



IOWA ADMINISTRATIVE BULLETIN

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Pages 2383 to 2474

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PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike-through~~ indicates deleted material.

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, paragraph, subparagraph, or numbered paragraph).

This citation format applies only to external citations to the Iowa Administrative Code or Iowa Administrative Bulletin and does not apply to citations within the Iowa Administrative Code or Iowa Administrative Bulletin.

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)“a”	(Paragraph)
441 IAC 79.1(1)“a”(1)	(Subparagraph)
441 IAC 79.1(1)“a”(1)“1”	(Numbered paragraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

NOTE: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

Schedule for Rule Making 2022

NOTICE† SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 22 '21	Jan. 12 '22	Feb. 1 '22	Feb. 16 '22	Feb. 18 '22	Mar. 9 '22	Apr. 13 '22	July 11 '22
Jan. 5	Jan. 26	Feb. 15	Mar. 2	Mar. 4	Mar. 23	Apr. 27	July 25
Jan. 21	Feb. 9	Mar. 1	Mar. 16	Mar. 18	Apr. 6	May 11	Aug. 8
Feb. 4	Feb. 23	Mar. 15	Mar. 30	Apr. 1	Apr. 20	May 25	Aug. 22
Feb. 18	Mar. 9	Mar. 29	Apr. 13	Apr. 15	May 4	June 8	Sep. 5
Mar. 4	Mar. 23	Apr. 12	Apr. 27	Apr. 29	May 18	June 22	Sep. 19
Mar. 18	Apr. 6	Apr. 26	May 11	**May 11**	June 1	July 6	Oct. 3
Apr. 1	Apr. 20	May 10	May 25	May 27	June 15	July 20	Oct. 17
Apr. 15	May 4	May 24	June 8	June 10	June 29	Aug. 3	Oct. 31
Apr. 29	May 18	June 7	June 22	**June 22**	July 13	Aug. 17	Nov. 14
May 11	June 1	June 21	July 6	July 8	July 27	Aug. 31	Nov. 28
May 27	June 15	July 5	July 20	July 22	Aug. 10	Sep. 14	Dec. 12
June 10	June 29	July 19	Aug. 3	Aug. 5	Aug. 24	Sep. 28	Dec. 26
June 22	July 13	Aug. 2	Aug. 17	**Aug. 17**	Sep. 7	Oct. 12	Jan. 9 '23
July 8	July 27	Aug. 16	Aug. 31	Sep. 2	Sep. 21	Oct. 26	Jan. 23 '23
July 22	Aug. 10	Aug. 30	Sep. 14	Sep. 16	Oct. 5	Nov. 9	Feb. 6 '23
Aug. 5	Aug. 24	Sep. 13	Sep. 28	Sep. 30	Oct. 19	Nov. 23	Feb. 20 '23
Aug. 17	Sep. 7	Sep. 27	Oct. 12	Oct. 14	Nov. 2	Dec. 7	Mar. 6 '23
Sep. 2	Sep. 21	Oct. 11	Oct. 26	**Oct. 26**	Nov. 16	Dec. 21	Mar. 20 '23
Sep. 16	Oct. 5	Oct. 25	Nov. 9	**Nov. 9**	Nov. 30	Jan. 4 '23	Apr. 3 '23
Sep. 30	Oct. 19	Nov. 8	Nov. 23	Nov. 25	Dec. 14	Jan. 18 '23	Apr. 17 '23
Oct. 14	Nov. 2	Nov. 22	Dec. 7	**Dec. 7**	Dec. 28	Feb. 1 '23	May 1 '23
Oct. 26	Nov. 16	Dec. 6	Dec. 21	**Dec. 21**	Jan. 11 '23	Feb. 15 '23	May 15 '23
Nov. 9	Nov. 30	Dec. 20	Jan. 4 '23	**Jan. 4 '23**	Jan. 25 '23	Mar. 1 '23	May 29 '23
Nov. 25	Dec. 14	Jan. 3 '23	Jan. 18 '23	Jan. 20 '23	Feb. 8 '23	Mar. 15 '23	June 12 '23
Dec. 7	Dec. 28	Jan. 17 '23	Feb. 1 '23	Feb. 3 '23	Feb. 22 '23	Mar. 29 '23	June 26 '23
Dec. 21	Jan. 11 '23	Jan. 31 '23	Feb. 15 '23	Feb. 17 '23	Mar. 8 '23	Apr. 12 '23	July 10 '23

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
21	Friday, April 1, 2022	April 20, 2022
22	Friday, April 15, 2022	May 4, 2022
23	Friday, April 29, 2022	May 18, 2022

PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more working days in advance of the deadline.

****Note change of filing deadline****

The Administrative Rules Review Committee will hold its regular, statutory meeting on Monday, April 4, 2022, at 8:30 a.m. in Room 116, State Capitol, Des Moines, Iowa. For more information, contact Jack Ewing at jack.ewing@legis.iowa.gov. The following rules will be reviewed:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Out-of-state travel—electronic authorization, 41.4, 41.5, 41.7(8), 64.10(2)“c” Filed **ARC 6236C**..... 3/9/22
 Purchasing thresholds for state agencies, 117.15, 118.5, 118.7(2), 118.8(2) Filed **ARC 6263C** 3/23/22

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Imported poultry—testing, 65.11(3) Notice **ARC 6235C**..... 3/9/22

ATTORNEY GENERAL[61]

Assurance of voluntary compliance, ch 38 Filed **ARC 6231C** 3/9/22

ECONOMIC DEVELOPMENT AUTHORITY[261]

Bioscience development corporation, 1.2, 1.3(5)“a,” 1.4(4), 1.5, 101.2(1), 106.1, 106.3,
 108.1, 108.3, 108.4, 108.6(1) Notice **ARC 6243C** 3/23/22
 Iowa community development block grant program, 23.2 to 23.11, 23.14 to 23.17 Filed **ARC 6241C**..... 3/9/22
 Angel investor tax credits, amendments to ch 115 Filed **ARC 6242C**..... 3/9/22

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]“umbrella”

Teachers and administrators—licensure, endorsements, 13.5, 13.9, 13.11(1), 13.28,
 18.6(1)“d” Filed **ARC 6245C** 3/23/22
 Paraeducator substitute authorization, 24.4(9)
Notice **ARC 6228C**, also Filed Emergency **ARC 6229C** 3/9/22

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Floodplain permitting for bridges—backwater Q100, 72.1(2)“a” Notice **ARC 6262C** 3/23/22
 Cathode ray tube recycling, amend ch 100; adopt ch 122 Notice **ARC 6261C** 3/23/22

HUMAN SERVICES DEPARTMENT[441]

Contracts—employees in a service program, use of buildings and grounds of state
 institutions, 2.1, 2.5 Filed **ARC 6223C** 3/9/22
 Department procedure for rule making—five-year review of rules, 3.3 to 3.6, 3.10 to 3.16
Notice **ARC 6247C** 3/23/22
 Petitions for rule making—five-year review of rules, 4.1, 4.3 Notice **ARC 6252C** 3/23/22
 Payment of small claims, 8.1(4) Notice **ARC 6251C** 3/23/22
 Offset of county debts owed department, rescind ch 14 Notice **ARC 6253C**..... 3/23/22
 Mental health and disability services region service fund, 25.11, 25.13, 25.14(3)“a,” 25.22,
 25.23 Filed **ARC 6237C** 3/9/22
 Mental health institutes and resource centers—definitions, selection of facility, 28.1, 28.2,
 28.7 Notice **ARC 6232C** 3/9/22
 Assessment for voluntary admission to a state mental health institution—person-centered
 language, 34.1, 34.2(2), 34.3 Filed **ARC 6224C** 3/9/22
 Medicaid—diabetic education programs, 78.31(4)“F”(6) Filed **ARC 6222C** 3/9/22
 Nurse aide program—training, instructor-to-student ratio, 81.16(3)“a” Notice **ARC 6234C**..... 3/9/22
 Nursing facility reimbursement—calculation of per diem for administrative, environmental,
 and property expenses, 81.6, 81.23 Filed **ARC 6226C** 3/9/22
 Iowa juvenile home, rescind ch 101 Filed **ARC 6225C** 3/9/22
 Funding for local services—five-year review of rules, amendments to ch 153 Notice **ARC 6250C**..... 3/23/22
 Individual and family direct support—five-year review of rules, amendments to ch 184
Notice **ARC 6249C** 3/23/22

LAW ENFORCEMENT ACADEMY[501]

Curriculum; attendance qualifications for short course academy; mandatory in-service and
 specialty training, amend chs 3, 7; adopt ch 8 Filed **ARC 6264C** 3/23/22

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Wildlife refuges; waterfowl and coot hunting seasons; migratory game bird hunting methods,
 52.1, 91.1, 91.3 to 91.4, 91.5(1)“b,” 92.3(11) Notice **ARC 6260C** 3/23/22

Deer hunting—licenses, counties, quotas, method of take, 94.1, 106.1(6), 106.6(6), 106.7(5)
Notice **ARC 6239C** 3/9/22

PHARMACY BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Temporary designation of controlled substances, 10.39(7) Filed **ARC 6255C** 3/23/22
Telepharmacy practice, amendments to ch 13 Filed **ARC 6256C** 3/23/22

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Barbers—apprenticeship, 21.1, 21.2, 22.1, 22.3, 22.4(3) Notice **ARC 6259C** 3/23/22
Cosmetology arts and sciences—apprenticeship, 60.1, 60.2(1), 60.5(7), 61.1, 61.5(5),
61.24(3) Notice **ARC 6258C** 3/23/22
Licensure of massage therapists, ch 131 Notice **ARC 6257C** 3/23/22
Athletic trainers—continuing education, 352.1, 352.3(2) Filed **ARC 6265C** 3/23/22

PUBLIC HEALTH DEPARTMENT[641]

Plumbing and mechanical systems professionals—journeyperson examination, 29.6(3)“I”
Notice **ARC 6233C** 3/9/22

PUBLIC SAFETY DEPARTMENT[661]

Complaints against employees; public records and fair information practices, 35.1, 35.2,
35.4, 80.15 Filed **ARC 6230C** 3/9/22

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

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COMMERCE DEPARTMENT[181]“umbrella”

Alternative experience pathways; distance education, 1.19, 5.6(2), 5.8, 6.8, 6.9, 11.1, 11.5(2),
11.6, 11.7(1) Notice **ARC 6254C** 3/23/22

REVENUE DEPARTMENT[701]

Tuition and textbook credit for expenses incurred for dependents, 42.4 Filed **ARC 6240C** 3/9/22
Tax credit—volunteer fire fighters, volunteer emergency medical services personnel
members, reserve peace officers, 42.49 Filed **ARC 6227C** 3/9/22

SECRETARY OF STATE[721]

Use of I-Voters at satellite absentee voting stations, 21.300(13) Notice **ARC 6238C** 3/9/22

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

Billing services on behalf of authorized user, 17.6 Filed **ARC 6246C** 3/23/22

TRANSPORTATION DEPARTMENT[761]

Motor vehicles—registration, titling, window tinting, 400.3(17)“d,” 400.4, 400.14, 450.1(1),
450.7(1) Filed **ARC 6219C** 3/9/22
Salvage titles; damage disclosure statement, 400.55, 405.2, 405.6(1), 405.8(5), 405.9(1),
405.10 Filed **ARC 6220C** 3/9/22
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Filed **ARC 6218C** 3/9/22

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WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

Payroll tax tables, 8.8 Notice **ARC 6221C** 3/9/22

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

Senator Waylon Brown
2415 Highway 218
Osage, Iowa 50461

Senator Julian Garrett
P.O. Box 493
Indianola, Iowa 50125

Senator Jesse Green
2344 360th Street
Harcourt, Iowa 50544

Senator Robert Hogg
P.O. Box 1361
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House District 37

Representative Megan Jones
4470 Highway 71
Sioux Rapids, Iowa 50585

Representative Amy Nielsen
North Liberty, Iowa

Representative Rick Olson
3012 East 31st Court
Des Moines, Iowa 50317

Representative Mike Sexton
2202 Ogden Avenue
Rockwell City, Iowa 50579

Michael Boal
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 18
Des Moines, Iowa 50319
Telephone: 515.281.5211

EDUCATIONAL EXAMINERS BOARD[282]

Paraeducator substitute authorization, 24.4(9) IAB 3/9/22 ARC 6228C (See also ARC 6229C)	Board Room 701 E. Court Ave., Suite A Des Moines, Iowa	March 29, 2022 11 a.m. to 12 noon (If requested)
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ENVIRONMENTAL PROTECTION COMMISSION[567]

Floodplain permitting for bridges—backwater Q100, 72.1(2)“a” IAB 3/23/22 ARC 6262C	Via video/conference call Contact Jonathan Garton Email: jonathan.garton@dnr.iowa.gov	April 12, 2022 2 to 3 p.m.
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Cathode ray tube recycling, amend ch 100; adopt ch 122 IAB 3/23/22 ARC 6261C	Via video/conference call Contact Theresa Stiner Email: theresa.stiner@dnr.iowa.gov	April 12, 2022 2 p.m.
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NATURAL RESOURCE COMMISSION[571]

Wildlife refuges; waterfowl and coot hunting seasons; migratory game bird hunting methods, 52.1, 91.1, 91.3 to 91.4, 91.5(1)“b,” 92.3(11) IAB 3/23/22 ARC 6260C	Via video/conference call Contact Orrin Jones Email: orrin.jones@dnr.iowa.gov	April 12, 2022 11 a.m.
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Deer hunting—licenses, counties, quotas, method of take, 94.1, 106.1(6), 106.6(6), 106.7(5) IAB 3/9/22 ARC 6239C	Via video/conference call Contact Chris Ensminger Email: chris.ensminger@dnr.iowa.gov	March 29, 2022 12 noon to 1 p.m.
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PROFESSIONAL LICENSURE DIVISION[645]

Barbers—apprenticeship, 21.1, 21.2, 22.1, 22.3, 22.4(3) IAB 3/23/22 ARC 6259C	Via video/conference call Zoom meeting ID: 814 5857 0168 Passcode: 134235	April 12, 2022 9 to 9:30 a.m.
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Cosmetology arts and sciences—apprenticeship, 60.1, 60.2(1), 60.5(7), 61.1, 61.5(5), 61.24(3) IAB 3/23/22 ARC 6258C	Via video/conference call Zoom meeting ID: 831 1911 3049 Passcode: 455202 Link: us02web.zoom.us/j/83119113049?pwd=ait0NVpRZXAwZUNkenc2T085VWdjQT09#success	April 12, 2022 9:30 to 10 a.m.
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Licensure of massage therapists, ch 131 IAB 3/23/22 ARC 6257C	Fifth Floor Conference Room 526 Lucas State Office Bldg. Des Moines, Iowa	April 12, 2022 9 to 9:30 a.m.
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REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Alternative experience pathways; distance education, 1.19, 5.6(2), 5.8, 6.8, 6.9, 11.1, 11.5(2), 11.6, 11.7(1) IAB 3/23/22 ARC 6254C	Small Conference Room, Third Floor 200 E. Grand Ave. Des Moines, Iowa	April 13, 2022 8:30 to 9:30 a.m.
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The following list will be updated as changes occur.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

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FEMA DR-4642-IA

AGENCY	PROGRAM	ELIGIBLE APPLICANTS	TYPES OF PROJECT
<p>Iowa Department of Homeland Security and Emergency Management (HSEMD)</p>	<p>Hazard Mitigation Grant Program (HMGP)</p> <p>Authorized by §404 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 U.S.C. 5133, as amended by §102 of the Disaster Mitigation Act of 2000 (DMA)</p>	<ul style="list-style-type: none"> • State Agencies and Local Governments. • Federally recognized Indian Tribal governments, to include state recognized Indian Tribes, and Authorized Tribal Organizations. • Private Non Profit (PNP) Organizations or institutions which operate a PNP facility as defined in the 44 Code of Federal Regulations (CFR), Section 206.221(e). • All applicants must be participating in the NFIP if they have been identified as having a Special Flood Hazard Area. The Community must not be on probation, suspended or withdrawn from the NFIP. • All applicants for a project grant MUST have a FEMA-approved local hazard mitigation plan. <p>Application Process: -Potential project & planning applicants must complete a Notice of Interest (NOI) Form located on the HSEMD website at: homelandsecurity.iowa.gov/grants-overview/grants/ -NOIs will be selected for full application development based on funding availability, the State’s priority, and an initial eligibility review. -NOIs will be accepted on a continuous basis or until otherwise notified.</p> <p style="text-align: center;">For additional information, please contact:</p> <p style="text-align: center;">Dusty Pogones 515-344-9049 Matt Noble 515-321-8528</p> <p>Iowa Homeland Security and Emergency Management Department 7900 Hickman Road Ste. 500 Windsor Heights, IA 50324</p>	<p>Eligible Project Types</p> <p>Projects may be of any nature that will result in protection to public or private property, including but not limited to:</p> <ul style="list-style-type: none"> • Acquisition or relocation of hazard-prone property for conversion to open space in perpetuity • Construction of safe rooms (tornado and severe wind shelters) • Structural and non-structural retrofitting of existing buildings and facilities (including designs and feasibility studies when included as part of the construction project) for wildfire, seismic, wind or flood hazards (e.g., elevation, flood-proofing, storm shutters, hurricane clips) • Minor structural hazard control or protection projects that may include vegetation management, storm water management (e.g., culverts, floodgates, retention basins), or shoreline/landslide stabilization • Localized flood control projects, such as certain ring levees and floodwall systems, that are designed specifically to protect critical facilities and do not constitute a section of a larger flood control system • Development of multi-jurisdictional hazard mitigation plans and plan updates <p>Planning Application</p> <p>The outcome of a mitigation planning grant award must be a FEMA-approved hazard mitigation plan that complies with the requirements of 44 CFR Part 201. The planning grant deliverable can be a new hazard mitigation plan or an update of an already FEMA-approved hazard mitigation plan.</p>

ARC 6243C**ECONOMIC DEVELOPMENT AUTHORITY[261]****Notice of Intended Action****Proposing rule making related to the bioscience development corporation
and providing an opportunity for public comment**

The Economic Development Authority (IEDA) hereby proposes to amend Chapter 1, “Organization,” Chapter 101, “Mission and Responsibilities,” Chapter 106, “Small Business Innovation Research and Technology Transfer Outreach Program,” and Chapter 108, “Acceleration and Development of Innovative Ideas and Businesses,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 15.106A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 15.107.

Purpose and Summary

As initially codified, Iowa Code section 15.107 directed the IEDA to establish the Iowa Innovation Corporation. The section was stricken in 2019 Iowa Acts, Senate File 228, section 7, and replaced with a new Iowa Code section 15.107 that directs the IEDA to establish a bioscience development corporation.

In addition to other corrective and clarifying changes, the proposed rule making replaces references in Chapters 1, 101, and 106 to the “Iowa innovation corporation” with references to the “bioscience development corporation established pursuant to Iowa Code section 15.107.” In Chapter 108, references to “the corporation” are being replaced with references to a service provider retained by the IEDA pursuant to Iowa Code section 15.411.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the IEDA for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the IEDA no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 261—1.2(15) as follows:

261—1.2(15) Definitions. As used in these rules, unless the context otherwise requires:

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Authority’s ~~Web site~~ website*” means the information and related content found at <http://www.iowaeconomicdevelopment.com/> www.iowaeda.com and may include content at affiliated sites whose content is integrated with that site, including <http://www.traveliowa.com/> www.traveliowa.com.

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Committee*” means a committee established by the board and includes any standing committees established by rule or ad hoc committees created as necessary.

“*Corporation*” ~~or “HC”~~ means the ~~Iowa innovation bioscience development~~ corporation created established pursuant to Iowa Code section 15.107.

“*Director*” means the director of the authority or the director’s designee.

ITEM 2. Amend paragraph **1.3(5)“a”** as follows:

a. Meetings of the authority are held at the call of the chairperson or when two members of the board request a meeting. The board generally meets monthly at the authority’s offices ~~located at 200 East Grand Avenue in Des Moines, Iowa.~~ By notice of the regularly published meeting agendas, the board and its committees may hold regular or special meetings at other locations within the state. Meeting agendas are available on the authority’s ~~Web site~~ website.

ITEM 3. Amend subrule 1.4(4) as follows:

1.4(4) Divisions. The director may from time to time reorganize the authority into administrative divisions in order to most efficiently and effectively carry out the authority’s responsibilities. This reorganization may include creating new divisions, eliminating existing divisions, or combining divisions as the director deems necessary. ~~Such divisions may include, but are not limited to, the following:~~

- ~~a. Administration division;~~
- ~~b. Business development division;~~
- ~~c. Energy division;~~
- ~~d. Community development division; and~~
- ~~e. Small business division.~~

ITEM 4. Amend rule 261—1.5(15) as follows:

261—1.5(15) Information. The general public may obtain information about the Iowa economic development authority by contacting the authority at its offices located at ~~200 East Grand~~ 1963 Bell

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

Avenue, Des Moines, Iowa ~~50309~~ 50315; telephone ~~(515)242-4700~~ (515)348-6200; or through the authority's ~~Web site~~ website.

ITEM 5. Amend subrule 101.2(1) as follows:

101.2(1) Commercialization. Commercialization activities include, but are not limited to, administration of the programs described in this part. Additionally, the authority's commercialization activities include the facilitation of technology transfer at Iowa's state universities to the greatest extent possible. Finally, such activities also include coordinating with the ~~Iowa innovation bioscience development corporation established pursuant to Iowa Code section 15.107~~ to ensure that the goal of public and private sector collaboration is furthered to the greatest extent possible.

ITEM 6. Amend rule 261—106.1(15) as follows:

261—106.1(15) Authority. The authority for adopting rules establishing the small business innovation research and technology transfer outreach program under this chapter is provided in ~~2012 Iowa Acts, House File 2473, division II~~ Iowa Code section 15.411.

ITEM 7. Amend rule ~~261—106.3(15)~~, definition of "Corporation," as follows:

"*Corporation*" means the ~~Iowa innovation bioscience development corporation created~~ established pursuant to Iowa Code section 15.107.

ITEM 8. Amend rule 261—108.1(15) as follows:

261—108.1(15) Authority. The authority for adopting rules establishing a program to accelerate the development of innovative ideas and businesses by providing assistance for the expansion of the proof of commercial relevance concept, the expansion of applied research, and support for a manufacturing extension partnership program under this chapter is provided in ~~2012 Iowa Acts, House File 2473, division II~~ Iowa Code section 15.411.

ITEM 9. Rescind the definition of "Corporation" in rule ~~261—108.3(15)~~.

ITEM 10. Amend subrule 108.4(2) as follows:

108.4(2) Program component descriptions and activities. The program has three primary components: a POCR component, an applied research component, and an MEP component. ~~The corporation shall be the entity responsible for ensuring that technical and other applicable assistance is provided to applicants and shall also work with the authority on the provision of financial assistance. In working with the authority to provide financial assistance, the corporation shall perform the functions delegated pursuant to subrule 108.4(4).~~

a. The POCR component makes financial assistance available to applicants who undertake projects that commercialize new technologies. The authority, ~~in conjunction with the corporation,~~ will award financial assistance to ~~not more than six applicants each year under the component.~~ The financial assistance will be awarded to innovative businesses that are pursuing the validation of the marketability of a technology. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail what technologies the applicant is researching, how the applicant is pursuing commercialization of those technologies, and how the financial assistance will be used to bring the new technologies to market in Iowa.

b. The applied research component makes financial assistance available to innovative businesses in order to allow them to better connect university research to their needs and to accelerate the transfer of new technologies to the marketplace. The authority, ~~in conjunction with the corporation,~~ may award financial assistance to university researchers who are attempting to bring their research more in line with market and industrial needs by forming partnerships with innovative businesses. Financial assistance under this component may take the form of grant funds. If grant funds are awarded, the applicant shall be required to match the amount of grant funds with other moneys at a ratio of one to one. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail what activities the applicant will engage in to accelerate the validation of technology for the marketplace.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

c. The MEP component makes financial assistance available to service providers that form partnerships with innovative businesses to conduct workshops for the purpose of providing assistance in determining and prioritizing applied research needs based on gaps in productivity or product needs and that offer to broker connections between innovative businesses and the researchers who can perform the necessary applied research. Financial assistance is also available to innovative businesses under this component for product development, design verification, custom equipment development, manufacturing process development, and technology development and commercialization. The authority, ~~in conjunction with the corporation,~~ will award financial assistance to eligible innovative businesses. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail the nature of the partnerships being formed, what activities the partnership will undertake, and how such activities will further the goals of this component. Applicants must submit applications for assistance under this component and must describe in detail how the proposed services will expand the applicant's market penetration, create a new product with market relevance, or enhance an existing product by further innovation.

ITEM 11. Amend subrule 108.4(4) as follows:

108.4(4) *Delegation of certain administrative functions to the corporation.* The authority ~~will~~ may delegate certain administrative functions of the program to ~~the corporation~~ a service provider engaged pursuant to Iowa Code section 15.411. The functions that ~~will~~ may be delegated are:

a. The initial application review process, including an analysis of the application and a determination as to whether the applicant meets all requirements of eligibility under the program and a recommendation on the amount of financial assistance to be provided and under what terms and conditions.

b. The tracking and monitoring of the applicant's progress as well as the eventual outcomes achieved as a result of an award. ~~The corporation~~ service provider shall report annually to the authority on the results of the program.

c. The tracking and monitoring of contract terms and conditions for applicants receiving financial assistance under the program.

d. The provision of technical assistance ~~as described in subrule 108.4(2)~~ to applicants.

ITEM 12. Amend subrule 108.4(5) as follows:

108.4(5) *Administrative functions not delegated.* The authority will retain, and not delegate, the performance of the following functions: (1) the final determination as to whether to approve, deny, or defer an award of financial assistance; (2) the disbursement of moneys provided for in an award of financial assistance; (3) the final determination as to whether there is a default in the terms of a contract entered into under the program, including all decisions regarding appropriate remedies for such a default; and (4) any other function not clearly delegated to ~~the corporation~~ a service provider pursuant to subrule 108.4(4).

ITEM 13. Amend subrule 108.6(1) as follows:

108.6(1) *Contract required.* An applicant awarded financial assistance under the program shall enter into a contract with the authority for the receipt of such funds. The authority will include in the contract all terms and conditions for receipt of the funds, ~~including any terms recommended by the corporation.~~ The tracking and monitoring of the contract terms ~~will~~ may be delegated to ~~the corporation.~~ The corporation a service provider. A service provider to which the authority delegates tracking and monitoring of contract terms shall provide regular reports to the authority on the progress of the applicant and on the results of the tracking and monitoring. The authority will make the final determination as to compliance with the terms of the contract and as to whether and when to disburse funds to the applicant.

ARC 6262C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

**Proposing rule making related to floodplain permitting for
bridges and providing an opportunity for public comment**

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 72, “Criteria for Approval,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455B.275(9), 455B.276(1) and 455B.278(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.262, 455B.264(3) and 455B.275.

Purpose and Summary

Chapter 72 regulates, among other structures, bridges constructed in a floodplain. Currently, the permitting rules distinguish between new bridges and replacement bridges. Replacement bridges are not allowed to increase backwater at all, whereas new bridges can cause up to one foot of backwater. Backwater is upstream flooding caused by constricting the flow of water.

A replacement bridge may cause an increase in backwater for justifiable reasons. For instance, backwater may increase when the bridge is redesigned to lessen the likelihood of a road closure during high water events. Preventing high water from overtopping the roadway increases the amount of water flowing under the bridge. This can result in minor (up to several inches of) increased backwater.

Under the current rules, the Department of Natural Resources (Department), on behalf of the Commission, has issued many design waivers permitting a replacement bridge under conditions that are approved by rule for a new bridge. This is burdensome and costly for permittees and time consuming for staff. The proposed amendment will subject new bridges and replacement bridges to the same standards. This change will prevent the need for waivers in the future.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Jonathan Garton
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: jonathan.garton@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact Jonathan Garton via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the public hearing must submit a request to Jonathan Garton prior to the hearing to facilitate an orderly hearing.

April 12, 2022
2 to 3 p.m.

Via video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend paragraph **72.1(2)“a”** as follows:

a. Backwater Q100.

(1) The maximum allowable Q100 backwater for new bridges and road embankments is 1.0 foot.

~~(2) The maximum allowable Q100 backwater for replacement bridges and roadway embankments is the lesser of the following: Q100 backwater for the existing bridge and road embankment or 1.0 foot.~~

~~(3) (2)~~ For a new bridge and road embankment located within a stream reach for which the Federal Emergency Management Agency has published a detailed Flood Insurance Study which includes a floodway, the backwater for Q100 shall not exceed the surcharge associated with the delineation for the floodway at that location.

(4) (3) In no case shall the Q100 backwater effects of a bridge or road embankment reduce the existing level of protection provided by certain flood control works, unless equivalent remedial measures are provided.

ARC 6261C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

**Proposing rule making related to cathode ray tube recycling
and providing an opportunity for public comment**

The Environmental Protection Commission hereby proposes to amend Chapter 100, “Scope of Title — Definitions — Forms — Rules of Practice,” to rescind Chapter 122, “Cathode Ray Tube Device Recycling,” and to adopt a new Chapter 122, “Cathode Ray Tube Recycling,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 455D.6(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 455D.6(5).

Purpose and Summary

Chapter 122 regulates the recycling of discarded cathode ray tubes (CRTs).

This proposed rule making reduces and simplifies Iowa’s CRT regulations by focusing on federal regulations found at 40 CFR Parts 260 and 261. The federal rules focus on the proper storage of CRTs and on the tracking of CRT recycling. The revised Chapter 122 will more effectively prevent the speculative accumulation of CRTs compared to Iowa’s current rules. Preventing the unlawful speculative accumulation of CRTs will be more protective of human health and the environment than cleaning up stockpiles after the fact.

Notably, the proposed amendments remove two current state requirements that are unnecessarily burdensome or redundant. First, the revision of the chapter removes the requirement that CRT recyclers carry financial assurance. The proposed chapter’s structure on more detailed tracking and reporting coupled with heightened standards on storage will more effectively prevent any speculative accumulation from occurring, rendering financial assurance unnecessary. Second, the proposed revision removes all requirements related to batteries, circuit boards, mercury-containing components, and polychlorinated biphenyl (PCB) capacitors. These components are not typically found in CRTs and are governed by other federal hazardous and universal waste regulations.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Theresa Stiner
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Email: theresa.stiner@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact Theresa Stiner via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Ms. Stiner prior to the hearing to facilitate an orderly hearing.

April 12, 2022
2 p.m.

Via video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definitions of “Cathode ray tube,” “CFR,” “CRT collection,” “CRT collection facility,” “CRT glass,” “CRT recycling,” “CRT recycling facility,” “Discarded” and “Short-term CRT collection event” in rule **567—100.2(455B,455D)**:

“*Cathode ray tube*” or “*CRT*” means a vacuum tube composed primarily of leaded glass which is the visual or video display component of an electronic device. An intact CRT means a CRT whose vacuum has not been released. A broken CRT means glass removed from its housing or casing whose vacuum has been released.

“*CFR*” means Code of Federal Regulations.

“*CRT collection*” means any activity by a CRT recycling facility or CRT collection facility involving the collection of discarded CRTs that is not a short-term CRT collection event.

“*CRT collection facility*” means a property where ongoing CRT collection is the only CRT recycling activity performed.

“*CRT glass*” means any glass generated from CRTs.

“*CRT recycling*” means any process by which discarded CRTs that would otherwise become waste are collected, processed and returned to use in the form of raw materials or products. CRT recycling includes but is not limited to receiving broken or intact CRTs, intentionally breaking intact CRTs or

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

further breaking or separating broken CRTs, and sorting or otherwise managing glass removed from CRT monitors.

“*CRT recycling facility*” means a property where CRT recycling takes place. A CRT recycling facility may also collect CRTs.

“*Discarded*” means no longer to be used for the original intended purpose and means the letting go or throwing away of materials that have become useless or superfluous though often not intrinsically valueless. CRTs that are returned to the original owner are not “discarded.”

“*Short-term CRT collection event*” means any temporary activity involving the collection of discarded CRTs for recycling that is not on the premises of a CRT recycling facility or CRT collection facility.

ITEM 2. Rescind 567—Chapter 122 and adopt the following **new** chapter in lieu thereof:

CHAPTER 122
CATHODE RAY TUBE RECYCLING

567—122.1(455D) Purpose. These rules are intended to satisfy the requirements of Iowa Code section 455D.6(5). The purpose of this chapter is to implement rules for the recycling of discarded CRTs and the disassembly and removal of toxic parts from discarded CRTs in a manner that is safe for human health and the environment.

567—122.2(455D) Applicability and compliance. This chapter applies to discarded CRTs that are collected for recycling and to CRT glass processed for recycling. This chapter does not apply to CRTs collected for disposal.

122.2(1) This chapter applies to facilities and short-term CRT collection events that perform CRT recycling functions including but not limited to the collection, demanufacturing, and processing of discarded CRTs.

122.2(2) This chapter does not apply to CRT reuse activities, CRT service and repair activities or CRT refurbishing activities that do not otherwise qualify as CRT recycling.

122.2(3) The issuance of a permit or registration by the department in no way relieves the applicant of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules or other requirements applicable to the construction, operation, and closure of a CRT collection facility or CRT recycling facility.

122.2(4) All discarded CRTs collected for recycling, including those generated by a household, once collected by a CRT collection facility or CRT recycling facility, shall be managed in accordance with 40 CFR 261.39 and this chapter. If there is a conflict, the more stringent regulation applies.

567—122.3(455D) Definitions. For the purposes of this chapter, the definitions found in 567—Chapter 100 shall apply.

567—122.4(455D) Short-term CRT collection events. All short-term CRT collection events shall be conducted in a manner that complies with this rule. Short-term CRT collection event organizers are not required to register the event as a CRT collection facility.

122.4(1) Within one week of collection, all discarded CRTs and CRT glass shall be transported to a properly permitted CRT recycling facility or registered CRT collection facility.

122.4(2) During the period between collection and transport, all broken CRTs and CRT glass shall be stored in one of the following ways:

- a. In a fully enclosed building with a roof, floor and walls, or
- b. In a container that is constructed, filled and closed to minimize releases to the environment of CRT glass (including fine solid materials).

122.4(3) During the period between collection and transport, intact discarded CRTs shall be stored in one of the following ways:

- a. In a fully enclosed building with a roof, floor and walls, or

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

b. In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

567—122.5(455D) Registration for CRT collection facilities. A CRT collection facility shall register with the department using Form 542-0060.

122.5(1) The registration application shall include proof of the applicant's ownership of the property or legal entitlement to use the property for CRT collection. If the facility is leased, the application shall also include a statement, signed by the property owner, stating that the property owner is aware that CRT collection is taking place at the site and that the property owner may be held liable for wastes abandoned at the property.

122.5(2) CRT collection facilities registered prior to [the effective date of these amendments] shall submit their first registration renewal by February 1 of the year following the first full calendar year after [the effective date of these amendments]. The registration will expire on March 1 of the same year if the renewal is not received, is incomplete, or shows noncompliance with this chapter. In addition to the reporting requirements in rule 567—122.11(455D), the first registration renewal shall include proof of the facility's ownership of the property or legal entitlement to use the property for CRT collection. If the facility is leased, the application shall also include a statement, signed by the property owner, stating that the property owner is aware that CRT collection is taking place at the site and that the property owner may be held liable for wastes abandoned at the site.

122.5(3) Registration will expire March 1 of each year if renewal has not been made and approved.

122.5(4) Annual registration renewal occurs by complying with the reporting requirements in rule 567—122.11(455D). Once a complete report is received and confirmed complete in writing by the department, the facility's registration will be renewed until March 1 of the following year.

122.5(5) The department may deny or revoke CRT collection facility registration if one or more of the following is determined by the department:

- a. The registration application is incomplete.
- b. There is a violation of a requirement of this chapter, including but not limited to failing to submit accurate and timely reports as required in rule 567—122.11(455D).
- c. There is or was a misrepresentation made in obtaining a registration or registration renewal under this chapter.
- d. The registrant fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with this chapter within the time frame established in the agreed order.
- e. The permittee has lost legal entitlement to use the property identified in the registration.
- f. Upon notice to the department by the permittee that the permittee no longer wishes to retain the registration for future operation.

567—122.6(455D) CRT recycling facility permits.

122.6(1) Permit required. A CRT recycling facility shall not be operated without a permit from the department.

122.6(2) Notification of change in status. CRT recycling facilities must notify the department 30 days prior to any significant change of status of the operation, including any change in the ownership or operation of the facility or location of the facility.

122.6(3) Denial or revocation of permit. The department may deny, revoke, or limit the length of a permit if one or more of the following is determined:

- a. The department has revoked the applicant's previous permit under this chapter.
- b. The application form is incomplete.
- c. There is a violation of a requirement of this chapter or a condition of the permit.
- d. There is a failure to disclose all relevant facts in obtaining a permit under this chapter.
- e. There is a misrepresentation made in obtaining a permit under this chapter.
- f. There is a misrepresentation in the annual report required in rule 567—122.11(455D).
- g. The permittee fails to meet the requirements for a permit.

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h. The permittee fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with the permit or this chapter within the time frame established in the agreed order.

i. The permittee has lost legal entitlement to use the property identified in the permit.

j. Upon notice to the department by the permittee that the permittee no longer wishes to retain the permit for future operation.

122.6(4) *Permit conditions.* The department may place conditions on any permit deemed necessary by the department to ensure compliance with this chapter and to protect human health and the environment.

122.6(5) *Effect of revocation.* If a permit held by any public or private agency is revoked by the director, then no new permit shall be issued to that agency for that CRT recycling facility for a period of one year from the date of revocation. Such revocation shall not prohibit the issuance of a permit for the facility to another public or private agency.

122.6(6) *Duration and renewal of permits.* A permit shall be issued for the life of the facility, unless otherwise authorized by the department.

567—122.7(455D) CRT recycling facility permit application requirements.

122.7(1) A CRT recycling facility permit applicant shall submit the following permit application information to the department:

a. The name, address, and telephone number of:

- (1) The owner of the site where the project will be located.
- (2) The permit applicant.
- (3) The individual responsible for the operation of the project.
- (4) The agency to be served by the project, if any.
- (5) The responsible official of the agency to be served, if any.

b. The physical location of the facility, and any collection sites if separate from the main facility.

c. Proof of the applicant's ownership of the property or legal entitlement to use the property for CRT recycling. If the facility is leased, the applicant shall submit a signed statement from the property owner stating that the property owner is aware that CRT collection or recycling is taking place at the property and that the property owner may be held liable for wastes left at the property.

d. Documentation that the facility meets local zoning requirements.

e. A brief description of the facility and the CRT processing that will take place.

122.7(2) If the department finds the permit application information to be incomplete, it shall notify the applicant of that fact and of the specific deficiencies. If the deficiencies are not corrected within 30 days, the department may deny the application. The applicant may reapply without prejudice.

567—122.8(455D) Discarded CRT management requirements. CRT collection facilities and CRT recycling facilities shall manage all discarded CRTs in accordance with 40 CFR 261.39 and 40 CFR 260.43.

122.8(1) Discarded CRTs and processed CRT glass shall not be speculatively accumulated pursuant to 40 CFR 261.1(c)(8).

122.8(2) Broken CRTs and processed CRT glass shall be stored either:

a. In a building with a roof, floor and walls, or

b. In a container (e.g., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

122.8(3) Intact discarded CRTs shall be stored either:

a. In a building with a roof, floor, and walls, or

b. In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

122.8(4) Each container of broken CRTs or CRT glass must be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s)-contains leaded glass. Do not mix with other glass

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

materials” or “Leaded glass from televisions or computers. Do not mix with other glass materials.” Each container shall also be labeled with the first date that material began to be accumulated in the container.

122.8(5) Each container or pallet of intact discarded CRTs shall be labeled with the first date that any material began to accumulate in the container or on the pallet.

122.8(6) Broken CRTs must be transported in a container meeting the requirements of subrule 122.8(2).

122.8(7) CRT collection facilities or CRT recycling facilities that export broken CRTs shall also comply with 40 CFR 261.39(a)(5).

122.8(8) All processing of CRTs shall be processed according to 40 CFR 261.39(b).

122.8(9) Failure to comply with this rule and the CFR sections referenced is grounds for termination of any permit or registration authorized by this rule.

567—122.9(455B,455D) Record-keeping requirements for CRT collection facilities.

122.9(1) All CRT collection facilities shall maintain the following records on a calendar-year basis:

a. The name and address of the facility receiving a shipment that left the CRT collection facility, and contact information for the receiving facility.

b. The type of service the receiving facility will provide to the CRT collection facility.

c. A description of the shipment contents.

d. All bills of lading.

e. All hazardous waste manifests.

122.9(2) Records must be maintained at the facility, must be submitted to the department upon request, and may be destroyed after three years.

567—122.10(455D) Record-keeping requirements for CRT recycling facilities.

122.10(1) All CRT recycling facilities shall maintain the following records on a calendar-year basis:

a. The total aggregate weight and receipt date of each shipment of discarded CRTs received from businesses, institutions, CRT collection facilities, short-term CRT collection events, and other permitted CRT recycling facilities.

b. The name, address, and contact information for shipments reported pursuant to subrule 122.11(1).

c. The total aggregate weight and date of each shipment leaving the CRT recycling facility.

d. The name and address of the facility receiving a shipment that left the CRT recycling facility, contact information for the receiving facility and a description of the shipment contents including all applicable bills of lading.

e. The type of service the receiving facility will provide to the CRT recycling facility.

f. All hazardous waste manifests.

122.10(2) Records must be maintained at the facility, must be available for review by the department on demand, and may be destroyed after three years.

567—122.11(455D) Reporting requirements. CRT collection facilities and CRT recycling facilities shall report the following information on Form 542-8131, provided by the department, to the department by February 1 of each year for the previous calendar year.

122.11(1) The amount, either by weight or volume, of discarded CRTs and processed CRT glass on site on January 1.

122.11(2) The amount, either by weight or by volume, of discarded CRTs and CRT glass recycled or transferred for recycling during the calendar year.

122.11(3) The amount, either by weight or by volume, of discarded CRTs and processed CRT glass on site on December 31.

122.11(4) Indication of whether the CRTs received over the past year were generated by households, businesses, or both households and businesses.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

567—122.12(455D) Closure requirements for CRT recycling facilities. A CRT recycling facility and CRT collection facility shall submit to the department written notice of intent to permanently close at least 60 days before closure. Closure shall not be official until the department field office with jurisdiction over the facility has given written certification of the proper disposal of all solid waste, discarded CRTs, and materials derived from discarded CRTs at the site.

These rules are intended to implement Iowa Code section 455D.6(5).

ARC 6247C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to five-year review of rules and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 3, “Department Procedure for Rule Making,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 17A.3 to 17A.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.3.

Purpose and Summary

This rule making is proposed as part of the Department’s five-year rules review process. This rule making updates information on the current rule-making process, including contact information and electronic availability of rule-making documents. Means of distribution of rule-making documents are changed to reflect the current process of electronic availability instead of distributing documents by mail. Information in the rules that duplicates information already dictated in the Iowa Code and other administrative rules is removed. No changes to the Department’s rule-making process are made in this rule making.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

HUMAN SERVICES DEPARTMENT[441](cont'd)

Nancy Freudenberg
 Department of Human Services
 Hoover State Office Building, Fifth Floor
 1305 East Walnut Street
 Des Moines, Iowa 50319-0114
 Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rules 441—3.3(17A) to 441—3.6(17A) as follows:

441—3.3(17A) Public rule-making docket.

~~3.3(1) *Docket maintained.* The department shall maintain a current public rule-making docket utilize the electronic public rule-making docket provided by the office of the chief information officer.~~

~~3.3(2) *Anticipated rule making.* Rescinded IAB 3/6/02, effective 5/1/02.~~

~~3.3(3) *Pending rule-making proceedings.* The rule-making docket shall list each pending rule-making proceeding. A rule-making proceeding is pending from the time it is commenced, by publication in the Iowa Administrative Bulletin of a Notice of Intended Action pursuant to Iowa Code section 17A.4(1)“a,” to the time it is terminated, by publication of a Notice of Termination in the Iowa Administrative Bulletin or the rule’s becoming effective. For each rule-making proceeding, the docket shall indicate:~~

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

441—3.4(17A) Notice of proposed rule making.

HUMAN SERVICES DEPARTMENT[441](cont'd)

3.4(1) No change.

3.4(2) *Copies of notices by mail.* ~~Persons desiring to receive copies of future Notices of Intended Action by subscription shall complete Form 470-2250, Notice Subscription, which is available from the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114, indicating the name and address to which the notices shall be sent. Persons may subscribe to all notices of the department, or only to notices pertaining to the service, income maintenance, or medical programs. Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the department shall mail a copy of the notice to subscribers who have completed Form 470-2250 and paid the subscription price. The subscription price includes the cost of labor and supplies for copying and mailing of the notices. At the end of each calendar year, subscribers will be sent Form 470-2250 to complete if they wish to continue on the mailing list. All Notices of Intended Action are published on the legislative services agency website and are available for download at www.legis.iowa.gov/law/administrativeRules/bulletinSupplementListings.~~

3.4(3) *Subscription to Web site.* ~~Persons desiring to receive a weekly memo via E-mail listing new rules under proposal by the department shall go to the department's Web site at <http://www.dhs.state.ia.us/policyanalysis/> to subscribe or E-mail the department's rules administrator at policyanalysis@dhs.state.ia.us indicating the E-mail address to which the memo shall be sent. This service shall be available without charge.~~

441—3.5(17A) Public participation.

3.5(1) *Written comments.* For at least 20 days after publication of the Notice of Intended Action, persons may submit argument, data, and views, in writing or via electronic transmission, on the proposed rule. These submissions should identify the proposed rule to which they relate and should be submitted to the ~~Office~~ Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or to the department's rules administrator at policyanalysis@dhs.state.ia.us appeals@dhs.state.ia.us. Persons may also submit written comments on a Notice of Intended Action at the website rules.iowa.gov, which lists all Notices of Intended Action that are open for public comment.

3.5(2) *Oral proceedings.* The department may, at any time, schedule an oral proceeding on a proposed rule. The department shall schedule an oral proceeding on a proposed rule if, within 20 days after the published Notice of Intended Action, a written request for an opportunity to make oral presentations is submitted to the department by the administrative rules review committee, a governmental subdivision, a state agency, an association having not less than 25 members, or at least 25 persons. That request must also contain the following additional information:

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

The department may waive technical compliance with these procedures.

~~Oral proceedings scheduled by the department regarding rules directly affecting indigent clients shall be held in each of the service areas defined in rule 441—1.4(17A).~~

~~In the case of rules not directly affecting indigent clients, the~~ The department shall determine for each rule for which oral proceedings are scheduled whether it will be necessary to hold presentations in all eight locations the number of locations at which hearings will be held throughout the state, if needed. Anyone may object to the department's decision prior to the date of the proceedings by writing the same addressee specified in the Notice of Intended Action for receiving written data, views, or arguments. The department shall review the adequacy of the number of locations in light of the comments received.

HUMAN SERVICES DEPARTMENT[441](cont'd)

3.5(3) and **3.5(4)** No change.

3.5(5) Accessibility. The department shall schedule oral proceedings in rooms accessible to and functional for persons with physical disabilities. Persons who have special requirements should contact the office of policy analysis at (515)281-8440 Bureau of Policy Analysis, Department of Human Services, at appeals@dhs.state.ia.us in advance to arrange access or other needed services.

441—3.6(17A) Regulatory analysis.

3.6(1) Definition of small business. A “small business” is defined in Iowa Code section 17A.4A(7).

~~**3.6(2) Distribution list.** Small businesses or organizations of small businesses may be registered on the department’s small business impact list by making a written application addressed to the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114. The application for registration shall state:~~

~~a. The name of the small business or organization of small businesses;~~

~~b. Its address;~~

~~c. The name of a person authorized to transact business for the applicant;~~

~~d. A description of the applicant’s business or organization. An organization representing 25 or more persons who qualify as a small business shall indicate that fact.~~

~~e. Whether the registrant desires copies of Notices of Intended Action at cost or desires advance notice of the subject of all or some specific category of proposed rule making affecting small business.~~

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

~~**3.6(3) Time of distribution.** Within seven days after submission of a Notice of Intended Action to the administrative rules coordinator for publication in the Iowa Administrative Bulletin, the department shall mail to all registered small businesses or organizations of small businesses, in accordance with their request, either a copy of the Notice of Intended Action or notice of the subject of that proposed rule making. In the case of a rule that may have an impact on small business adopted in reliance upon Iowa Code section 17A.4(2), the department shall mail notice of the adopted rule to registered businesses or organizations prior to the time the adopted rule is published in the Iowa Administrative Bulletin.~~

~~**3.6(4) 3.6(2) Qualified requestors for regulatory analysis—economic impact.** The department shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2) “a” after a proper request from:~~

~~a. The administrative rules coordinator.~~

~~b. The administrative rules review committee.~~

~~**3.6(5) 3.6(3) Qualified requestors for regulatory analysis—business impact.** The department shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2) “b” after a proper request from:~~

~~a. The administrative rules review committee.~~

~~b. The administrative rules coordinator.~~

~~c. At least 25 or more persons who sign the request provided that each represents a different small business.~~

~~d. An organization representing at least 25 small businesses. That organization shall list the name, address and telephone number of not less than 25 small businesses it represents.~~

~~**3.6(6) 3.6(4) Time period for analysis.** Upon receipt of a timely request for a regulatory analysis, the agency shall adhere to the time lines described in Iowa Code section 17A.4A(4).~~

~~**3.6(7) 3.6(5) Contents of request.** A request for a regulatory analysis is made when it is mailed, emailed, or delivered to the department. The request shall be in writing and satisfy the requirements of Iowa Code section 17A.4A(1).~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

~~3.6(8)~~ **3.6(6)** *Contents of concise summary.* The contents of the concise summary shall conform to the requirements of Iowa Code sections 17A.4A(4) and (5).

~~3.6(9)~~ **3.6(7)** *Publication of a concise summary.* The department shall make available to the maximum extent feasible, copies of the published summary ~~in conformance with Iowa Code section 17A.4A(5)~~ on the department's website.

~~3.6(10)~~ **3.6(8)** *Regulatory analysis contents—rules review committee or rules coordinator.* When a regulatory analysis is issued in response to a written request from the administrative rules review committee or the administrative rules coordinator, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2) "a," unless a written request expressly waives one or more of the items listed therein.

~~3.6(11)~~ **3.6(9)** *Regulatory analysis contents—substantial impact on small business.* When a regulatory analysis is issued in response to a written request from the administrative rules review committee, the administrative rules coordinator, at least 25 persons signing that request who each qualify as a small business or by an organization representing at least 25 small businesses, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2) "b."

ITEM 2. Rescind rule ~~441—3.10(17A)~~.

ITEM 3. Renumber rules ~~441—3.11(17A)~~ to ~~441—3.16(17A)~~ as ~~441—3.10(17A)~~ to ~~441—3.15(17A)~~.

ITEM 4. Amend renumbered rules 441—3.10(17A) to 441—3.12(17A) as follows:

441—3.10(17A) Concise statement of reasons.

3.10(1) *General.* When requested by a person, either prior to the adoption of a rule or within 30 days after its publication in the Iowa Administrative Bulletin as an adopted rule, the department shall issue a concise statement of reasons for the rule. Requests for such a statement must be in writing and be delivered to the ~~Office~~ Bureau of Policy Analysis, Department of Human Services, Fifth Floor, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114. Requests may also be sent via email to appeals@dhs.state.ia.us. The request should indicate whether the statement is sought for all or only a specified part of the rule. Requests shall be considered made on the date received.

3.10(2) and **3.10(3)** No change.

441—3.11(17A) Contents, style, and form of rule.

~~3.11(1)~~ *Contents.* Each rule adopted by the department shall contain the text of the rule and, in addition:

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

~~3.11(2)~~ *References to materials not published in full.* When the administrative code editor decides to omit the full text of a proposed or adopted rule because publication of the full text would be unduly cumbersome, expensive, or otherwise inexpedient, the department shall prepare and submit to the administrative code editor for inclusion in the Iowa Administrative Bulletin and Iowa Administrative Code a summary statement describing the specific subject matter of the omitted material. This summary statement shall include the title and a brief description sufficient to inform the public of the specific

HUMAN SERVICES DEPARTMENT[441](cont'd)

nature and subject matter of the proposed or adopted rules and of significant issues involved in these rules. The summary statement shall also describe how a copy of the full text of the proposed or adopted rule, including any unpublished matter and any matter incorporated by reference, may be obtained from the department. The department shall provide a copy of that full text at actual cost upon request and shall make copies of the full text available for review either electronically or at the State Law Library.

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

3.11(3) *Style and form.* In preparing its rules, the department shall follow the uniform numbering system, form, and style prescribed by the administrative rules coordinator.

441—3.12(17A) Department rule-making record.

3.12(1) *Requirement.* ~~The department shall maintain an official rule-making record for each rule it proposes by publication in the Iowa Administrative Bulletin of a Notice of Intended Action, or adopts. The rule-making record and materials incorporated by reference shall be available for public inspection.~~ The legislative services agency maintains an official rule-making record of each rule the department proposes or adopts on the legislative services agency website at www.legis.iowa.gov/law/administrativeRules/bulletinSupplementListings.

3.12(2) *Contents.* The department rule-making record shall contain:

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

b.—Copies of Form 470-0096, Rule Log, containing dates of actions and Iowa Administrative Bulletin references relating to the rule or the proceeding upon which the rule is based;

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

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

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

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

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

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

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

j.—A copy of any significant written criticism of the rule, including a summary of any requests for an exception to policy for the rule; and

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

3.12(3) *Effect of record.* Except as otherwise required by a provision of law, the department rule-making record required by this rule need not constitute the exclusive basis for department action on that rule.

HUMAN SERVICES DEPARTMENT[441](cont'd)

~~3.12(4) Maintenance of record. The department shall maintain the rule-making record for a period of not less than five years from the later of the date the rule to which it pertains became effective or the date of the Notice of Intended Action.~~

ARC 6252C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to five-year review of rules and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 4, “Petitions for Rule Making,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 17A.3, 17A.4, 17A.5, 17A.6 and 17A.7.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.3.

Purpose and Summary

This proposed rule making is part of the Department’s five-year rules review process. This rule making makes changes to contact information and nonsubstantive changes to verbiage for consistency throughout the agency’s rules.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

HUMAN SERVICES DEPARTMENT[441](cont'd)

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 441—4.1(17A) as follows:

441—4.1(17A) Petition for rule making. Any person or state agency may file a petition for rule making with the department at the ~~Office~~ Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or at appeals@dhs.state.ia.us. ~~A petition is deemed filed when it is received by that office.~~ The date of receipt of a petition is the day it reaches the department’s rules administrator. The department ~~must~~ shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the department an extra copy for this purpose. The petition ~~must~~ shall be typewritten or legibly handwritten in ink and ~~must~~ shall substantially conform to the following form:

BEFORE THE DEPARTMENT OF HUMAN SERVICES

Petition by (Name of Petitioner) for the (adoption, amendment, or repeal) of rules relating to (state subject matter).	}	PETITION FOR RULE MAKING
------------------------------------------------------------------------------------------------------------------------------	---	-----------------------------

The petition ~~must~~ shall provide the following information:

1. A statement of the specific rule-making action sought by the petitioner including the text or a summary of the contents of the proposed rule or amendment to a rule and, if it is a petition to amend or repeal a rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or repealed.
 2. A citation to any law deemed relevant to the department’s authority to take the action urged or to the desirability of that action.
 3. A brief summary of petitioner’s arguments in support of the action urged in the petition.
 4. A brief summary of any data supporting the action urged in the petition.
 5. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.
 6. Any request by petitioner for a meeting provided for by subrule 4.4(1).
- 4.1(1)** The petition ~~must~~ shall be dated and signed by the petitioner or the petitioner’s representative. It ~~must~~ shall also include the name, mailing address, and telephone number of the petitioner and petitioner’s representative, and a statement indicating the person to whom communications concerning the petition should be directed.
- 4.1(2)** The department may deny a petition because it does not substantially conform to the required form.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 2. Amend rule 441—4.3(17A) as follows:

441—4.3(17A) Inquiries. Inquiries concerning the status of a petition for rule making may be made to Rules Administrator, ~~Office~~ Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114 or at appeals@dhs.state.ia.us.

ARC 6251C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to payment of employees' small claims and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 8, "Payment of Small Claims," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 217.6 and 217.23.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 217.23.

Purpose and Summary

When a Department employee's personal items are damaged or destroyed during the employee's tour of duty, the Department may reimburse the employee for repair or replacement of the items. Claims that are approved are to be paid from the Department's support allocation and cannot exceed \$300 per item.

The Department has been authorizing \$300 payments in compliance with Iowa Code section 217.23 since the Iowa Code change went into effect. This proposed amendment brings the rules into compliance with Iowa Code section 217.23 by changing "\$150" to "\$300" and is part of the five-year rules review process.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

HUMAN SERVICES DEPARTMENT[441](cont'd)

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 8.1(4) as follows:

8.1(4) Claims which are approved for payment shall be paid from the support allocation of the department and shall not exceed \$150 \$300 per item.

ARC 6253C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to offset of county debts owed department
and providing an opportunity for public comment**

The Human Services Department (Department) hereby proposes to rescind Chapter 14, “Offset of County Debts Owed Department,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 217.6 and 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 234.6.

Purpose and Summary

The Department is proposing to eliminate Chapter 14 in its entirety. The process for offsets of debts owed to state agencies in this chapter is duplicative of the requirements in 11—Chapter 40 and the setoff procedures in Iowa Code section 8A.504. Because the Department of Administrative Services has established a process by which state agencies can participate in the offset program by identifying debtors who owe liabilities to that agency and offset those liabilities against claims owed to debtors by agencies, this chapter is no longer necessary.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind and reserve **441—Chapter 14**.

ARC 6250C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to funding for local services and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 153, “Funding for Local Services,” Iowa Administrative Code.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 232 and sections 217.6 and 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 232 and sections 217.6 and 234.6.

Purpose and Summary

This proposed rule making is part of the Department's five-year rules review process. Changes in Division I would set the requirements for developing a social services block grant preexpenditure report. This rule making would add references to the intended use plan, which is always done in tandem with the social services block grant preexpenditure report. The proposed report and intended use plan need to be available for public review and comment for a minimum of ten days instead of two weeks. Changes in Division II would update the number of the Department's service areas from eight to six and update the name of Community Empowerment to Early Childhood Iowa. Division IV would be rescinded because the program no longer exists and Iowa Code section 331.440, which authorized the program, has been repealed.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 441—153.2(234) as follows:

441—153.2(234) Development of preexpenditure report and intended use plan.

153.2(1) The department of human services shall develop the social services block grant preexpenditure report and intended use plan on an annual basis. The report and plan shall be developed in accordance with the Code of Federal Regulations, Title 45, Part 96, Subpart G, as amended to ~~July 20, 2000~~ December 8, 2021. The report and plan shall describe the services to be funded, in what areas services are available and the amount of funding available. The plan shall also indicate the source of funding.

153.2(2) The department shall issue a proposed preexpenditure report and intended use plan before publication of the final report and plan. The proposed report and plan shall be available for public review and comment:

a. In each local office where a service area manager is based during regular business hours for a ~~two-week~~ ten-day period; and

b. On the department's Internet ~~Web-site~~ website, www.dhs.iowa.gov.

153.2(3) The time and scope of public review will be announced each year. The announcement will indicate the time the proposed report and plan can be viewed. The department:

a. Shall make this information available on the department's Internet ~~Web-site~~ website, www.dhs.iowa.gov, and post signs in each local human services office; and

b. May publish advertisements in each service area listing the time of review.

153.2(4) The department shall accept comments about the preexpenditure report and intended use plan during the specified public review and comment period. Individuals or groups may submit written comments to the service area manager or to the Division of Fiscal Management, Iowa Department of Human Services, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, Iowa 50319-0114. The service area manager may arrange public hearings where testimony will be accepted.

153.2(5) The department shall consider the public comment when developing the final preexpenditure report and intended use plan.

153.2(6) A copy of the final preexpenditure report and intended use plan will be available:

a. In each local office where a service area manager is based; and

b. On the department's Internet ~~Web-site~~ website, www.dhs.iowa.gov.

ITEM 2. Amend rule 441—153.3(234) as follows:

441—153.3(234) Amendment to preexpenditure report and intended use plan.

153.3(1) The preexpenditure report and intended use plan may be amended throughout the year. The department may file an amendment changing the kind, scope or duration of a service. Decisions to change a direct service or state purchase service will be made by the department.

Prior to filing an amendment, the department ~~and the county boards of supervisors~~ will evaluate available funds and the effect any change will have on clients.

153.3(2) An amendment in the preexpenditure report and intended use plan will be posted in the local offices affected by the amendment at least 30 days prior to the effective date of the change. However, in the event funding for the service has been exhausted, an amendment shall be posted immediately notifying the public that the service will no longer be available. The service area manager will, whenever possible, give advance notice of a service termination made necessary because funds

HUMAN SERVICES DEPARTMENT[441](cont'd)

have been exhausted. When a service is added or extended, an amendment may be posted immediately and a 30-day posting period is not required.

153.3(3) and 153.3(4) No change.

ITEM 3. Amend subrule 153.5(2) as follows:

153.5(2) Funding for services shall be allocated in accordance with the annual budgeting process. The department's annual budget is available for review on the department's Internet ~~Web-site~~ website at www.dhs.iowa.gov. Costs may be shifted in and between service areas to ensure continued statewide availability of services.

ITEM 4. Amend rule ~~441—153.11(232)~~, definitions of “Decategorization agreement” and “Service area manager,” as follows:

“*Decategorization agreement*” means the agreement entered into among representatives of the department of human services, juvenile court services, and the county government in one or more counties to implement a decategorization project in accordance with the requirements of Iowa Code ~~Supplement~~ section 232.188 and this division.

“*Service area manager*” means the department official responsible for managing the department's programs, operations, and child welfare budget within one of the ~~eight~~ six department service areas. The centralized service area does not utilize decategorization services.

ITEM 5. Amend rule ~~441—153.12(232)~~, introductory paragraph, as follows:

441—153.12(232) Implementation requirements. The decategorization initiative shall be implemented through the creation and operation of decategorization projects in department service areas that utilize decategorization services. One or more counties may jointly agree to form a decategorization project to implement the initiative. The decategorization initiative shall be implemented in accordance with the following requirements:

ITEM 6. Amend subparagraph **153.13(5)“b”(2)** as follows:

(2) ~~Community empowerment~~ Early childhood Iowa;

ITEM 7. Amend subrule 153.18(2) as follows:

153.18(2) Submission of plan. The decategorization services plan shall be submitted to the department's child welfare administrator and to the early childhood Iowa empowerment state board by October 1 of each state fiscal year.

ITEM 8. Amend subrule 153.19(2) as follows:

153.19(2) Submission of report. The progress report shall be submitted to the department's child welfare administrator and to the early childhood Iowa empowerment state board by December 1 of each state fiscal year.

ITEM 9. Amend ~~441—Chapter 153~~, Division II implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement~~ section 232.188.

ITEM 10. Rescind ~~441—Chapter 153~~ Division IV preamble.

ITEM 11. Rescind rules ~~441—153.51(331)~~ to ~~441—153.58(331)~~.

ITEM 12. Rescind ~~441—Chapter 153~~ Division IV implementation sentence.

ARC 6249C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to five-year review of rules
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 184, “Individual and Family Direct Support,” Iowa Administrative Code.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 217.6 and 225C.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 217.6 and 225C.6.

Purpose and Summary

Chapter 184 was reviewed and is proposed to be amended as part of the Department's five-year review of rules. Division I regarding the Family Support Subsidy Program is amended to update the definition of "family member" based on the federal Development Disabilities Assistance and Bill of Rights Act definition as codified in 42 U.S.C. 15002(8). Iowa Code section 225C.37 specifies that the Department cannot accept new applications for the program after July 1, 2010. Members who are currently enrolled in the program remain eligible until one of the reasons for termination is met. Members' ongoing eligibility is determined annually based on a verification packet sent by the Department. If a member is determined eligible, the member's monthly payment is determined annually based on the federal cost-of-living adjustment (COLA). This proposed rule making brings the rules into compliance with the Iowa Code. Division II regarding the Comprehensive Family Support Program is amended to update an outdated reference to the United States Code and remove from the rules the form name and number of the application used to apply for the program, since the application form became obsolete effective July 1, 2016.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **441—184.1(225C)**, definition of “Family member,” as follows:

“*Family member*” means a person less than 18 years of age who by educational determination has a moderate, severe, or profound educational handicap or special health care needs or who otherwise meets the definition of developmental disability in the federal Developmental Disabilities Assistance and Bill of Rights Act, Section 102(5), as codified in 42 U.S.C. 6001(5) 15002(8).

ITEM 2. Rescind rule 441—184.3(225C) and adopt the following **new** rule in lieu thereof:

441—184.3(225C) Program termination. As of July 1, 2010, the department shall no longer accept new applications or approve pending applications for the family support subsidy program pursuant to Iowa Code section 225C.37(3). Family members enrolled in the program as of July 1, 2010, will continue to receive subsidy payments until members meet one of the reasons for termination outlined in subrule 184.8(1).

ITEM 3. Amend rule 441—184.4(225C) as follows:

441—184.4(225C) Family support services plan.

~~184.4(1) The special needs of the child and the family for the subsidy, and the resources available to meet those needs shall be identified on the application form.~~

~~184.4(2) 184.4(1) The applicant shall agree that the subsidy will be used to meet the special needs identified in the plan or other special needs of the child and family.~~

~~184.4(3) 184.4(2) Families shall retain the greatest possible flexibility in determining use of the subsidy, except a parent or legal guardian who receives family investment program benefits shall not use the subsidy to meet the basic needs of the family as defined in 441—subrule 41.28(2) or the special needs as defined in 441—subrule 41.28(3). In addition, if the child receives Medicaid, the subsidy shall only be used for the cost of services which are not covered by Medicaid.~~

ITEM 4. Amend rule 441—184.6(225C) as follows:

441—184.6(225C) Amount of subsidy payment. Families approved for payment shall receive an ongoing monthly payment that is determined annually by the department based on the federal cost-of-living adjustment (COLA).

~~184.6(1) *Monthly payment.* Families approved for payment shall receive an ongoing monthly payment that is determined by dividing the amount appropriated by the legislature by the number of available subsidy slots designated by the legislature for each state fiscal year. The number of slots and amount requested by the department shall be determined after consultation with the comprehensive family support council.~~

~~184.6(2) *Advance payment.* In addition, a one-time lump-sum advance payment of twice the monthly amount may be paid to the parent or legal guardian whose family member will be returning home for the purpose of preparing for in-home care.~~

~~184.6(3) *Effective date.* An approved subsidy shall be payable as of the first of the month following approval. A notice of decision stating that the application is approved shall be sent within two working days of the approval. The notice shall state the date payments will begin, the amount of monthly payments, and, if different, the amount of the first payment.~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 5. Amend rule 441—184.7(225C) as follows:

441—184.7(225C) Redetermination of eligibility. The department shall send a verification packet, which shall include instructions and necessary forms for verification of continuing eligibility, to all recipients of subsidy payments at least 30 calendar days prior to the deadline date for annual redetermination of eligibility. The completed verification materials shall be submitted annually to the department. If the signed verification of continuing eligibility is not received by the department by the last working day of the renewal month, the family's subsidy shall be terminated.

~~184.7(1) The department shall send an application packet, which shall include instructions and necessary forms for verification of continuing eligibility, to all recipients of subsidy payments at least 30 calendar days prior to the deadline date for annual redetermination of eligibility. The completed Form 470-2526, Application for Family Support Subsidy, and required verification materials shall be submitted annually to the Department of Human Services, Division of MH/MR/DD, Hoover State Office Building, Des Moines, Iowa 50319-0114. If the signed application and verification of continuing eligibility are not received by the division by the last working day of the renewal month, the family's subsidy shall be terminated.~~

~~184.7(2) When funding allows additional individuals to be added to the subsidy program, they shall be taken from the statewide waiting list, and their eligibility shall be redetermined at that time. An application packet, which includes instructions and necessary forms for verification of continuing eligibility, shall be sent to these families for completion and returned to the Department of Human Services, Division of MH/MR/DD, Hoover State Office Building, Des Moines, Iowa 50319-0114, within timelines specified by the department. If the signed application and verification of continuing eligibility are not received by the timeline specified by the department, the family's name shall be dropped from consideration for receipt of the subsidy payments.~~

ITEM 6. Amend subrule 184.8(3) as follows:

184.8(3) If funds are not sufficient to cover payments for all persons on the subsidy, persons will be terminated from the subsidy in inverse order to the dates they began receiving payments, i.e., the last person to be added on to the subsidy being the first person to be removed. ~~The person terminated will move back to the waiting list with the person's original application date dictating the person's position as stated in subrule 184.3(4).~~ The division of MH/MR/DD adult, children, and family services is responsible for notifying the persons who will be removed from the subsidy for this reason.

ITEM 7. Amend rule 441—**184.21(225C)**, definition of “Individual with a disability,” as follows:

“Individual with a disability” means a person who is less than 22 years of age and meets the definition of developmental disability in 42 U.S.C. § ~~6004~~ §15002.

ITEM 8. Amend rule 441—184.23(225C) as follows:

441—184.23(225C) Application. A family may apply on an application developed by an entity contracted by the department. The application shall be submitted to the department or to a local children at home contractor for assistance using Form 470-4399, Application for Children at Home Services. The local children at home contractor shall determine eligibility for services in accordance with the provisions of this division.

ITEM 9. Amend rule 441—184.25(225C) as follows:

441—184.25(225C) Direct assistance. Each local children at home contractor shall, ~~with the advice and assistance of the parent advisory council described in rule 441—184.27(225C),~~ develop procedures for providing direct financial assistance for supports and services that cannot be funded through other programs or means. Local policies shall be submitted to and approved by the department.

HUMAN SERVICES DEPARTMENT[441](cont'd)

ITEM 10. Rescind and reserve rule **441—184.27(225C)**.

ITEM 11. Amend **441—Chapter 184**, Division II implementation sentence, as follows:

These rules are intended to implement Iowa Code section 225C.47 ~~as amended by 2006 Iowa Acts, Senate File 2217, division VI.~~

ARC 6260C

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rule making related to waterfowl hunting and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 52, “Wildlife Refuges,” Chapter 91, “Waterfowl and Coot Hunting Seasons,” and Chapter 92, “Migratory Game Birds,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6)“a,” 481A.38, 481A.39 and 481A.48.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.48.

Purpose and Summary

This rule making proposes amendments to three chapters governing waterfowl hunting.

Chapter 52 contains regulations designating wildlife refuges. The proposed amendment to that chapter reclassifies the wildlife refuge on the Hawkeye Wildlife Area as a waterfowl refuge.

Chapter 91 contains regulations for hunting waterfowl and coot and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. The proposed amendments to that chapter remove expired zone boundary descriptions, rename and streamline special goose hunting regulations in metropolitan areas, expand the boundaries of the Des Moines metropolitan goose hunting zone, and adjust several areas closed to goose hunting.

Chapter 92 contains regulations for hunting migratory game birds. The proposed amendment to that chapter makes minor adjustments to the description of light goose hunting regulations to ensure the regulations are consistent with the Light Goose Conservation Order authorized by the U.S. Fish and Wildlife Service.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

NATURAL RESOURCE COMMISSION[571](cont'd)

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Orrin Jones
Iowa Department of Natural Resources
1203 North Shore Drive
Clear Lake, Iowa 50428
Fax: 641.357.5523
Email: orrin.jones@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held via conference call as follows. Persons who wish to attend the conference call should contact Orrin Jones via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Orrin Jones prior to the hearing to facilitate an orderly hearing.

April 12, 2022
11 a.m.

Video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrules 52.1(2) and 52.1(3) as follows:

52.1(2) Wildlife refuges. The following areas under the jurisdiction of the department of natural resources are established as wildlife refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
South Twin Lake	Calhoun
Ventura Marsh	Cerro Gordo
Allen Green Refuge.	Des Moines
Henderson	Dickinson
Ingham Lake	Emmet

NATURAL RESOURCE COMMISSION[571](cont'd)

Crystal Hills	Hancock
Hawkeye Wildlife Area	Johnson
Colyn Area	Lucas
Gladys Black Eagle Refuge	Marion
Five Island Lake	Palo Alto
Polk City Refuge	Polk
Smith Area	Pottawattamie
Green Valley Lake	Union

52.1(3) Waterfowl refuges. The following areas under the jurisdiction of the department of natural resources are established as waterfowl refuges where posted. It shall be unlawful to hunt ducks and geese on the following areas, where posted, at any time during the year. It shall be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
Lake Icaria	Adams
Pool Slough Wildlife Area	Allamakee
Rathbun Area	Appanoose, Lucas, Wayne
Sedan Bottoms	Appanoose
Sweet Marsh	Bremer
Big Marsh	Butler
Union Hills	Cerro Gordo
Round Lake	Clay
Jemmerson Slough Complex	Dickinson
Forney Lake	Fremont
Riverton Area	Fremont
Dunbar Slough	Greene
Bays Branch	Guthrie
Eagle Flats	Hancock
Eagle Lake	Hancock
Green Island Area	Jackson
<u>Hawkeye Wildlife Area</u>	<u>Johnson</u>
Muskrat Slough	Jones
Red Rock Area	Marion, Polk, Warren
Badger Lake	Monona
Chichaqua Area	Polk
McCausland	Scott
Princeton Area	Scott
Otter Creek Marsh	Tama
Rice Lake Area	Winnebago
Snyder Bend Lake	Woodbury
Elk Creek Marsh	Worth

ITEM 2. Amend subrules 91.1(1) to 91.1(4) as follows:

91.1(1) Zone boundaries. ~~The following zone boundaries apply in the time frames noted:~~

~~a. For the 2020-2021 season, the north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri~~

NATURAL RESOURCE COMMISSION[571](cont'd)

River duck hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south duck hunting zone is the remainder of the state.

~~b. For the fall 2021 through spring 2026 seasons, the~~ The north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south duck hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central duck hunting zone is the remainder of the state.

91.1(2) Season dates - north zone.

~~a. For the 2020-2021 season. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the last Saturday in September and run for 7 days. The second segment of the season will open on the second Saturday in October and continue for 53 consecutive days.~~

~~b. For the fall 2021 through spring 2026 seasons. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest September 30 and run for 7 days. The second segment of the season will open on the Saturday nearest October 13 and continue for 53 consecutive days.~~

91.1(3) Season dates - south zone/central central zone.

~~a. For the 2020-2021 season—south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the first Saturday in October and run for 7 days. The second segment of the season will open on the third Saturday in October and continue for 53 consecutive days.~~

~~b. For the fall 2021 through spring 2026 seasons—central zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 6 and run for 7 days. The second segment of the season will open on the Saturday nearest October 20 and continue for 53 consecutive days.~~

91.1(4) Season dates - Missouri River zone/south south zone.

~~a. For the 2020-2021 season—Missouri River zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the second Saturday in October and run for 7 days. The second segment of the season will open on the fourth Saturday in October and continue for 53 consecutive days.~~

~~b. For the fall 2021 through spring 2026 seasons—south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 13 and run for 7 days. The second segment of the season will open on the Saturday nearest October 27 and continue for 53 consecutive days.~~

ITEM 3. Amend subrules 91.3(1) to 91.3(5) as follows:

91.3(1) Zone boundaries. The following zone boundaries apply in the time frames noted:

~~a. For the 2020-2021 season, the north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River goose hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south goose hunting zone is the remainder of the state.~~

~~b. Effective fall 2021 through spring 2026, the~~ The north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south ~~duck~~ goose hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central ~~duck~~ goose hunting zone is the remainder of the state.

91.3(2) Season dates - north zone.

~~a. For the 2020-2021 season. For all geese: The first segment of the regular goose season will begin on the second to last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the second Saturday in October and continue for 53 consecutive days.~~

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~~The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~b. For the fall 2021 through spring 2026 seasons. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 23 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 13 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 13 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

91.3(3) Season dates - ~~south zone/central~~ central zone.

~~a. For the 2020-2021 season—south zone. For all geese: The first segment of the regular goose season will begin on the last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the third Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~b. For the fall 2021 through spring 2026 seasons—central zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 30 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 20 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 20 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

91.3(4) Season dates - ~~Missouri River zone/south~~ south zone.

~~a. For the 2020-2021 season—Missouri River zone. For all geese: The first segment of the regular goose season will begin on the first Saturday of October and run for a 16-day period. The second segment of the goose season will open on the fourth Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~b. For the fall 2021 through spring 2026 seasons—south zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest October 6 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 27 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 27 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

91.3(5) Bag limit. The daily bag limit for dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese) is 5 and may include no more than 2 Canada geese ~~from September 16 through October 31 and no more than 3 Canada geese from November 1 through the end of the season~~ during the first segment of the statewide season and no more than 3 Canada geese during the remainder of the statewide season. The daily bag limit for light geese (white and blue-phase snow geese and Ross' geese) is 20.

ITEM 4. Amend subrule 91.3(9) as follows:

91.3(9) Cedar Rapids/Iowa City goose hunting zone Metropolitan goose hunting seasons and specified areas.

- a. ~~Season dates.~~ The ~~first~~ second Saturday in September for nine consecutive days.
- b. ~~Bag limit.~~ Daily bag limit is 5 Canada geese.
- c. ~~Possession limit.~~ Three times the daily bag limit.
- d. ~~Zone boundary~~ Specified areas.

(1) Cedar Rapids/Iowa City. The Cedar Rapids/Iowa City goose hunting ~~zone~~ area includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; thence south and east along County Road E2W to Highway 920; thence north along Highway 920 to County Road E16; thence east along County Road E16 to County Road W58; thence south along County Road W58 to County Road E34; thence east along County Road E34 to Highway 13; thence south along Highway 13 to Highway 30; thence east along Highway 30 to Highway 1; thence south along Highway 1 to Morse Road in Johnson County; thence east along Morse Road to Wapsi Avenue; thence south along Wapsi Avenue to Lower West Branch Road; thence west along Lower West Branch Road to Taft Avenue; thence south along Taft Avenue to County Road F62; thence

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west along County Road F62 to Kansas Avenue; thence north along Kansas Avenue to Black Diamond Road; thence west on Black Diamond Road to Jasper Avenue; thence north along Jasper Avenue to Rohert Road; thence west along Rohert Road to Ivy Avenue; thence north along Ivy Avenue to 340th Street; thence west along 340th Street to Half Moon Avenue; thence north along Half Moon Avenue to Highway 6; thence west along Highway 6 to Echo Avenue; thence north along Echo Avenue to 250th Street; thence east on 250th Street to Green Castle Avenue; thence north along Green Castle Avenue to County Road F12; thence west along County Road F12 to County Road W30; thence north along County Road W30 to Highway 151; thence north along the Linn-Benton County line to the point of beginning.

(2) Des Moines. The Des Moines goose hunting area includes those portions of Boone, Story, Polk, Warren, Madison, Dallas, and Marion Counties bounded as follows: Beginning at the intersection of State Highway 210 and S27 in Story County; thence south along County Road S27 to Polk County; thence south to State Highway 316; thence south to State Highway 5 in Marion County; thence west on State Highway 92 to State Highway 169 in Madison County; thence north on State Highway 169 to State Highway 141 in Dallas County; thence east to State Highway 210; thence north on State Highway 210 to Boone County; thence east on State Highway 210 to the point of beginning.

(3) Cedar Falls/Waterloo. The Cedar Falls/Waterloo goose hunting area includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County; thence south along County Road V49 to County Road D38; thence west along County Road D38 to State Highway 21; thence south along State Highway 21 to County Road D35; thence west along County Road D35 to Grundy Road; thence north along Grundy Road to County Road D19; thence west along County Road D19 to Butler Road; thence north along Butler Road to County Road C57; thence north and east along County Road C57 to U.S. Highway 63; thence south along U.S. Highway 63 to County Road C66; thence east along County Road C66 to the point of beginning.

ITEM 5. Rescind subrules **91.3(10)** and **91.3(11)**.

ITEM 6. Rescind and reserve paragraph **91.4(2)“c.”**

ITEM 7. Amend paragraph **91.4(2)“d”** as follows:

d. Area four. Portions of Winnebago and Worth Counties bounded as follows: Beginning at the junction of U.S. Highway 69 and County Road 105 in the city of Lake Mills; thence east along County Road 105 (including the right of way and all other road right of ways identified in this description) approximately 2 miles to Apple Ave.; thence south along Apple Ave. to 448th St.; thence east two and one-fourth miles on 448th St. to Cardinal Ave.; thence south one-fourth mile to 445th St.; thence east one-fourth mile to Cedar Ave.; thence south one-half mile on Cedar Ave. to the intersection of Cedar Ave. and 440th St.; thence south one-half mile across the north half of section 16, township 99 north, range 22 west, to the intersection of Cedar Ave. and 435th St.; thence south 2 miles along Cedar Ave. to Lake St.; thence west one-fourth mile along Lake St. to Front St.; thence southeast one-half mile along Front St. to County Road A38 (also named 410th St.); thence west along County Road A38 to County Road R74 (also named 225th Ave.); thence north along County Road R74 to 420th St.; thence west along 420th St. to 220th Ave.; thence north along 220th Ave. to 430th St.; thence west along 430th St. one-half mile; thence north one mile across section 15, township 99 north, range 23 west, to the intersection of 440th St. and 215th Ave.; thence north one-fourth mile on 215th Ave. to 445th St.; thence east and northeast on 445th St. to South 12th Ave. West in Lake Mills; thence east on South 12th Ave. West to South Lake St.; thence north on South Lake St. to point of beginning 225th Ave. (also known as County Road R74) and South 10th Ave. East in the city of Lake Mills; thence east along South 10th Ave. to 445th St. (including the right-of-way and all other road right-of-ways identified in this description); thence east to Apple Ave.; thence north to 448th St. to Bluebill Ave. (also known as County Road S10); thence south to the intersection of North Western St. (also known as Cardinal Ave.) and Lake St. in the city of Joice; thence west on Lake St. (also known as 415th St.) to 418th St.; thence west to Balsam Ave.; thence north to 420th St.; thence west to Aspen Ave.; thence north to 425th St. (also known as County Road A34); thence west to 225th Ave. (also known as County Road R74); thence north on 225th Ave. to the point of beginning.

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ITEM 8. Rescind and reserve paragraph **91.4(2)“e.”**

ITEM 9. Amend paragraphs **91.4(2)“g”** and **“h”** as follows:

g. Area seven. Portions of ~~Guthrie and Dallas Counties~~ County bounded as follows: Beginning at the junction of State Highways 4 and 44 in Panora; thence north along State Highway 4 (including the right-of-way) to County Road F25; thence east along County Road F25 (including the right-of-way) to ~~York Avenue~~ County Road P30 (also known as Wink Avenue); thence south along ~~York Avenue~~ County Road P30 1 mile (including the right-of-way) to 170th Street; thence east one-half mile (including the right-of-way) to ~~A Yellow Avenue in Dallas County~~; thence south on ~~A Yellow Avenue~~ 5 miles (including the right-of-way) to State Highway 44; thence west along State Highway 44 (including the right-of-way) to the point of beginning.

h. Area eight. A portion of Adams County on any federal-, state-, or county-owned lands or waters within the area bounded as follows by the following roads: ~~Beginning at the intersection of State Highway 148 and Adams County Road N28; thence east along Adams County Road N28 (including the right-of-way) to Adams County Road N53; thence east and north along Adams County Road N53 (including the right-of-way) approximately 4.5 miles to Adams County Road H24; thence west along Adams County Road H24 (including the right-of-way) about 8 miles to Hickory Avenue; thence south along Hickory Avenue (including the right-of-way) about 2.5 miles to Adams County Road N28; thence east along Adams County Road N28 (including the right-of-way) to the point of beginning~~ Beginning at the junction of Ironwood Avenue (also known as State Highway 148) and County Road N28; thence north along Ironwood Avenue to 150th Street; thence east along 150th Street to Corning Carl Road (also known as County Road N53); thence south along Corning Carl Road to County Road N28 (also known as 183rd Street); thence west along County Road N28 to the point of beginning.

ITEM 10. Amend paragraph **91.4(2)“k”** as follows:

k. Area eleven. Starting at the junction of the navigation channel of the Mississippi River and the mouth of the Maquoketa River in Jackson County, proceeding southwesterly along the high-water line on the west side of the Maquoketa River to U.S. Highway 52; thence southeast along U.S. Highway 52 (including the right-of-way) to 607th Avenue; thence east along 607th Avenue (including the right-of-way) to the Sioux Line Railroad; thence north and west along the Sioux Line Railroad to the Green Island levee; thence northeast along a line following the Green Island levee to the center of the navigational channel of the Mississippi River; thence northwest along the center of the navigational channel to the point of beginning the first intersection of Green Island Road; thence northeast along Green Island Road (including right-of-way) to the southeast corner of the Green Island wildlife management area waterfowl refuge; thence north along the waterfowl refuge line and following said refuge line exactly to its northwest corner at the intersection with 501st Avenue; thence north along 501st Avenue (including the right-of-way) to the point where it intersects the east bank of the Maquoketa River; thence proceeding northeasterly along the high-water line on the east side of the Maquoketa River to the junction of the navigation channel of the Mississippi River; thence northwest along the center of the navigational channel to the point of beginning.

ITEM 11. Rescind and reserve paragraph **91.4(2)“m.”**

ITEM 12. Amend paragraph **91.4(2)“n”** as follows:

n. Area fourteen. Portions of Bremer County bounded as follows: Beginning at the intersection of Tahoe Avenue and State Highway 93 (also named 140th Street); thence south along Tahoe Avenue (including the right-of-way and all other road right-of-ways identified in this description) to County Road C33; thence west along County Road C33 to Navaho Avenue; thence north along Navaho Avenue to State Highway 93; thence west along State Highway 93 to U.S. Highway 63; thence north 3 miles along U.S. Highway 63 to 140th Street; thence east along 140th Street for 2 miles and continuing on a similar east line for 2 more miles along the north borders of sections 28 and 29, township 93 north, range 12 west, to County Road V5C (also named 140th Street); thence east about one-half mile on County Road V5C to State Highway 93; thence east on State Highway 93 to the point of beginning County Road C28 (also known as 165th Street); thence west along County Road C28 to State Highway 93; thence

NATURAL RESOURCE COMMISSION[571](cont'd)

north to County Road V5C (also known as Possum Avenue) to 140th Street; thence east along 140th Street to State Highway 93 to the point of beginning.

ITEM 13. Rescind and reserve paragraph **91.4(2)“o.”**

ITEM 14. Amend paragraph **91.4(2)“p”** as follows:

p. Area sixteen. A portion of Union County on any federal-, state-, or county-owned lands or waters within the area bounded as follows by the following roads: Beginning at the intersection of U.S. Highway 34 and County Road P53 near Afton; thence west along U.S. Highway 34 (including the right-of-way and all other road right-of-ways identified in this description) approximately 2.5 miles to Twelve Mile Lake Road; thence north along Twelve Mile Lake Road approximately 5 miles to Union County Road H17; thence north and east along Union County Road H17 to County Road P53; thence south along County Road P53 to the point of beginning.

ITEM 15. Rescind subrule **91.4(3)**.

ITEM 16. Amend subparagraph **91.5(1)“b”(1)** as follows:

(1) Landowners and tenants who own or farm land in the closed areas will be permitted to hunt Canada geese in the closed areas ~~for three years. This experimental hunting opportunity will be evaluated by the landowners and the DNR following each season, at which time changes may be made.~~

ITEM 17. Amend subrule 92.3(11) as follows:

92.3(11) By any of the methods or means prohibited in this rule unless such methods or means have been approved by the U.S. Fish and Wildlife Service for the taking of ~~snow light~~ geese during special ~~snow-geese-only~~ light goose-only seasons or ~~snow-geese-only~~ light goose-only hunts.

ARC 6259C

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Proposing rule making related to apprenticeship and providing an opportunity for public comment

The Iowa Board of Barbering hereby proposes to amend Chapter 21, “Licensure,” and Chapter 22, “Infection Control for Barbershops and Barber Schools,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 158 and sections 147.76 and 272C.16.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 147 and 158 and section 272C.16.

Purpose and Summary

This proposed rule making implements the provisions of 2021 Iowa Acts, Senate File 424, which recognizes registered U.S. Department of Labor apprenticeships as a pathway to licensure, and provides guidance to license holders on their responsibilities to the public and their apprentices when operating an apprenticeship. Updates are also being made to clarify that apprenticeship hours earned while a person is in the custody of the Department of Corrections are transferable to other apprenticeships.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Fiscal Impact

This rule making has minimal fiscal impact to the State of Iowa. Licensees would no longer need to pay to receive duplicate wallet cards and instead would be able to print their own renewal verification if needed.

Jobs Impact

This rule making implements 2021 Iowa Acts, Senate File 424, which impacts the Governor's priorities of creating another pathway for training and licensure.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Venus Vendoures Walsh
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.281.0254
Fax: 515.281.3121
Email: venus.vendoures-walsh@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 12, 2022
9 to 9:30 a.m.

Via video/conference call
Zoom Meeting ID: 814 5857 0168
Passcode: 134235
(US) + 1.312.626.6799 (toll)
Access code: 134235

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **645—21.1(158)**, definition of “Apprentice,” as follows:

“Apprentice” means ~~any person, other than a helper, journeyperson, or master, who is working under the supervision of either a master or a journeyperson and is progressing toward completion of a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while learning and assisting in the practice of barbering a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.~~

ITEM 2. Adopt the following **new** definitions of “Apprenticeship program” and “Apprenticeship sponsor” in rule **645—21.1(158)**:

“Apprenticeship program” means a program registered by the Office of Apprenticeship of the United States Department of Labor which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between an apprentice and an active licensee in an active licensed barbershop as outlined in Iowa Code section 272C.16.

“Apprenticeship sponsor” means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated, which is registered by or approved by the Office of Apprenticeship of the United States Department of Labor.

ITEM 3. Amend paragraph **21.2(1)“c”** as follows:

c. Applicants shall provide an official copy of the transcript or diploma sent directly from the school to the board showing proof of completion of training at a barber school licensed by the board. If the applicant graduated from a school that is not licensed by the board, the applicant shall direct the school to provide an official transcript showing completion of a course of study that meets the requirements of rule 645—23.8(158). ~~If the applicant completed a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while committed to the custody of the director of the department of corrections, the applicant shall request the department of corrections to provide an official transcript showing completion of the apprentice program.~~

ITEM 4. Reletter paragraphs **21.2(1)“d”** to **“h”** as **21.2(1)“e”** to **“i.”**

ITEM 5. Adopt the following **new** paragraph **21.2(1)“d”**:

d. If the applicant has graduated from an apprenticeship program, the applicant must direct the United States Department of Labor to submit a certificate of completion. If the applicant completed all or part of a barbering apprenticeship training program registered by the Office of Apprenticeship of the United States Department of Labor while committed to the custody of the director of the department of corrections, the applicant shall request the department of corrections to provide an official transcript showing completion of all or part of the apprenticeship program.

ITEM 6. Amend paragraph **21.2(3)“a”** as follows:

a. Complete all requirements stated in ~~subrule 21.2(1), paragraphs “a”~~ paragraphs **21.2(1)“a”** and **“d” “e”**;

ITEM 7. Adopt the following **new** subrule 21.2(7):

21.2(7) Persons licensed under this chapter who provide apprenticeship programs must hold an active license sufficient to provide on-the-job training, must operate an actively licensed establishment and must comply with relevant United States Department of Labor laws and regulations for the operation of an apprenticeship program.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 8. Adopt the following **new** definitions of “Apprentice,” “Apprenticeship instructor,” “Apprenticeship program,” “Apprenticeship sponsor” and “On-the-job trainer” in rule **645—22.1(158)**:

“*Apprentice*” means a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.

“*Apprenticeship instructor*” means an instructor who delivers theory instruction in apprenticeship programs and who must meet the United States Department of Labor’s requirements for career and technical instructors. It is recommended that all apprenticeship instructors have training in teaching techniques and adult learning styles.

“*Apprenticeship program*” means a program registered by the Office of Apprenticeship of the United States Department of Labor which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between an apprentice and an active licensee in an active licensed barbershop as outlined in Iowa Code section 272C.16.

“*Apprenticeship sponsor*” means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated, which is registered by or approved by the Office of Apprenticeship of the United States Department of Labor.

“*On-the-job trainer*” means the individual providing instruction and supervision of the apprenticeship program practical hours. This individual must be a licensee of the board in the discipline for which they are training, and the training must occur in a licensed establishment.

ITEM 9. Amend subrule 22.3(5) as follows:

22.3(5) Each licensee and apprentice shall have a valid U.S. government-issued photo ID to provide to an agent of the board upon request as proof of identity.

ITEM 10. Adopt the following **new** subrule 22.3(6):

22.3(6) A sign shall be clearly displayed in the entrance of the barbershop that indicates in prominent lettering that an apprentice is employed and may perform services under the supervision of a licensed apprenticeship supervisor.

ITEM 11. Adopt the following **new** subrule 22.4(3):

22.4(3) Each barbershop owner who provides apprenticeship programs must ensure on-the-job trainers are licensed and operating in an actively licensed establishment and comply with relevant United States Department of Labor laws and regulations for the operation of an apprenticeship program.

ARC 6258C

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

**Proposing rule making related to apprenticeship
and providing an opportunity for public comment**

The Board of Cosmetology Arts and Sciences hereby proposes to amend Chapter 60, “Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors of Cosmetology Arts and Sciences,” and Chapter 61, “Licensure of Salons and Schools of Cosmetology Arts and Sciences,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 147.76 and 157.14 and section 272C.16 as amended by 2021 Iowa Acts, Senate File 424.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 147 and 157 and section 272C.16 as amended by 2021 Iowa Acts, Senate File 424.

Purpose and Summary

This proposed rule making implements the provisions of 2021 Iowa Acts, Senate File 424, which recognized registered United States Department of Labor apprenticeships as a pathway to licensure, and provides guidance to license holders on their responsibilities to the public and their apprentices when operating an apprenticeship.

Fiscal Impact

This rule making has minimal fiscal impact to the State of Iowa. Under the proposed rule making, licensees would no longer need to pay to receive duplicate wallet cards and instead would be able to print their own renewal verification if needed.

Jobs Impact

After analysis and review of this rule making, there is a potential positive impact on jobs because individuals who may have been ineligible for licensure may be eligible for licensure as a result of this rule making.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Venus Vendoures Walsh
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.242.6529
Fax: 515.281.3121
Email: venus.vendoures-walsh@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 12, 2022
9:30 to 10 a.m.

Via video/conference
Zoom Meeting ID: 831 1911 3049
Passcode: 455202
Link: us02web.zoom.us/j/83119113049?pwd=ait0NVpRZXAwZWdkaUJQOT09

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definitions of "Apprentice" and "Apprenticeship program" in rule **645—60.1(157)**:

"Apprentice" means a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.

"Apprenticeship program" means a program registered by the Office of Apprenticeship of the United States Department of Labor, which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between an apprentice and an active licensee in an active licensed salon.

ITEM 2. Reletter paragraphs **60.2(1)"d"** and **"e"** as **60.2(1)"e"** and **"f."**

ITEM 3. Adopt the following **new** paragraph **60.2(1)"d"**:

d. If the applicant has graduated from an apprenticeship program, direct the United States Department of Labor to submit a certificate of completion.

ITEM 4. Adopt the following **new** subrule 60.5(7):

60.5(7) Persons licensed under this chapter who provide apprenticeship programs must hold an active license sufficient to provide on-the-job training, must operate in an actively licensed establishment, and must comply with relevant United States Department of Labor laws and regulations for the operation of an apprenticeship program.

ITEM 5. Adopt the following **new** definitions of "Apprentice," "Apprenticeship instructor," "Apprenticeship program," "Apprenticeship sponsor" and "On-the-job trainer" in rule **645—61.1(157)**:

"Apprentice" means a person who is at least 16 years of age, who is employed in an apprenticeable occupation, who is a resident of the state of Iowa, and who is registered in Iowa by the Office of Apprenticeship of the United States Department of Labor.

"Apprenticeship instructor" means an instructor who delivers theory instruction in apprenticeship programs and who must meet the United States Department of Labor's requirements for career and technical instructors. It is recommended that all apprenticeship instructors have training in teaching techniques and adult learning styles.

"Apprenticeship program" means a program registered by the Office of Apprenticeship of the United States Department of Labor, which includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between a student and an active licensee in an active licensed salon.

"Apprenticeship sponsor" means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated that is registered with or approved by the Office of Apprenticeship of the United States Department of Labor.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

“*On-the-job trainer*” means the individual providing instruction and supervision of the apprenticeship program practical hours. This individual must be a licensee of the board in the discipline for which the individual is training, and the training must occur in a licensed establishment.

ITEM 6. Amend subrule 61.5(5) as follows:

61.5(5) Each licensee and apprentice shall have a valid U.S. government-issued photo ID to provide to an agent of the board upon request as proof of identity.

ITEM 7. Adopt the following **new** subrule 61.24(3):

61.24(3) A sign shall be clearly displayed in the entrance of a licensed establishment operating an apprenticeship program that indicates in prominent lettering that apprentices are employed at the establishment and may perform services under the supervision of licensed employees.

ARC 6257C

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

**Proposing rule making related to licensure of massage therapists
and providing an opportunity for public comment**

The Board of Massage Therapy hereby proposes to rescind Chapter 131, “Licensure of Massage Therapists,” Iowa Administrative Code, and to adopt a new Chapter 131 with the same title.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapters 17A, 147 and 152C.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 17A, 147, 152C, 232 and 272C.

Purpose and Summary

Iowa Code section 17A.7 requires each state agency to conduct a comprehensive review of all of the agency’s rules with the goal of identifying and eliminating all of the rules that are outdated, redundant, or inconsistent or incompatible with statute or its own rules. Pursuant to the requirement for this regular review, the Board reviewed Chapter 131, which sets forth the basic requirements to obtain, renew, reactivate, and reinstate a license.

The Board has made several changes intended to make the proposed rules more concise and easier to understand, as well as to incorporate current practices of the Board regarding schools that have been sanctioned by the National Certification Board for Therapeutic Massage and Bodywork for illegitimate operations. Provisions that were inconsistent with the requirements of Iowa Code chapter 152 are updated in the new Chapter 131 to expressly bring them in line with statutory language, namely requiring 600 hours of education and including “equal to or exceed” reciprocity language. Finally, requirements to obtain a temporary license are reduced in the new chapter to allow an individual whose out-of-state license did not require passing an examination to obtain a temporary license while the individual completes any remaining requirements and takes the examination, as opposed to having to pass the examination prior to obtaining a temporary license. Prior to publication of this Notice, the Board solicited feedback from stakeholders on the proposed rules and received no comments.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Jobs Impact

The Board does not anticipate a negative impact on jobs; reducing the requirements to allow individuals with out-of-state licenses to obtain a temporary license more quickly may have a positive impact on jobs.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Janelle Larson
Professional Licensure Division
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.281.4401
Fax: 515.281.3121
Email: janelle.larson@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 12, 2022
9 to 9:30 a.m.

Fifth Floor Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind 645—Chapter 131 and adopt the following **new** chapter in lieu thereof:

CHAPTER 131
LICENSURE OF MASSAGE THERAPISTS

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

645—131.1(152C) Definitions. For purposes of these rules, the following definitions shall apply:

“*Anniversary month*” means the month the license was issued by the board.

“*Board*” means the Iowa board of massage therapy.

“*Board-approved school*” means a school for massage therapy education that provides at least 600 hours of supervised academic instruction; has been recognized as legitimate by the board or by a similar board in another jurisdiction that licenses massage therapists; and has not been denied, suspended, or revoked by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

“*Grace period*” means the 30-day period following expiration of a license when the license is still considered to be active.

“*Issuing jurisdiction*” means the duly constituted authority in another state that has issued a massage therapy license to a person.

“*Licensee*” means any person licensed to practice as a massage therapist in the state of Iowa.

“*License expiration date*” means the fifteenth day of the anniversary month every two years.

“*Massage therapy*” means performance for compensation of massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical applications, or other therapy which involves manipulation of the muscle and connective tissue of the body, excluding osseous tissue, to treat the muscle tonus system for the purpose of enhancing health, providing muscle relaxation, increasing range of motion, reducing stress, relieving pain, or improving circulation.

645—131.2(272C) Licensure by examination. A person who has completed the curriculum at a board-approved school may seek licensure in accordance with this rule.

131.2(1) The applicant shall submit the following:

- a. A completed application packet.
- b. Payment of the applicable fees as provided in rule 645—5.8(147).
- c. Official copies of academic transcripts sent directly to the board by the board-approved school. If a school has closed and is no longer operational, the board will accept an official transcript provided by the applicant.

d. Proof of passing any National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination or the Massage and Bodywork Licensing Examination (MBLEx) sent directly from the testing authority to the board. The passing score on the written examination shall be the passing point criterion established by the testing authority at the time the test was administered.

e. If the applicant has been issued one or more licenses to practice massage therapy by other issuing jurisdictions, verification of licenses from every jurisdiction in which the applicant has been licensed, sent directly from the issuing jurisdictions to the board. Web-based verification may be substituted for verification from the jurisdiction’s board office if the verification provides:

- (1) The licensee’s name;
- (2) The date of initial licensure;
- (3) The applicant’s current licensure status; and
- (4) Any disciplinary action taken against the license.

131.2(2) An applicant who has relocated to Iowa from a state that did not require licensure to practice massage therapy may submit proof of work experience in lieu of educational and training requirements, if eligible, in accordance with rule 645—19.2(272C).

645—131.3(152C) Educational qualifications for foreign-trained massage therapists. Prospective applicants who completed their education outside of the United States may receive credit for their education, provided they comply with the following:

131.3(1) Provide an equivalency evaluation of their educational credentials by one of the following entities demonstrating the curriculum is equivalent to that stated in these rules. The applicant bears the expense of the curriculum evaluation.

a. International Educational Research Foundations, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, CA 90231-3665; telephone (310)258-9451; website www.ierf.org.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

b. International Credentialing Associates, Inc., 7245 Bryan Dairy Road, Bryan Dairy Business Park II, Largo, FL 33777; telephone (727)549-8555.

c. Josef Silny & Associates, Inc., 7101 SW 102nd Avenue, Miami, FL 33173; telephone (305)273-1616; website jsilny.org.

131.3(2) Provide a notarized copy of the certificate or diploma awarded to the applicant from a massage therapy program in the country in which the applicant was educated.

131.3(3) Receive a final determination from the board that the applicant's education is acceptable.

645—131.4(152C) Licensure by endorsement.

131.4(1) A person who has been issued a license to practice massage therapy by another issuing jurisdiction may seek licensure in accordance with this rule.

131.4(2) The applicant shall submit all of the following:

a. A completed application packet.

b. Payment of the applicable fees as provided in rule 645—5.8(147).

c. Official copies of academic transcripts sent directly to the board by the board-approved school. If a school has closed and is no longer operational, the board will accept an official transcript provided by the applicant.

d. Proof of passing any National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination or the Massage and Bodywork Licensing Examination (MBLE_x) sent directly from the testing authority to the board. The passing score on the written examination shall be the passing point criterion established by the testing authority at the time the test was administered.

e. Proof that the licensure requirements in the issuing jurisdiction are equal to or exceed the requirements provided in rule 645—131.2(152C).

f. Verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the issuing jurisdiction(s) to the board. Web-based verification may be substituted for verification from the issuing jurisdiction's board office if the verification provides:

- (1) The licensee's name;
- (2) The date of initial licensure;
- (3) The applicant's current licensure status; and
- (4) Any disciplinary action taken against the license.

645—131.5(152C) Licensure by verification. A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

645—131.6(152C) Temporary license. A person who is licensed to practice massage therapy in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement, and who does not seek licensure by verification, may be issued a temporary license in accordance with this rule.

131.6(1) An applicant for temporary license shall submit the following:

a. A completed application packet.

b. Payment of the applicable fees as provided in rule 645—5.8(147).

c. Verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the issuing jurisdiction(s) to the board. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification provides:

- (1) Licensee's name;
- (2) Date of initial licensure;
- (3) Current licensure status; and
- (4) Any disciplinary action taken against the license.

d. A plan for meeting all remaining requirements for licensure within one year of issuance of the temporary permit. Such a plan shall include proof of enrollment in a school of massage therapy whose curriculum has been approved by the board, the date of enrollment, and the expected date of graduation.

131.6(2) A temporary license shall be valid for a period of up to one year and shall not be renewed.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

131.6(3) A temporary license holder shall be issued a permanent license upon the board's receipt of the following:

a. Official copies of academic transcripts sent directly to the board by the board-approved school demonstrating completion of all remaining hours of education required for licensure.

b. Proof of passing any National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination or the Massage and Bodywork Licensing Examination (MBLEx) sent directly from the testing authority to the board. The passing score on the written examination shall be the passing point criterion established by the testing authority at the time the test was administered.

645—131.7(152C) License display. Licensees shall display their initial license certificate and proof of active licensure in a conspicuous public place at their primary site of practice.

645—131.8(152C) License renewal.

131.8(1) *Renewal period.* The biennial license renewal period for a license to practice massage therapy shall begin on the sixteenth day of the anniversary month and end on the fifteenth day of the anniversary month two years later. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

131.8(2) *First renewal.* Completing continuing education is not required during the first biennial license renewal period and is not a prerequisite for the first renewal of a license.

131.8(3) *Requirements for renewal.* A licensee seeking renewal shall comply with the following before the license expiration date:

a. Submit a completed renewal application;

b. Meet the continuing education requirements of rule 645—133.2(152C) and the mandatory reporting requirements of subrule 131.8(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

c. Pay the applicable fee as provided in rule 645—5.8(147).

131.8(4) *Mandatory reporter training.*

a. A licensee shall indicate on the renewal application completion of training in child abuse identification and reporting, as required by Iowa Code section 232.69(3) "b," in the previous three years if:

(1) In the scope of professional practice or in the licensee's professional employment responsibilities, the licensee examines, attends, counsels, or treats a child; and

(2) The licensee is employed in any of the following settings:

1. A residential care facility;

2. A nursing facility;

3. An intermediate care facility for persons with mental illness;

4. An intermediate care facility for persons with an intellectual disability;

5. A school;

6. A child care center, registered child development home, or head start program;

7. A substance abuse program or facility licensed by the Iowa department of public health;

8. The Glenwood state resource center, Woodward state resource center, mental health institute in Cherokee, mental health institute in Independence, state training school, or Iowa juvenile home;

9. A juvenile detention center or juvenile shelter care facility;

10. A foster care facility; or

11. A mental health center.

b. A licensee shall indicate on the renewal application completion of training in dependent adult abuse identification and reporting, as required by Iowa Code section 235B.16(5) "b," in the previous three years if:

(1) In the course of employment, the licensee examines, attends, counsels, or treats a dependent adult; and

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

- (2) The licensee is employed in any of the following settings:
 1. A residential care facility;
 2. A nursing facility;
 3. An intermediate care facility for persons with mental illness;
 4. An intermediate care facility for persons with an intellectual disability;
 5. A hospital;
 6. An elder group home, as defined in Iowa Code section 231B.1(3);
 7. An assisted living program certified under Iowa Code section 231C.3;
 8. An adult day services program, as defined in Iowa Code section 231D.1(1);
 9. A community mental health center; or
 10. A supported community living service, sheltered workshop, or work activity center.
- c. The course(s) shall be the curriculum provided by the Iowa department of human services.
- d. The licensee shall maintain written documentation for three years after mandatory training as identified in paragraphs 131.8(4) "a" to "c," including program date(s), content, duration, and proof of participation.
- e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:
 - (1) Is engaged in active duty in the military of this state or the United States; or
 - (2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in rule 645—4.14(272C).
- f. The board may select licensees for audit of compliance with the requirements in paragraphs 131.8(4) "a" to "e."

131.8(5) Issuing renewals. Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license renewal. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

131.8(6) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the renewal. The licensee shall be assessed a late fee as specified in 645—subrule 5.8(4). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

131.8(7) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a massage therapist in Iowa until the license is reactivated. A licensee who practices as a massage therapist in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

645—131.9(17A,147,272C) License reactivation.

131.9(1) A person whose license is inactive may apply to reactivate the license in accordance with this rule.

131.9(2) The licensee shall submit all of the following:

- a. A completed application packet.
- b. Payment of the applicable fees as provided in rule 645—5.8(147).
- c. If the license has been inactive for five years or less, submission of:
 - (1) Proof of completion of 16 hours of continuing education within two years of application; and
 - (2) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

1. Licensee's name;
 2. Date of initial licensure;
 3. Current licensure status; and
 4. Any disciplinary action taken against the license.
- d.* If the license has been on inactive status for more than five years, submission of:
- (1) Proof of completion of 16 hours of continuing education within two years of application;
 - (2) Proof of two years of active, licensed practice in another issuing jurisdiction immediately prior to submitting the application, or proof of passing one of the following examinations within two years of submitting the application:
 1. The National Certification Examination for Therapeutic Massage (NCETM);
 2. The National Certification Examination for Therapeutic Massage and Bodywork (NCETMB);
 3. The National Examination for States Licensing (NESL) option; or
 4. The Massage and Bodywork Licensing Examination (MBLEx); and
 - (3) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:
 1. Licensee's name;
 2. Date of initial licensure;
 3. Current licensure status; and
 4. Any disciplinary action taken against the license.

645—131.10(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with rule 645—11.31(272C) and, if applicable, must apply for and be granted reactivation of the license in accordance with rule 645—131.9(17A,147,272C) prior to practicing as a massage therapist in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 152C, and 272C.

ARC 6254C**REAL ESTATE APPRAISER EXAMINING BOARD[193F]****Notice of Intended Action****Proposing rule making related to alternative experience pathways and distance education delivery authorizations and providing an opportunity for public comment**

The Real Estate Appraiser Examining Board hereby proposes to amend Chapter 1, "Organization and Administration," Chapter 5, "Certified Residential Real Property Appraiser," Chapter 6, "Certified General Real Property Appraiser," and Chapter 11, "Continuing Education," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 543D.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 543D.

Purpose and Summary

The purpose of this proposed rule making is to amend Chapters 1, 5, 6, and 11 to adopt the Practical Applications of Real Estate Appraisal (PAREA) program alternative path toward experience credit and to

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

update the rules to match the January 1, 2022, Appraiser Qualifications Board (AQB) criteria regarding distance educational offerings.

Fiscal Impact

The cost to attend a PAREA program is unknown at this time. A participant in a PAREA program must complete all qualifying education prior to starting the program, which will require additional up-front costs that are typically spread out over a year or more during the current supervisory appraiser model. Operating costs are expected to slightly decrease for program providers since they will no longer need to obtain approval from the International Distance Education Certification Center (IDECC) for offering synchronous courses. None of these costs have been or will be collected by the State; all costs and fees are paid to private entities such as IDECC and course providers such as the Appraisal Institute, McKissock, and the Columbia Institute. PAREA program fees will be paid to the PAREA provider, most likely the Appraisal Institute, Clear Capital, or another private entity.

Jobs Impact

After analysis and review of this rule making, a benefit to jobs has been found. The proposed rule making allows for an alternative experience path into the appraisal profession, thus making it easier for an applicant to become a certified appraiser.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 193F—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 13, 2022. Comments should be directed to:

Brandy March
Real Estate Appraiser Examining Board
East Grand Office Park
200 East Grand Avenue, Suite 350
Des Moines, Iowa 50309
Phone: 515.725.9025
Email: brandy.march@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 13, 2022
8:30 to 9:30 a.m.

Small Conference Room, Third Floor
200 East Grand Avenue
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 193F—1.19(543D) as follows:

193F—1.19(543D) May 1, 2018, criteria AQB criteria.

~~1.19(1) Effective on and after May 1, 2018, the AQB has changed the criteria for eligibility for certification as a certified appraiser. No person may be certified as a certified appraiser on or after May 1, 2018, unless the person is eligible under the most recent January 1, 2022, AQB criteria.~~

~~1.19(2) The May 1, 2018, criteria were adopted by the AQB in 2018 and have been widely disseminated, including on the board's website at: idob.state.ia.us/reap/. The May 1, 2018, January 1, 2022, AQB criteria modify outline the conditions under which applicants for certification are eligible to take the required examinations.~~

ITEM 2. Amend subrule 5.6(2) as follows:

~~5.6(2) The board shall treat all appraisals received as public records unless the applicant notifies the board at the time of submission that a submitted appraisal is subject to the confidentiality provisions of appraisal standards or is otherwise confidential under state or federal law. While applicants are encouraged to submit appraisals actually performed for clients, applicants may submit one or more demonstration appraisals if the appraisals are prepared based on factual information in the same manner as applicable to actual appraisal assignments and are clearly marked as demonstration appraisals. Experience gained for work without a traditional client (i.e., a client hiring an appraiser for a business purpose), for example a demonstration appraisal, cannot exceed 50 percent of the total experience requirement.~~

ITEM 3. Adopt the following **new** rule 193F—5.8(543D):

193F—5.8(543D) Practical Applications of Real Estate Appraisal (PAREA). PAREA utilizes simulated experience training and serves as an alternative to the traditional supervisor/trainee experience model. PAREA programs must be AQB-approved and meet all the required elements found in the PAREA section of the most recent AQB criteria. Applicants who met the prerequisites of a PAREA program prior to commencement of training, and who receive a valid certificate of completion from an AQB-approved PAREA program, have met the allotted experience requirements as outlined in the AQB criteria for that specific PAREA program. PAREA program experience allotment will be awarded per the AQB criteria at the time of program completion.

EXAMPLE: An applicant who has completed an AQB-approved licensed residential real property PAREA program may receive 67 percent of the required experience hours toward the certified residential real property credential. Applicants claiming PAREA experience credit may not receive partial credit for PAREA training.

An applicant who did not fulfill the prerequisites of the PAREA training program prior to commencement but received a certificate of completion of that program has not fulfilled the experience requirements of the AQB criteria. Applicants may not receive a certificate of completion until all required components of a PAREA program have been successfully completed and approved by a program mentor. A certificate of completion must be signed by an individual from the training entity qualified to verify the applicant's successful completion. An applicant wishing to utilize PAREA experience must still comply with rules 193F—5.1(543D) through 193F—5.3(543D), subrules 5.5(4) and 5.5(5), and rules 193F—5.6(543D) and 193F—5.7(543D).

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

ITEM 4. Amend subrule 6.6(2) as follows:

6.6(2) The board shall treat all appraisals received as public records unless the applicant notifies the board at the time of submission that a submitted appraisal is subject to the confidentiality provisions of appraisal standards or is otherwise confidential under state or federal law. While applicants are encouraged to submit appraisals actually performed for clients, applicants may submit one or more demonstration appraisals if the appraisals are prepared based on factual information in the same manner as applicable to actual appraisal assignments and are clearly marked as demonstration appraisals. ~~Experience gained for work without a traditional client (i.e., a client hiring an appraiser for a business purpose), for example a demonstration appraisal, cannot exceed 50 percent of the total experience requirement.~~

ITEM 5. Renumber rule **193F—6.8(543D)** as **193F—6.9(543D)**.

ITEM 6. Adopt the following new rule 193F—6.8(543D):

193F—6.8(543D) Practical Applications of Real Estate Appraisal (PAREA). PAREA utilizes simulated experience training and serves as an alternative to the traditional supervisor/trainee experience model. PAREA programs must be AQB-approved and meet all the required elements found in the PAREA section of the most recent AQB criteria. An applicant who meets the prerequisites of a PAREA program prior to commencement of training, and who receives a valid certificate of completion from an AQB-approved PAREA program, has met the allotted experience requirements as outlined in the AQB criteria for that specific PAREA program. PAREA program experience allotment will be awarded per the AQB criteria at the time of program completion.

EXAMPLE: An applicant who has completed an AQB-approved certified residential real property PAREA program may receive 50 percent of the required experience hours toward the certified general real property credential. However, these hours are not eligible toward the nonresidential real property required experience hours.

Applicants claiming PAREA experience credit may not receive partial credit for PAREA training. An applicant who did not fulfill the prerequisites of the PAREA training program prior to commencement but received a certificate of completion of that program has not fulfilled the experience requirements of the AQB criteria. An applicant may not receive a certificate of completion until all required components of a PAREA program have been successfully completed and approved by a program mentor. Certificates of completion must be signed by an individual from the training entity qualified to verify an applicant's successful completion. An applicant wishing to utilize PAREA experience must still comply with rules 193F—6.1(543D) through 193F—6.7(543D).

ITEM 7. Renumber renumbered subrule **6.9(5)** as **6.9(6)**.

ITEM 8. Adopt the following new subrule 6.9(5):

6.9(5) Practical Applications of Real Estate Appraisal. An applicant seeking to upgrade from a certified residential credential to a certified general credential may gain partial experience credit through an AQB-approved PAREA program pursuant to rule 193F—6.8(543D).

ITEM 9. Amend rule **193F—11.1(272C,543D)**, definition of "Distance education," as follows:

"Distance education" means any education process based on the geographical separation of student and instructor. "Distance education" includes ~~computer-generated programs and webinars~~ asynchronous, synchronous, and hybrid educational offerings.

ITEM 10. Adopt the following new definitions of "Asynchronous," "Hybrid" and "Synchronous" in rule **193F—11.1(272C,543D)**:

"Asynchronous" means that the instructor and student interaction in an educational offering is nonsimultaneous. Students progress at their own pace through structured course content and scheduled quizzes and examinations.

"Hybrid," also known as a blended course, means a learning environment that allows for both in-person and online (synchronous or asynchronous) interaction.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

“Synchronous” means that in an educational offering the instructor and student interact online simultaneously, as in a phone call, video chat or live webinar, or web-based meeting.

ITEM 11. Adopt the following **new** subrule 11.5(2):

11.5(2) Programs must be taught by instructors who have successfully completed an instructor development workshop within 24 months preceding board approval of the program. Certified USPAP instructors and instructors approved via a course delivery mechanism approval per the AQB criteria shall be considered to have met this requirement.

ITEM 12. Amend rule 193F—11.6(272C,543D) as follows:

193F—11.6(272C,543D) Acceptable distance education courses. Distance education is an education process based on the geographical separation of student and instructor. A distance education course is acceptable to meet class hour requirements if: it complies with the generic education criteria in the current AQB criteria.

~~**11.6(1)** The course provides interaction. Interaction is a reciprocal environment in which the student has verbal or written communication with the instructor; and~~

~~**11.6(2)** Content approval is obtained from the AQB, a state licensing jurisdiction, or an accredited college, community college, or university that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. Nonacademic credit college courses provided by a college shall be approved by the AQB or the state licensing jurisdiction; and~~

~~**11.6(3)** Course delivery mechanism approval is obtained from one of the following sources:~~

~~a.—AQB approved organizations providing approval of course design and delivery; or~~

~~b.—A college or university that qualifies for content approval pursuant to subrule 11.6(2) that awards academic credit for the distance education course; or~~

~~c.—A qualifying college or university for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.~~

~~**11.6(4)** Distance education courses must include at least one of the following:~~

~~a.—A written examination proctored by an official approved by the college or university, or by the sponsoring organization. The term “written” in this subrule refers to an examination that may be written on paper or administered electronically on a computer or other device. Oral examinations are not acceptable.~~

~~b.—Successful completion of prescribed course mechanisms required to demonstrate knowledge of the subject matter.~~

ITEM 13. Amend subrule 11.7(1) as follows:

11.7(1) Approval must be obtained for each program separately. With the exception of hybrid courses, courses that are offered via more than one delivery method will require separate program approvals.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions Katie Averill, Superintendent of Banking Jeff Plagge, and Auditor of State Rob Sand has established today the following rates of interest for public obligations and special assessments. The usury rate for March is 3.75%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants	Maximum 6.0%
74A.4 Special Assessments	Maximum 9.0%

TREASURER OF STATE(cont'd)

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Financial Institutions as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective March 9, 2022, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS		
7-31 days	.....	Minimum .05%
32-89 days	.....	Minimum .05%
90-179 days	.....	Minimum .05%
180-364 days	.....	Minimum .05%
One year to 397 days	.....	Minimum .05%
More than 397 days	.....	Minimum .05%

These are minimum rates only. All time deposits are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph “a,” the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

April 1, 2021 — April 30, 2021	3.25%
May 1, 2021 — May 31, 2021	3.50%
June 1, 2021 — June 30, 2021	3.75%
July 1, 2021 — July 31, 2021	3.50%
August 1, 2021 — August 31, 2021	3.50%
September 1, 2021 — September 30, 2021	3.25%
October 1, 2021 — October 31, 2021	3.25%
November 1, 2021 — November 30, 2021	3.25%
December 1, 2021 — December 31, 2021	3.50%
January 1, 2022 — January 31, 2022	3.50%
February 1, 2022 — February 28, 2022	3.50%
March 1, 2022 — March 31, 2022	3.75%
April 1, 2022 — April 30, 2022	4.00%

ARC 6263C**ADMINISTRATIVE SERVICES DEPARTMENT[11]****Adopted and Filed****Rule making related to purchasing thresholds for state agencies**

The Administrative Services Department hereby amends Chapter 117, “Procurement of Goods and Services of General Use,” and Chapter 118, “Purchasing Standards for Service Contracts,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 8A.104, 8A.311, 17A.3 and 17A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 8A.104, 8A.311, 17A.3 and 17A.4.

Purpose and Summary

These amendments address supply chain constraints in purchasing of goods and services. The amendments increase purchasing thresholds for state agencies in an effort to provide purchasing flexibility while also comporting with existing procurement training, which addresses progressive levels of process responsibility and complexity for agencies and their purchasing agents.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6162C**. A public hearing was held on February 15, 2022, at 11 a.m. in the Procurement Conference Room, A Level, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on March 2, 2022.

Fiscal Impact

It is impossible to determine the overall fiscal impact of the various procurements of goods and services completed by different agencies under these amendments.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provisions of these rules other than as may be allowed under Chapter 9 of the Department’s rules concerning waivers.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 27, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 117.15(1) as follows:

117.15(1) *Agency direct purchasing—basic level.* An agency may procure non-master agreement goods costing ~~up to \$1,500~~ not greater than \$15,000 without competition. ~~An agency shall procure non-master agreement goods costing between \$1,501 and \$5,000 in a competitive manner, using either informal or formal competition. If an informal process is chosen, the agency shall follow the process described in the definition of “informal competition” in rule 11—117.2(8A). The agency shall document the quotes, or circumstances resulting in fewer than three quotes, in an electronic file attached to the order or in another format.~~

ITEM 2. Amend subrule 117.15(2) as follows:

117.15(2) *Agency direct purchasing—advanced level.* An agency may procure non-master agreement goods up to \$50,000 per transaction in a competitive manner using either informal or formal competition provided the agency personnel engaged in the purchase of goods have completed enhanced procurement training established by the director or designee. If an informal process is chosen, the agency shall follow the process described in the definition of “informal competition” in rule 11—117.2(8A). The agency shall document the quotes, or circumstances resulting in fewer than three quotes, in an electronic file attached to the order or in another format.

ITEM 3. Amend rule 11—118.5(8A) as follows:

11—118.5(8A) Use of competitive selection. State agencies may procure non-master agreement services from private entities without competition when the estimated value does not exceed ~~\$5,000~~ \$15,000. Agencies shall use competitive selection to acquire services from private entities when the estimated ~~annual~~ value of the service contract is greater than ~~\$5,000 or when the estimated value of the multiyear service contract in the aggregate, including any renewals, is greater than~~ \$15,000 unless there is adequate justification for a sole source procurement pursuant to rule 11—118.7(8A) or emergency procurement pursuant to rule 11—118.8(8A) or unless awarded to a targeted small business pursuant to 11—paragraph 117.5(2) “a” or procured pursuant to another exception to competitive selection under another provision of law.

118.5(1) No change.

118.5(2) When the estimated annual value of the service contract is greater than ~~\$5,000 but less than \$15,000~~ and not greater than \$50,000 and the estimated value of the multiyear service contract in the aggregate, including any renewals, does not exceed \$150,000, a state agency, in its sole discretion, shall use either a formal or informal competitive selection process to engage a service provider.

118.5(3) The requirement to use competitive selection to select a service provider when the estimated ~~annual~~ value of the service contract is greater than ~~\$5,000 or when the estimated value of the multiyear service contract in the aggregate, including renewals, is greater than~~ \$15,000 applies even when the state agency purchases services from a private entity and designates the contract it enters into with the private entity as a 28E agreement.

ITEM 4. Amend subrule 118.7(2) as follows:

118.7(2) *Special procedures required for sole source procurements.*

a. When the ~~annual~~ value of the service contract exceeds ~~\$5,000 or when the estimated value of the multiyear service contract in the aggregate, including renewals, is greater than~~ \$15,000, the director of a state agency or designee shall sign the sole source contract or the amendment. In the absence of the director of a state agency or designee, the sole source contract shall be signed only by the DAS director

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

or designee. Use of sole source procurement does not relieve a state agency from negotiating a fair and reasonable price and thoroughly documenting the procurement action.

b. When the ~~annual~~ value of the service contract exceeds \$5,000 ~~or when the estimated value of the multiyear service contract in the aggregate, including renewals, is greater than \$15,000~~, a state agency shall be required to complete a sole source justification form. The director of the state agency or designee shall sign the sole source justification form. In the absence of the director of the state agency or designee, the sole source justification form shall be signed only by the DAS director or designee. The claim for the first payment on a contract requires a copy of the signed original contract, a copy of the precontract questionnaire, a copy of the sole source justification form, and an original invoice or original claimant signature.

c. No change.

ITEM 5. Amend subrule 118.8(2) as follows:

118.8(2) *Special procedures required for emergency procurements.*

a. The head of a state agency shall sign all emergency contracts and amendments regardless of value or length of term. If the head of a state agency is not available, a designee may sign an emergency contract or amendment. Use of an emergency procurement does not relieve a state agency from negotiating a fair and reasonable price and documenting the procurement action.

b. When the value of the service contract exceeds ~~\$5,000~~ \$15,000, a state agency shall be required to complete an emergency justification form. The head of the state agency or designee shall sign the emergency justification form.

c. If an emergency procurement results in the extension of an existing contract that contains performance criteria, the contract extension shall comply with rule 11—119.4(8,8A), ~~uniform terms and conditions for service contracts~~, or rule 11—119.5(8,8A), ~~special terms and conditions~~.

[Filed 3/3/22, effective 4/27/22]

[Published 3/23/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/23/22.

ARC 6245C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Rule making related to teacher and administrator licenses and endorsements

The Educational Examiners Board hereby amends Chapter 13, "Issuance of Teacher Licenses and Endorsements," and Chapter 18, "Issuance of Administrator Licenses and Endorsements," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 272.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272.2.

Purpose and Summary

These amendments remove the testing requirement for out-of-state applicants who have completed assessments in another state, add a new 5-12 Mathematics – basic endorsement, expand the teacher intern program endorsement areas, simplify conditional licensure, allow career and technical authorization holders to obtain a multioccupations endorsement, and remove course deficiencies for any out-of-state administrator who has at least five years of experience.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 12, 2022, as **ARC 6133C**. A public hearing was held on February 1, 2022, at 11 a.m. in the Board of Educational Examiners Board Room, 701 East Court Avenue, Suite A, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on February 18, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 282—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 27, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subparagraph **13.5(2)“b”(2)** as follows:

~~(2) Shall provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013, and the applicant has verified fewer than three years of valid out-of-state teaching experience. If the teacher preparation program was completed prior to January 1, 2013, or if the applicant has verified three years of valid out-of-state teaching experience, the applicant must provide verification of successfully passing the mandated assessment(s) in the state in which the applicant is currently licensed (or verify highly qualified status) or must provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education. one of the following:~~

1. Successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education if the teacher preparation program was completed on or after January 1, 2013; or
2. Successfully passing the mandated assessment(s) in the state in which the applicant is currently licensed; or
3. Three years of teaching experience while holding a valid teaching license.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

ITEM 2. Amend subrule 13.5(3) as follows:

13.5(3) *Applicants from foreign institutions.* An applicant for initial licensure whose preparation was completed in a foreign institution must additionally obtain a course-by-course credential evaluation report completed by one of the board-approved credential evaluation services and then file this report with the Iowa board of educational examiners for a determination of eligibility for licensure. After receiving the notification of eligibility by the Iowa board of educational examiners, the applicant must provide verification of successfully passing the Iowa-mandated assessment(s) pursuant to subparagraph 13.5(2)“b”(2) by meeting the minimum score set by the Iowa department of education.

ITEM 3. Amend rule 282—13.9(272) as follows:

282—13.9(272) Teacher intern license.

13.9(1) *Authorization.* The teacher intern is authorized to teach in grades 7 to 12 within qualified endorsement areas approved by the Iowa department of education for teacher internships.

13.9(2) No change.

13.9(3) *Teacher intern requirements.* A teacher intern license and endorsement may be issued to an applicant who has been recommended by an institution with a state-approved intern program and who has met the background check requirements set forth in rule 282—13.1(272).

13.9(4) and 13.9(5) No change.

ITEM 4. Amend subrule 13.11(1) as follows:

13.11(1) *Endorsement in progress.* The individual has a valid initial, standard, master educator, permanent professional, Class A extension, exchange, or professional service license and one or more endorsements but is seeking to obtain some other endorsement. A Class B license may be issued if requested by an employer and if the individual seeking to obtain some other endorsement has completed at least two-thirds of the requirements, or one-half of the content requirements in a state-designated shortage area, leading to completion of all requirements for the endorsement. A Class B license may not be issued for the driver's education endorsement.

ITEM 5. Adopt the following new paragraph **13.28(12)“d”**:

d. 5-12 mathematics—basic. Completion of 24 semester hours in mathematics which must minimally include a course titled college algebra or a higher algebra course, a geometry course, a computer programming course, and a probability and statistics course.

ITEM 6. Amend subrule 13.28(33) as follows:

13.28(33) *Multioccupations.*

a. Completion of any 5-12 endorsement and, in addition thereto, coursework in foundations of career and technical education and coordination of cooperative programs, and work experience which meets one of the following:

- (1) Four thousand hours of career and technical experience in two or more careers; or
- (2) ~~One thousand hours~~ Two hundred forty hours of work experience or externships in two or more careers and two or more years of teaching experience at the PK-12 level.

b. No change.

c. Holders of the career and technical authorization are eligible to apply to add this endorsement.

ITEM 7. Amend **282—Chapter 13**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 272 ~~and 2014 Iowa Acts, chapter 1116,~~ division VI.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

ITEM 8. Adopt the following **new** paragraph **18.6(1)“d”**:

d. Has less than five years of verified experience as a school administrator while holding a valid administrator license.

[Filed 2/23/22, effective 4/27/22]

[Published 3/23/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/23/22.

ARC 6264C

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed

Rule making related to curriculum and attendance

The Iowa Law Enforcement Academy hereby amends Chapter 3, “Certification of Law Enforcement Officers,” and Chapter 7, “Public Records and Fair Information Practices,” rescinds Chapter 8, “Mandatory In-Service Training Requirements,” and adopts a new Chapter 8, “Mandatory In-Service and Specialty Training Requirements,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 80B.11 and 80F.1.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, Senate Files 342 and 387.

Purpose and Summary

The Academy continually reviews and updates its rules when needed. The amendments to Chapter 3 include changes required by 2021 Iowa Acts, Senate File 387, regarding an update to the Academy’s curriculum and the expansion of the attendance qualifications to attend the short course academy. The amendments to Chapter 7 reflect the Academy’s use of digital record keeping. The newly adopted Chapter 8 clarifies the requirements for mandatory in-service training for certified peace officers and includes the new training standards for internal affairs investigators as required by 2021 Iowa Acts, Senate File 342.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 26, 2022, as **ARC 6154C**. No public comments were received.

Changes from the Notice have been made. The Academy has revised the new training standards for internal affairs investigators to add an additional recommendation for ongoing training to rule 501—8.5(80F) and reorganized the subrules for clarity.

Adoption of Rule Making

This rule making was adopted by the Academy on March 2, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

LAW ENFORCEMENT ACADEMY[501](cont'd)

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Academy Council for a waiver of the discretionary provisions, if any, pursuant to 501—Chapter 16.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 27, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 3.1(6) as follows:

3.1(6) Should a person employed as a law enforcement officer fail to achieve certification within the time period or any extensions allowed by rule 501—3.1(80B), that person shall not be eligible for employment as and shall not serve as a regular or a reserve law enforcement officer in the state of Iowa for a period of not less than ~~one year~~ 12 months from the date the time period in which to achieve certification specified in rule 501—3.1(80B) expired, or from the date that the person was last employed as a regular law enforcement officer in the state of Iowa, whichever comes first.

ITEM 2. Amend rule 501—3.2(80B) as follows:

501—3.2(80B) Law enforcement status forms furnished to academy. Within ~~ten~~ 20 days of any of the following occurrences, the academy will be so advised by use of prescribed forms:

1. Any hiring of personnel.
2. Change of status of existing personnel (e.g., promotions).
3. ~~Satisfactory completion of all law enforcement training not sponsored by the academy.~~
4. ~~Accrual of college credits.~~
5. 3. Any termination of employment of a law enforcement officer or appointment as a reserve peace officer. The notification must state whether the law enforcement officer or reserve peace officer was discharged or removed for serious misconduct or whether the officer left, voluntarily quit, or was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the officer being discharged or removed for serious misconduct. Upon request by the council, the employing agency shall provide any additional information or documentation about the officer including confidential records or information under Iowa Code section 22.7 or other applicable law to the council.

ITEM 3. Amend rule 501—3.3(80B) as follows:

501—3.3(80B) Standard certifying courses for approved law enforcement facilities. The academy courses of study and training programs must meet the requirements of nondegree programs under the Post-9/11 Veterans Educational Assistance Act of 2008. The standard certifying courses of study at an approved law enforcement training facility are:

1. The long course, consisting of at least 620 hours to be completed within a 25-week period; and
2. The short course, consisting of at least 400 hours to be completed within a 20-week period.

LAW ENFORCEMENT ACADEMY[501](cont'd)

ITEM 4. Amend rule 501—3.4(80B) as follows:

501—3.4(80B) Qualifications for attendance at a short course. In order to be eligible for enrollment in ~~the certification through the~~ a short course, the individual officer must possess at least one of the following qualifications:

3.4(1) No change.

3.4(2) Have satisfactorily completed law enforcement training in another state commensurate with basic training required in Iowa, and be able to provide verification of the same.

3.4(3) Have satisfactorily completed military police training and furnished documentation to the academy.

3.4(4) Have satisfactorily completed the Federal Bureau of Investigation new agent training course, or similar course of instruction, and be able to provide verification of the same.

This rule is intended to implement Iowa Code section 80B.11.

ITEM 5. Amend paragraph **3.5(3)“g”** as follows:

g. Vehicle operations (including 2 hours of night vehicle operations).

ITEM 6. Amend paragraph **3.5(4)“c”** as follows:

c. ~~Blue courage~~ Officer resiliency and development.

ITEM 7. Amend paragraph **3.5(8)“h”** as follows:

h. Unbiased policing (minimum of 2 hours).

ITEM 8. Amend paragraph **3.6(3)“e”** as follows:

e. Vehicle operations (including 2 hours of night vehicle operations).

ITEM 9. Amend paragraph **3.6(4)“c”** as follows:

c. ~~Blue courage~~ Officer resiliency and development.

ITEM 10. Amend paragraph **3.6(8)“c”** as follows:

c. Unbiased policing (minimum of 2 hours).

ITEM 11. Amend rule 501—3.8(80B) as follows:

501—3.8(80B) Certification through examination. Law enforcement officers who have been certified in another state may, upon application to the director with council approval, take a competency test or tests to gain Iowa law enforcement officer certification, adhering to all requirements set out in Iowa Code section 80B.11F, as well as any additional requirements set out by the academy. Successful completion of the required test or tests will result in certification by the council. The test or tests will be prepared and administered by the academy or its designee, and the passing score will be determined by the academy. The required test or tests will be based upon the officer's prior law enforcement training and experience as follows:

3.8(1) *Five or more years of law enforcement experience.* Officers with more than five years of full-time law enforcement experience, to include federal law enforcement time, will be required to pass a test or tests which will primarily measure the officer's knowledge of Iowa laws. The test or tests will include, but need not be limited to, such topics as criminal law, motor vehicle law, juvenile law, law of arrest, law of search and seizure, and law regarding the use of force.

3.8(2) and **3.8(3)** No change.

3.8(4) *Criteria to be eligible to certify through examination.* The following will be prerequisites for certification through examination:

a. Successful completion of a minimum ~~160-hour~~ 400-hour certifying basic law enforcement training school in another state, which certification has not been withdrawn or suspended by the certifying state.

b. and c. No change.

~~d.—Submission of a preliminary application for certification through examination to the council.~~
A preliminary application for certification shall adhere to the requirements set out in Iowa Code section 80B.11F, as well as any additional requirements set out by the Iowa law enforcement academy.

LAW ENFORCEMENT ACADEMY[501](cont'd)

3.8(5) *Application and testing periods.* Application for certification through examination shall be made within 120 days of the applicant's hiring date, unless a determination is made by the academy council that this time period should be extended for "good cause." Failure to make timely application for certification through examination may result in the applicant's being required to attend ~~an~~ a certifying academy certifying school.

3.8(6) and **3.8(7)** No change.

ITEM 12. Rescind and reserve rule **501—3.9(80B)**.

ITEM 13. Amend subrule 3.12(1) as follows:

3.12(1) An individual who has not yet been hired or started employment as an Iowa sworn peace officer may apply for attendance at the Iowa law enforcement academy (ILEA) or, if qualified as provided for in subrule 3.4(1), at a short course of study at an approved law enforcement training program if such individual is sponsored by an Iowa law enforcement agency.

a. The individual must submit an application packet approved and provided by the Iowa law enforcement academy at least 30 days in advance of the course of study that the person wants to attend ~~if the hiring standards are conducted by a sponsoring agency and at least 60 days in advance of the course of study that the person wants to attend if the hiring standards are conducted by ILEA~~. An administrative fee, to be established by the academy, shall accompany the application packet.

b. The sponsoring Iowa law enforcement agency must certify that the agency intends to hire the individual within the next ~~18~~ 12 months ~~or has hired the individual as a law enforcement officer~~.

c. and *d.* No change.

ITEM 14. Amend subrule 3.12(5) as follows:

3.12(5) Certification.

a. The academy will not grant certification until an individual is employed by an Iowa law enforcement agency and has met required hiring standards and successfully completed certification testing.

~~*a.* The following hiring standards must be reverified if the individual is not hired by an Iowa law enforcement agency during the first 12 months following completion of the course of study.~~

~~(1) The Iowa law enforcement academy evaluations of the Minnesota Multiphasic Personality Inventory (MMPI) may be used for only 12 months to comply with this rule. Any individual who has not been hired or placed upon a civil service certified list within the first 12 months following completion of the course of study must retake the MMPI and, before the individual is certified, the results of the MMPI must be approved by the hiring authority.~~

~~(2) Standard & Associates' National Police Officer Selection Test (POST) test scores shall be valid for a period of 12 months from the date of completion of the course of study. An individual who has not been hired or placed upon a civil service certified list within 12 months must retake and successfully pass the examination before being certified.~~

~~(3) The individual must be examined by a licensed physician or surgeon and meet the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.~~

~~(4) The individual must successfully pass a physical test adopted by the Iowa law enforcement academy.~~

b. An individual may be certified in the following areas only after being employed by an Iowa law enforcement agency:

(1) Iowa Law Enforcement Emergency Care Provider.

(2) Implied consent.

(3) Standardized field sobriety testing.

(4) Firearms qualification with the hiring agency's weapon and ammunition.

Certification will be awarded in the above areas if the individual is employed by an Iowa law enforcement agency within the first 12 months following completion of the basic training course of study and when the following requirements are met. All individuals, once employed by an Iowa law enforcement agency, must undergo testing in the firearms qualifications with the hiring agency's weapon and ammunition at the direction of an instructor certified in firearms by the Iowa law enforcement

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academy. Documentation of this testing and scores must be submitted to the Iowa law enforcement academy. The individual will be certified upon successful completion of the firearms qualification and review of the testing results completed during training at the Iowa law enforcement academy or at a short course of study at an approved law enforcement training program.

~~If the individual is not employed within a 12-month period after completing basic training at the Iowa law enforcement academy or at a short course of study at an approved law enforcement training program, the individual will be required to retake the required training for Iowa Law Enforcement Emergency Care Provider, implied consent, and standardized field sobriety testing. Successful completion and documentation of this training must be submitted to the Iowa law enforcement academy before certification can be granted.~~

ITEM 15. Amend subrule 3.12(6) as follows:

3.12(6) Employment within ~~48~~ 12 months. The individual must be employed by an Iowa law enforcement agency within ~~48~~ 12 months of completion of the course of study in order to receive certification. An individual shall not be certified under rule 501—3.12(80B) if the individual is not employed by an Iowa law enforcement agency within ~~48~~ 12 months of completion of the course of study.

ITEM 16. Amend subrule 7.3(7) as follows:

7.3(7) Fees.

a. No change.

b. *Copying and postage costs.* Price schedules for published materials and for photocopies of records supplied by the agency shall be prominently posted ~~in agency offices~~ on the agency's website. Copies of records may be made by or for members of the public on agency photocopy machines or from electronic storage systems at cost as determined and posted ~~in agency offices by the custodian~~ on the agency's website. When the mailing of copies of records is requested, the actual costs of such mailing may also be charged to the requester.

c. No change.

d. *Advance deposits.*

(1) When the estimated total fee chargeable under this subrule exceeds ~~\$25~~ \$20, the custodian may require a requester to make an advance payment to cover all or a part of the estimated fee.

(2) No change.

ITEM 17. Amend subrule 7.13(1) as follows:

7.13(1) Law enforcement officer personal files. The Iowa law enforcement academy is charged by Iowa Code chapter 80B to establish training and hiring standards and to certify individuals as law enforcement officers in the state of Iowa. Training records, law enforcement officer status, and personal questionnaires are necessary to accomplish the mandate of Iowa Code chapter 80B.

These personal files contain information about past and present law enforcement officers in the state. These files may contain hiring and termination information, personal questionnaires and status changes (required by rule 501—3.1(80B) and rule 501—3.2(80B)), medical information showing compliance with rule 501—2.1(80B) and rule 501—2.2(80B) as authorized by Iowa Code section 80B.11, criminal history data, restoration of citizenship records, pardon records, training records, test scores, disciplinary reports and evaluation reports prepared during recruit training, decertification requests, and investigative reports. These files may also contain published articles concerning an individual officer and other data relevant to a law enforcement officer's career in law enforcement. Some of these records may be confidential under Iowa Code section 22.7 or Iowa Code chapter 692. Law enforcement officer personal records are stored in ~~both paper and~~ or computerized form.

ITEM 18. Amend subrule 7.13(2) as follows:

7.13(2) Decertification files. These files are maintained pursuant to Iowa Code section 80B.13(8). These files contain requests or inquiries made by hiring authorities concerning decertification of a person who is certified as a law enforcement officer in the state of Iowa. The Iowa law enforcement academy also has independent authority pursuant to Iowa Code section 80B.13(8) to revoke a law enforcement officer's

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certification for conviction of a felony or revoke or suspend a law enforcement officer's certification for a violation of rules adopted pursuant to Iowa Code section 80B.11(1) "h." These files may contain official administrative or court filings or records, investigative reports, criminal history data, and attorney-client work product concerning possible or impending litigation. Some of this information may be confidential under Iowa Code sections 17A.2 and 22.7, Iowa Code chapter 692, constitutional restraints, statute and the Code of Professional Responsibility. Except as previously noted, administrative hearing filings or records and court records or filings are public records. This information is stored in paper ~~and~~ or computerized ~~forms~~ form.

ITEM 19. Amend subrule 7.13(3) as follows:

7.13(3) *Litigation files.* These files or records contain information regarding litigation, or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorneys' notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials which are confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons wanting to obtain copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court which maintains the official copy. Copies of pleadings and other documents filed in litigation with the Iowa law enforcement academy may be obtained from the Iowa law enforcement academy during normal business hours as these documents are public records. These records are maintained in paper ~~and~~ or computerized ~~forms~~ form.

ITEM 20. Amend subrule 7.13(5) as follows:

7.13(5) *Library user files.* These files contain information on individuals who have checked out books, films, tapes, etc. from the Iowa law enforcement academy library. This information is confidential pursuant to Iowa Code section 22.7(13). This information is kept in paper ~~form and may appear in~~ or computerized form.

ITEM 21. Amend subrule 7.13(6) as follows:

7.13(6) *Law enforcement class files.* These files contain information concerning individuals who have attended training classes established by the Iowa law enforcement academy. These files may contain grade information, class rosters, class schedules, class tests, photographs of class members, and disciplinary information. Some of this information may be confidential pursuant to Iowa Code section 22.7. This information is kept in computerized ~~and~~ or paper form.

ITEM 22. Amend subrule 7.13(7) as follows:

7.13(7) *Implied consent training files.* These files contain information concerning those officers who are certified to invoke implied consent pursuant to Iowa Code chapter 321J. These files are public records and are accessible during normal working hours. Some of this information may be confidential pursuant to Iowa Code section 22.7. This information is kept in computerized ~~and~~ or paper form.

ITEM 23. Amend subrule 7.13(8) as follows:

7.13(8) *Specialized instructor files.* These files contain information concerning individuals who have attended specialized training programs or through experience are qualified to instruct in specialized areas of law enforcement. These records may be retrieved by personal identifier or through class name. Some of this information may be confidential pursuant to Iowa Code section 22.7. These records are kept in ~~both~~ computerized ~~and~~ or paper form.

ITEM 24. Amend subrule 7.13(9) as follows:

7.13(9) *Psychological testing.* These files contain information concerning a law enforcement applicant's test scores regarding cognitive and psychological tests mandated by Iowa Code section 80B.11(1) "g." In these files, other psychological examinations requested by hiring agencies are also stored by a personal identifier. Some of this information may be confidential pursuant to Iowa Code section 22.7(19). Law enforcement officers interested in the results of their psychological testing

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should contact the hiring agency that authorized the testing. This information is maintained in ~~both~~ computerized ~~and~~ or paper form.

ITEM 25. Amend subrule 7.13(11) as follows:

7.13(11) Salary files. These files contain information concerning financial data regarding payments made to permanent or temporary employees of the Iowa law enforcement academy. These records are maintained concurrently by the Iowa law enforcement academy, the Iowa department of administrative services, and the Iowa department of revenue. These records are kept in paper ~~and~~ or computerized form.

ITEM 26. Amend rule 501—7.14(17A,22), introductory paragraph, as follows:

501—7.14(17A,22) Other groups of records. This rule describes groups of records maintained by the agency other than a record system as defined in rule 501—7.1(17A,22). These records are routinely available to the public; however, the agency's files of these records may contain confidential information as discussed in rule 501—7.12(17A,22). The records listed may contain information about individuals. All records are stored on paper ~~and~~ or in computer systems ~~unless otherwise noted~~.

ITEM 27. Amend subrule 7.14(3) as follows:

7.14(3) Publications. The office receives a number of books, periodicals, videotapes, films, newsletters, government documents, etc. ~~These records are maintained in the library established pursuant to Iowa Code section 80B.15 for use by law enforcement training centers and institutions who have a two-year program in law enforcement.~~ Some of these records may be protected by copyright law. Many of these publications of general interest are available in the state law library.

ITEM 28. Rescind 501—Chapter 8 and adopt the following new chapter in lieu thereof:

CHAPTER 8
MANDATORY IN-SERVICE AND SPECIALTY TRAINING REQUIREMENTS

501—8.1(80B) Mandatory in-service training requirements. All regular law enforcement officers shall meet the following in-service training requirements. The elected or appointed official designated as the head of the agency employing the regular law enforcement officer shall ensure compliance with the training requirements listed.

8.1(1) Mandatory training and certification requirements. A regular law enforcement officer must receive in-service training from a course of study approved by the Iowa law enforcement academy.

- a. Annual firearms qualification
- b. National crime information center (NCIC) certification (Federal Bureau of Investigation)
- c. Hazard communications (OSHA Standard 1910.1200(h))
- d. Hazardous materials (OSHA Standard 1910.120(q)(8)(i))
- e. Bloodborne pathogens (OSHA Standard 1910.1030(g)(2)) 1 hour per year
- f. Implicit bias/de-escalation training (Iowa Code section 80B.11G) 4 hours per year
- g. Mental health training (Iowa Code section 80B.11(1) "c"(3)) 1 hour per year
- h. Cardiopulmonary resuscitation (CPR), AED and foreign body airway obstruction for all age groups. (Standards defined by the International Liaison Committee on Resuscitation)
- i. Mandatory reporter training for child and dependent adult abuse provided by the department of human services (Iowa Code sections 232.69(1) "b"(11), 232.69(3) "b," 235B.3(2) "b" and 235B.16(5) "b"). A child abuse or dependent adult abuse training certificate relating to the identification and reporting of child abuse or dependent adult abuse issued prior to July 1, 2019, remains effective and continues in effect as issued for the five-year period following its issuance.

8.1(2) General training. In addition to the requirements of subrule 8.1(1), a regular law enforcement officer must receive a minimum of 12 hours per year of law enforcement-related in-service training. Whether training is law enforcement-related shall be determined by the employing agency administrator.

501—8.2(80B) Instructors.

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8.2(1) A peace officer instructor who instructs in a law enforcement-related training area, as determined by the law enforcement agency administrator, may receive hour-for-hour credit toward the in-service training requirement for the subject taught.

8.2(2) In-service training programs, specialized classes, or other courses of instruction that are not Iowa law enforcement academy instructor certifying schools, may be developed and instructed by any individual deemed qualified by the law enforcement agency administrator.

501—8.3(80B) In-service training requirements for former regular law enforcement officers who return to law enforcement. Any individual who leaves and then returns to an Iowa law enforcement officer position must complete all requirements outlined in subrule 8.1(1) within one year of the individual's hiring date. Additionally, the individual must complete additional general in-service requirements of law enforcement-related training as defined in subrule 8.1(2) plus the appropriate hours listed below:

Period Outside of Iowa Law Enforcement	In-Service Training Required
More than 12 months to 24 months	24 hours
More than 24 months to 36 months	36 hours
More than 36 months	60 hours

501—8.4(80B) Time frame—tolled. The time frame requirements for completion of any mandatory training are tolled during the period a law enforcement officer is called to active military service.

501—8.5(80F) Training officers on interviewing/investigating an officer subject to a complaint.

8.5(1) An agency employing full-time or part-time officers shall provide training to any officer or supervisor who performs or supervises an investigation under Iowa Code section 80F.1 and shall maintain documentation of completed training.

8.5(2) Pursuant to Iowa Code section 80F.1(22), a peace officer or supervisor who performs or supervises an investigation of an officer who is the subject of a complaint shall receive a minimum of two hours of training on the fundamentals of interviewing. It is recommended that a peace officer who performs active investigations of officers who are the subject of complaints also receive additional training.

8.5(3) Pursuant to Iowa Code section 80F.1(22), a peace officer or supervisor who performs or supervises an investigation of an officer who is the subject of a complaint shall complete a minimum of two hours of training on the following areas:

- a. Peace officer, public safety, and emergency personnel bill of rights (Iowa Code section 80F.1).
- b. Garrity warning (*Garrity v. New Jersey*, 385 U.S. 493 (1967)).
- c. Peace officer disciplinary hearing (with applicable agency policy).

The training required under this subrule shall be conducted by a licensed attorney familiar with Iowa law. It is recommended that a peace officer who performs active investigations of officers who are the subject of complaints also receive additional training.

These rules are intended to implement Iowa Code sections 80B.11, 80B.11G and 80F.1(21).

[Filed 3/4/22, effective 4/27/22]

[Published 3/23/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/23/22.

ARC 6255C**PHARMACY BOARD[657]****Adopted and Filed****Rule making related to controlled substances**

The Board of Pharmacy hereby amends Chapter 10, “Controlled Substances,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 124.201.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 124.201.

Purpose and Summary

This rule making temporarily places one substance into Schedule I of the Iowa Uniform Controlled Substances Act in response to similar scheduling action taken by the federal Drug Enforcement Administration.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 15, 2021, as **ARC 6082C**. No public comments were received.

Two nonsubstantive changes from the Notice have been made to correct two typographical errors.

Adoption of Rule Making

This rule making was adopted by the Board on March 1, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 27, 2022.

PHARMACY BOARD[657](cont'd)

The following rule-making action is adopted:

Adopt the following **new** subrule 10.39(7):

10.39(7) Amend Iowa Code section 124.204(6) by adding the following new paragraph:

i. 4,4'-Dimethylaminorex. Other names: 4,4'-DMAR;
4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine;
4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine.

[Filed 3/2/22, effective 4/27/22]

[Published 3/23/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/23/22.

ARC 6256C

PHARMACY BOARD[657]

Adopted and Filed

Rule making related to telepharmacy practice

The Board of Pharmacy hereby amends Chapter 13, "Telepharmacy Practice," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 155A.13 and 155A.33.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 155A.13 and 155A.33.

Purpose and Summary

These amendments are the result of an overall five-year review of Chapter 13 as required by Iowa Code section 17A.7(2) and comments solicited by the Board from interested stakeholders in advance of the Board's review. These amendments:

- Reduce the notification period to terminate a written agreement between a managing pharmacy and a telepharmacy site from 90 days to 45 days,
- Authorize the practice of pharmacy support persons (PSP) at a telepharmacy site and establish requirements for PSP registration and training,
- Remove duplicated rules which are required in other Board chapters, and
- Authorize the Board to establish a committee to consider requests for exemption to the technician practice experience requirements in exceptional circumstances that may otherwise result in the closure of the telepharmacy site.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 15, 2021, as **ARC 6083C**. A public hearing was held on January 6, 2022, at 10 a.m. in the Health Professions Board Room, 400 S.W. 8th Street, Suite H, Des Moines, Iowa, as well as via Zoom participation.

While 13 individuals attended the public hearing via Zoom, none provided oral comments. The Board received two written comments. One commenter sought clarification relating to the possible presence of a PSP in a telepharmacy in the absence of a certified pharmacy technician (CPhT) or pharmacist, expressing concern that the PSP would be authorized to engage in technical functions, as well as the elements identified in paragraph 13.3(1)"e" relating to the requirement to close a

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telepharmacy. The Board's rules articulate the nontechnical functions in which PSPs are authorized to engage that continue to dictate the authorized functions within a telepharmacy; a PSP is not, under any circumstances, authorized to engage in technical functions in any pharmacy setting, including a telepharmacy site. Paragraph 13.3(1)"e" provides that all three identified elements of a telepharmacy site and its connection with a managing pharmacy must be in place for the telepharmacy site to be open. If any one of the three elements is not available or functioning, the telepharmacy site must close until all three are available and operational. The second comment was in support of the rule making.

No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on March 1, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

A minimal increase in PSP positions in telepharmacies may result in any of the 23 licensed telepharmacy locations in the state.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 27, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule 657—13.1(155A) as follows:

657—13.1(155A) Purpose and scope. The purpose of this chapter is to provide standards for the provision of telepharmacy services to patients. These rules provide for pharmaceutical care services at a telepharmacy site utilizing audiovisual technologies that link the telepharmacy site with a managing pharmacy and one or more verifying pharmacists, but do not include remote pharmacist verification occurring in or on behalf of a hospital pharmacy. The telepharmacy site and the managing pharmacy shall be located within Iowa and shall maintain appropriate licensure by the board.

ITEM 2. Adopt the following **new** definitions of "ACPE" and "Telepharmacy personnel" in rule **657—13.2(155A)**:

"ACPE" means the Accreditation Council for Pharmacy Education.

"Telepharmacy personnel" means one or more registered certified pharmacy technicians or registered pharmacy support persons who have met the general requirements for telepharmacy site practice and who work at a telepharmacy site under the remote supervision of a verifying pharmacist.

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ITEM 3. Amend rule **657—13.2(155A)**, definition of “Telepharmacy site,” as follows:

“*Telepharmacy site*” means a licensed pharmacy that is operated by a managing pharmacy and staffed by ~~one or more telepharmacy technicians personnel~~ where pharmaceutical care services, including the storage and dispensing of prescription drugs, drug utilization review, and patient counseling, are provided by a licensed pharmacist through the use of technology.

ITEM 4. Amend rule 657—13.3(124,155A) as follows:

657—13.3(124,155A) Written agreement. The managing pharmacy and the telepharmacy site shall execute and maintain a current written agreement between the pharmacies. If there is no current written agreement between the pharmacies, the telepharmacy site shall immediately notify the board and shall discontinue operations as a telepharmacy site until a current written agreement between the managing pharmacy and the telepharmacy site is executed.

13.3(1) Contents of agreement. The written agreement between the managing pharmacy and a telepharmacy site shall include, but may not be limited to, the following:

a. Staffing, to include telepharmacy ~~technician personnel~~ staffing, verifying pharmacist staffing and availability, and on-site pharmacist staffing as needed.

b. to d. No change.

e. A provision that, in the event that the telepharmacy ~~technician personnel~~ is not available at the telepharmacy site, that a verifying pharmacist is not available, or that the audiovisual communication connection between the telepharmacy site and the managing pharmacy is not available, the telepharmacy site shall close pending the availability of ~~the technician telepharmacy personnel~~, the verifying pharmacist, and the communication link or pending the arrival at the telepharmacy site of a pharmacist to provide on-site pharmacy services.

f. to h. No change.

13.3(2) Termination of agreement. A managing pharmacy shall provide written notice to the board and to the telepharmacy site ~~90~~ 45 days in advance of the managing pharmacy’s intent to terminate the agreement between the telepharmacy site and the managing pharmacy. A telepharmacy site shall provide written notice to the board and to the managing pharmacy ~~90~~ 45 days in advance of the telepharmacy site’s intent to terminate the agreement between the managing pharmacy and the telepharmacy site.

a. *New agreement.* A new written agreement between a managing pharmacy and the telepharmacy site, including the filing of a new pharmacy license application identifying the new pharmacist in charge, shall be executed within the ~~90-day~~ 45-day advance notification period.

b. *No new agreement.* If the telepharmacy site is unable to contract with a new managing pharmacy, the telepharmacy site shall, 30 days prior to the expiration of the ~~90-day~~ 45-day advance notification period, implement the prior notification requirements for closing a telepharmacy site as provided in subrule 13.3(3). The telepharmacy site shall cease operations and close at the end of that 30-day closing notification period unless a new written agreement is executed.

13.3(3) and 13.3(4) No change.

ITEM 5. Rescind and reserve rule **657—13.4(155A)**.

ITEM 6. Amend rule 657—13.8(124,155A) as follows:

657—13.8(124,155A) General requirements for telepharmacy site. ~~The telepharmacy site shall maintain a pharmacy license issued by the board. If the telepharmacy site plans to dispense controlled substances, the telepharmacy site shall also maintain a CSA registration and a DEA registration. In addition to applicable requirements for pharmacies located in Iowa, a telepharmacy site shall also ensure compliance with the requirements identified herein.~~

~~**13.8(1) Located in Iowa.** A telepharmacy site shall be located within the state of Iowa.~~

~~**13.8(2) Pharmacist in charge.** The pharmacist in charge of the managing pharmacy shall designate a pharmacist in charge of the telepharmacy site pursuant to subrule 13.9(3).~~

13.8(3) 13.8(1) Security. A telepharmacy site shall employ methods to prevent unauthorized access to prescription drugs, devices, and pharmacy and patient records. Such methods may include an alarm

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system and shall include other security systems and methods as provided by these rules. Alarm systems and entry system locks should be disarmed when the telepharmacy site is staffed and open for business. Minimum security methods shall include:

a. to d. No change.

~~13.8(4)~~ **13.8(2)** *Telepharmacy site signage.* In addition to the patient counseling sign required pursuant to ~~subrule 13.8(5)~~ rule 657—6.14(155A), one or more signs, prominently posted in every prescription pick-up area and clearly visible to the public, shall inform the public that the location is a telepharmacy site supervised by a pharmacist at a remote location. Signage shall include the name, location, and telephone number of the managing pharmacy. The telepharmacy site shall also prominently post the days and times that the telepharmacy is open for business.

~~13.8(5)~~ **13.8(3)** *Patient counseling.* Patient counseling as required by rule 657—6.14(155A) shall be provided utilizing the audiovisual technology employed between the telepharmacy site and the managing pharmacy. ~~Every telepharmacy site shall post in every prescription pickup area, in a manner clearly visible to patients, a notice that Iowa law requires the pharmacist to discuss with the patient any new prescriptions dispensed to the patient. The board shall provide a telepharmacy site with the required signage.~~

~~13.8(6)~~ **13.8(4)** *Label requirements.* In addition to the label requirements identified in 657—subrule 6.10(1), the label affixed to or on the dispensing container of any prescription drug or device dispensed by a telepharmacy site pursuant to a prescription drug order shall include, on the primary label or affixed by use of an auxiliary label, the following:

a. and b. No change.

~~13.8(7)~~ **13.8(5)** *Prohibited activities.* In the physical absence of a pharmacist, the following activities are prohibited:

a. Practice of pharmacist-interns ~~or pharmacy support persons at the telepharmacy site, except that a pharmacy support person may deliver prescriptions to patients outside the telepharmacy site but may not engage in prescription delivery or any other activities at the telepharmacy site.~~

b. to f. No change.

g. All judgmental and technical activities identified in rule 657—5.17(155A) that a pharmacy support person is prohibited from performing in the practice of pharmacy.

~~13.8(8)~~ *Continuous quality improvement.* A telepharmacy site shall implement and participate in a continuous quality improvement program pursuant to rule 657—8.26(155A).

~~13.8(9)~~ **13.8(6)** *Technology failure.* If the audiovisual technology between the telepharmacy site and the managing pharmacy or the verifying pharmacist is not operational, no prescriptions shall be dispensed from the telepharmacy site to a patient unless a pharmacist is physically present at the telepharmacy site.

~~13.8(10)~~ **13.8(7)** *Perpetual controlled substances inventory.* A telepharmacy site that dispenses controlled substances shall maintain a perpetual inventory record of those controlled substances.

a. and b. No change.

~~13.8(11)~~ **13.8(8)** *Display of pharmacist license.* A telepharmacy site shall display, in a position visible to the public, the original license to practice pharmacy in Iowa of the pharmacist in charge of the telepharmacy site. The telepharmacy site shall display, in a position visible to the public, the current license renewal certificate, which may be a photocopy of an original renewal certificate, of the pharmacist in charge of the telepharmacy site and of each pharmacist who may provide patient counseling to patients at the telepharmacy site. A pharmacist working on site while the telepharmacy site is open to the public shall display an original license and current license renewal certificate pursuant to 657—subrule 8.4(1).

13.8(9) *Adequate audiovisual connection.* The telepharmacy personnel shall ensure adequate audiovisual connection with the managing pharmacy during all periods when the telepharmacy site is open for business, including ensuring confidentiality of communications in compliance with state and federal confidentiality laws.

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ITEM 7. Amend subrule 13.10(4) as follows:

13.10(4) Patient refusal of counseling. If a patient or patient's caregiver refuses patient counseling, the refusal shall be directly communicated by the patient or patient's caregiver to the pharmacist through audiovisual communication. ~~A technician~~ Telepharmacy personnel may not accept and communicate a refusal of patient counseling from the patient or patient's caregiver to the pharmacist.

ITEM 8. Amend rule 657—13.11(155A) as follows:

657—13.11(155A) General requirements for telepharmacy technician.

13.11(1) Registration and certification. A telepharmacy technician shall maintain current national certification and registration in good standing with the board as a certified pharmacy technician.

~~13.11(1)~~ **13.11(2) Practice experience.** Before practicing in a telepharmacy site, a telepharmacy technician shall have completed a minimum of 2,000 hours of practice experience as a certified pharmacy technician, at least 1,000 hours of which shall be practicing in an Iowa-licensed pharmacy and 160 hours of which shall be practicing in a managing pharmacy, at another pharmacy which uses the same audiovisual technology system, or at the telepharmacy site under the direct supervision of an on-site pharmacist. The board may establish a committee to consider, on a case-by-case basis, requests for exceptions to the practice experience requirements in exceptional circumstances that may otherwise result in the closure of the telepharmacy site.

~~13.11(2)~~ **13.11(3) Training.** In addition to training required of all pharmacy technicians, a telepharmacy technician shall complete the following minimum training requirements before practicing in a telepharmacy site. Records of telepharmacy technician training shall be documented and maintained by the telepharmacy site.

a. to f. No change.

~~13.11(3)~~ **13.11(4) Continuing education.** Beginning with the first full two-year continuing education period for renewal of the technician's national pharmacy technician certification after beginning practice as a telepharmacy technician, and for each subsequent renewal of national certification for as long as the technician continues to practice as a telepharmacy technician, the technician shall complete two hours of ACPE-approved continuing education in each of the following activities. These continuing education requirements shall not be in addition to the total continuing education credits required to maintain national certification.

a. and b. No change.

~~13.11(4)~~ **Identification.** ~~The telepharmacy technician shall, at all times when the technician is practicing at the telepharmacy site and the telepharmacy site is open for business, wear a name badge or tag identifying the technician. The badge or tag shall include, at a minimum, the technician's first name and title. The name badge or tag shall be so designed and worn that the technician's name and title are clearly visible to the public at all times.~~

~~13.11(5)~~ **Adequate audiovisual connection.** ~~The telepharmacy technician shall ensure adequate audiovisual connection with the managing pharmacy during all periods when the telepharmacy site is open for business, including ensuring confidentiality of communications in compliance with state and federal confidentiality laws.~~

ITEM 9. Adopt the following new rule 657—13.12(155A):

657—13.12(155A) General requirements for telepharmacy support person.

13.12(1) Registration. A telepharmacy support person shall maintain registration in good standing with the board as a pharmacy support person.

13.12(2) Training. In addition to training required of all pharmacy support persons, a telepharmacy support person shall complete the following minimum training requirements before practicing in a telepharmacy site. Records of telepharmacy support person training shall be documented and maintained by the telepharmacy site.

a. Review and understanding of the policies and procedures of the managing pharmacy.

b. Review and understanding of the policies and procedures of the telepharmacy site.

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- c. Review and understanding of these rules for telepharmacy practice.
- d. Review and understanding of pharmacy support person rules, 657—Chapter 5.
- e. Understanding of the operation of the audiovisual technologies to be utilized at both pharmacies.
- f. Training at the telepharmacy site under the direct supervision of an on-site verifying pharmacist. Training shall include operation and use of the audiovisual technology and other means of communication between the telepharmacy site and the managing pharmacy and the security of the telepharmacy site as identified in policies and procedures.

ITEM 10. Amend rule 657—13.16(124,155A) as follows:

657—13.16(124,155A) Telepharmacy site—initial application. A telepharmacy site shall complete and submit to the board a limited use/telepharmacy license application and nonrefundable fee as provided in rule 657—8.35(155A) and, if controlled substances will be dispensed from the telepharmacy site, a CSA registration application and nonrefundable fee as provided in rule 657—10.5(124). As part of the limited use/telepharmacy license application, the telepharmacy site shall include the additional information identified in this rule.

~~13.16(1) License application.~~ A telepharmacy site shall complete and submit to the board a limited use/telepharmacy license application and nonrefundable fee as provided in rule 657—8.35(155A). In addition to the application and fee, the telepharmacy site shall include the additional information identified in this rule.

~~13.16(2) CSA registration application.~~ If controlled substances will be dispensed from the telepharmacy site, the telepharmacy site shall complete and submit, with the limited use/telepharmacy license application and fee, the CSA registration application and nonrefundable fee as provided in rule 657—10.5(124).

~~13.16(3)~~ **13.16(1) Identification of managing pharmacy.** The telepharmacy site application shall include identification of the managing pharmacy, including pharmacy name, license number, address, telephone number, and pharmacist in charge; a statement from the managing pharmacy or pharmacist in charge indicating that the managing pharmacy has executed a written agreement to provide the required services and oversight to the telepharmacy site; and a statement from the pharmacist in charge of the managing pharmacy designating the pharmacist in charge of the telepharmacy site pursuant to subrule 13.9(3).

~~13.16(4)~~ **13.16(2) Distance to nearest pharmacy that dispenses prescription drugs to outpatients.** The telepharmacy site application shall identify the nearest currently licensed pharmacy that dispenses prescription drugs to outpatients and shall provide evidence identifying the total driving distance between the proposed telepharmacy site and the nearest currently licensed pharmacy that dispenses prescription drugs to outpatients.

a. If the distance between the proposed telepharmacy site and the nearest currently licensed pharmacy that dispenses prescription drugs to outpatients is less than ten miles, the telepharmacy site shall submit a request for waiver of the distance requirement. The process and requirements for a request for waiver are identified in subrule ~~13.16(8)~~ **13.16(6)**.

b. No change.

~~13.16(5)~~ **13.16(3) Written agreement.** The telepharmacy site application shall include the written agreement between the telepharmacy site and the managing pharmacy as described in subrule 13.3(1).

~~13.16(6)~~ **13.16(4) Key personnel.** The telepharmacy site application shall identify key personnel including the pharmacist in charge of the managing pharmacy, the pharmacist in charge of the telepharmacy site, ~~and~~ the telepharmacy technician or technicians at the telepharmacy site, and the telepharmacy support person or persons at the telepharmacy site. Identification shall include the names, the license or registration numbers, and the titles of the key personnel. Telepharmacy technician identification shall also include a copy verification of the telepharmacy technician's current national certification ~~or other verification of the telepharmacy technician's current national certification.~~

~~13.16(7)~~ **13.16(5) Audiovisual technology.** A description of the audiovisual technology system to be used to link the managing pharmacy and the telepharmacy site, including built-in safeguards relating to

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verification of the accuracy of the dispensing processes. Safeguards shall include but may not be limited to:

a. to d. No change.

~~13.16(8)~~ **13.16(6)** *Request for distance waiver.* The board shall consider a request for waiver of the distance requirement between the proposed telepharmacy site and the nearest currently licensed pharmacy that dispenses prescription drugs to outpatients if the petitioner can demonstrate to the board that the proposed telepharmacy site is located in an area where there is limited access to pharmacy services and that there exist compelling circumstances that justify waiving the distance requirement.

a. to d. No change.

ITEM 11. Rescind and reserve rule **657—13.17(124,155A)**.

ITEM 12. Rescind and reserve rule **657—13.21(124,155A)**.

ITEM 13. Rescind and reserve rule **657—13.22(155A)**.

ITEM 14. Amend rule 657—13.23(124,155A) as follows:

657—13.23(124,155A) Records. Every inventory or other record required to be kept under Iowa Code chapters 124 and 155A or rules of the board shall be kept by the telepharmacy site and be available for inspection and copying by the board or its representative for at least two years from the date of the inventory or record except as specifically identified by law or rule. Controlled substances records shall be maintained in a readily retrievable manner in accordance with federal requirements and 657—Chapter 10.

13.23(1) Dispensing record. ~~As provided in rule 657—13.21(124,155A), a~~ A written or electronic record identifying the pharmacist who verified the prescription, the pharmacist who performed drug utilization review, the pharmacist who provided counseling to the patient or the patient's caregiver, and the pharmacy technician who filled the prescription shall be maintained for every prescription fill dispensed by the telepharmacy site.

13.23(2) to 13.23(4) No change.

13.23(5) Policy and procedure review. A written or electronic record of the review of the policy and procedures by the pharmacist in charge shall be retained for two years following the date of the review.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/23/22.

ARC 6265C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to specific criteria for continuing education

The Board of Athletic Training hereby amends Chapter 352, "Continuing Education for Athletic Trainers," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 272C.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272C.2.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Purpose and Summary

This rule making expands the specific criteria for continuing education by allowing athletic trainers to receive continuing education credit for additional activities, including attending workshops, authoring research, making professional presentations, and completing academic coursework. This rule making also eliminates definitions for terms that do not appear in the chapter.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021, as **ARC 6027C**. A public hearing was held on November 23, 2021, at 9 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing.

At the Board's regular quarterly meeting in December 2021, members of the profession and the professional association were present and inquired about the rules and whether there was any interplay between Board of Certification (BOC) certification and these continuing education changes. The Board explained that these rules do not impact BOC certification, nor do they alter the continuing education requirements for those athletic trainers who wish to rely on active BOC certification to satisfy their continuing education requirements pursuant to rule 645—352.4(152D,272C). Rather, licensees are not required to maintain active BOC certification as a condition of their license. If a licensee is not BOC-certified, this rule making simply provides additional options for satisfying the biennial 50 hours of continuing education. This rule making was initiated in response to a request by a licensee for additional pathways to satisfy continuing education hours, and the amendments allow additional options for obtaining continuing education that are recognized by other professions, including massage therapists and physical therapists. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on December 14, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 27, 2022.

The following rule-making actions are adopted:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 1. Amend rule 645—352.1(272C) as follows:

645—352.1(272C) Definitions. For the purpose of these rules, the following definitions shall apply:

~~“Active license” means the license is current and has not expired.~~

~~“Approved program/activity” means a continuing education program/activity meeting the standards set forth in these rules.~~

“Audit” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

“Board” means the board of athletic training created under Iowa Code chapter 147.

“BOC” means the Board of Certification or its successor organization.

“Continuing education” means planned, organized learning acts acquired during initial licensure designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“Hour of continuing education” means at least 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

~~“Inactive license” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.~~

~~“Independent study” means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules and includes a posttest.~~

“License” means license to practice.

“Licensee” means any person licensed to practice as an athletic trainer in the state of Iowa.

ITEM 2. Amend subrule 352.3(2) as follows:

352.3(2) Specific criteria. Continuing education hours of credit shall be obtained by participating in through any of the following:

a. Completing a course provided by a BOC-approved provider of continuing education.

b. Attending workshops, conferences, or symposiums.

c. Authoring research, the results of which are published in a recognized professional publication.

A licensee shall receive five hours of credit per page.

d. Presenting professional programs that meet the criteria of this chapter. Two hours of credit will be awarded for each hour of presentation. A course schedule or brochure must be maintained for audit. Presenting at a professional program does not include teaching class at an institution of higher learning at which the applicant is regularly and primarily employed, nor does it include presentations to the lay public. A licensee may be granted no more than ten hours of continuing education credit per biennium for presenting professional programs.

e. Completing academic courses that directly relate to the professional competency of the licensee. Official transcripts indicating successful completion of academic courses that apply to the field of athletic training must be maintained for audit. Continuing education credit equivalents are as follows:

1 academic semester hour = 15 continuing education hours

1 academic trimester hour = 12 continuing education hours

1 academic quarter hour = 10 continuing education hours

[Filed 2/25/22, effective 4/27/22]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/23/22.

ARC 6246C

**TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION,
IOWA[751]**

Adopted and Filed

Rule making related to billing services provided on behalf of an authorized network user

The Iowa Telecommunications and Technology Commission (Commission) hereby amends Chapter 17, “Miscellaneous,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 8D.3(3)“b.”

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 8D.11(5) as enacted by 2021 Iowa Acts, House File 805.

Purpose and Summary

2021 Iowa Acts, House File 805, authorized the Commission to provide billing services on behalf of an authorized user of the network that seeks to bill another entity that is receiving services from that authorized user pursuant to the network. This rule making implements that change.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 29, 2021, as **ARC 6110C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on February 17, 2022.

Fiscal Impact

The fiscal impact may include savings to an agency that has the Commission bill on its behalf and thus avoids the cost of establishing its own billing system. There may also be revenue generated if the agency is currently not billing for services as a result of not having its own billing system.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 751—Chapter 16.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751](cont'd)

Effective Date

This rule making will become effective on April 27, 2022.

The following rule-making action is adopted:

Adopt the following **new** rule 751—17.6(8D):

751—17.6(8D) Billing services on behalf of authorized user.

17.6(1) Pursuant to an agreement between the commission and an authorized user, the commission may provide billing services on behalf of the authorized user and charge another entity that receives services from the authorized user pursuant to the network if all of the following conditions are satisfied:

a. The services provided by the authorized user to the other entity must be consistent with the mission of the authorized user.

b. The services provided by the authorized user to the other entity must be consistent with the following requirements and limitations:

(1) The services provided by the authorized user are the services of the authorized user and are not communications services that the commission is authorized to provide only to its authorized users.

(2) The services provided by the authorized user to the other entity are being delivered to the other entity through the network.

(3) The services provided by the authorized user to the other entity are not being provided in a manner that is contrary to any other restrictions contained in Iowa Code chapter 8D.

17.6(2) This rule is not intended to limit the ability of the commission to recover damages from another entity on behalf of an authorized user for damage to the authorized user's network that is being managed or maintained by the commission on behalf of the authorized user.

This rule is intended to implement Iowa Code section 8D.11.

[Filed 2/24/22, effective 4/27/22]

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AGENCY	RULE	DELAY
Veterinary Medicine Board[811]	12.1(1)“b” [IAB 2/9/22, ARC 6171C]	Effective date of April 1, 2022, delayed 70 days by the Administrative Rules Review Committee at its meeting held March 7, 2022. [Pursuant to §17A.8(10)]