT DEPARTMENT

(continued)

Pursuant to the authority of chapter 19A of the Code, the rules appearing in the 1971 IDR, relating to the pay plan (chapter 4), are amended as follows:

[Filed February 11, 1972]

ITEM 1 On Page 585, subrule 4.5(2) paragraph "c" following words "merit increases." in the first paragraph, by adding a new paragraph:

For any employee at the top of or "red circled" above the top step of a pay range, his anniversary date shall be established as the date of his last pay raise as provided herein, and upon adjustment of the pay range the time period spent at such top step or "red circled" rate shall

be credited against the time interval between steps in the new range, if any.

ITEM 2 On Page 586, subrule 4.5(8) by striking paragraph "a" and subparagraphs (1) and (2) and inserting in lieu thereof:

a. In the event a class is assigned to a higher pay grade, all employees in positions in that class shall be adjusted to a corresponding step in the new pay range as they held in the old pay range. If an employee has not been adjusted previously, as provided in 4.5(9) "c", such adjustment shall be made prior to grade adjustment.

[Effective April 1, 1972]

MERIT EMPLOYMENT DEPARTMENT

(continued)

Pursuant to the authority of chapter 19A of the Code, the merit employment department rules, appearing in the 1971 IDR, are amended as follows:

[Filed January 17, 1972]

1. On page 596, line 26, section 8.3(19A) — Temporary Appointment — is hereby deleted and marked "Reserved for future use."

2. On page 596, line 27, rule 8.5(19A) — Intermittent Appointment — is hereby deleted and the following inserted in lieu thereof:

8.5(19A) Intermittent appointment. If the work of an agency requires the service of a person or persons on an intermittent or irregular basis, the appointing authority shall select such person or persons who have signified their willingness to accept intermittent appointment in accordance with the chapter on certification and selection. Such intermittent appointment shall not exceed one hundred eighty cal-

endar days or 1040 hours in any twelve-month period. Appointees may be placed on leave without pay at the end of the appointment and may be returned to duty the following year in the same class without further certification at the agency's determination. All periods of active service shall be reported to the commission. A period of intermittent service shall not constitute a part of the probationary period except where such service immediately precedes probationary appointment to the same class within the agency. The acceptance or refusal of intermittent appointment shall not affect an eligible's standing on an eligible list or his eligibility for a probationary appointment. No intermittent appointment shall confer upon the incumbent any privilege, right of appeal or right of position, transfer, demotion, promotion or any other right to any classified position, nor to annual or sick leave under these rules.

[Effective January 17, 1972]

MERIT EMPLOYMENT DEPARTMENT

(continued)

Pursuant to the authority of chapter 19A of the Code, the rules appearing in the January, 1972, IDR Supplement, relating to vacation and leave (chapter 14.2), paragraph "c", line 2, page 32, are amended because of a typographical error as follows:

By striking the word, "first", and inserting "fifth".

[Filed May 10, 1972]

[Effective May 10, 1972]

PUBLIC INSTRUCTION DEPARTMENT

Pursuant to the authority of section 257.10(11) of the Code rules appearing in 1971 IDR, pages 636 and 671, relating to teacher associates and temporary certificates are amended as follows:

[Filed May 4, 1972]

ITEM 1 Rule 3.4(6), is amended by striking from lines six (6) and seven (7) the words "hold a certificate that authorizes" and inserting the words "be registered for the performance of" in lieu thereof.

ITEM 2 Rule 14.24(5), is amended by striking from line twenty-one (21) the words "will be renewable" and inserting the words "may be registered" in lieu thereof.

ITEM 3 Rule 14.24(6), is amended by striking from line twenty-seven (27) the word "renewable" and inserting the word "registered" in lieu thereof.

[Effective June 3, 1972]

PUBLIC INSTRUCTION DEPARTMENT

(continued)

Be It Resolved by the State Board of Public Instruction:

Pursuant to the authority of section 285.8(6) "f" of the Code rules appearing in 1971 IDR, page 692 relating to tuberculosis test for school bus drivers are amended as follows:

[Filed May 10, 1972]

Rule 22.38(2), lines 4 and 5, is amended by striking the word "September" and inserting the word "August" in lieu thereof.

[Effective June 9, 1972]

PUBLIC SAFETY DEPARTMENT

Pursuant to the authority of section 321.4 of the Code rules appearing in the 1971 IDR, pages 717 to 718, relating to motor vehicle lighting devices and other safety equipment are amended as follows.

[Filed June 14, 1972]

ITEM 1. [Title I, chapter 1, subrule 1.1 (1)], is amended by striking the entire rule and inserting in lieu thereof the following:

1.1(1) *Original equipment.*

a. "The vehicle manufacturer, or his supplier, shall submit to the American Association of Motor Vehicle Administrators (AAMVA), a written request for approval of the lamp or device; or

b. The vehicle manufacturer, or his supplier, shall submit to the commissioner of public safety a written request for approval of the lamp or device. With the request the following shall be supplied:

(1) Identification of the make and model, or models, of vehicle for which the lamp or device is designed.

(2) A test report, from a recognized testing laboratory approved by the commissioner, showing compliance with

the appropriate specifications and regulations as specified herein.

In cases where there may be delays in obtaining completed test reports from approved laboratories, the manufacturer may submit with his request for approval a test report from his own laboratory indicating compliance with appropriate specifications. In such cases, a temporary certificate of conditional approval will be issued subject to cancellation without further hearing if the applicant fails to supply the required test report from an approved laboratory within 90 days after issuance of the certificate."

ITEM 2. [Title I, chapter 1, subrule 1.1 (2)], is amended by striking the entire rule and inserting in lieu thereof the following:

1.1(2) *"After-market" equipment.*

a. The manufacturer or his representative shall submit to the American Association of Motor Vehicle Administrators (AAMVA), a written request for approval of the lamp or device; or

b. The manufacturer or his representative shall submit to the commissioner of public safety, a written request for approval of the lamp or device. With the request the following shall be supplied:

(1) A test report, from a recognized testing laboratory approved by the

commissioner, showing compliance with the appropriate specifications and regulations specified herein.

(2) A set of installation or

mounting instructions when applicable.

(3) A set of aiming instructions when applicable."

[Effective July 1, 1972]

PUBLIC SAFETY DEPARTMENT

(continued)

Pursuant to the authority of section 321.383(2) of the Code, the following rules are adopted.

[Filed February 22, 1972]

TITLE I

ADMINISTRATIVE DIVISION

CHAPTER 3

FLASHING LIGHTS AND WARNING DEVICES ON SLOW-MOVING VEHICLES

3.1(321)T.1 "Slow-moving vehicle" means any farm tractor, implement of husbandry, road construction or maintenance vehicle, road grader, and any other vehicle principally designed for use off the highway which when operated on the highway, is operated on the highway at a speed of twenty-five miles per hour or less.

3.2(321)T.1 Required equipment. Slow-moving vehicles shall be equipped with and display at least one flashing light meeting the specifications of A.S.A.E. S279.4, and with a slow-moving vehicle warning device meeting the specification of A.S.A.E. S276.1.

3.2(1) Lamps.

a. There shall be at least one amber flashing warning lamp, conforming to SAE J974, Flashing Warning Lamp for Farm and Light Industrial Equipment, visible from both front and rear, and at

least forty-two inches (1067 mm) high as measured to the lamp axis. When more than one lamp is used, they shall flash in unison, be mounted at the same level and be as widely spaced as practicable.

b. The lamp shall comply in both the forward and rearward direction with the candlepower requirements of a Class "A" turn signal, SAE J575, Table 2. In addition, the lamp shall project at least four c.p. on both sides at 90° to the lamp axis.

c. The color of the light from the warning lamp shall be amber in accordance with SAE J578.

d. The lamp shall be flashed at least 60 f.p.m. (flashes per minute) but not more than 120 f.p.m. when it is operating.

e. The effective projected illuminated area measured on a plane at right angles to the axis of the lamp shall be not less than twelve square inches.

3.2(2) Warning device. The slow-moving vehicle warning device shall be mounted point up in a plane perpendicular to the direction of travel. It shall be placed at the rear of the vehicle, unobscured, and at least two feet above the ground measured from the lower edge of the emblem.

[Effective March 23, 1972]

PUBLIC SAFETY DEPARTMENT

(continued)

Pursuant to the authority of section 321.430 of the Code, the following rules are adopted.

[Filed January 12, 1972]

TITLE I

ADMINISTRATIVE DIVISION

CHAPTER 4

WEIGHT EQUALIZING HITCH AND SWAY CONTROL DEVICES FOR TRAILERS

4.1(321)T.1 Definitions.

4.1(1) Weight equalizing hitch or weight distributing hitch. A mechanical device that connects the trailer to the

towing vehicle and by means of leverage applied on both the trailer and towing vehicle structures or axles, distributes the imposed vehicle's load of the hitch and coupling connection between structures of towing vehicle and trailer when a towing vehicle frame is used, and between the rear axle of the towing vehicle and the trailer structure when an axle mount is used. The towing vehicle thus loaded retains a level position with respect to the road.

4.1(2) Sway control device. Equipment which is mounted on the trailer or a part of the hitch, used to limit sway from one side to another.

4.1(3) Fifth wheel type connection. A coupling between a trailer and the towing vehicle in which a portion of the weight of the trailer is carried on the towing vehicle of or forward of, the rear axle of the towing vehicle.

4.2(321)T.I Weight equalizing hitches. The following types of weight equalizing hitches are hereby approved for use with trailers.

4.2(1) Weight equalizing hitches which apply leverage by means of spring bars.

4.2(2) Weight equalizing hitches which apply leverage by means of coil springs.

4.2(3) Weight equalizing hitches which apply leverage by means of torsional bars.

4.2(4) Fifth wheel types of connection.

4.3(321)T.I Sway control devices. The following types of sway control devices are hereby approved for use with trailers.

4.3(1) Devices employing friction to limit sidesway.

4.3(2) Devices employing hydraulics to limit sidesway.

4.3(3) Devices employing torsional bars to limit sidesway.

4.3(4) Devices employing mechanical cams to limit sidesway.

4.3(5) Devices employing electronics to limit sidesway.

4.3(6) Fifth wheel types of connection.

[Effective January 12, 1972]

PUBLIC SAFETY DEPARTMENT

(continued)

Pursuant to the authority of Section 321B.4 of the Code, the following rules are adopted.

[Filed April 20, 1972]

TITLE V*

COLLECTING BREATH FOR TESTING ALCOHOLIC CONTENT

CHAPTER 1

1.1(321B.4)T.V Breath collection. A peace officer desiring to collect a sample of a subject's breath for the purpose of determining the alcoholic content of the person's blood shall use an indium encapsulation breath crimper.

1.2(321B.4)T.V Collection procedures.

1. Break seal on test kit. Attach mouthpiece and collection bag to indium templet.

2. Insert templet in crimper box, mount handle and close box top.

3. Plug crimper box to applicable electrical power source and wait for red light to go off.

4. Observe subject for a minimum of fifteen minutes to establish no alcohol has entered his mouth.

5. Have arrested blow into the mouthpiece until the collection bag has filled. With arrested continuing to exhale, squeeze handle to collect samples of breath.

6. Repack templet, forms and partitions in mailing box and return to appropriate laboratory.

1.3(321B.4)T.V Definition. An indium encapsulation breath crimper is a device that is so designed as to weld by crimping an indium tube so as to collect and preserve three samples of a subject's breath.

[Effective May 20, 1972]

*These rules, filed as Title VIII, chapter 1, transferred.

PUBLIC SAFETY DEPARTMENT

(continued)

Pursuant to the authority of Chapter 183, Acts of the Sixty-fourth General Assembly, First Session, Section 1, Subsection 1, the department of public safety rules covering motor vehicle inspection

filed January 3, 1972, and identified as Title VII, Chapters 1 through 14 are rescinded and the following Chapters 1 through 5 are enacted in lieu thereof.

[Filed April 20, 1972]

TITLE VII
STANDARDS AND INSPECTION
PROCEDURE FOR
MOTOR VEHICLES

DIVISION I
ADMINISTRATIVE PROCEDURES
FOR MOTOR VEHICLE
INSPECTION

CHAPTER 1
DEFINITIONS

2.1(321)T.VII Definitions. The definitions of section 321.1 of the Iowa Code are hereby made a part of these rules.
[Effective April 20, 1972]

CHAPTER 2
APPOINTMENT OF AN OFFICIAL
INSPECTION STATION

2.1(321)T.VII How to make application for an official inspection station.

2.1(1) Application for a Class "A", "B", "C", and "D" official inspection stations shall be made on the application forms established by the department of public safety.

2.1(2) Submit application properly completed and signed to the inspection division.

a. Signature. The application shall be signed by the owner, if a natural person, and in the cases where the owner is a corporation, copartnership, or association, by an executive officer thereof or some person specifically authorized to sign the application, to which shall be attached written evidence of his authority.

b. Applications for official inspection stations signed by persons that reside outside of Iowa shall be rejected, unless the applicant has an Iowa resident as his responsible agent at such inspection station.

c. A foreign corporation shall not be issued an official inspection station certificate unless such corporation is registered to do business in Iowa and has an Iowa resident as its responsible agent.

2.1(3) Upon approval of the application, by the inspection division, a certificate shall be issued each owner for the place of business within the state set forth in the application. Certificates shall not be assignable and shall be valid only for the owners in whose name issued and for transaction of business at the place designated therein and shall at all times be conspicuously displayed at the

place for which issued. Inspections are forbidden until a valid certificate has been properly issued to, received and displayed by the owner.

2.1(4) After the application has been approved, the owner shall prominently display an "official inspection station" sign, outside of the garage visible to the public and it must be of a type approved by the department.

2.2(321)T.VII Space requirements.

2.2(1) All inspections must be conducted in the approved area, unless specific regulations state otherwise.

2.2(2) "Inspection area" is defined as the designated "space in the clear" approved for inspection purposes. Approval cannot be granted, nor permitted to continue, unless full compliance of the following requirements is maintained:

a. The floor must be nearly level. A slope, of not to exceed two percent, front to rear or rear to front, is acceptable.

b. It shall be free of all obstructions including shelves, work benches, partitions, displays, machinery, stairways, etc., unless in the opinion of the investigating officer the obstruction does not protrude in the area far enough to curtail or interfere with inspections.

c. Wall shelves at a height of not less than four feet are permitted, if they do not present a hazard to the vehicles, public or employees.

d. Floors must be a hard surface (such as concrete) and in a good smooth condition. Wood and dirt floors are not acceptable in this area.

2.2(3) The available level space for inspections is placed in classifications outlined as follows:

a. Class "A" station—capable of inspecting all motor vehicles.

(1) Minimum space requirement: Twelve feet by forty-five feet with approved headlight tester.

(2) Minimum space requirement: Twelve feet by seventy feet with approved screen and intensity meter.

(3) Height of door and ceiling must be adequate to allow for entrance into inspection area and the raising of the vehicle.

b. Class "AA" station—capable of inspecting motor vehicles in excess of two ton, gross vehicle weight.

(1) Minimum space requirement: Twelve feet by forty-five feet with approved headlight tester.

(2) Minimum space requirement: Twelve feet by seventy feet with approved screen and intensity meter.

(3) Height of door and ceiling must be adequate to allow for entrance into inspection area and the raising of the vehicle.

c. Class "B" station—capable of inspecting the smaller types of motor vehicles, i.e. all passenger cars and small trucks up to and including two ton, gross vehicle weight.

(1) Minimum space requirement: Ten feet by twenty-five feet with approved headlight tester.

(2) Minimum space requirement: Ten feet by forty-five feet with approved screen and intensity meter.

(3) Height of door and ceiling must be adequate to allow for entrance into inspection area and the raising of the vehicle.

d. Class "C" station—governmental inspection stations. Minimum space requirements the same as for class "A" or "B" stations.

e. Class "D" station—capable of inspecting all types of motorcycles. Minimum space requirement: Five feet by twenty feet. Headlight aiming must be performed by the use of an approved screen or photo electric type headlight tester.

2.2(4) A building must be a sound, enclosed structure, in good repair with adequate heating facilities to qualify as an official inspection station.

2.2(5) All classes of inspection stations must be staffed with an approved inspector, with knowledge, tools and equipment to perform inspections on all motor vehicles presented for inspection.

2.3(321)T.VII Manpower requirements.

2.3(1) Each official inspection station must have a minimum of one approved inspector to perform inspections.

2.3(2) An inspector must be over eighteen years of age and have a current valid operator's license to be an approved official inspector.

2.3(3) If an operator's license is revoked or suspended (for any reason or period of time) the inspector shall cease inspecting during the suspension period and shall not inspect until privileges have been fully restored.

2.3(4) If an official inspector is to inspect at more than one official inspection station, he must receive separate certification for each inspection station.

2.3(5) Approved inspectors are subject to re-examination at any time, to determine whether they have knowledge of current official inspection rules. In the event there is no certified inspector employed, a suspension of the station's certificate is mandatory until an inspector is certified.

2.3(6) Owners or operators of official inspection stations must request certification of new inspectors.

2.3(7) The use of a noncertified inspector is sufficient cause for immediate revocation of that official inspection station's certificate.

2.3(8) The owners of the official inspection station are responsible for the quality of the inspections performed.

2.4(321)T.VII Tools and equipment. Inspection stations must be equipped to inspect both domestic and foreign-made vehicles.

2.5(321)T.VII Inspection sticker security.

2.5(1) It shall be unlawful for any person to furnish, give, or sell an inspection sticker to any owner or operator of a motor vehicle. No one shall place in or on any motor vehicle an inspection sticker unless an official inspection of the motor vehicle has been made and the vehicle conforms with the regulations established by the inspection rules.

2.5(2) It shall be unlawful for any such designated official inspection station to furnish, give, loan, or sell inspection stickers to any other official inspection station or any other persons except those entitled to receive them under the provisions of the inspection rules.

2.5(3) Inspection stickers must be kept in a locked compartment. The station owner or operator is solely responsible for their safety.

2.5(4) Unused or mutilated stickers must be returned to the inspection division, department of public safety, where an audit shall be made of the stickers. The inspection station owner or inspectors shall not destroy any stickers. Unused inspection stickers shall be audited by the inspection division, department of public safety.

2.6(321)T.VII Inspection sticker information.

2.6(1) There shall be two types of official inspection stickers issued.

a. Type A: All vehicles except motorcycles.

b. Type B: Motorcycles.

2.6(2) Inspection sticker ordering procedure.

a. Obtain an official order form from the department of public safety, indicate number and type of stickers that are needed. Enclose check to cover cost of stickers ordered.

b. All information on the form must be completed.

(1) Correct station number.

(2) Name and address of the official inspection station, as shown on the certificate.

(3) Orders must be signed by the authorized owner or authorized employee.

(4) Sticker orders must be accompanied by a check or money order. All checks must be made payable to the Treasurer, State of Iowa.

(5) Stickers must be ordered in quantities of twenty-five or multiples of twenty-five (example: 25, 50, 75, etc.) including governmental inspection stations.

(6) All incomplete or improper orders or checks will be returned to the official inspection station for correction.

[Effective April 20, 1972]

CHAPTER 3**REVOCATIONS****3.1(321)T.VII Failure to comply.**

3.1(1) Any failure to comply with the provisions of this Act (chapter 183, Sixty-fourth General Assembly, First Session) or any rules promulgated pursuant thereto, shall be construed as being a failure to properly conduct all or a portion of the inspection process or shall be construed as a failure to be properly equipped within the meaning of section 1.4(1), chapter 183, Sixty-fourth General Assembly, as said paragraph pertains to the authority of the commissioner to revoke an inspection station's permit.

3.1(2) The period of revocation shall be determined by the commissioner, or his authorized agent, after considering the gravity of the violation, said period to be not less than thirty days.

[Effective April 20, 1972]

CHAPTER 4**GENERAL REQUIREMENTS OF OFFICIAL INSPECTION STATIONS****4.1(321)T.VII General requirements.**

4.1(1) The inspection station owner shall have available the official inspection station rules.

4.1(2) The inspection station owner must prominently display the inspection station certificate, the certificate of inspectors authorized to conduct inspections, and any other notices deemed necessary by the department of public safety.

4.1(3) The inspection station owner shall maintain a clean and orderly place of business.

4.1(4) The inspection station owner shall keep up-to-date inspection records on file at the inspection station, which shall be available at all times for examination by the inspection division or an authorized employee of the department of public safety. The inspection station shall keep their copy of the inspection form for each inspection performed and inspection materials receipts on file at the inspection station for three years.

4.1(5) Official inspection stations must be open for business at least eight normal daylight business hours, five days a week (excluding legal holidays), with an inspector in attendance.

4.1(6) The department of public safety, inspection division must be notified of the following:

a. Change of ownership.

b. Change of location of the official inspection station.

c. Dissolution of partnerships or corporations.

d. Cessation of operation.

e. In case inspection stickers are damaged, lost or stolen.

f. Dismissal or resignation of an authorized inspector or person authorized to purchase inspection stickers.

g. All changes in post-office address.

h. Any change in authority. Submit an application if the person whose signature appears on the corporation's application resigns or loses authority.

i. Change in trade name.

4.2(321)T.VII Recording inspection.

4.2(1) Fraudulent recording on inspection forms is cause for immediate revocation of inspection station's certification.

4.2(2) The inspector must record the correct information on the proper report form and place his signature in the appropriate location. This must be done immediately following inspection. Recorded information shall be printed unless directed to do otherwise.

4.2(3) The inspection record form must be completed in triplicate. Copies one and three are to remain with the inspected motor vehicle. The second copy must be retained as a garage record and kept on file at the inspection station for a period of three years.

4.3(321)T.VII Verification of legal registration. Owner's registration card must be checked with registration plate and vehicle identification numbers. If the numbers do not correspond or if the manufacturer's serial number (VIN) is defaced, obliterated or not available, the inspection shall be completed and this information left blank.

4.4(321)T.VII Road test.

4.4(1) A road test of at least one-quarter mile shall be performed to determine brake equalization and general condition of the steering behavior.

4.4(2) A vehicle must be rejected for any malfunction of the braking or steering mechanism.

4.4(3) Inspection form must accompany the inspector on all road tests.

4.5(321)T.VII Inspection sticker. When a vehicle has successfully passed inspection, meeting the requirements of the law, the inspection sticker shall be validated in the following order:

4.5(1) Punch the exact date and month of the inspection in the date box of the inspection sticker.

4.5(2) Remove any other inspection stickers.

4.5(3) Affix the inspection sticker to the inside of the windshield on a motor vehicle in the blind area behind the inside rear view mirror, or in the case of a motorcycle, on the left side of the rear fender. Care should be taken to keep sticker out of the heavily-tinted area of the windshield.

4.5(4) Only an approved inspector may affix the inspection sticker.

4.6(321)T.VII Inspection fees.

4.6(1) The fee shall be \$5.25. Iowa law requires that sales tax be collected on this fee.

4.6(2) All official inspection stations shall prominently display a sign within their garage which shall announce the complete charge for an inspection.

4.7(321)T.VII Vehicle rejection procedure.

4.7(1) A complete inspection must be performed and the inspection form

marked as to the condition of the motor vehicle for each item listed on the inspection form.

4.7(2) If the inspection reveals deficiencies that would be cause for rejection, circle the word "rejected" directly under inspector's signature.

4.7(3) If the motor vehicle is rejected under subrule 4.7(2), a rejection sticker must be affixed in the same manner as the inspection sticker.

4.7(4) The inspector must inform the owner or operator of a rejected vehicle that he may exercise one of the following options for having his vehicle repaired:

a. Have the repairs made by the same company that operates the inspection station.

b. Have the repairs made by another repair facility of his choice.

c. Make the repairs himself.

4.7(5) The inspector must inform the owner or operator of the rejected vehicle that the inspection station is obligated to reinspect the rejected items without additional charge if returned within the statutory time.

4.7(6) The owner or operator of a rejected motor vehicle is not required to return to an inspection station conducting the original inspection for reinspection; however, should the owner or operator desire to have the reinspection made by another inspection station, the usual inspection fee will be charged by that station. Owner's copy of the inspection form must be presented to the inspection station when requesting reinspection.

4.7(7) A motor vehicle with rejection sticker affixed may be sold to an authorized dealer in lieu of repairs.

4.7(8) A rejection sticker may be removed by another inspection station under the following conditions:

a. The owner must present the inspection form (rejected) to another inspection station and an additional inspection fee must be paid.

b. The next inspection station shall retrieve the owner's copy of the inspection form, remove the rejection sticker from the motor vehicle, complete another inspection, and distribute the inspection forms.

c. The inspection station shall send the owner's rejection copy (from first inspection station) to the department of public safety.

4.7(9) The inspection station shall send the first copy (county treasurer's copy) to the inspection division for all motor vehicles that fail to return for re-inspection within the statutory time provided by the Iowa Code.

[Effective April 20, 1972]

DIVISION II

INSPECTION REQUIREMENTS

CHAPTER 5

REQUIREMENTS FOR INSPECTION OF ALL MOTOR VEHICLES

5.1(321)T.VII Brakes.

5.1(1) *Service brakes.* All motor vehicles are required to be equipped with service brakes and these brakes must meet or surpass the provisions of chapter 321 of Iowa Code.

5.1(2) Service brakes adequacy may be tested by any of the following:

a. Platform tester. Reject if:

(1) Test indicates that vehicle cannot stop in conformance with the requirements of section 321.431 of the Iowa Code.

(2) Any wheel fails to indicate braking action.

(3) Reading on one wheel less than seventy-five percent of reading on other wheel of same axle.

b. Dynamometer. Reject for same causes as for platform tester.

c. Pull right front wheel and brake drum. (Exceptions: Motorcycles, new motor vehicles, vehicles with four-wheel drive, vehicles with front-wheel drive, trucks with brake inspection plates, vehicles with sealed braking systems.) Reject if:

(1) Cracks in brake drum or brake disk surface.

(2) Evidence of mechanical damage other than wear.

(3) Friction surface warped or grooved by metal contact.

(4) Friction surface is contaminated with oil, grease, or brake fluid.

(5) Drums worn more than .090 inch or 50 percent beyond factory recommended turndown specifications.

(6) Bonded linings less than 1/32 inch at thinnest point.

(7) Riveted linings less than 1/64 inch above any rivet head.

(8) Any loose or missing brake shoe rivets.

(9) Wire visible on friction surface of wire backed linings.

(10) Lining broken, cracked or not firmly attached.

(11) Disk brake pads with thickness less than 1/32 inch or less than 1/64 inch of any rivet head. (Except American Motors Corporation vehicles which must be 1/16 inch.)

d. Other causes for rejection:

(1) Any leaks in hydraulic system, (including the master cylinder, wheel cylinders, hoses, lines, and couplings).

(2) Less than one half of pedal travel remains.

(3) On mechanical linkage, missing or defective linkage, pins, springs, rods, couplings, nuts, or other essential parts.

(4) Worn or misaligned mechanical pedal shaft or bearings.

(5) Any leaks, collapsed hoses and tubes, loose hose clamps or clogged air cleaners on power brake units.

(6) If brakes pull to either side during road test.

(7) Pedal pads worn through to the pedal or missing.

5.1(3) *Parking brakes.* All motor vehicles, except motorcycles, must be rejected if they are not equipped with a parking brake system in good working order and adequate to hold such vehicle under all load conditions, upon any grade on which it is operated.

5.2(321)T.VII Lighting.

5.2(1) Vehicles failing to conform to the lighting requirements of sections 321.384, through and including 321.429 of the Iowa Code as applicable must be rejected.

5.2(2) *Headlights.*

a. Headlight aim may be tested by the use of any of the following:

(1) Mechanical aimer.

(2) Headlight testing machine.

(3) Approved screen.

b. During and as part of the inspection process, headlight aim must be adjusted if found faulty. The vehicle must be rejected if the adjusting mechanism is found faulty or the light is not firmly mounted.

5.3(321)T.VII Glazing.

5.3(1) Motor vehicles must conform to the provisions of chapter 321 of the Iowa Code.

5.3(2) Vehicles shall be rejected for any of the following defects:

a. Improper or unmarked glazing materials are used. Glazing must conform to ANSI Glazing Standard Z26.1 (1966).

b. Nontransparent materials are used to replace glass.

c. Left front window (driver's side) is not operable.

d. Driver's vision is obstructed by venetian blinds, signs, posters, novelties, other personal property, or materials placed, hung, or attached in such a position as to interfere with the vision through the windshield, sidewings, side, or rear windows.

e. Tinted sprays or paints apply to any glazing.

f. Cracks, discolorations or scratches to the front, right, left, or rear of the driver which interferes with his vision.

g. Star chips (stone nicks) larger than one and one-half inches in diameter in the area swept by the windshield wipers.

5.4(321)T.VII Wipers.

5.4(1) Motor vehicles must conform to the provisions of chapter 321 of the Iowa Code.

5.4(2) Vehicles shall be rejected for any of the following:

a. Missing wipers or components thereof.

b. Controls beyond reach of driver.

c. Visible evidence of physical breakdown of the blade—damaged, torn, or hardened rubber.

d. If blades smear or streak windshield after five cycles of operation with windshield continuously wet and wiper controls on.

5.5(321)T.VII Mirrors.

5.5(1) Motor vehicles must conform to the provisions of chapter 321 of the Iowa Code.

5.5(2) Vehicles shall be rejected for any of the following:

a. Mirror not firmly mounted.

b. Cracked or discolored lens that prohibits clear vision for at least 200 feet.

c. If the vehicle is so constructed as to prevent the operator's view to the rear, unless an outside mirror is present.

5.6(321)T.VII Body items.

5.6(1) Motor vehicles must conform with provisions of chapter 321 of the Iowa Code.

5.6(2) Vehicles shall be rejected for:

a. Bumpers, fenders, doors, or rocker panels having protruding or bro-

ken sharp edges that would be hazardous.

b. Doors with inoperable latches, handles, or hinges, or doors wired shut or otherwise secured in a closed position.

c. Holes rusted in floor and trunk pans.

d. Fenders rusted to the point that debris can be thrown on following vehicles.

e. Cracked or broken frames.

f. Missing or defective seat belts or hardware in the front seat of every motor vehicle, except motorcycles, 1966 motor vehicles and later.

g. A seat for the operator that is not firmly anchored and designed for use in a motor vehicle.

5.7(321)T.VII Tires. Any pneumatic tire on a motor vehicle shall be considered unsafe if found to have any of the following defects and shall be rejected.

5.7(1) For any unsafe condition listed in section 321.440 of the Iowa Code as amended.

5.7(2) For slicks or tires designed originally without grooves or tread.

5.7(3) For tires on the same axle which differ in size or structural design (e.g. bias versus belted versus radial).

5.7(4) For oversize tires that require the motor vehicle body to be raised to accept the oversized tires or that oversized tires project beyond the side of the motor vehicle body.

5.8(321)T.VII Wheels.

5.8(1) Wheels that are not held firmly to the motor vehicle due to missing and defective bolts, nuts, or lugs, shall be rejected.

5.8(2) A wheel that is bent and structure is cracked shall be rejected.

5.8(3) A rim or wheel flange which is damaged and fails to allow a tire, when mounted, to remain safely mounted shall be rejected.

5.9(321)T.VII Other mechanical items.

5.9(1) *Steering.* The inspection of the steering systems must be conducted in accordance with the allowable tolerances provided for by the manufacturer's specifications (to be supplied by inspection division).

5.9(2) The motor vehicle must be rejected for any of the following: (on vehicles equipped with power steering, fluid level and belt tension must be adequate before testing.)

a. Steering binds or jams.

b. Steering wheel play greater than the following: Sixteen-inch steering wheel diameter—two-inches lash; Eighteen-inch steering wheel diameter—two and one-fourth inches lash; twenty-inch steering wheel diameter—two and one-half inches lash; twenty-two-inch steering wheel diameter—two and three-fourths inches lash.

c. If column support bracket is loose or not properly mounted.

d. If plastic mounting capsules are not intact.

e. If relative movement between brake drum and backing plate is greater than one-eighth inch measured at outer circumference of tire.

f. If steering linkage play exceeds one-fourth inch on sixteen-inch or less wheels; three-eighths inch on seventeen-inch and eighteen-inch wheels; one-half inch on wheels over eighteen inches.

g. If toe-in or toe-out exceeds manufacturer's recommended specifications (to be supplied by inspection division).

h. If ball joint movement is in excess of manufacturer's specifications (to be supplied by inspection division).

5.9(3) Springs. The motor vehicle must be rejected for any of the following:

a. If the vehicle leans to either right or left by more than three inches measured from the corner of vehicle to the floor on either the front or the rear.

b. If any spring has been substantially altered by removal of tension.

c. Any broken leaves or coils.

d. Improperly mounted springs.

e. Broken or missing bolts, clamps, bushings, or other components.

f. Extended shackles.

5.9(4) Shock absorbers. The motor vehicle must be rejected for any of the following:

a. If, upon bouncing, the vehicle continues to bounce for more than two cycles (one cycle includes both the up and down movement of the vehicle).

b. Any broken or missing shock absorber or component parts.

5.9(5) Rear wheel tracking. Reject vehicle if rear wheels do not follow the front wheel track in "straight ahead" travel.

5.9(6) Exhaust system. Motor vehicles must conform to the provisions of chapter 321 of the Iowa Code. Visually examine, with the vehicle running, the exhaust system and supporting hardware and reject for any of the following:

a. The vehicle has no muffler.

b. There are loose or leaking joints.

c. There are holes, leaking seams or patches on the muffler, exhaust pipe or tail pipe.

d. The tail pipe is pinched.

e. Elements of system are not securely fastened.

f. There is a muffler cut-out, bypass or similar device which can be operated from the passenger portion of the motor vehicle to which such muffler is attached.

g. Any part of system passes through passenger compartment or trunk.

h. The exhaust fumes are not emitted either:

(1) At the extremities of the body of the vehicle, or

(2) Behind a point which is immediately forward of the leading edge of the rear wheel well. (EXCEPTION: If the vehicle was designed or originally equipped to exhaust in a manner other than that set forth above.)

5.9(7) Windshield defroster. The motor vehicle must be rejected if the blower fan fails to function or the stream of heated air is not directed to the proper area.

5.9(8) Sun visors. A motor vehicle if equipped with a sun visor must be rejected for the following:

a. If broken, bent, or loose parts which prevent the visor from being positioned.

b. If visor fails to stay in a set position.

5.9(9) Fuel system. Motor vehicle should be rejected for any of the following:

a. If any part of the system is not securely fastened to the motor vehicle.

b. If any fuel is leaking at any point in the system.

c. If fuel cap is missing.

5.9(10) Horn. Each motor vehicle is required to conform to chapter 321 of the Iowa Code. Reject vehicle if:

a. Not firmly mounted.

b. Poor electrical connection exists.

c. Sound is not audible for 200 feet.

d. Sound emitted is unusually loud or harsh.

e. Activating device is not easily accessible to motor vehicle operator.

[Effective April 20, 1972]

PUBLIC SAFETY DEPARTMENT

(continued)

Pursuant to the authority of Acts of the 64th General Assembly, Chapter 50, Section 1, rules filed September 1, 1971 (Chapter I, Title X), relating to internal operations of Criminal Conspiracy Unit are amended.

[Filed February 9, 1972]

ITEM 1

Rule 1.4 (SF557,64GA) TX is amended by adding a new paragraph as follows: "The resources of the unit, personnel, facilities and equipment shall not be used to gather and maintain information that is fundamentally the personal or

political beliefs or concerns of any individual or group, where such beliefs or concerns are not directly related to criminal activity."

ITEM 2

Rule 1.5 (SF557,64GA) TX is amended as follows:

Strike from line 2 the words "copies of".

Further amend said rule by adding at the end thereof the words "where such individuals have requested information from the unit".

[Effective February 9, 1972]

REGENTS, BOARD OF

Pursuant to the authority of section 262.12 of the Code the following rules of the Board of Regents [chapters 2-4] relating to the merit system are adopted.

[Filed June 14, 1972]

CHAPTER 2

DEFINITIONS

2.1(19A) Definitions.

2.1(1) "*Certification*" is the determination, in accordance with the rules, by the resident director of the people from which an employing department may select to fill a vacancy.

2.1(2) "*Class*" consists of one or more positions involving similar work of the same level of difficulty and responsibility. To classify means to allocate a position to a class.

2.1(3) "*Demotion*" is a change from one class to another class which is assigned to pay grade having a lower minimum rate.

2.1(4) "*Eligibility lists*" are lists of the names of qualified applicants who have passed the examination prescribed for a particular class of position.

2.1(5) "*Eligibility register*" consists of the names of the three available candidates who have the highest standing on an eligibility list.

2.1(6) "*Examination*" is a test of fitness that is applied to determine the eligibility of an applicant for a class.

2.1(7) "*Grievance*" is a dispute or complaint concerning the interpretation or application of merit system or institutional rules governing terms of employment and working conditions.

2.1(8) "*Permanent employee*" is an employee who has completed the probationary period and thereby acquired permanent status in accordance with the rules of the system.

2.1(9) "*Position*" means a group of specific duties, tasks and responsibilities assigned to one employee. A position may be full-time or part-time, temporary or permanent, occupied or vacant.

2.1(10) "*Probationary period*" is a work test period that is a part of the examination process following an original appointment during which an employee is required to demonstrate his or her fitness for the position to which appointed.

2.1(11) "*Promotion*" is a change from one class to another class which is assigned to a pay grade having a higher minimum pay rate.

2.1(12) "*Reduction in force*" is a lay-off resulting from a shortage of funds or work, a change in duties or organization.

2.1(13) "*Re-employment*" is the re-appointment of an employee who has been laid off.

2.1(14) "*Reinstatement*" is the re-appointment of an employee who has resigned in good standing.

2.1(15) "*Resident director*" is the person appointed by the head of each regents institution to administer the merit system rules at that institution.

2.1(16) "*Suspension*" is a leave of absence without pay enforced as a disciplinary measure.

[Effective July 14, 1972]

CHAPTER 3
CLASSIFICATION

3.1(19A) Preparation and maintenance of the classification plan. In co-operation with the resident directors, under co-ordination of the merit system co-ordinator and subject to approval by the board of regents, a classification plan will be prepared to cover all the positions under this system. The plan will be developed and maintained so that all positions that are substantially similar and comparable in regard to the kind and difficulty of work and the level of responsibility are included in the same class, so that the same minimum qualifications are required for all positions in the same class (except as provided in 6.3(2) of these rules), so that the same type of examination may be used in filling all positions in a class, and so that the same pay schedule may be equitably applied (except for geographical differences) to all positions in the class. For each class of position the plan will include a class title, a definition of the job, examples of the kind of work performed, the minimum qualifications for the class including special requirements when applicable.

3.2(19A) Administration of the classification plan. Each position in the classification plan will be reviewed periodically by the resident director, or at the request of an employing department or an employee in accordance with 10.1 of these rules. Subject to the appeal provisions of these rules, classification and reclassifications will be the responsibility of the resident director at each institution. All such transactions will be regularly reported to and may be reviewed by the merit system co-ordinator who will be responsible for the uniform maintenance of the plan for all positions under the system.

In co-operation with the resident directors, under co-ordination of the merit system co-ordinator and subject to approval by the board of regents, new classes may be established and existing classes changed or abolished to meet the needs of the institutions and to properly reflect changes in work and the organization thereof. When the classification of a position is changed, the incumbent will be entitled to continue service in the position provided he meets the minimum qualifications or provided the duties have not changed appreciably. If the en-

cumbent is not eligible to continue he may be transferred, promoted, demoted or laid off in accordance with the rules. Changes in classification will not be used to avoid other provisions of these rules relating to lay-offs, promotions, demotions and dismissal.

[Effective July 14, 1972]

CHAPTER 4
COMPENSATION PLAN

4.1(19A) Preparation, content and adoption of the pay plan. The board of regents will adopt a pay plan for all the classes established in the classification plan. The pay plan will consist of a schedule or schedules of numbered grades with minimum, maximum and intermediate steps for each grade. Each class will be assigned to a pay grade. The plan will be developed to reflect the relative difficulty and responsibility of the work involved in the various classes, what is paid for similar work by other employers in the pertinent labor market, and the availability of funds. The plan will be uniformly applicable to all regents institutions except for variances approved on the basis of geographical differences. Prior to final approval by the board of regents, the plan will be the subject of a public hearing conducted after reasonable and adequate notice at each board of regent institution. After approval by the board of regents the plan will be submitted for approval to such other authority as required by law.

4.2(19A) Review and revision of the pay plan. At least once each year the complete pay plan will be reviewed for revision by the board of regents in the same manner and following the same procedure stated in section 4.1. At any time new classes may be established and other revisions may be made in the plan to reflect proper relationships and to facilitate recruitment and retention. Such changes will be effective after approval by the board of regents and other authority as required by law.

4.3(19A) Administration of the pay plan. Within the provisions of these rules, the pay plan will be uniformly administered by the resident directors under co-ordination by the system co-ordinator for all classes in the system. Except as otherwise provided in these rules and in the pay plan, all employees will be paid at one of the steps of the

pay grade to which the class is assigned and such pay will constitute the total cash remuneration the employee receives for his work in that position. Prerequisites such as subsistence and maintenance allowances will be considered a part of pay and the value of such will be deducted from an employee's rate of pay.

4.3(1) Entrance salaries. The entrance salary for an employee in any position under this system will be the minimum salary of the pay grade to which that class of position is assigned except as provided for the following:

a. Appointment based on a scarcity of qualified applicants. At the request of an institution and on the basis of economic or employment conditions which make it difficult or impossible to recruit at the minimum rate of the pay grade to which a class of position is assigned, a resident director, subject to approval by the merit system co-ordinator, may authorize for a designated period of time recruitment for that class at a rate higher than the minimum. Where such a higher entrance rate is authorized all employees in the same class and under the same conditions, who are earning less than the higher entrance rate, will be increased to that higher rate.

b. Appointment based on exceptional qualifications. Employees whose qualifications substantially exceed the minimum required, or who possess outstanding experience relative to the demands of the position, may at the request of an institution, be appointed at a rate higher than the minimum, provided that the pay of all other employees with similar qualifications working under the same conditions at the same institution are raised to that higher rate. Such appointments must be approved by the resident director and reported to the merit system co-ordinator. Such appointments which necessitate the adjustment of the salaries of employees other than the appointee will, in addition, require prior approval of the merit system co-ordinator.

4.3(2) Merit increases. Except as may be otherwise provided in the pay plan, a merit increase is the result of a change in salary from one step to the next higher step in the pay grade to which the class is assigned. Employees will be eligible for merit increases in accordance with the schedule prescribed in the pay plan. All increases in base rates of pay, except for special assignment in accord-

ance with 4.3(6) and re-assignment in accordance with 4.3(8) will establish new eligibility dates. Merit increases in pay will not be made retroactively but may be denied or deferred on the basis of work performance. An employee whose merit increase is denied or deferred will, prior to the scheduled effective date of increase, be informed of such action by a written statement from his or her employing department which specifies the reason for the denial or deferral. An extra meritorious increase to the next highest step in the pay range may be approved by the resident director for exceptional service, on written request from a department head and with the approval of the chief executive of the institution. No employee will be given more than one such increase in any twelve-month period, nor will any employee who has served in his position for less than three months receive an extra meritorious increase. Extra meritorious increases will be reported to the merit system co-ordinator who will periodically submit a report thereon for review by the board of regents.

4.3(3) Reserved for future use.

4.3(4) Pay on demotion. The pay of an employee who is demoted will be determined by his department head as approved by the resident director, and set at any step within the new pay grade that does not exceed the rate at which the employee was paid in the position from which he was demoted.

4.3(5) Pay on re-instatement, re-employment or return from leave. An employee who returns from a leave, who is re-instated, or who is re-employed, will if returned to the same class, be paid at a rate no less than what the employee was last paid and no higher than that provided at the step of the pay grade at which the employee was last paid.

4.3(6) Pay for special assignment. Employees who are given special assignments in accordance with 8.2(2) of these rules will be paid for the duration of such assignment, at the minimum step of the pay grade to which the class of position whose duties the employee is performing is assigned, or, if the employee is already paid at a rate equal to or higher than the minimum, he will be paid at the next higher step, provided that the class of position whose duties the employee is temporarily performing is in a pay grade with a higher minimum rate than the grade from which

the employee is regularly paid. If the class of position to which the employee is temporarily assigned under 8.2(2) is in the same pay grade or a grade with a lower minimum than the grade from which the employee is regularly paid, he will receive his regular salary during the period of special assignment.

4.3(7) *Pay on transfer.* Employees who are transferred from one position to another in the same class, or from one class to another in the same pay grade, will receive no adjustment in salary as a result thereof. The pay of an employee whose transfer involves a change in pay grade will be determined in accordance with the provisions of these rules regarding promotion or demotion.

4.3(8) *Pay on reassignment of the class of position to a different pay grade.* If the class of position is reassigned to a higher pay grade, all employees in that class will be raised to the minimum of the new pay grade. Those who are already being paid at a rate equal to or more than the minimum will be raised to the next higher step.

If the class of position is reassigned to a lower pay grade, the employee's rate of pay will remain the same.

4.3(9) *Pay for part-time employment.* Pay for part-time employment will be proportionately equivalent to the rate for full-time employment.

4.3(10) *Pay for overtime.* Employees covered under the provisions of the Fair Labor Standards Act will be paid for overtime work in accordance with the requirements of the law.

4.3(11) *Pay for call back.* Employees who are called back to work after completing their regular work schedule will be paid for a minimum period of two hours; employees who are called back to work after completing their regular work schedule will be paid for a minimum period of two hours, regardless of the time worked. Employees who are called back and work in excess of two hours will be paid for actual time worked.

[Effective July 14, 1972]

REGENTS, BOARD OF

(continued)

Pursuant to the authority of section 262.12 of the Code, rules appearing in 1971 IDR, page 798, relating to Admission Requirements of the University of Iowa, the Iowa State University of science and technology, and the University of Northern Iowa are amended.

[Filed June 14, 1972]

DIVISION D. CLASSIFICATION OF RESIDENTS AND NONRESIDENTS FOR ADMISSION AND FEE PURPOSES is amended as follows:

Item designated as 2 entitled "*Residence for tuition purposes*" is amended by striking the first sentence and inserting in lieu thereof "Regulations regarding residence for admission, fee, and tuition payments are generally divided into two categories — those that apply to students who are under the age of nineteen and those who are nineteen years of age or older."

Item designated as 4 entitled "*Students over twenty-one years of age and married students under twenty-one years of age*" is rescinded and the following inserted in lieu thereof "*Students over nineteen years of age and married students under nineteen years of age.* A student nineteen years of age or older and a married student under nineteen years

of age shall be classified as a resident if (1) the student's parents were residents of the state at the time such student reached majority or was married and the student is not domiciled in another state, or (2) who after marriage or reaching majority has established a bona fide residence in the state of Iowa by residing in the state for at least twelve consecutive months immediately preceding the beginning of the semester, quarter or session. Bona fide residence in Iowa means that the student is not in the state primarily to attend a college; that he is in state for purposes other than to attempt to qualify for resident status.

Any nonresident student who reaches nineteen years of age or is married while under nineteen years of age while a student at any school or college does not by virtue of such fact attain residence in this state for admission or tuition payment purposes."

Item designated as 5 entitled "*General facts*" is amended by striking the second sentence and inserting in lieu thereof "*Married students under nineteen years of age shall be considered to have attained majority as of the date of their marriage.*"

[Effective July 15, 1972]

REGENTS, BOARD OF

(continued)

Pursuant to the authority of Sections 262.12 and 262.9(3) of the Code rules appearing in July 1971 IDR Supplement relating to Parietal Rules, pages 73-75, are hereby amended by inserting after line 8, column 2, page 74, new paragraphs as follows:

[Filed June 14, 1972]

✓6. Actual residence in state University of Iowa residence halls for four semes-

ters. Residence hall residence for two summer sessions is equivalent to one semester.

✓7. The student making the request is a veteran of the Armed Forces of the United States who has been discharged or released from active duty service.

These rules shall become effective beginning with the fall semester 1972.

SOCIAL SERVICES DEPARTMENT

Pursuant to the authority of section 249.2 of the Code the rules appearing in the 1971 IDR pages 919 through 926 relating to Old-Age Assistance are rescinded and the following adopted in lieu thereof.

[Filed April 7, 1972]

TITLE II

OLD-AGE ASSISTANCE

CHAPTER 13

APPLICATION FOR AID

13.1(249) Definitions.

13.1(1) Department. Whenever "department" is used in this title it shall mean the Iowa department of social services.

13.1(2) County. Whenever "county" is used in this title it shall mean the county department of social services.

13.2(249) Application. The applicant shall file his application for old-age assistance on Public Assistance Application, Form PA-2207-0. If the applicant has a

guardian the guardian shall sign the application.

13.3(249) Date of application. The date of application is the date the applicant, his guardian, or persons acting on his behalf communicate to the agency a request for assistance.

13.4(249) Procedure with application. The decision with respect to eligibility shall be based primarily on information furnished by the applicant, except the county shall contact each legally responsible relative of the applicant to determine his ability to contribute to the applicant's support. The applicant shall be informed by the county that the application form must be returned within ten days from the date of application or the application will be denied.

13.5(249) Time limit for decision. The applicant shall receive a money payment or a written notice of denial within thirty days from the date of application, except when a decision is delayed by failure of the applicant to supply information.

[Effective April 7, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 249.2 of the Code the following rules relating to Old-Age Assistance are adopted.

[Filed May 10, 1972]

CHAPTER 14

GRANTING ASSISTANCE

14.1(249) Need. Need for assistance is determined by comparing the income and resources of the applicant with the standards set forth herein.

14.1(1) Definition of the eligible group. The eligible group consists of the

recipient, his spouse and dependent children. Their needs shall be included in the grant unless one or more is eligible for a grant of assistance in his own right.

14.1(2) Basic needs. The schedule of living costs is used to determine the basic needs of the eligible group. It is divided into sections I and II. Section I will be used when the basic needs of the entire eligible group are included in one grant of assistance. Section II will be used when members of the eligible group receive two or more grants of assistance. The schedule of living costs rep-

resents 100 percent of basic needs. When funds in the old-age assistance program are insufficient to provide assistance on a 100 percent basis the allowances in the schedule shall be reduced proportionately and equitably.

SCHEDULE OF LIVING COSTS

| I. Eligible group in one grant | | II. Members of eligible group receive two or more grants of assistance | | | | | | | |
|--------------------------------|-----|--|-----|-----|-----|-----|-----|-----|-----|
| (a) | (b) | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | 122 | | | | | | | | |
| 2 | 186 | 93 | | | | | | | |
| 3 | 246 | 82 | 164 | | | | | | |
| 4 | 300 | 75 | 150 | 225 | | | | | |
| 5 | 345 | 69 | 138 | 207 | 276 | | | | |
| 6 | 384 | 64 | 128 | 192 | 256 | 320 | | | |
| 7 | 434 | 62 | 124 | 186 | 248 | 310 | 372 | | |
| 8 | 488 | 61 | 122 | 183 | 244 | 305 | 366 | 427 | |
| 9 | 522 | 58 | 116 | 174 | 232 | 290 | 348 | 406 | 464 |

Beyond a nine member eligible group add \$58 for each additional person.

a. When more than one grant of assistance is received by the recipient, his spouse and dependent children living together, the assistance grant in each program shall be computed according to the rules governing those programs.

b. When an adult person who would ordinarily be a member of the eligible group is eligible for assistance in his own right, but refuses to apply, the basic needs of the other members of the eligible group shall be established by the schedule in the same manner as though he were included, but the amount of his needs shall be deducted from the total needs of the eligible group.

c. When the needs of a dependent may be included in either the old-age assistance grant or another grant of assistance being received in the same household, his needs shall be included in the manner most beneficial to the individual or family.

14.1(3) *Special needs.* On the basis of demonstrated need the following special needs shall be allowed, in addition to the basic needs.

a. *Property repair.* When the department agrees that expensive repairs or improvements are necessary to make

or keep the recipient's homestead habitable, an allowance shall be included in the grant.

b. When a legal notice has been served on a recipient property owner requiring the removal of dead or dangerous trees from his homestead an allowance shall be included in the grant to cover the lowest established cost.

c. *Special tax assessment.* An allowance sufficient to cover the annual payment due on an assessment on a homestead shall be included in one month's grant.

d. *Meals eaten or prepared away from home.* When in the judgment of the worker such meals are necessary to maintain the recipient in an independent living arrangement, an allowance shall be included in the grant when it has been established that twenty or more of the recipient's meals per month are eaten or prepared away from home.

e. *Personal services.* An allowance for personal services may be included in the assistance grant only when the physical or mental condition of the recipient prevents him from performing those tasks necessary to the maintenance of an independent living arrangement. No allowance shall be made for those services only indirectly related to the indi-

vidual's welfare such as yard work, snow shoveling, errands and seasonal or irregular housecleaning. An allowance for personal services shall not be included in the grant of a recipient living in a congregate living arrangement when the monthly charge for residence includes such service. When such service is required by the recipient and is provided by a person who is not an employee of the landlord, an allowance may be included in the grant. When personal services are provided by a needy responsible relative who would otherwise have remunerative employment, his needs shall be included in the grant in the same manner as a dependent of the recipient.

f. Training expense. When a recipient or a member of the eligible group is participating in an individual education and training program approved by the department, and expenses cannot be met otherwise, an allowance shall be included in the grant.

14.2(249) Income.

14.2(1) All assured income, whether in cash or in kind shall be considered

in establishing that need exists and the amount of the assistance grant, except the following income of the recipient which shall be exempted.

a. The first twenty dollars per month of earned income plus one half of the excess of said income. In no case shall the total earned income exempted be more than fifty dollars.

b. Loans and grants obtained and used under conditions that preclude their use for current living costs.

c. Income of less than \$1.00 per month from any one source.

14.2(2) Diversion of income. All non-exempt income of the recipient shall be used to meet his requirements. The ineligible spouse of a recipient may use his income to:

a. Meet the needs of his dependent children when such needs cannot be included in the assistance grant.

b. Meet the established medical needs for himself, dependent children or the recipient which cannot be met under the medical assistance program.

[Effective May 10, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 249.2 of the Code, rules filed May 10, 1972, relating to Old Age Assistance (Chapter 14) are amended as follows.

[Filed June 28, 1972]

14.1(3) is amended by adding sub-rule *g. Transportation to receive medical care.* An allowance for transportation to receive medical care, not to exceed the charge that would be made by the most economical source of public transportation, shall be given when the following conditions are met:

(1) The source of such care is located outside the town or city limits of the community in which the recipient resides; or

(2) The recipient resides in a

rural area and must travel to a city or town to receive necessary care; and

(3) The type of care is not available in the community in which the recipient resides, or he has been referred by his attending physician to a specialist in another community; and

(4) There is no resource available to the recipient through which necessary transportation might be secured free of charge.

In the case of a child too young to travel alone, or an adult or child who because of physical or mental incapacity is unable to travel alone, an allowance subject to the above conditions shall be given for the transportation costs of an escort.

[Effective June 28, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 249.2 of the Code the following rules relating to Old-Age Assistance are adopted.

[Filed June 14, 1972]

CHAPTER 15

PROPERTY

15.1(249) Home as referred to in section 249.9 of the Code shall mean home-

stead as defined in chapter 561 of the Code.

When the recipient abandons his homestead or is out of his home for six months or more except for reasons of illness and it is apparent that he will not live there again, the property is no longer considered a home and should be rented or liquidated. Any income from rentals shall be considered in computing the grant. When the recipient is unwilling to make income from this source available to meet his needs the established net rental value shall be shown as income.

When the recipient is absent from the homestead due to illness, the property shall continue to be considered as the homestead and rental income shall be considered only when actually available to the recipient.

15.2(249) Mobile home as used in these rules means any living facility not permanently constructed on the land it occupies. Mobile homes are legally classified as personal property. However, for purposes of establishing eligibility only, they shall be considered in the same category as real estate when used as a homestead.

When the value of a mobile home owned by the applicant or recipient, when added to other personal property, causes the total value of personal property to exceed limitations, it will be necessary for the individual to offer to transfer title of the mobile home to the department. A decision regarding transfer of title will be made by the department. If no transfer of title is required, eligibility will not be affected and the value of the mobile home will be disregarded in subsequent determinations of the value of personal property.

15.3(249) Out-of-state property. The old-age assistance lien does not attach to out-of-state real property. An applicant or his spouse will be required to:

15.3(1) Sell the property prior to approval.

15.3(2) Present to the department a written consent to an absolute conveyance of all interest in such property. Upon receipt of such written consent, assistance may be granted. The department will reach a decision regarding conveyance of such property based on the equities in such property.

15.3(3) These policies also apply to recipients who acquire out-of-state property following approval for assistance.

15.4(249) Transfer of real property. A transfer of real estate for which an applicant has received the equivalent of the monetary value of the property in the form of satisfaction of legal debts contracted prior to the date of application or in the form of support furnished subsequent to the date of transfer shall not be deemed a transfer to qualify for assistance under section 249.9(6) of the Code.

An applicant who has transferred property within five years prior to the date of application under conditions precluding eligibility for old-age assistance may establish eligibility by:

15.4(1) Regaining the property transferred.

15.4(2) Acquiring a property of equal value.

15.4(3) Arranging for a grant of lien to the department, equal to his equity in the property at the time of transfer.

When the applicant is unable or unwilling to make such arrangement he shall be ineligible for a number of months equal to the applicant's equity minus consideration received divided by the average state grant, rounded to the nearest dollar, for the month preceding the date of application. If the applicant is married and living with his spouse the average grant shall be multiplied by two.

15.5(249) Liquidation of real property. When a recipient sells real property the following rules shall apply.

15.5(1) When the recipient sells his homestead he may use the proceeds to purchase a new homestead.

15.5(2) When real property other than the homestead is sold and the recipient requests permission at the time of the sale, proceeds may be used to reduce a mortgage or make needed repairs or required improvements on the homestead.

15.5(3) Any proceeds from the sale of real property not used to purchase, repair, improve or increase the recipient's equity in his homestead shall be reimbursed to the state for assistance received by the recipient or his spouse.

15.5(4) Any funds remaining, after the state has been fully reimbursed for

assistance granted, shall be the property of the recipient or his spouse. The recipient shall be subject to the same rules of eligibility as a new applicant.

15.6(249) Life estate is treated in the same manner as any other equitable interest in real property. The procedure applicable to the transfer of real property applies when a life estate is transferred. The value of a life estate shall be computed by multiplying four percent of the net value of the property at the time of transfer by the life expectancy of the individual according to the commissioners standard ordinary mortality table.

15.7(249) Liquidation of assigned personal property including an interest in estate. Assigned personal property shall be held in trust in the department until liquidated.

15.7(1) When an estate passes an interest in real property to a recipient, that portion of the inheritance derived from real property shall apply towards reimbursing the state for assistance granted. That which is derived from personal property shall be subject to the same rules as other assigned personal property.

15.7(2) When assigned personal property is liquidated during the lifetime of the recipient the department shall first be reimbursed for any expenses assumed in protecting the value of the property. The department will distribute the balance in the following order:

a. Refund to the recipient, upon county recommendation, an amount to which he would be entitled without affecting his eligibility for assistance.

b. Refund to the recipient an amount sufficient to cover the cost of repairs or improvements on the home-stead, on receipt of a recommendation from the county setting forth the expenditures required.

c. Reimburse the department for assistance issued.

d. Any remaining balance shall be refunded to the recipient.

15.7(3) When assigned personal property is not liquidated or the refund resulting from the liquidation is not issued until after the death of the recipient, the proceeds will be distributed in the following order.

a. To reimburse the department for payments made in protecting the value of the property.

b. To reimburse a person or persons who have an established prior interest in the property and such interest was acknowledged at the time the assignment was made.

c. To reimburse the department for assistance paid.

d. Any balance remaining shall be released to the recipient's estate or his heirs.

15.8(249) Management of property deeded to the department. When the life tenant abandons the property, arrangements will be made to rent the property. Rentals may be paid to the recipient and treated as income in computing his grant, or paid directly to the department.

15.9(249) Assignment of life insurance. The department will accept assignment of life insurance when no adjustment can be made to bring it within eligibility limitations.

[Effective June 14, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 249.2 of the Code the following rules relating to Old-Age Assistance are adopted.

[Filed May 10, 1972]

TITLE II

OLD-AGE ASSISTANCE

CHAPTER 16

RESPONSIBLE RELATIVES

16.1(249) Relative's liability. The applicant or recipient or the social service

agency authorizing assistance may begin suit at any time to compel support by legally responsible relatives.

16.2(249) Confidential report—responsible relative, form PA-2118-1, will be submitted to those relatives living within the state and PA-2120-1 to those relatives residing outside of Iowa. The proper form will be mailed or given to all children regardless of location immediately after the interview with the applicant. Thereafter, a form must be sent to responsible relatives of the recipient when

information is received indicating a change of circumstances which might affect the liability, but all responsible relatives shall be contacted at least once every five years.

16.3(249) Guide for determining relative's liability. The procedures for determining the liability of a responsible relative are predicated upon the laws and regulations governing the Iowa individual income tax return. When the responsible relative has not filed an Iowa tax return, information will be used from the federal individual tax return and adjusted in such a manner as to permit the computation of his liability on the same basis as though he had filed an Iowa return. The table following sets forth that portion of income subject to Iowa tax to which the responsible relative is entitled as an exemption in computing his liability for support.

In accordance with the provisions of the Code of Iowa, the following table of exemptions has been established on the basis of those personal exemptions allowed in the filing of Iowa individual income tax returns plus an additional allowance based on the consumer's price index to compensate for the present day cost of living.

| Marital Status of Responsible Relative | Yearly Exemption of Net Taxable Income |
|--|--|
| Single Person | \$ 4,374 |
| Man and wife | 6,561 |
| Man and wife and and 1 dependent | 7,532 |
| Man and wife and 2 dependents | 8,506 |
| Man and wife and 3 dependents | 9,297 |
| Man and wife and 4 dependents | 10,026 |
| Man and wife and 5 dependents | 10,755 |
| Man and wife and 6 dependents | 11,484 |
| Man and wife and 7 dependents | 12,102 |
| Man and wife and 8 dependents | 12,685 |
| Man and wife and 9 dependents | 13,268 |
| Man and wife and 10 dependents | 13,851 |

In the event the relative or his spouse is blind or over the age of sixty-five the following exemptions are applicable:

| | |
|--------------------------------|----------|
| Single person (blind or aged) | \$ 6,561 |
| Single person (blind and aged) | 8,019 |
| Married couple: | |
| Entitled to three tax credits | 8,019 |
| Entitled to four tax credits | 9,297 |
| Entitled to five tax credits | 10,387 |
| Entitled to six tax credits | 11,484 |

When a responsible relative is widowed or separated from his spouse and maintains a home for his dependent child, his exemption shall be the same as that of a man and wife with dependent children.

Any net taxable income over and above the exemptions listed in the above table is considered as the basis for computing the amount of the relative's annual contribution. The amount of such contribution is determined by applying the following formula:

Twenty percent of the first \$1,000.00 or any part thereof in excess of the exemption.

Thirty percent of the second \$1,000.00 or any part thereof in excess of the exemption.

Forty percent of the third \$1,000.00 or any part thereof in excess of the exemption.

Fifty percent of the fourth or any subsequent \$1,000.00 or any part thereof in excess of the exemption.

16.4(249) County board may adjust liability. The county board has the authority to reduce or waive the liability of a responsible relative on the basis of undue hardship. It shall, therefore, be the responsibility of the county board to weigh the evidence submitted and determine a reasonable basis for payment that will not constitute a financial hardship and put an unreasonable burden on the relative. However, no liability shall be waived because of any opinion as to the adequacy or inadequacy of the exemptions permitted by the table of exemptions set forth in Rule 16.3.

[Effective May 10, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 241.6 of the Code, rules filed December 27, 1971, relating to Aid to the Blind (Chapter 23) are amended as follows.
[Filed April 7, 1972]

ITEM 1 Rule 23.4 is amended by striking from lines six through ten the words "When the application form has not been received by the county ten days from the date of application, the county shall contact the applicant to determine the cause of delay, and inform him that the application will be denied if it is not received within another ten days", and inserting the words "The applicant shall be informed by the county that the application

form must be returned within ten days from the date of application or the application will be denied", in lieu thereof.

ITEM 2 Rule 23.6 is amended by striking the entire rule and inserting the following in lieu thereof.

23.6(241) Time limit for decision. The applicant shall receive a money payment or a written notice of denial within thirty days from the date of application, except when a decision is delayed by the failure of the applicant to supply information or delay in receiving the examiner's report with respect to degree of blindness.

[Effective April 7, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 241.6 of the Code, rules filed December 27, 1971, relating to Aid to the Blind (Chapter 24) are amended as follows.
[Filed May 10, 1972]

Rule 24.1 is amended by striking all of subrule 24.1(4)g and inserting the following in lieu thereof.

g. Meals eaten or prepared away

from home. When in the judgment of the worker such meals are necessary to maintain the recipient in an independent living arrangement, an allowance shall be included in the grant when it has been established that twenty or more of the recipients meals per month are eaten or prepared away from home.

[Effective May 10, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 241.4 of the Code the rules appearing in the IDR January 1972 supplement, pages 110 through 113, relating to Aid to the Blind (Chapter 24) are amended as follows.

[Filed June 28, 1972]

Item 1. Rule 24.1(4)e is amended by striking from lines four and five the words "If care is provided outside the child's home the facility providing the care must have a current license."

Item 2. Rule 24.1(4) is amended by adding subrule *i. Transportation to receive medical care.* An allowance for transportation to receive medical care, not to exceed the charge that would be made by the most economical source of public transportation, shall be given when the following conditions are met:

(1) The source of such care is located outside the town or city limits

of the community in which the recipient resides; or

(2) The recipient resides in a rural area and must travel to a city or town to receive necessary care; and

(3) The type of care is not available in the community in which the recipient resides, or he has been referred by his attending physician to a specialist in another community; and

(4) There is no resource available to the recipient through which necessary transportation might be secured free of charge.

In the case of a child too young to travel alone, or an adult or child who because of physical or mental incapacity is unable to travel alone, an allowance subject to the above conditions shall be given for the transportation costs of an escort.

[Effective June 28, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

[Chapters 33, 58, 65, 66, 67, 68, 75, 76 and 83 were filed after the statutory 30-day period without approval by the Attorney General]

Pursuant to the authority of section 241A.4 of the Code the rules appearing in the 1971 IDR pages 932 and 933 relating to aid to the disabled are rescinded and chapter 33 adopted in lieu thereof.

[Filed January 5, 1972]

TITLE IV

AID TO DISABLED PERSONS

CHAPTER 33

APPLICATION FOR AID

33.1(241A) Definitions.

33.1(1) Department. Whenever "department" is used in this title it shall mean the Iowa department of social services.

33.1(2) County. Whenever "county" is used in this title it shall mean the county department of social services.

33.1(3) Disability. "Disability" as used in these rules means a permanent, total physical or mental impairment of such severity that the individual requires assistance from another person in performing the normal activities of daily personal functioning.

33.1(4) Permanent disability. "Permanent disability" as used in these rules means an impairment of major importance which medical determination indicates is likely to continue throughout the lifetime of the individual and is not likely to respond to any known therapeutic procedures.

33.1(5) Total disability. "Total disability" as used in these rules means an impairment so severe as to substantially preclude engagement in a useful occupation including homemaking.

33.1(6) Useful occupation. "Useful occupation" as used in these rules means productive activities which add to the economic wealth, or produce goods or services to which the public attaches a money value.

33.2(241A) Application. The application for aid to disabled persons shall be submitted on Public Assistance Application,

form PA-2207-0. When the applicant has a guardian, the guardian shall sign the application.

33.2(1) Date of application. The date of application is the date the applicant, his guardian, or person acting in his behalf communicates to the county a request for assistance.

33.2(2) Procedure with application.

a. Disability. The bureau of medical services of the department shall determine disability based on medical and social information submitted by the county. The applicant shall furnish the county with a written statement from a qualified physician concerning his impairment, the diagnosis, prognosis and the effect of the impairment on the applicant's activity. The medical report of disability must describe the current condition of the applicant based on an examination made within six months prior to the date of application. When the applicant does not have such a report, arrangements shall be made for referral to a qualified physician of the applicant's choice. When an examination is required, the cost of the examination shall be paid by the department.

b. Other requirements. The decision with respect to eligibility, except for disability shall be based primarily on information furnished by the applicant. When the application form has not been received by the county within ten days from the date of application the county shall contact the applicant to determine the cause of delay, and inform him that the application will be denied if it is not received within another ten days.

33.2(3) Time limit for decision. A decision with respect to eligibility for aid to disabled and the amount of assistance to which he is entitled shall be made and the applicant notified within ten days after the county is notified of the decision of the bureau of medical services regarding disability.

[Effective January 5, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 241A.4 of the Code, rules filed January 5, 1972, relating to Aid to Disabled Per-

sons (Chapter 33) are amended as follows.

[Filed April 7, 1972]

Rule 33.2(2)b is amended by striking from lines three through seven the words "When the application form has not been received by the county within ten days from the date of application the county shall contact the applicant to determine the cause of delay, and inform him that the application will be denied if it is not

received within another ten days", and inserting the words "The applicant shall be informed by the county that the application form must be returned within ten days from the date of application or the application will be denied", in lieu thereof.

[Effective April 7, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 241A.4 of the Code the following rules relating to aid to disabled persons are adopted.

[Filed January 5, 1972]

**CHAPTER 34
GRANTING ASSISTANCE**

34.1(241A) Need. Need for assistance is determined by comparing the income and resources of the applicant or recipient with the standards set forth herein.

34.1(1) Resources. An applicant or recipient may have the following resources and be eligible for aid to disabled persons.

a. A homestead without regard to its value. A mobile home or similar shelter shall be considered as a homestead when it is occupied by the recipient. The value of any other real property shall be considered with personal property.

b. Household goods and heirlooms.

c. An automobile necessary for transportation.

d. Life insurance having a cash surrender value not in excess of one thousand dollars for the recipient and his spouse; however, if the face value of such insurance does not exceed the amount of one thousand dollars the cash surrender

value need not be determined for eligibility purposes.

e. Property, real or personal, not to exceed \$500 for the recipient plus \$200 for a spouse and each dependent child.

34.1(2) Definition of eligible group. The eligible group consists of the recipient plus the spouse living with the recipient, his minor dependent children, physically or mentally incapacitated adult children and a responsible relative providing required personal services or nursing care. Such person's needs shall be included in the grant except when he is eligible for a grant of assistance in his own right.

34.1(3) Basic needs. The schedule of living costs is used to determine the basic needs of the eligible group. It is divided into section I and II. Section I will be used when the basic needs of the entire eligible group are included in one grant of assistance. Section II will be used when members of the eligible group receive two or more grants of assistance. The schedule of living costs represents one hundred percent of basic needs. When funds in the aid to the disabled assistance program are insufficient to provide assistance on a one hundred percent basis the allowances in the schedule shall be reduced proportionately and equitably.

SCHEDULE OF LIVING COSTS

| I. Eligible group in one grant | | II. Members of eligible group receive two or more grants of assistance | | | | | | | |
|--------------------------------|-----|--|-----|-----|-----|-----|-----|-----|-----|
| (a) | (b) | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 1 | 122 | | | | | | | | |
| 2 | 186 | 93 | | | | | | | |
| 3 | 246 | 82 | 164 | | | | | | |
| 4 | 300 | 75 | 150 | 225 | | | | | |
| 5 | 345 | 69 | 138 | 207 | 276 | | | | |
| 6 | 384 | 64 | 128 | 192 | 256 | 320 | | | |
| 7 | 434 | 62 | 124 | 186 | 248 | 310 | 372 | | |
| 8 | 488 | 61 | 122 | 183 | 244 | 305 | 366 | 427 | |
| 9 | 522 | 58 | 116 | 174 | 232 | 290 | 348 | 406 | 464 |

Beyond a nine-member eligible group add \$58 for each additional person.

a. When more than one grant of assistance is received by the recipient, his spouse and dependent children living together, the assistance grant in each program shall be computed according to the rules governing those programs.

b. When an adult person who would ordinarily be a member of the eligible group is eligible for assistance in his own right, but refuses to apply, the basic needs of the other members of the eligible group shall be established by the schedule in the same manner as though he were included, but the amount of his needs shall be deducted from the total needs of the eligible group.

c. When the needs of a dependent may be included in either the aid to disabled grant or another grant of assistance being received in the same household, his needs shall be included in the manner most beneficial to the individual or family.

d. When the aid to disabled recipient requires the services of a responsible relative who is needy and has sacrificed employment to provide such service, the needs of the relative shall be included in the grant.

34.1(4) Special needs. On the basis of the demonstrated need the following special needs shall be allowed, in addition to the basic needs.

a. *Property repair.* When the department agrees that expensive repairs or improvements are necessary to make or keep the recipient's homestead habitable, an allowance shall be included in the grant.

b. *Tree removal.* When a legal notice has been served on a recipient property owner requiring the removal of dead or dangerous trees from his homestead an allowance shall be included in the grant to cover the lowest established cost.

c. *Special tax assessment.* An allowance sufficient to cover the annual payment due on an assessment on a homestead shall be included in one month's grant.

d. *School expenses.* Any specific charge for a child's education made by the school or in accordance with school requirements in connection with a course in the curriculum shall be allowed. This does not include ordinary expenses for school supplies.

e. *Child care.* When a need is established for child care by reason of a parent's health, inadequacy or absence

from the home other than for reason of employment, an allowance for child care not to exceed the going rate in the community shall be made. If care is provided outside the child's home the facility providing the care must have a current license.

f. *Training expense.* When a recipient or a member of the eligible group is participating in an individual education or training program approved by the department, and expenses cannot be met otherwise, an allowance shall be included in the grant.

g. *Restaurant meals.* An allowance shall be included in the grant when it has been established that the recipient eats at least one half of his meals in a restaurant.

h. *Personal services.* An allowance for personal services may be included in the assistance grant only when the physical or mental condition of the recipient prevents him from performing those tasks necessary to the maintenance of an independent living arrangement. No allowance shall be made for those services only indirectly related to the individual's welfare, such as yard work, snow shoveling, errands and seasonal or irregular house cleaning. An allowance for personal services shall not be included in the grant of a recipient living in a congregate living arrangement when the monthly charge for residence includes such service. When such service is required by the recipient and is provided by a person who is not an employee of the landlord, an allowance may be included in the grant.

34.2(241A) Income.

34.2(1) All assured income, whether in cash or in kind shall be considered in establishing that need exists and the amount of the assistance grant as established in 34.1(3) except the following income of the recipient which shall be exempted.

a. The first twenty dollars per month of earned income plus one half the earned income in excess of twenty dollars per month, but the total exemption of earned income shall not exceed fifty dollars per month.

b. Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs.

c. Income of less than one dollar per month from any source.

34.2(2) Intermittent income which may exceed the eligible group's needs for

a calendar month may be prorated or result in a cancellation of the assistance grant, as elected by the recipient.

34.2(3) Diversion of income. All non-exempt income of the recipient shall be used to meet his requirements. The ineligible spouse of a recipient may use his income to:

a. Meet the needs of his dependent children when such needs cannot be included in the assistance grant.

b. Meet the established medical needs for himself, dependent children or the recipient which cannot be met under the medical assistance program.

[Effective January 5, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 241A.4 of the Code, rules filed January 5, 1972, relating to Aid to Disabled Persons (Chapter 34) are amended as follows.

[Filed May 10, 1972]

Rule 34.1 is amended by striking all of subrule 34.1(4)g and inserting the following in lieu thereof.

g. Meals eaten or prepared away from home. When in the judgment of the worker such meals are necessary to maintain the recipient in an independent living arrangement, an allowance shall be included in the grant when it has been established that twenty or more of the recipient's meals per month are eaten or prepared away from home.

[Effective May 10, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 241A.4 of the Code the rules filed January 5, 1972, relating to Aid to Disabled Persons (Chapter 34) are amended as follows.

[Filed June 28, 1972]

Item 1. Rule 34.1(4)e is amended by striking from lines four through six the words "If care is provided outside the child's home the facility providing the care must have a current license."

Item 2. Rule 34.1(4) is amended by adding subrule *i. Transportation to receive medical care.* An allowance for transportation to receive medical care, not to exceed the charge that would be made by the most economical source of public transportation, shall be given when the following conditions are met:

(1) The source of such care is located outside the town or city limits

of the community in which the recipient resides; or

(2) The recipient resides in a rural area and must travel to a city or town to receive necessary care; and

(3) The type of care is not available in the community in which the recipient resides, or he has been referred by his attending physician to a specialist in another community; and

(4) There is no resource available to the recipient through which necessary transportation might be secured free of charge.

In the case of a child too young to travel alone, or an adult or child who because of physical or mental incapacity is unable to travel alone, an allowance subject to the above conditions shall be given for the transportation costs of an escort.

[Effective June 28, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 249C.15 of the Code, the following rules are adopted.

[Filed February 23, 1972]

TITLE VI

GENERAL PUBLIC ASSISTANCE

CHAPTER 58

WORK AND TRAINING PROGRAMS

58.1(249C) Persons eligible. Persons who are receiving public assistance and are

eligible for work and training programs include:

58.1(1) The payee, his or her spouse, and dependent children who are in the eligible group.

58.1(2) Dependent children, sixteen years of age and over, who are not in school or training and for whom there are no educational plans under consideration

for implementation within the next three months.

58.1(3) Caretaker relatives and other essential persons in the eligible group. Caretaker relatives who are providing the child with a family home, but are not legally responsible for the child's support, and are themselves not a needy person shall not be eligible for work and training programs.

58.2(249C) Education and training plans. All education and training plans must receive approval of the department.

58.2(1) The plan shall include occupational evaluation and assessment.

58.2(2) The plan may be utilized to obtain a high school diploma or the equivalent thereof.

58.2(3) The plan may include institutional training with a vocational goal. Academic courses which are required to complete the training may be a part of the plan.

58.2(4) No allowance may be made to meet the expense of correspondence courses unless the central office of the department approves them.

58.2(5) Training plans shall be based on the length of time and cost of similar plans in the community or in the near locale. The length of training shall be determined by the period it would take a trainee to reach his goal. Payments for dependent children terminate when the child reaches his twentieth birthdate.

58.3(249C) Incentives and disregards. All income earned for work under an education or training program shall be applied to reduce the cost of public assistance paid to the person or his family except that income exemptions allowed in the public assistance programs shall be allowed for these earnings.

58.4(249C) Training expenses. An allowance shall be made for expenses of training. This shall include tuition, books, fees, including graduation, GED testing and certificate fees, and any other fees required for completion of the training, and required uniforms and tools. A work and training allowance of forty-four dollars per month shall be provided to a person participating in a full-time training plan. A full-time training plan consists of at least twenty-five hours per week in train-

ing. A person participating in a part-time training plan shall receive an allowance for transportation at a rate of ten cents per mile to and from the training site with a maximum of forty-four dollars per month. No allowance shall be made for any item that is being paid for through earnings that are diverted for that purpose.

58.5(249C) Supportive service. The county and area caseworkers shall provide supporting and follow-up services to participants in a work or training program, including family planning, budgeting, child care, medical services, employability planning, job placement, and other services involved in completing the training plan or finding a job.

58.6(249C) Public or private training. On the job training shall be carried out in conjunction with the local employment service and its rules and regulations shall be followed.

58.6(1) If the training includes work experience, nonprofit organizations shall be used exclusively, and the length of this training shall be no longer than twenty-six weeks. When a trainee is in training longer than ten weeks there should be definite possibilities of a job.

58.6(2) Institutional training can be provided by both public and private agencies.

58.7(249C) Health and safety. A medical report, not older than six months, completed by a licensed physician shall be contained in the case record prior to approval of training.

58.7(1) The physician should indicate to the best of his knowledge that the person is capable of completing the training or continuing with appropriate employment.

58.7(2) If physical or emotional disabilities are present, these shall be under control prior to enrollment in the training program.

58.7(3) If the work or training is so hazardous that safety glasses, hard hats, and so forth are needed, these safety precautions shall be provided.

[Effective March 24, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority provided by section 234.6 of the Code, the following rules [Chapter 65] relating to the Food Stamp Program are adopted.

[Filed February 25, 1972]

TITLE VII
FOOD STAMP PROGRAM
 CHAPTER 65
 ADMINISTRATION

65.1(234) Definitions.

65.1(1) Department. Whenever "department" is used in this title, it shall mean the Iowa department of social services.

65.1(2) Food and nutrition service. Whenever "food and nutrition service" is used in this title it shall mean that agency of the United States department of agriculture responsible for administration of the food stamp program enacted by the Food Stamp Act of 1964 as amended (Public Law 88.525).

65.1(3) County. Whenever "county" is used in this title it shall mean the county department of social services.

65.1(4) Program. Whenever "program" is used in this title it shall mean the food stamp program.

65.2(234) Chief administrator. The commissioner of the department shall be the chief administrator of the program.

65.3(234) Department responsibilities. The department shall have overall responsibility for the administration of the program. These responsibilities shall include but shall not be limited to:

65.3(1) The over-all supervisory responsibility for the program.

65.3(2) The establishment of a quality control system.

65.3(3) Ascertaining that the county affords each food stamp applicant the right to a fair hearing in accordance with the policy established in the public assistance programs.

65.3(4) Ascertaining that applicant households are not discriminated against

because of race, religious creed, political beliefs or national origin.

65.3(5) Establishing an outreach program which will inform potential recipients of program benefits.

65.4(234) County responsibilities. Each county shall have full local administrative responsibilities for the program. These responsibilities shall include but not be limited to:

65.4(1) Financing the cost of the operation.

65.4(2) Maintaining necessary security related to the selling of food coupons.

65.4(3) Retaining bonding and insurance necessary to assure that no loss will occur as a result of embezzlement, theft, robbery, fraud, etc.

65.4(4) Responsibility for any loss due to fraudulent or negligent certification of ineligible recipients.

65.4(5) Disclosure. Each county shall restrict the disclosure of information obtained from food stamp applicants to persons directly responsible for the administration and enforcement of the program.

65.4(6) Records and reports. Each county shall maintain records for a period of three years from the month of origin of such records and submit information pertinent to the administration of the program.

65.4(7) Prompt action. Each county shall either approve or deny applications for food coupons within thirty days of receipt of application.

65.4(8) Recipient claims. Each county shall complete reports on the overissuance of food coupons and attempt collection of overissuances which are the result of fraud or misrepresentation.

65.4(9) Refunds. Each county shall make refunds to recipients who have been overcharged for food coupons as a result of administrative error.

65.4(10) Counties shall not reduce any type of assistance because of participation in the program.

[Effective March 26, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 234.6 of the Code, rules filed February 25, 1972, relating to the Food Stamp Program (Chapter 65) are amended as follows.

[Filed April 7, 1972]

Rule 65.4(9) is amended by striking from line one the words "Each county" and inserting the words "Food and nutrition service" in lieu thereof.

[Effective April 7, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 234.6 of the Code the following rules relating to the food stamp program are adopted.

[Filed February 25, 1972]

TITLE VII

FOOD STAMP PROGRAM

CHAPTER 66

ELIGIBILITY STANDARDS

66.1(234) Definitions.

66.1(1) Household. Whenever "household" is used in these rules it shall mean a group of persons, excluding roomers, boarders, and unrelated live-in attendants necessary for medical, housekeeping, or child care reasons, who are not residents of an institution or boarding house, and who are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common, provided that:

a. When all persons in the group are under sixty years of age, they are all related to each other; and

b. When more than one of the persons in the group is under sixty years of age, and one or more other persons in the group is sixty years of age or older, each of the persons under sixty years of age is related to each other or to at least one of the persons who is sixty years of age or older.

"Household" shall also mean a single individual living alone who purchases and prepares food for home consumption, or an elderly person and his spouse.

66.1(2) Public assistance household. Whenever "public assistance household" is used in these rules it shall mean that all members are recipients of old age assistance, aid to the blind, aid to disabled, aid to dependent children, or are considered essential persons. This definition shall include recipients of general assistance programs. Legally assigned foster

children will not change the status of a public assistance household.

66.1(3) Boarder. Whenever "boarder" is used in this title it shall mean an unrelated individual to whom a household furnishes meals, or lodging and meals, for compensation at a monthly rate at least equal to the value of the monthly coupon allotment for a one-person household.

66.1(4) Boarding house. Whenever "boarding house" is used in this title it shall mean a place where three or more individuals are furnished meals or lodging and meals for compensation.

66.2(234) Household eligibility. Eligibility for and participation in the program shall be on a household basis. All persons, excluding roomers, boarders, and unrelated live-in attendants necessary for medical, housekeeping, or child care reasons, residing in common living quarters shall be consolidated into a group prior to determining if such a group is a household.

66.3(234) Elderly persons. Eligible household members sixty years of age or older may use all or any part of the food coupons issued to them to purchase meals prepared for and delivered by a non-profit meal delivery service authorized by food and nutrition service when he meets the following conditions:

66.3(1) He is not a resident of an institution or boarding house.

66.3(2) He is living alone or only with a spouse, whether or not he has cooking facilities in his home.

66.3(4) When he has no cooking facilities, he elects to use food coupons issued to him to purchase meals prepared for and delivered to him by a non-profit meal delivery authorized by food and nutrition service to accept food coupons.

66.4(234) Income. All income shall be considered in determining eligibility for and the basis of coupon issuance of food coupons, except the following income which shall be exempted:

66.4(1) Earnings of a child under the age of eighteen years of age who is a student.

66.4(2) Payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

66.4(3) Income-in-kind.

66.4(4) Infrequent or irregular income of less than thirty dollars in a quarter.

66.4(5) Moneys received from insurance settlements, sale of property except for property related to self-employment, cash prizes, awards, and gifts, inheritances, retroactive lump-sum social security or railroad retirement pension payments, income tax refunds and similar non-recurring lump-sum payments.

66.4(6) Ten percentum of income from compensation for services performed as an employee or training allowance not to exceed thirty dollars per household per month.

66.4(7) All loans, except loans on which repayment is deferred until completion of the recipient's education.

66.4(8) Mandatory deductions from earned income which are not elective at the option of the employee such as local, state, and federal income taxes, social security taxes under FICA, and union dues.

66.4(9) Shelter costs in excess of thirty percentum of the household's income after exclusion of mandatory deductions.

66.4(10) Payments for medical expenses exclusive of special diets, when the costs exceed ten dollars per month per household.

66.4(11) The payments for the care of a child or other persons when necessary for a household member to accept or continue employment.

66.4(12) Unusual expenses incurred due to an individual household's disaster or casualty losses which could not be reasonably anticipated by the household.

66.4(13) Education expenses which are for tuition and mandatory school fees, including such expenses which are covered by scholarships, education grants, loans, fellowships, and veterans' educational benefits.

66.5(234) Resources. The fair market value less encumbrances of all liquid and non-liquid resources is to be considered in determining eligibility, except for the following resources which are exempted:

66.5(1) The homestead, automobile, household goods, cash value of life insurance policies, and personal effects.

66.5(2) Income-producing property which is producing income consistent with its fair market value, or other property such as another vehicle needed for purposes of employment, the tools of a tradesman or the machinery of a farmer, deemed essential to the household's means of self-support.

66.5(3) The total resources of a roomer or boarder, or of a member of the household other than the head of the household or his spouse, who has a commitment to contribute only a portion of his income to pay for services including food and lodging.

66.5(4) Indian lands held jointly with the tribe, or land that can be sold only with the approval of the bureau of Indian affairs.

66.6(234) Income and resource eligibility standards for public assistance households. Households consisting of public assistance members shall, if all other eligibility criteria is met, be determined to be eligible to participate in the program without regard to the income and resources of the household members.

66.7(234) Income and resource eligibility standards for nonpublic assistance households.

66.7(1) Income limitations for non-public assistance households shall be determined from the following table:

| Household Size | Monthly Income |
|----------------|----------------|
| 1 | \$170 |
| 2 | 222 |
| 3 | 293 |
| 4 | 360 |
| 5 | 427 |
| 6 | 493 |
| 7 | 547 |
| 8 | 600 |

Add \$53 for each additional household member.

66.7(2) The maximum value of resources a household can have is \$1500, except when a household consists of two or more persons with a member sixty years of age or older. Such households may have resources not in excess of \$3000.

66.8(234) Tax dependency. Any household which includes a member who has reached his eighteenth birthday and who is claimed as a dependent for federal income tax purposes by a member of another household which is not certified as being eligible for food assistance in a

food and nutrition service program is ineligible. The ineligibility shall exist during the tax period such dependency is claimed and for a period of one year after expiration of such tax period.

66.9(234) Work registration requirement. At the time of application and at the time of each recertification of eligibility, each able-bodied person in a household between the ages of eighteen and sixty-five, shall register for employment, and accept a bona fide offer of suitable employment. This shall include a person who is not working because of a strike or lock-out at his usual place of employment. Persons exempt from this regulation are:

66.9(1) Mothers or other members of the household who have responsibility for the care of dependent children under the age of eighteen years or for an incapacitated adult.

66.9(2) Students enrolled at least half-time in any school or training program

recognized by any federal, state, or local governmental agency.

66.9(3) Persons working at least thirty hours per week.

66.10(234) Residence. Applicants who live in the county in which they are applying meet the residency requirement, regardless of citizenship or the length of time they have resided in the county. Persons who are in the county for the purpose of a vacation do not meet this requirement.

66.11(234) Cooking facilities. The applicant must have cooking facilities which are used to prepare food for home consumption or be eligible as an elderly person to receive delivered meals.

66.12(234) Credit cards. If a member of a household possesses a credit card which gives the person unlimited income in the name of a person who is not a member of the household, the entire household shall be deemed ineligible.

[Effective March 26, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 234.6 of the Code, rules filed February 25, 1972, relating to the Food Stamp Program (Chapter 66) are amended as follows.

[Filed April 7, 1972]

ITEM 1 Rule 66.1(2), line four, is amended by inserting after the word "considered" the word "needy".

Further amend said rule by striking from lines four and five the words "This definition shall include recipients of general assistance programs".

ITEM 2 Rule 66.3 is amended by adding subrule (3), "He is housebound, feeble, physically handicapped, or otherwise disabled to the extent he is unable to prepare all meals."

[Effective April 7, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to authority of section 234.6 of the Code the following rules [Chapters 67 and 68] relating to the Food Stamp Program are adopted.

[Filed February 25, 1972]

TITLE VII

FOOD STAMP PROGRAM

CHAPTER 67

CERTIFICATION FOR

FOOD COUPONS

67.1(234) Definitions.

67.1(1) Affidavit. Whenever "affidavit" is used in these rules it shall mean a signed statement, executed by the head of the household, or his authorized representative, who is making application for

participation in the program on behalf of a household in which all members are included in a federally aided public assistance or general assistance grant.

67.1(2) Authorized representative. Whenever "authorized representative" is used in this title it shall mean a person designated by the head of the household to act in his behalf in the purchase and use of coupons and under certain conditions to act in his behalf in making application for the program.

67.2(234) Certification of public assistance households. Certification of public assistance households shall be based solely on the basis of information contained in an affidavit and the assistance case file.

67.3(234) Certification of nonpublic assistance households. Certification of non-

public assistance households shall be made by means of a personal interview with the applicant or his authorized representative and completion of Form ADM-7101.

67.4(234) Application processing. The eligibility of an applicant shall be approved or denied within thirty days of a bona fide application.

[Effective March 26, 1972]

CHAPTER 68 ISSUANCE PROCEDURES

68.1(234) Basis of coupon issuance. After eligibility has been established households will be assigned a cash requirement for purchase and a total coupon allotment based on household size and income.

68.2(234) Frequency of coupon issuance. Eligible households may elect to pur-

chase either a full month's or half month's issuance. At a minimum all counties shall provide for sale of coupons semimonthly on dates spaced approximately fifteen days apart.

68.3(234) Variable purchase. Eligible households shall be permitted to elect at the time of issuance to purchase either the full monthly allotment, three-quarters the monthly allotment, or one-half the full monthly allotment, or one-quarter the monthly allotment.

68.4(234) Emergency issuance. Each county shall provide for the emergency issuance of food coupons for those households unable to purchase food coupons at the regularly scheduled hours due to unusual circumstances.

[Effective March 26, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 249C.15 of the Code the following rules [chapters 75 and 76] are adopted.

[Filed February 23, 1972]

TITLE VIII

WORK INCENTIVE PROGRAM CHAPTER 75

ELIGIBILITY OF PERSONS

75.1(249C) Definitions.

75.1(1) Department. Whenever "department" is used in this title it shall mean the Iowa department of social services.

75.1(2) County. Whenever "county" is used in this title it shall mean the county department of social welfare.

75.2(249C) Persons who are eligible to participate in the work incentive program must be receiving aid to dependent children and include:

75.2(1) The payee, payee's spouse, and dependent children who are in the eligible group to receive aid to dependent children.

75.2(2) Dependent children, sixteen years of age or older, who are not in school or training and for whom there are no "education" plans under consideration for implementation within the next three months. This includes unwed mothers under the age of eighteen if an adequate child care plan can be arranged.

75.2(3) Caretaker relatives and other

essential persons in the eligible group to receive aid to dependent children.

75.3(249C) Persons who are not eligible to participate in the work incentive program include:

75.3(1) A spouse or dependent child not in the eligible group to receive aid to dependent children.

75.3(2) A dependent child who has reached his twentieth birthdate.

75.3(3) A caretaker relative who is providing the child with a family home, but is not legally responsible for the child's support and himself is not a needy person.

75.4(249C) The county shall refer eligible persons to the designated employment service for assignment to a work incentive project unless such participation would be harmful to the welfare of the individual or the family. However, such inappropriate person may be referred upon his request. Persons who are inappropriate for referral include:

75.4(1) Children attending school full time.

75.4(2) Mothers and other eligible persons whose presence in the home is required because no adequate child care is present.

75.4(3) Persons so remote from any project under the work incentive program that they cannot effectively participate.

75.4(4) Persons having illness, incapacity, or advanced age to an extent that

they are physically or mentally unable to undertake a program of work or training.

75.4(5) Persons whose presence in the home on a substantially continuous basis is required because of illness or incapacity of another member of the household.

[Effective March 24, 1972]

CHAPTER 76

PROGRAM REQUIREMENTS

76.1(249C) Participants. Persons participating in the work incentive program shall be assigned to one of three activities.

76.1(1) Regular employment or on-the-job training.

76.1(2) Formal institutional or work experience training.

76.1(3) Special work projects.

76.2(249C) Child care. Adequate child care arrangements must be made before participation in the work incentive program.

76.2(1) The day care home or center shall be approved or licensed by the appropriate authorities.

76.2(2) Child care expense up to a maximum of \$100 per month per family

shall be allowed. When an additional amount for child care is needed, prior approval from the department is needed.

76.3(249C) Medical examination. All persons referred to the work incentive program shall have a medical examination prior to referral. The report of such examination shall be no older than six months prior to the referral. Any physical or emotional condition present that would adversely affect the individual's participation in the program shall be overcome prior to referral.

76.4(249C) Work and training allowance. A training allowance, which includes moneys for transportation, noon lunches, clothing and other miscellaneous items, shall be allowed from the time a person is referred to completion of the program.

76.5(249C) Right of fair hearing and appeal. An individual referred for participation in the work incentive program has the same right to a fair hearing and appeal as prescribed by the department for the public assistance programs. An individual also has the right of a fair hearing and appeal through the employment service.

[Effective March 24, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of Chapter 259 of the Acts of the Sixty-fourth General Assembly, the following rules are adopted.

[Filed February 23, 1972]

TITLE IX

SOCIAL SERVICE RESOURCES

CHAPTER 83

SUBSIDIZED ADOPTIONS

83.1(259) The Iowa department of social services through the director of the division of family and children's services shall administer the subsidized adoption program, in conformance with the legal requirements for adoption as defined in chapter 600 of the Code.

83.2(259) Application for the subsidy may be made on forms provided by the Iowa department of social services at any time in the adoptive process prior to the filing of the petition to adopt.

83.2(1) Withdrawal of the application for the subsidy shall be reported to

the department of social services as soon as the agency has this information.

83.2(2) Review of eligibility based on continued need shall be made on an annual basis.

83.3(259) Conditions of eligibility.

83.3(1) Adoptive parents.

a. Income scales determining eligibility for maintenance and special services shall be compiled by the Iowa department of social services based on the current United States labor department's cost of living standards.

b. Income of the prospective adoptive parents used to determine eligibility shall be verified by the inspection of the parents' latest federal income tax report.

83.3(2) Adoptive child.

a. In section 5 of chapter 259, Sixty-fourth General Assembly the word "state" shall mean the director of the bureau of family and children's services, and the word "county" shall mean a county department of social welfare in Iowa. A "licensed child placing agency" shall mean an agency licensed by the director

of the division of child and family services of the Iowa department of social services to place children.

b. Marriage on the part of the child shall terminate eligibility for subsidy.

c. If a child is a full or part-time student, his earned income shall not be considered. If the child is not in school, his earnings shall be considered in the determination of the subsidy. The child's income other than earned income shall be considered.

83.4(259) The subsidy for maintenance includes provision of board, room, clothing, spending money, and ordinary medical and dental costs.

83.5(259) Special services.

83.5(1) The need for special services shall be established through a report from the agency having guardianship of the child, plus substantiating information from specialists providing the services.

83.5(2) Attorney fees for adoptive services may be considered a special service.

83.6(259) New applications will be taken at any time, but processed only so long as funds are available. Maintenance and special services already approved will continue.

[Effective February 23, 1972]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 239.18 of the Code the rules appearing in the 1971 IDR pages 928 through 932 relating to aid to dependent children are amended as follows.

[Filed April 12, 1972]

Rule 239.1 is amended by striking all of subrule (4) (q).

[Effective April 12, 1972]

WATER POLLUTION CONTROL COMMISSION

Pursuant to authority of section 455B.9, of the Code as amended by chapter 226, Acts of the 64th G.A., rules appearing in July 1971 IDR Supplement, 31 to 33 relating to water quality standards are amended by rescinding subrule 1.2(6), and adopting the following in lieu thereof.

[Filed June 26, 1972]

1.2(6) Interstate waters.

a. The Mississippi river, Missouri river, Fox river, Des Moines river, East Fork of the Des Moines river, West Fork of the Des Moines river, Iowa river, Cedar river, Shellrock river, Winnebago river, Wapsipinicon river, Upper Iowa river, Chariton river, Middle Fork Medicine river, Weldon river, Little river, Thompson river, East Fork of the Big river, Grand river, Platte river, East Fork of the 102 river, Middle Fork of the 102 river, Nodaway river, West Tarkio river, Tarkio river, Nishnabotna river, Little Sioux river, Big Sioux river, Rock river and Kanaranzi Ditch are hereby designated as interstate waters.

b. Treatment. All municipal wastes discharged into the interstate wa-

ters of the Mississippi river shall receive a minimum of ninety percent reduction of BOD prior to discharge, no later than dates fixed by order of the Iowa water pollution control commission. All industrial wastes discharged into such interstate waters shall receive equivalent treatment prior to discharge, no later than dates fixed by order of the Iowa water pollution control commission.

All municipal wastes discharged into the interstate waters of the Missouri river shall receive a minimum of eighty-five percent reduction of BOD prior to discharge, no later than dates fixed by order of the Iowa water pollution control commission. All industrial wastes discharged into such interstate waters shall receive equivalent treatment prior to discharge, no later than dates fixed by order of the Iowa water pollution control commission.

These rules are intended to implement sections 455B.9 and 455B.13 of the Code, as amended by chapter 226, Acts of the 64th G.A.

[Effective June 26, 1972]