



IOWA ADMINISTRATIVE BULLETIN

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July 5, 2006

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PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form 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]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and regional banking—notice of application and hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike-through letters~~ indicate deleted material.

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Iowa Administrative Bulletin

The Iowa Administrative Bulletin is sold as a separate publication and may be purchased by subscription or single copy. All subscriptions will expire on June 30 of each year. Subscriptions must be paid in advance and are prorated quarterly.

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Des Moines, IA 50319
Telephone: (515)281-6766

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Dec. 30 '05	Jan. 18 '06	Feb. 7 '06	Feb. 22 '06	Feb. 24 '06	Mar. 15 '06	Apr. 19 '06	July 17 '06
Jan. 13	Feb. 1	Feb. 21	Mar. 8	Mar. 10	Mar. 29	May 3	July 31
Jan. 27	Feb. 15	Mar. 7	Mar. 22	Mar. 24	Apr. 12	May 17	Aug. 14
Feb. 10	Mar. 1	Mar. 21	Apr. 5	Apr. 7	Apr. 26	May 31	Aug. 28
Feb. 24	Mar. 15	Apr. 4	Apr. 19	Apr. 21	May 10	June 14	Sept. 11
Mar. 10	Mar. 29	Apr. 18	May 3	May 5	May 24	June 28	Sept. 25
Mar. 24	Apr. 12	May 2	May 17	***May 17***	June 7	July 12	Oct. 9
Apr. 7	Apr. 26	May 16	May 31	June 2	June 21	July 26	Oct. 23
Apr. 21	May 10	May 30	June 14	June 16	July 5	Aug. 9	Nov. 6
May 5	May 24	June 13	June 28	***June 28***	July 19	Aug. 23	Nov. 20
May 17	June 7	June 27	July 12	July 14	Aug. 2	Sept. 6	Dec. 4
June 2	June 21	July 11	July 26	July 28	Aug. 16	Sept. 20	Dec. 18
June 16	July 5	July 25	Aug. 9	Aug. 11	Aug. 30	Oct. 4	Jan. 1 '07
June 28	July 19	Aug. 8	Aug. 23	***Aug. 23***	Sept. 13	Oct. 18	Jan. 15 '07
July 14	Aug. 2	Aug. 22	Sept. 6	Sept. 8	Sept. 27	Nov. 1	Jan. 29 '07
July 28	Aug. 16	Sept. 5	Sept. 20	Sept. 22	Oct. 11	Nov. 15	Feb. 12 '07
Aug. 11	Aug. 30	Sept. 19	Oct. 4	Oct. 6	Oct. 25	Nov. 29	Feb. 26 '07
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Nov. 15	Dec. 6	Dec. 26	Jan. 10 '07	Jan. 12 '07	Jan. 31 '07	Mar. 7 '07	June 4 '07
Dec. 1	Dec. 20	Jan. 9 '07	Jan. 24 '07	Jan. 26 '07	Feb. 14 '07	Mar. 21 '07	June 18 '07
Dec. 13	Jan. 3 '07	Jan. 23 '07	Feb. 7 '07	Feb. 9 '07	Feb. 28 '07	Apr. 4 '07	July 2 '07
Dec. 27	Jan. 17 '07	Feb. 6 '07	Feb. 21 '07	Feb. 23 '07	Mar. 14 '07	Apr. 18 '07	July 16 '07

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
3	Friday, July 14, 2006	August 2, 2006
4	Friday, July 28, 2006	August 16, 2006
5	Friday, August 11, 2006	August 30, 2006

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

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

Note change of filing deadline

PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies
FROM: Kathleen K. West, Iowa Administrative Code Editor
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Administrative Code Division uses QuickSilver XML Publisher, version 2.0.0, to publish the Iowa Administrative Bulletin and can import documents directly from most other word processing systems, including Microsoft Word, Word for Windows (Word 7 or earlier), and WordPerfect.

1. To facilitate the publication of rule-making documents, we request that you send your document(s) as an attachment(s) to an E-mail message, addressed to both of the following:

bruce.carr@legis.state.ia.us and
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2. Alternatively, you may send a PC-compatible diskette of the rule making. Please indicate on each diskette the following information: agency name, file name, format used for exporting, and chapter(s) amended. Diskettes may be delivered to the Administrative Code Division, Third Floor West, Ola Babcock Miller Building, or included with the documents submitted to the Governor's Administrative Rules Coordinator.

Please note that changes made prior to publication of the rule-making documents are reflected on the hard copy returned to agencies, but not on the diskettes; diskettes are returned unchanged.

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AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
EDUCATION DEPARTMENT[281]		
School buses, amendments to ch 44 IAB 6/7/06 ARC 5136B	Airport Holiday Inn 6111 Fleur Dr. Des Moines, Iowa	July 20, 2006 1 to 2:30 p.m.
ENVIRONMENTAL PROTECTION COMMISSION[567]		
Air quality, 20.1, 22.4, 22.6, ch 33 IAB 6/7/06 ARC 5154B	Conference Rooms Air Quality Bureau 7900 Hickman Rd. Urbandale, Iowa	July 10, 2006 1 p.m.
Commercial septic tank cleaners, Regulatory Analysis IAB 7/5/06 (See also ARC 5042B , IAB 4/12/06)	Conference Rooms, Suite M 401 SW Seventh St. Des Moines, Iowa	July 26, 2006 1:30 p.m.
INSURANCE DIVISION[191]		
Unfair trade practices, 15.8(4), 15.68 to 15.73 IAB 6/21/06 ARC 5173B	Utilities Division Hearing Room 330 Maple St. Des Moines, Iowa	July 11, 2006 10 a.m.
IOWA FINANCE AUTHORITY[265]		
Low-income housing tax credits, 12.1, 12.2 IAB 7/5/06 ARC 5228B (ICN Network)	State Library, Third Floor Miller State Office Building Des Moines, Iowa	July 25, 2006 9 to 11 a.m.
	(For other hearing locations, see the Authority's Web site at www.ifahome.com)	
PUBLIC HEALTH DEPARTMENT[641]		
Infant metabolic screening for congenital and inherited disorders, 4.1 to 4.4 IAB 6/21/06 ARC 5178B	Public comment conference call: (515)281-3704 or (outside Des Moines) 1-800-528-5274 (For instructions, see ARC 5178B herein)	July 11, 2006 9 to 10 a.m.
PUBLIC SAFETY DEPARTMENT[661]		
Adoption of fire code— solicitation of comments prior to rule making IAB 7/5/06	Fire Marshal Division Conference Rm. Suite N 401 SW Seventh St. Des Moines, Iowa	August 4, 2006 10 a.m.
Sprinklers in elevators, 5.52 IAB 7/5/06 ARC 5186B	Fire Marshal Division Conference Rm. 401 SW Seventh St. Des Moines, Iowa	August 4, 2006 9:30 a.m.

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Energy conservation for residential and nonresidential construction, 303.2, 303.3 IAB 7/5/06 ARC 5185B	Fire Marshal Division Conference Rm. Suite N 401 SW Seventh St. Des Moines, Iowa	August 15, 2006 10 a.m.
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Indigent defense services; attorney fees, 7.1, 12.4 to 12.6, 14.3, 14.5(1) IAB 6/21/06 ARC 5168B (See also ARC 5167B)	Conference Room 424 Lucas State Office Building Des Moines, Iowa	July 12, 2006 9 a.m.
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VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Injured veterans grant program, ch 11 IAB 7/5/06 ARC 5180B (See also ARC 5179B herein)	Building A6A, Camp Dodge 7105 NW 70th Ave. Johnston, Iowa	July 25, 2006 10 a.m.
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CITATION of Administrative Rules

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

441 IAC 79	(Chapter)
441 IAC 79.1(249A)	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)“a”	(Paragraph)
441 IAC 79.1(1)“a”(1)	(Subparagraph)

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

Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“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 which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

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ARC 5226B**COLLEGE STUDENT AID
COMMISSION[283]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 261.3, the College Student Aid Commission proposes to amend Chapter 10, "Federal Family Education Loan Programs," Iowa Administrative Code.

The proposed amendments align the Commission's rules with 2006 Iowa Acts, House File 2527, which updates the definition of an "eligible borrower." According to federal regulations and interpretations, the definition change also opens the Commission's guarantee to a broader range of lenders. These proposed amendments ensure that the Commission's portfolio is protected against the guarantee of consolidation loans that include defaulted student loans and allow the Commission the ability to limit the amount of consolidation loans it will hold. The amendments also ensure that the Commission's rules are in alignment with changes in federal law recently made effective by the U.S. Congress, and they remove tax offset language from this chapter, as the language belongs more appropriately in Chapter 37, "Student Loan Debt Collection."

Interested persons may submit comments orally or in writing by 4:30 p.m. on August 1, 2006, to the Executive Director, College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309; telephone (515)242-3344.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5227B**. The content of that submission is incorporated here by reference.

These amendments are intended to implement Iowa Code chapter 261.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5224B**COLLEGE STUDENT AID
COMMISSION[283]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 261.3, the College Student Aid Commission proposes to amend Chap-

ter 37, "Student Loan Debt Collection," Iowa Administrative Code.

The proposed amendments ensure that the Commission's rules are in alignment with changes in federal law recently made effective by the U.S. Congress. The amendments also include tax offset language from Chapter 10, "Federal Family Education Loan Programs," which is more appropriate in this chapter.

Interested persons may submit comments orally or in writing by 4:30 p.m. August 1, 2006, to the Executive Director, College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309; telephone (515)242-3344.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5225B**. The content of that submission is incorporated here by reference.

These amendments are intended to implement Iowa Code chapter 261.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

**ENVIRONMENTAL PROTECTION
COMMISSION[567]****Regulatory Analysis**

The Department of Natural Resources hereby gives public notice of the completion and publication of a regulatory analysis, and of a public hearing concerning rules proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on April 12, 2006, as **ARC 5042B**.

ARC 5042B contained proposed administrative rules that would modify the licensing of septic tank pumpers, requiring higher fees and inspection of vehicles and land application sites. The proposed rules were reviewed by the Administrative Rules Review Committee at its meeting on May 9, 2006. The Committee voted to require the Department of Natural Resources (DNR) to complete analysis of the proposed rules in compliance with Iowa Code section 17A.4A, subsection 2, paragraph "a." In the Notice of Intended Action, the deadline for accepting comments on the proposed rules was established as May 17, 2006. Six public hearings were held from May 3 through May 16 at six different sites around the state. As a result of the requirement to complete a regulatory analysis, the period for public comment on the proposed rules will be extended to July 27, 2006.

A public hearing on the regulatory analysis and to accept further public comment on the proposed rules will be held at 1:30 p.m. on July 26, 2006, in the conference rooms at 401 SW 7th Street, Suite M, Des Moines, Iowa 50309. Persons may present their views orally or in writing at the public hearing. Any written comments or information regarding the regulatory analysis or the proposed rules may be directed to Brent Parker by mail or electronic mail at the addresses indicated by 4 p.m. on July 27, 2006, or submitted at the public hearing. Persons who wish to convey their views orally other than at the public hearing may contact Brent Parker by telephone or in person at the Department office by 4 p.m. on July 27, 2006. Notice is hereby given that the period for accepting public comment on the rules proposed in the Notice of Intended Action published in the Iowa Administrative Bulletin on April 12, 2006, as **ARC 5042B**, will terminate at 4 p.m. on July 27, 2006.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

Brent Parker, Environmental Engineer Senior, Wastewater Operations Section, may be contacted by telephone at (515)725-0337, electronic mail at brent.parker@dnr.state.ia.us or U.S. mail at 401 SW 7th St., Suite M, Des Moines, Iowa 50309.

REGULATORY ANALYSIS

This regulatory analysis addresses only the impact of 2005 Iowa Acts, House File 834, on the county environmental health programs.

Provisions addressing the licensing of septic tank pumpers were added to Iowa Code section 455B.172 in about 1990. At that time the responsibility for enforcement of the provisions had been mandated to the county boards of health. House File 834 does not change or impact that mandate. Incidentally, a mandate that the county boards of health enforce all private (onsite) wastewater standards, as required in Iowa Code section 455B.172, with only local funding has been in effect since about 1968. The only funding for onsite wastewater enforcement is at the local level. The portion of that used for enforcement of the septage pumpers rules has been very minor.

House File 834 does add additional regulatory requirements for inspection of trucks and land used for disposing of the septage. The Department is responsible for these inspections.

House File 834 significantly increases the fee charged to septic tank pumpers based on the number of vehicles they use and the amount of waste that they land apply. This money will be collected by the Department and may, according to House File 834, **only** be used to contract with county boards of health to carry out the inspections mandated to the Department. Counties are not required to do any inspections. Smaller counties with limited staff will not be expected to sign these contracts. It is anticipated that only a few of the larger counties with staffing flexibility will assume these inspection contracts. This inspection program established in House File 834 makes access to funding available to the counties for the first time.

Funds expected to be available annually for these contracts will average about \$175 per tank pumper to inspect the vehicles and about \$350 to inspect the land application sites. All pumpers will require truck inspection but only about half of them will have land application sites to inspect. The total fees generated from this program are anticipated to be about \$85,000 per year. There are about 220 licensed pumpers at this time. If each county that accepts a contract assumes 22 inspections, the Department would need to contract with 10 large counties and each county would receive about \$8,500 to do the inspections. Assuming an average of one inspection a day counting office time, that would equal one month's work or 1/12 FTE. This should be very adequate compensation.

Because none of this money may be used for Departmental expenses, not being able to recruit the necessary counties would leave the Department in a difficult situation. The gain is all for the counties and the risk is all with the Department. One statewide Departmental inspector might be able to handle this duty, but this option is not available under the current law.

ARC 5202B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6 and 2006 Iowa Acts, Senate File 2217, section 7, the Department of Human Services proposes to amend Chapter 7, "Appeals and Hearings," and to adopt Chapter 187, "Aftercare Services and Supports," Iowa Administrative Code.

These rules define and structure the aftercare service programs that assist youth leaving foster care in their successful transition to adulthood. Division I of the chapter addresses aftercare services. The aftercare program is operated with federal funds received through the John H. Chafee Foster Care Independence Program, which was created through amendments to Title IV-E of the Social Security Act enacted in Public Law 106-169, the Foster Care Independence Act of 1999. The Department contracts with private child welfare agencies to provide self-sufficiency planning, basic living skills training, vendor payments, case management, and personal contacts to eligible youth.

Division II addresses the preparation for adult living component, a new program authorized and funded by the Eighty-first General Assembly to provide a monthly cash stipend to meet the basic needs of youth receiving aftercare services after leaving state-paid foster care. To be eligible, youth must be engaged in or actively pursuing full-time activity comprised of one or more of the following:

- Enrollment in a postsecondary educational training program or work training;
- Employment for an average of 30 hours or more per week; or
- School or program attendance leading to a high school diploma or GED.

Payments are based on the basic rate for foster family care for a child aged 16 or older and are reduced when a child's net earnings exceed the maximum payment amount.

A new Medicaid coverage group for youth leaving foster care was also enacted in conjunction with the preparation for adult living program and is being implemented through a separate rule making.

These amendments do not provide for waivers in specified situations, since they provide new benefits to the affected youth. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5220B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before July 26, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments are intended to implement Iowa Code section 234.6, Public Law 106-109, and 2006 Iowa Acts, Senate File 2217, Division V.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5200B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

These amendments create a new Medicaid coverage group called "Medicaid for independent young adults." The group will provide Medicaid benefits for youth who have "aged out" of the foster care program. The state has the option of providing Medicaid coverage for adolescents leaving foster care under amendments to Title XIX of the Social Security Act that were enacted as part of the Foster Care Independence Act of 1999. The Eighty-first General Assembly authorized this coverage in the Iowa Medicaid program through passage of 2006 Iowa Acts, Senate File 2217, in conjunction with the Preparation for Adult Living Program.

To be eligible for this coverage, a youth must have been in state-paid foster care on the youth's eighteenth birthday and have income below 200 percent of the federal poverty level. The youth shall not be eligible for Medicaid benefits under any other coverage group and shall not be a "considered person" on another Medicaid case. Household income will be examined only once a year. Coverage may extend until the youth reaches the age of 21.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5219B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before July 26, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code Supplement section 249A.3 as amended by 2006 Iowa Acts, Senate File 2217, section 8.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be

available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5212B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, "Conditions of Eligibility," and Chapter 81, "Nursing Facilities," Iowa Administrative Code.

These amendments implement an increase in the personal needs allowance for Medicaid residents in nursing facilities to \$50 per month. The personal needs allowance is the amount of income a Medicaid resident is allowed to keep for clothing, toiletries, and other personal expenses. The amount of the personal needs allowance has not changed since July 1988, when it was increased from \$25 to the current \$30 due to federal legislation. The Eighty-first General Assembly directed the Department to increase the allowance in 2006 Iowa Acts, House File 2319, and appropriated funds for this purpose in 2006 Iowa Acts, House File 2734.

Aged, blind, or disabled people who have little or no countable income are eligible to receive SSI payments to bring their income up to \$30 when they live in a facility where Medicaid is paying more than 50 percent of the cost of their care. This limited SSI payment will not change. In order to achieve the mandated increase in the personal needs for all Medicaid residents in nursing facilities, it is necessary to supplement the income of residents whose income is less than \$50.

These amendments establish a new state-funded payment to eligible nursing home residents to cover the difference between the resident's countable income and \$50. This payment is not considered a benefit under Title XIX of the Social Security Act (the legislation authorizing the federal Medicaid program).

Under the terms of the state legislation, neither the increased personal needs allowance nor the supplemental payment apply to residents of an intermediate care facility for persons with mental illness or an intermediate care facility for persons with mental retardation.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5211B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before July 26, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines,

HUMAN SERVICES DEPARTMENT[441](cont'd)

Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.4 and 2006 Iowa Acts, House File 2319, and House File 2734, section 30(1)(1).

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5195B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 239B.4(4), 239B.8(2), and 249A.4, the Department of Human Services proposes to amend Chapter 78, "Amount, Duration, and Scope of Medical and Remedial Services," and Chapter 93, "PROMISE JOBS Program," Iowa Administrative Code.

These amendments continue the increases in reimbursement for nonemergency Medicaid transportation and in the transportation allowance for participation in PROMISE JOBS activities that were Adopted and Filed Emergency and published in the Iowa Administrative Bulletin on November 9, 2005, as **ARC 4626B**. Those amendments provided the increase only through June 30, 2006.

Because of continuing high fuel prices, a reduction to reimbursement at the previous levels would:

- Be a disincentive to Medicaid members in accessing needed medical care, especially in rural areas, and a barrier to finding volunteers to provide transportation; and
- Be a barrier to Family Investment Program participants carrying out education, training, and work activities under the PROMISE JOBS program to work toward self-sufficiency.

The Eighty-first General Assembly has appropriated funds to continue the PROMISE JOBS reimbursement at 30 cents per mile during state fiscal year 2007 to match the Medicaid rate.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5209B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before July 26, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 239B.8(2) and 2006 Iowa Acts, House File 2734, section 7(4d).

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5194B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

These amendments implement a 3 percent increase in reimbursement rates for most Medicaid providers, as directed by 2006 Iowa Acts, House File 2734. Increased reimbursement will encourage continued participation in the Iowa Medicaid program.

Providers and services receiving the increase include advanced registered nurse practitioners, ground ambulance services, ambulatory surgical centers, audiologists, birth centers, chiropractors, community mental health centers, dentists, drugs, family planning clinics, hearing aid dispensers, home health agencies, hospitals (except for critical access hospitals), lead inspection agencies, maternal health centers, medical equipment and supply dealers, opticians, optometrists, orthopedic shoe dealers, physical therapists, physicians, podiatrists, psychiatric medical institutions for children, psychologists, rehabilitative treatment services and screening centers.

The following home- and community-based waiver services and providers also received the increase: adult day care, assistive devices, behavioral programming, chore service, consumer-directed attendant care, counseling, day habilitation, emergency response system, family and community support services, family counseling and training, home-delivered meals, home health aide, homemaker, in-home family therapy, interim medical monitoring and treatment, nutritional counseling, prevocational services, respite, senior companion, supported community living, and supports to maintain employment.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5210B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before July 26, 2006. Comments should be directed to Mary Ellen Imlau, Office of

HUMAN SERVICES DEPARTMENT[441](cont'd)

Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.4 and 2006 Iowa Acts, House File 2734, section 30.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5201B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 92, “IowaCare,” Iowa Administrative Code.

Effective July 1, 2005, the Department implemented the medical expansion program known as IowaCare, as authorized by Iowa Code Supplement chapter 249J and a federal waiver of Medicaid eligibility and benefits requirements approved under Section 1115 of the Social Security Act. Rules implementing the program were initially Adopted and Filed Emergency, published in the Iowa Administrative Bulletin on August 3, 2005, as **ARC 4398B**, and later were Adopted and Filed and published in the Iowa Administrative Bulletin on January 4, 2006, as **ARC 4799B**.

Members under the program are certified for a period of 12 months. With the first group of members approaching the end of their certification period, the Department has realized that the initial rules do not clearly or sufficiently address issues faced by members who are reapplying for continued IowaCare benefits. These amendments:

- Clarify that the provision requiring payment of at least four months' premiums applies to the person's continuous enrollment period, not to each certification period. The definition and use of the term “mandatory months” are eliminated. This change is in conformity with statutory amendments included in 2006 Iowa Acts, House File 2764, section 115.

- Provide for a different form to be used for reapplications. Since the initial application form does not contain a local office address or worker identification, it is not efficient to use this form for renewal applications. The renewal form will be mailed to the member to serve as a reminder that a new application is due and will include specific filing information. The data collected on both forms is the same, but the renewal application is shorter since less explanatory information is needed and the application can be mailed at a reduced cost.

- Allow a longer time for workers to determine eligibility on a renewal application, as long as the decision can be made timely to avoid an interruption of coverage.

- Clarify that IowaCare applicants and recipients are now required to verify their citizenship or alien status, according to Section 6036 of the Deficit Reduction Act of 2005.

- Clarify that IowaCare eligibility is not available to people who qualify for Medicaid under the new coverage group for independent young adults that was established by 2006 Iowa Acts, Senate File 2217.

These amendments also include technical changes to:

- Update implementation citations and statutory references to reflect the codification of the IowaCare Act.

- Update the premium table to reflect the application of increases in federal poverty level guidelines that were implemented April 1, 2006, as provided in 441 IAC 92.7(1)“b.” These changes resulted in minor increases in premiums for members at some poverty levels and in minor decreases in premiums for members whose income is at a lower level now because the dollar amounts represented by the poverty levels have increased. Premiums do not change during the 12-month certification period. For members eligible before April 1, 2006, the revised premium amounts will apply to their next certification period.

These amendments do not provide for waivers in specified situations because the amendments provide clarifications, updates, or benefits to those affected. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before July 26, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5218B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

These amendments are intended to implement Iowa Code Supplement chapter 249J.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5196B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 237.3, 237.5A, and 600.7A, the Department of Human Services proposes to amend Chapter 113, “Licensing and Regulation of Foster Family Homes,” and Chapter 200, “Adoption Services,” Iowa Administrative Code.

HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments incorporate statutory changes that allow the Department to waive all or part of the 30-hour preservice training program that is required of people applying to become foster parents and apply the same standard to prospective adoptive parents. The Department may waive the training requirement when:

- The Department determines that the applicant has training and experience that is an acceptable equivalent to the preservice training, such as foster parent training received in another state; or
- The Department finds good cause for the waiver based on the circumstances of the applicant and a particular child who may be placed with the applicant. This provision may remove barriers to placement with relatives.

The amendments also remove time-limited transitional provisions used when the 30-hour training requirements were implemented. These provisions are no longer needed.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5208B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before June 26, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 237.5A as amended by 2006 Iowa Acts, Senate File 2217, Division IV, and Iowa Code section 600.7A.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5203B**HUMAN SERVICES
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 150, "Purchase of Service," and Chapter 156, "Payments for Foster Care and Foster Parent Training," Iowa Administrative Code.

These amendments implement a 3 percent across-the-board increase for social service providers, as directed by 2006 Iowa Acts, House File 2734, sections 30(6) and 30(9). This increase affects adoption home studies, supervised apartment living services, and shelter care. The increase will

be applied to reimbursement rates in effect on June 30, 2006, or to the provider's actual and allowable cost for each service plus inflation, whichever is less.

The amendments clarify language about shelter care payment, in conformity with 2006 Iowa Acts, House File 2734, section 17(5). The Department has contracted with 22 facilities around the state to provide emergency shelter care, based on a request for proposals issued in the spring of 2005. Each contract guarantees payment for a specified number of beds. Actual utilization will be reconciled monthly and, if the average utilization is higher than the guaranteed level, the shelter will be paid for the difference, up to the limit of the appropriation.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5207B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before July 26, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 234.6 and 2006 Iowa Acts, House File 2734, sections 17(5), 30(6), and 30(9).

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5197B**HUMAN SERVICES
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 156, "Payments for Foster Care and Foster Parent Training," Iowa Administrative Code.

These amendments increase the basic reimbursement rates for foster family care and, by reference, for foster care supervised apartment living and for adoption maintenance subsidy, as directed by 2006 Iowa Acts, House File 2734, section 30(5). With this increase, the rates are restored to 65 percent of the USDA estimate of the cost to raise a child in 2005, in compliance with Iowa Code section 234.38.

The amendments also make technical changes to update organizational terms and to remove an obsolete legal reference.

HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5206B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before July 26, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 234.38.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5199B**HUMAN SERVICES
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 185, “Rehabilitative Treatment Services,” Iowa Administrative Code.

These amendments implement a 3 percent cost-of-living adjustment to reimbursement rates negotiated for rehabilitative treatment and supportive services, including family preservation, family-centered services, and foster care services. Most of the increases will be applied to a provider's negotiated rates as in effect on June 30, 2006. For the family-centered service components of relative home studies and community resource procurement, the fixed fee stated in the rules is increased by 3 percent.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 5204B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before July 26, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code sections 234.6 and 234.35 and 2006 Iowa Acts, House File 2734, section 30(8).

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5198B**HUMAN SERVICES
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 600.22, the Department of Human Services proposes to amend Chapter 201, “Subsidized Adoptions,” Iowa Administrative Code.

This amendment gives the adoption subsidy program the authority to reimburse adoptive parents an additional \$200 per child for reasonable court costs and other nonrecurring expenses. The program currently has a \$500 limit on the reimbursement of nonrecurring fees, including attorney fees. A maximum reimbursement of \$700 per child would, therefore, be allowed for adoptive parents.

The amendment also makes a technical change to clarify that nonrecurring expenses may be reimbursed under either a current adoption subsidy agreement or an agreement for future subsidy.

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 5205B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendment on or before July 26, 2006. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 600.17.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

ARC 5228B**IOWA FINANCE AUTHORITY[265]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 16.5(17), the Iowa Finance Authority proposes to amend Chapter 12, “Low-Income Housing Tax Credits,” Iowa Administrative Code.

These amendments replace the current qualified allocation plan for the low-income housing tax credit program with the 2007 qualified allocation plan which is incorporated by reference in rule 12.1(16).

The qualified allocation plan sets forth the purpose of the plan, the administrative information required for participation in the program, the threshold criteria, the selection criteria, the postreservation requirements, the appeal process, and the compliance monitoring component. The plan also establishes the fees for filing an application for low-income housing tax credits and for compliance monitoring. Copies of the qualified allocation plan are available upon request from the Authority and are available electronically on the Authority’s Web site at www.ifahome.com. It is the Authority’s intent to incorporate the 2007 qualified allocation plan by reference consistent with Iowa Code chapter 17A and 265—subrules 17.4(2) and 17.12(2).

The Authority does not intend to grant waivers under the provisions of any of these rules, other than as may be allowed under the Authority’s general rules concerning waivers. The qualified allocation plan is subject to state and federal requirements that cannot be waived. (See Internal Revenue Code Section 42 and Iowa Code section 16.52.)

The Authority will receive written comments on the proposed amendments until 5 p.m. on July 25, 2006. Comments may be addressed to Tim Waddell, Tax Credit Manager, Iowa Finance Authority, 100 East Grand Avenue, Suite 250, Des Moines, Iowa 50309. Comments may also be faxed to Tim Waddell at (515)242-4957 or E-mailed to tim.waddell@ifa.state.ia.us.

The Authority will hold a public hearing on July 25, 2006, to receive public comments on these amendments. The public hearing will be held from 9 to 11 a.m. at the Iowa State Library, Ola Babcock Miller Building, 3rd Floor, East 12th and Grand Avenue, Des Moines, Iowa, telephone (515)281-4316; public participation will also be available via the Iowa Communications Network (ICN) from remote locations to be announced no later than July 1, 2006, via the Authority’s Web site (www.ifahome.com).

The Authority anticipates that it may make changes to the 2007 qualified allocation plan based on comments received from the public.

These amendments are intended to implement Iowa Code sections 16.4(3), 16.52, 17A.12, and 17A.16 and IRC Section 42.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 265—12.1(16) as follows:

265—12.1(16) Qualified allocation plan. The qualified allocation plan entitled Iowa Finance Authority Low-Income Housing Tax Credit Program ~~2006 2007~~ Qualified Allocation Plan effective ~~October 5, 2005~~ *October 4, 2006*, shall be the qualified allocation plan for the allocation of ~~2006 2007~~ low-income housing tax credits consistent with IRC Section 42 and the applicable Treasury regulations and Iowa Code section 16.52. The qualified allocation plan includes the plan, application, and the application instructions. The qualified allocation plan is incorporated by reference pursuant to Iowa Code section 17A.6 and 265—subrules 17.4(2) and 17.12(2).

ITEM 2. Amend rule 265—12.2(16) as follows:

265—12.2(16) Location of copies of the plan. The qualified allocation plan can be reviewed and copied in its entirety on the authority’s Web site at <http://www.ifahome.com>. Copies of the qualified allocation plan, application, and all related attachments and exhibits shall be deposited with the administrative rules coordinator and at the state law library. The plan incorporates by reference IRC Section 42 and the regulations in effect as of ~~October 5, 2005~~ *October 4, 2006*. Additionally, the plan incorporates by reference Iowa Code section 16.52. These documents are available from the state law library, and information about these statutes, regulations and rules is on the authority’s Web site. Copies are available upon request at no charge from the authority.

ARC 5188B**PAROLE BOARD[205]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 906.3, the Board of Parole hereby gives Notice of Intended Action to amend Chapters 1 through 5, Iowa Administrative Code.

These amendments simply change the address of the Board of Parole. The former address was Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309. The new address is 510 East Twelfth Street, Des Moines, Iowa 50319.

Any interested person may make written suggestions or comments on these proposed amendments prior to July 31, 2006. Such written materials should be directed to the Board of Parole, 510 East Twelfth Street, Des Moines, Iowa 50319. Persons wishing to convey their views orally should contact the Board of Parole at (515)725-5757.

These amendments are intended to implement Iowa Code chapters 17A and 904A.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 205—1.3(904A) as follows:

PAROLE BOARD[205](cont'd)

205—1.3(904A) Business location and hours. The board's business office address is ~~Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309, telephone (515)242-5757. Jessie Parker Building, 510 East Twelfth Street, Des Moines, Iowa 50319; telephone (515)725-5757.~~ Business hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

ITEM 2. Amend subrule 2.5(1) as follows:

2.5(1) Written comments. In lieu of the words "(identify office and address)", insert "Executive Director of the Board of Parole, ~~Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309 Jessie Parker Building, 510 East Twelfth Street, Des Moines, Iowa 50319~~".

ITEM 3. Amend subrule 2.6(2) as follows:

2.6(2) Mailing list. In lieu of the words "(designate office)", insert "Board of Parole, ~~Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309 Jessie Parker Building, 510 East Twelfth Street, Des Moines, Iowa 50319~~".

ITEM 4. Amend rule 205—3.1(17A), introductory paragraph, as follows:

205—3.1(17A) Petition for rule making. In lieu of the words "(designate office)", the text should read "Board of Parole, ~~Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309 Jessie Parker Building, 510 East Twelfth Street, Des Moines, Iowa 50319~~".

ITEM 5. Amend rule 205—3.3(17A) as follows:

205—3.3(17A) Inquiries. In lieu of the words "(designate official by full title and address)", the text should read "the Executive Director of the Board of Parole, ~~Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309 Jessie Parker Building, 510 East Twelfth Street, Des Moines, Iowa 50319~~".

ITEM 6. Amend rule 205—4.1(17A), introductory paragraph, as follows:

205—4.1(17A) Petition for declaratory order. In lieu of the words "(designate agency)", the text should read "board of parole". In lieu of the words "(designate office)", the text should read "Board of Parole, ~~Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309 Jessie Parker Building, 510 East Twelfth Street, Des Moines, Iowa 50319~~".

ITEM 7. Amend subrule 4.3(3) as follows:

4.3(3) In lieu of the words "(designate office)", the text should read "Board of Parole, ~~Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309 Jessie Parker Building, 510 East Twelfth Street, Des Moines, Iowa 50319~~". In lieu of the words "(designate agency)", the text should read "board of parole". In lieu of the words "(AGENCY NAME)", the text should read "BEFORE THE BOARD OF PAROLE OF THE STATE OF IOWA".

ITEM 8. Amend rule 205—4.5(17A) as follows:

205—4.5(17A) Inquiries. In lieu of the words "(designate official by full title and address)", the text should read "the Executive Director of the Board of Parole, ~~Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309 Jessie Parker Building, 510 East Twelfth Street, Des Moines, Iowa 50319~~".

ITEM 9. Amend subrule 4.6(2) as follows:

4.6(2) Filing—when required. In lieu of the words "(specify office and address)", the text should read "Board of

Parole, ~~Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309 Jessie Parker Building, 510 East Twelfth Street, Des Moines, Iowa 50319~~".

ITEM 10. Amend subrule 5.3(1) as follows:

5.3(1) Location of record. A request for access to a record should be directed to the office where the record is kept. Records of current inmates, work releasees and parolees are maintained in the office of the Board of Parole, ~~Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309 Jessie Parker Building, 510 East Twelfth Street, Des Moines, Iowa 50319, ; telephone (515)242-5757 (515) 725-5757.~~

ITEM 11. Amend rule 205—5.6(17A,22) as follows:

205—5.6(17A,22) Procedure by which additions, dissents or objections may be entered into certain records. Except as otherwise provided by law, a person may file a request with the custodian to review, and to have a written statement of additions, dissents, or objections entered into, a record containing personally identifiable information pertaining to that person. However, this does not authorize a person who is the subject of such a record to alter the original copy of that record or to expand the official record of any agency proceeding. Requester shall send the request to review such a record or the written statement of additions, dissents, or objections to the custodian or to the Board of Parole, ~~Holmes Murphy Building, 420 Watson Powell Jr. Way, Des Moines, Iowa 50309 Jessie Parker Building, 510 East Twelfth Street, Des Moines, Iowa 50319~~. The request to review such a record or the written statement of such a record of additions, dissents, or objections must be dated and signed by the requester, and shall include the current address and telephone number of the requester or the requester's representative.

PUBLIC SAFETY DEPARTMENT

Notice of Public Hearing

The Fire Marshal is considering the adoption of a new fire code for the state of Iowa. A Fire Code Advisory Committee, appointed by the Fire Marshal to assist in this process has recommended to the Fire Marshal the adoption of the International Fire Code, 2006 edition. The International Fire Code is one of the "family" of international or I-codes published by the International Code Council.

Prior to submitting a Notice of Intended Action to formally initiate the adoption of a new fire code for the state of Iowa, the Fire Marshal will conduct a public hearing to accept comments from members of the public about the recommendation of the Fire Code Advisory Committee to adopt the International Fire Code, alternatives to adoption of the International Fire Code, and any other matters relevant to the adoption of a fire code for the state of Iowa.

The public hearing will be held at the Fire Marshal Division Conference Room, 401 S.W. 7th Street, Suite N, Des Moines, Iowa 50309, at 10 a.m. on August 4, 2006. Persons wishing to speak at the hearing are encouraged to contact the Agency Rules Administrator, Iowa Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319, by mail; by telephone at (515)281-5524; or by electronic mail to admrule@dps.state.ia.us, at least one day prior

PUBLIC SAFETY DEPARTMENT(cont'd)

to the public hearing. Any written comments or information regarding this proposed adoption may be directed to the Agency Rules Administrator by mail or electronic mail at the addresses indicated at least one day prior to the public hearing, or submitted at the public hearing.

Further information about the Fire Code Advisory Committee and the process of adoption of a new fire code may be obtained from the Web site of the Fire Marshal at <http://www.state.ia.us/government/dps/fm/fcac/index.htm>.

ARC 5186B**PUBLIC SAFETY
DEPARTMENT[661]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 100.35, the Department of Public Safety hereby gives Notice of Intended Action to amend Chapter 5, “Fire Marshal,” Iowa Administrative Code.

Authority for establishment and enforcement of fire safety requirements in Iowa is shared by the State Fire Marshal and cities and counties. Rules of the State Fire Marshal apply statewide and may be supplemented by a local fire safety ordinance. However, fire inspection personnel of the Fire Marshal Division are limited to enforcement of the rules of the Fire Marshal.

The Labor Commissioner and the Elevator Safety Board have regulatory authority over elevators in the state of Iowa. Certain requirements for the safe operation of elevators relate to mitigating fire hazards in elevators and in associated areas, especially elevator machine rooms. In order for such requirements to be enforced by personnel of both agencies and to be enforced uniformly, there needs to be consistency between the state elevator code enforced by the Labor Commissioner and the rules of the Fire Marshal.

The Labor Commissioner and the Elevator Safety Board are in the process of adopting requirements related to sprinkler installations in elevator hoistways and elevator machine rooms. The rule proposed here provides coordination and consistency with the rules being adopted by the Labor Commissioner and the Elevator Safety Board.

A public hearing on this proposed amendment will be held on August 4, 2006, at 9:30 a.m. in the Conference Room of the Fire Marshal Division, 401 SW 7th Street, Des Moines, Iowa 50309. Persons may present their views orally or in writing at the public hearing. Persons who wish to make oral presentations at the public hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319, by mail; by telephone at (515)281-5524; or by electronic mail to admrule@dps.state.ia.us, at least one day prior to the public hearing. Any written comments or information regarding this proposed amendment may be directed to the Agency Rules Administrator by mail or electronic mail at the addresses indicated at least one day prior to the public hearing, or may be submitted at the public hearing. Persons who wish to convey their views orally other than at the public hearing

may contact the Agency Rules Administrator by telephone or in person at the Department office by 4:30 p.m. on July 28, 2006.

This rule may be Adopted and Filed Emergency After Notice, after the notice and public participation provisions of Iowa Code chapter 17A have been met, in order that the rule might take effect concurrently with the related Elevator Safety Board rule under consideration.

This amendment is intended to implement Iowa Code sections 100.1 and 100.35.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Adopt the following **new** rule:

661—5.52(100) Sprinklers in elevators.

5.52(1) Sprinklers in hoistways. When a sprinkler is installed in a hoistway, the installation shall comply with rule 875—73.25(89A), adopted by the elevator safety board.

5.52(2) Elevator machine rooms.

a. Sprinklers shall not be installed in elevator machine rooms. Sprinklers previously installed in elevator machine rooms shall be deactivated.

b. Storage of any equipment or materials, other than equipment directly related to elevator operation, shall not be allowed in elevator machine rooms.

c. Each elevator machine room shall have a smoke detector and a heat detector, each of which shall be connected to the building’s fire alarm system.

ARC 5185B**PUBLIC SAFETY
DEPARTMENT[661]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 103A.7, the Building Code Commissioner hereby gives Notice of Intended Action to amend Chapter 303, “State Building Code—Requirements for Energy Conservation in Construction,” Iowa Administrative Code, with the approval of the Building Code Advisory Council.

Iowa Code sections 103A.8A and 103A.10 require the Building Code Commissioner to establish requirements for energy conservation in residential and nonresidential construction, respectively. These standards had not been updated for several years before the nonresidential energy conservation requirements were amended as part of a general updating of the State Building Code, which took effect on April 1, 2006. At that time, the requirements for energy conservation in residential construction were not updated because the underlying statute (Iowa Code section 103A.8A) required that the requirements be stated in terms of the “home heating index developed by the physics department at Iowa state university of science and technology,” which made conversion

PUBLIC SAFETY DEPARTMENT[661](cont'd)

to a current nationally recognized code impractical. In the adoption which was effective April 1, 2006, the requirements for energy conservation in nonresidential construction in Iowa were updated to the 2004 supplement of the International Energy Conservation Code.

During its 2006 session, the Iowa General Assembly passed 2006 Iowa Acts, House File 2361, which amends Iowa Code section 103A.8A by deleting the requirement that energy conservation requirements for residential construction be defined in terms of the Home Heating Index. An amendment has been Adopted and Filed Emergency concurrent with the submission of this Notice which deletes the requirement for use of the Home Heating Index, but otherwise leaves the current rule establishing energy conservation requirements for residential construction intact (see **ARC 5184B** herein). The amendments proposed here update the energy conservation requirements for both residential and nonresidential construction to the 2006 edition of the International Energy Conservation Code (IECC). Updating energy conservation requirements for all construction to the same edition of the IECC should simplify understanding of these requirements and, consequently, should enhance compliance with the requirements.

As proposed here, the rules would amend the IECC to coordinate with the remainder of the State Building Code by deleting administrative provisions, which are covered in 661—Chapter 300. The Building Code Commissioner has not included in the proposed rules other substantive amendments to the IECC which have been proposed. Several recommendations for such amendments have been received and will be considered for adoption. The Building Code Commissioner, in addition to soliciting comment from any interested party on any aspect of the proposed rules, also specifically invites comment on the following proposed amendments to the IECC, as it applies to residential construction, which have been received:

- Remove section descriptors from Chapters 4 and 5 in the IECC 2006.
- Delete all “mandatory” references unless the reference is to a health or safety regulation.
- In section 402.2.2, remove the limit on R-30 cathedral ceiling area when space for insulation is constrained.
- In section 402.6, change trade-off limits on fenestration U-factors.
- In section 403.2.1, change required R duct value.
- In section 403.2.2, sealing, add method for manufacturers to show air handlers meet the “sealed” requirement in the factory.
- Modify the vapor retarder requirements.
- In section 202, update the definition of “residential building.”

A public hearing on these proposed amendments will be held on August 15, 2006, at 10 a.m. in the Fire Marshal Division Conference Room, 401 S.W. 7th Street, Suite N, Des Moines, Iowa 50309. Persons may present their views concerning these amendments at the public hearing either orally or in writing. Persons who wish to make oral presentations at the hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, 502 East 9th Street, Des Moines, Iowa 50319; by telephone at (515)281-5524, or by electronic mail to admrule@dps.state.ia.us at least one day prior to the hearing.

Any interested persons may make oral or written comments concerning these proposed amendments to the Agency Rules Administrator by mail, telephone, or in person at the above address by 4:30 p.m. on August 15, 2006. Comments

may also be submitted by electronic mail to admrule@dps.state.ia.us.

These amendments are intended to implement Iowa Code chapter 103A.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Rescind rule 661—303.2(103A) and adopt in lieu thereof the following **new** rule:

661—303.2(103A) Residential energy code. The International Energy Conservation Code, 2006 edition, is adopted by reference as the residential energy code of the state of Iowa building code, applicable to low-rise residential construction throughout the state of Iowa on or after [insert effective date of rule], with the following amendments:

- Delete chapter 1.
- Delete chapter 5.

ITEM 2. Amend rule 661—303.3(103A) as follows:

661—303.3(103A) Adoption of nonresidential energy code. The International Energy Conservation Code, 2004 supplement 2006 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, is hereby adopted by reference as the nonresidential energy code of the state building code, applicable to non-residential or high-rise residential construction within the state of Iowa on or after April 1, 2006, [insert effective date of rule] with the following amendments:

- Delete chapter 1.

Amend the referenced standards under ASHRAE as follows:

- Delete “90.1-2001” and insert in lieu thereof “90.1-2004.”
- Delete chapter 4.

NOTICE—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:

July 1, 2005 — July 31, 2005	6.25%
August 1, 2005 — August 31, 2005	6.00%
September 1, 2005 — September 30, 2005	6.25%
October 1, 2005 — October 31, 2005	6.00%
November 1, 2005 — November 30, 2005	6.25%
December 1, 2005 — December 31, 2005	6.50%
January 1, 2006 — January 31, 2006	6.50%
February 1, 2006 — February 28, 2006	6.50%
March 1, 2006 — March 31, 2006	6.50%
April 1, 2006 — April 30, 2006	6.50%
May 1, 2006 — May 31, 2006	6.75%
June 1, 2006 — June 30, 2006	7.00%
July 1, 2006 — July 31, 2006	7.00%

ARC 5180B**VETERANS AFFAIRS, IOWA
DEPARTMENT OF[801]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 35A.3(2) and 2006 Iowa Acts, Senate File 2312, the Commission of Veterans Affairs proposes to adopt new Chapter 11, “Injured Veterans Grant Program,” Iowa Administrative Code.

In 2006, the legislature enacted 2006 Iowa Acts, Senate File 2312, which created the Injured Veterans Grant Program. This program provides immediate financial assistance to the veteran so that family members may be with the veteran during recovery and rehabilitation from an injury or illness received in the line of duty in a combat zone or in a designated hostile fire zone. Eligibility is retroactive to September 11, 2001.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Tuesday, July 25, 2006, at 10 a.m. at Camp Dodge, Bldg. A6A, 7105 – NW 70th Avenue, Johnston, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed rules. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 – NW 70th Avenue, Johnston, Iowa 50131, or at (515)242-5331, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)242-5331.

Any interested person may make written comments or suggestions on the proposed rules on or before July 25, 2006. Written comments and suggestions should be addressed to Patrick Palmersheim, Executive Director, at the above address, or sent by E-mail to Patrick.Palmersheim@iowa.gov, or sent by fax to (515)242-5659.

These rules were also Adopted and Filed Emergency and are published herein as **ARC 5179B**. The content of that submission is incorporated by reference.

These rules are intended to implement 2006 Iowa Acts, Senate File 2312.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

ARC 5227B

COLLEGE STUDENT AID
COMMISSION[283]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 261.3, the College Student Aid Commission hereby amends Chapter 10, "Federal Family Education Loan Programs," Iowa Administrative Code.

The amendments align the Commission's rules with 2006 Iowa Acts, House File 2527, which updates the definition of an "eligible borrower." According to federal regulations and interpretations, the definition change also opens the Commission's guarantee to a broader range of lenders. These amendments ensure that the Commission's portfolio is protected against the guarantee of consolidation loans that include defaulted student loans and allow the Commission the ability to limit the amount of consolidation loans it will hold. The amendments also ensure that the Commission's rules are in alignment with changes in federal law recently made effective by the U.S. Congress, and they remove tax offset language from this chapter, as the language belongs more appropriately in Chapter 37, "Student Loan Debt Collection."

In compliance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary to ensure that all action taken by the Commission is in compliance with federal law and regulations.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendments should be waived and the amendments should be made effective June 16, 2006, as they will ensure that the rules are in place as colleges, universities, and lending institutions prepare for the 2006-2007 academic year. In addition, the amendments confer a benefit on the public by making the rules less restrictive for borrowers and by ensuring that the Commission's loan portfolio is sound.

These amendments are also published herein under Notice of Intended Action as **ARC 5226B** to allow for public comment.

The Commission adopted these amendments on May 16, 2006.

These amendments became effective June 16, 2006.

These amendments are intended to implement Iowa Code chapter 261.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

Amend **283—Chapter 10** as follows:

CHAPTER 10

FEDERAL FAMILY EDUCATION LOAN PROGRAMS

283—10.1(261) Authority and scope. The following sets forth the rules and procedures through which the college student aid commission (the commission) administers the Federal Family Education Loan Programs (FFELP).

10.1(1) Federal law and regulations. The federal regulations of the U.S. Department of Education (DE), promulgated pursuant to the Higher Education Act of 1965 (Public Law 89-329) and the federal regulations in Title 34 of the Code of Federal Regulations (34 CFR) promulgated by the

U.S. Department of Education pursuant to the Higher Education Act are incorporated by reference as rules of the commission, with noted exceptions. Rules incorporated by reference are Section 34 of the Code of Federal Regulations (34 CFR).

10.1(2) Administration of program. The commission shall distribute to lender and school personnel the "Common Manual—Unified Student Loan Policy" detailing the processes necessary to administer the program on an institutional level.

283—10.2(261) Exceptions. The following are additions to the federal regulations and clarifications to the Iowa Code:

10.2(1) Eligibility.

a. Borrower. To be eligible for a Federal Family Education Loan, a borrower must be: *be free of the obligation to repay overpayments on Iowa education grants.*

~~(1) Eligible based on the criteria outlined in the Code of Federal Regulations;~~

~~(2) A resident of the state of Iowa, a student attending an approved educational institution in Iowa, or a resident of another state borrowing from an eligible Iowa-based lender; and~~

~~(3) Free of the obligation to repay overpayments on Iowa education grants.~~

b. Lender.—

~~(1) General. Banks, savings banks, credit unions, pension funds, insurance companies, and schools that meet the requirements outlined in 34 CFR 682.200 are eligible to be lenders for the FFELP administered by the commission. A single agency of the state of Iowa or a single nonprofit, private agency designated by the state of Iowa also qualifies.~~

~~(2) Secondary secondary markets. For the purposes of purchasing, holding, and consolidating loans made by other lenders under the program, the Student Loan Marketing Association and the Iowa Student Loan Liquidity Corporation are also considered lenders. The Iowa Student Loan Liquidity Corporation is also considered a lender for the purpose of originating federal PLUS and SLS loans for borrowers who have obtained prior federal PLUS and SLS loans which are held by the Iowa Student Loan Liquidity Corporation.~~

~~(3) (1) Agreements. A lender may participate in the FFELP administered by the commission by executing the Agreement to Guarantee Loans which establishes the rights and duties of the lender and the Iowa college student aid commission. (This form is available from the commission office.) Both the lender and the commission retain original copies of this document.~~

~~(4) Restrictions. A lender is not required to make any quota of loans nor to commit any specific amount of funds to the program unless its agreement includes a lender of last resort provision. Iowa-based lenders may make commission-guaranteed FFELP loans to otherwise eligible students who are neither Iowa residents nor attending Iowa educational institutions.~~

~~(5) Lender of last resort. A lender of last resort agrees to make loans to all applicants who submit properly completed applications and qualify to receive interest benefits. The agreement may be terminated upon 60 days' notice by the lender or the commission or as provided through limitation, suspension, or termination proceedings.~~

~~(6) (2) Limitation, suspension, termination. The commission reserves the right to limit, suspend, or terminate the participation of a lender under terms consistent with the Agreement to Guarantee Loans and applicable state and federal law and regulations.~~

COLLEGE STUDENT AID COMMISSION[283](cont'd)

(7) (3) Prior to making a federal consolidation loan under the commission's guarantee, a lender shall ascertain *that none of the underlying loans are in default status. The commission will guarantee a consolidation loan for an applicant who has not previously obtained a loan guaranteed by the commission.* that at least one of the underlying loans to be consolidated was made under Part B or D of the Higher Education Act of 1965 and at least one of the following criteria is met:

1.— For a loan consolidation which includes an underlying loan or loans made under Part B of the Act, at least one of the underlying loans must be guaranteed by the commission.

2.— For a loan consolidation which does not include a loan or loans made under Part B of the Act, but includes a loan or loans made under Part D of the Act, a lender must ascertain that the borrower is a resident of the state of Iowa at the time of submitting the application for loan consolidation; or that the borrower was a resident of the state of Iowa at the time of submitting the application for the Part D loan; or that the borrower received at least one of the underlying Part D loans while attending an Iowa institution.

(8) (4) *Each consolidation Agreement to Guarantee Loans executed with a consolidating lender shall include a certificate of comprehensive insurance coverage, which limits the amount of consolidation loans that the lender may originate under the commission's guarantee without prior approval. A lender may consolidate loans without requesting additional borrowing authority until such time that the total of the underlying loans of a consolidation loan portfolio not guaranteed by the commission equals or exceeds 15 percent of the lender's total outstanding college student aid commission portfolio.*

c. School and course of study.

(1) General. Institutions of higher education and vocational schools that are approved by the U.S. Department of Education for participation in the FFELP are eligible to participate in the program administered by the commission.

(2) Correspondence. An institution offering primarily home study or correspondence courses is not eligible for participation.

(3) Limitation, suspension, and termination. The commission reserves the right to limit, suspend, or terminate the participation of a school under terms consistent with applicable state and federal law *and regulations.*

10.2(2) Guarantee Federal default fee.

a.— General. The commission's guarantee fee is an amount a borrower pays to the commission for guaranteeing repayment of a loan. The maximum guarantee fee is set by federal statute. The commission's rate *source of payment of the federally mandated default fee* is determined by the commission based on an annual analysis of the commission's *operating fund and other factors.* reserve fund and the requirements of U.S. Department of Education regulations.

b.— Fee structure. The amount of the guarantee fee, if assessed, is computed by the commission and reported to a lender on the Notice of Loan Guarantee and Disclosure Statement. Assistance with calculation of guarantee fees is available from the commission office.

10.2(3) Due diligence in collection.

a.— General. Lenders are required to follow all federal collection provisions for the FFELP.

b.— Iowa notice to cure. While performing collection due diligence, a lender is not required to send the borrower an Iowa notice to cure. However, lenders are encouraged to use this collection device when possible.

c.— Rescinded IAB 8/6/03, effective 9/10/03.

10.2(4) Offset against state income tax refund or rebate.

a.— General. A claim against a defaulted borrower's state income tax refund or rebate will be made to receive payment against the individual's outstanding defaulted student loan.

b.— Certification. The commission shall submit to the department of revenue and finance a list of defaulted borrowers to certify for offset.

c.— Borrower notification. The commission shall mail a preoffset notice to a defaulted borrower when:

(1) The commission is notified by the department of revenue and finance that the defaulted borrower is entitled to a state income tax refund or rebate; and

(2) The commission makes claim to the defaulted borrower's state income tax refund or rebate.

The preoffset notice will inform the defaulted borrower of the amount the commission intends to claim and apply to the outstanding defaulted student loan.

d.— Challenge of offset. When the defaulted borrower contests a claim, a written request shall be submitted to the commission within 15 calendar days after the preoffset notice is mailed. When the request is received within the 15-day limit, a hearing shall be granted.

e.— Spousal share. The spouse's proportionate share of a joint return filed with a defaulted borrower, as determined by the department of revenue and finance, shall be released by the department of revenue and finance unless other claims are made on that portion of the joint income tax refund. The request for release of the spouse's proportionate share shall be in writing and received by the commission within 15 calendar days after the mailing date of the preoffset notice.

f.— Claim of offset. The commission may make claim to a defaulted borrower's state income tax refund or rebate when the defaulted borrower has not made a voluntary payment which has been posted to the borrower's account during the 120 days preceding the day an offset tape match is run. A voluntary payment toward a defaulted loan is defined as making an agreed upon monthly payment through a means other than by offset or garnishment.

g.— Defaulted accounts only. The commission shall notify a defaulted borrower of the final decision regarding the claim against the tax refund or rebate by mailing a final disposition of offset claim notice to the defaulted borrower.

h.— When offset is used. Offsets shall be applied to outstanding defaulted student loan accounts only.

10.2(5) Appeals.

a.— General. Borrowers with defaulted student loans may appeal commission decisions to offset their state tax refunds or rebates pursuant to the procedures provided in this rule.

b.— Procedures. If a defaulted borrower contests a claim, written appeal shall be presented to the commission's state offset coordinator, setting forth reasons for disagreement. The evidence must be presented within 15 calendar days after notification of the proposed offset, and the appellant may request a hearing.

(1) If no hearing is requested, the state offset coordinator will consider all evidence provided and will notify the appellant within 30 calendar days whether the decision is retracted, modified, or upheld. The appellant will be advised of the appellant's right to carry the appeal to an administrative law judge.

(2) If a hearing is requested, the state offset coordinator will set a date for the hearing no later than 30 calendar days from the date that the request was received.

(3) An administrative law judge will preside at the hearing and will consider any written material presented before

COLLEGE STUDENT AID COMMISSION[283](cont'd)

the hearing as well as other evidence presented during the course of the hearing.

(4) After considering all evidence presented, the administrative law judge will notify the appellant in writing as to the decision on the appeal, advising the appellant of the appellant's right to carry the appeal to a full meeting of the commission or to its appointed appeals panel.

c. Additional provisions. Except as specifically provided in this rule, administrative hearings will be governed by 283—Chapter 4.

~~10.2(6)~~ Offset against federal income tax refund or rebate—general. The commission annually assigns all right, title and interest to certain defaulted reinsured student loans to the U.S. Department of Education for offset against federal income tax refunds or rebates. This offset procedure is conducted by the U.S. Department of Education under regulations promulgated by the U.S. Department of Education.

These rules are intended to implement Iowa Code section 261.37.

[Filed Emergency 6/16/06, effective 6/16/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5225B

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 261.3, the College Student Aid Commission hereby amends Chapter 37, "Student Loan Debt Collection," Iowa Administrative Code.

The purpose of these amendments is to ensure that the Commission's rules are in alignment with changes in federal law recently made effective by the U.S. Congress. The amendments also include tax offset language from Chapter 10, "Federal Family Education Loan Programs," which is more appropriate in this chapter.

In compliance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary to ensure that all action taken by the Commission is in compliance with federal law and regulations.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments should be waived and these amendments should be made effective June 16, 2006, as they will allow the state to immediately implement an increase in the wage withholding percentage upon the effective date of new federal legislation, July 1, 2006.

These amendments are also published herein under Notice of Intended Action as **ARC 5224B** to allow for public comment.

The Commission adopted these amendments on May 16, 2006.

These amendments became effective June 16, 2006.

These amendments are intended to implement Iowa Code chapter 261.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)

281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

Amend **283—Chapter 37** as follows:

CHAPTER 37 STUDENT LOAN DEBT COLLECTION

283—37.1(261) General purpose. ~~As an aid to the~~ *In* collection of defaulted student loans, the commission may initiate the license sanction process described in Iowa Code sections 261.121 to 261.127 to suspend, revoke or deny issuance or renewal of a variety of licenses held or applied for by any person who has defaulted on an obligation owed to or collected by the commission. Licenses subject to this sanction process include motor vehicle registrations, driver's licenses, business and professional licenses, and licenses for hunting, fishing, boating or other recreational activity, as *are* defined in Iowa Code section ~~252J.1(1)~~ *252J.1(3)*. In addition to the procedures set forth in Iowa Code sections 261.121 to 261.127, this chapter shall apply.

~~As an additional aid to the collection of defaulted student loans, the~~ *The* commission may apply administrative wage garnishment *and state tax offset* procedures established under Iowa Code chapter 261, specifically including private partnership loans authorized for collection under Iowa Code section 261.38.

283—37.2(261) Definitions.

37.2(1) A "debtor" is a person who has defaulted on any obligation owed to or collected by the commission.

37.2(2) A debtor is in "default" if:

a. The debtor is obligated to pay under a federal student loan guaranteed by the commission pursuant to the provisions of Iowa Code sections 261.35 to 261.43, and the debtor's ~~default is certified to~~ *defaulted loan has been purchased by the commission by* from an eligible lender, ~~and 60 days have passed since such certification;~~

b. The debtor is obligated to pay under a partnership student loan issued by Iowa Student Loan Liquidity Corporation (ISLLC), and the commission acquires the debtor's loan as a default pursuant to Iowa Code section 261.38 due to the debtor's failure to make payments to ISLLC;

c. The debtor becomes obligated to repay the commission ~~under the teacher shortage forgivable loan program pursuant to Iowa Code section 261.111, or under the Des Moines university tuition scholarship program or physician loan repayment program pursuant to Iowa Code sections 261.19(3) and (4); any forgivable loan program administered by the~~ *commission*, and fails to make an agreed payment within ~~15~~ *20* days of the agreed due date; or

d. The debtor enters into a written repayment agreement with the commission and fails to make an agreed payment within ~~15~~ *20* days of the due date stated in the repayment agreement.

37.2(3) The phrase "~~delinquent defaulted~~ obligation owed" means the total amount of the debtor's obligation, including principal and unpaid accrued interest, and may include collection costs, ~~court filing fees, and sheriff's and other allowable fees.~~

283—37.3(261) License sanction program.

37.3(1) Service of notice. The notice described in Iowa Code section 261.121(2) shall be served by restricted certified mail, return receipt requested, addressed to the debtor at the debtor's last-known residence or principal place of business. If the debtor signs for the notice, the return post office

COLLEGE STUDENT AID COMMISSION[283](cont'd)

receipt shall be proof of service. If the debtor fails to sign for the notice, the commission may personally serve the debtor in accordance with Iowa Rules of Civil Procedure.

37.3(2) Exclusions from license sanction process. The commission may determine that the issuance of a certificate of noncompliance is not appropriate pursuant to Iowa Code section 261.122(5)“c,” or that a certificate of noncompliance should be withdrawn pursuant to Iowa Code section 261.124(5)“d,” during periods in which any of the following conditions exist:

a. Written verification that the debtor has been deemed eligible for and is receiving supplemental security income (SSI), similar state- or federal-funded assistance, or county assistance, such as general relief or general assistance.

b. Verified economic hardship which the commission determines from the debtor’s sworn financial statement and other relevant evidence would likely qualify for hardship discharge of student loans under the Bankruptcy Code.

c. A verified temporary illness or disability of the debtor or of another household member which prevents the debtor from working or requires the presence of the debtor in the home as a caretaker.

d. Verified incarceration.

e. Verified participation on an in-treatment basis in a chemical dependency program licensed by the department of public health or a similar program.

37.3(3) Written agreement. A debtor may, at any time, with or without a requested conference, enter into a satisfactory written repayment agreement to either avoid the issuance of a certificate of noncompliance or to secure a withdrawal of an issued certificate of noncompliance. In determining whether the terms of a proposed repayment agreement are satisfactory, the commission shall take into account the debtor’s ability to pay. Repayment terms shall be deemed satisfactory if the debtor agrees to pay at least the maximum amount which would be subject to an administrative wage withholding procedure, or the equivalent for a self-employed person. In addition, the commission may take into consideration the recent existence of any of the conditions outlined in ~~rule 37.4(261)~~ *subrule 37.3(2)*, if verified, and if the debtor can demonstrate that insufficient time has passed for the debtor to regain an ability to repay obligations owed to the commission.

37.3(4) Right to court hearing. The debtor may request a hearing before the district court in the debtor’s county of residence. The scope of the court’s review is limited to whether the debt is ~~delinquent in default~~, whether the amount of the ~~delinquency default~~ is misstated, or whether a mistake has been made in the identity of the debtor.

283—37.4(261) Administrative wage garnishment procedures. The commission shall apply administrative wage garnishment procedures established under the federal Higher Education Act of 1965, as amended and codified in 20 U.S.C. § 1071 et seq., in the collection of all ~~delinquent defaulted~~ student loans owed to the commission.

37.4(1) Notice prior to wage withholding. A debtor shall receive a “notice prior to wage withholding” from the commission inviting the debtor to enter into voluntary monthly payments with the commission within 30 days after receipt of the notice.

37.4(2) Right to hearing. A debtor is entitled to a hearing before an administrative law judge if a petition is filed requesting a hearing on or before the fifteenth day following mailing of the “notice prior to wage withholding.”

37.4(3) Repayment agreement. A debtor who negotiates a monthly payment with the commission shall receive a “re-

payment agreement in lieu of wage withholding” reflecting the payment amount and payment date agreed upon (15-20-day grace period) for the debtor’s signature and return to the commission.

37.4(4) Debtor’s failure to arrange timely voluntary payments.

a. The employer of a debtor who is financially capable of paying, but who fails to make voluntary payments after receiving a “notice prior to wage withholding” from the commission, or who signs a “repayment agreement in lieu of wage withholding” but subsequently fails to make regular monthly payments, shall receive an “order of withholding from earnings” from the commission, directing the debtor’s employer to deduct and pay to the commission from the debtor’s wages an amount that does not exceed ~~40 percent of the debtor’s disposable pay for each pay period, the amount authorized by federal legislation~~, unless the debtor provides the commission with written consent to deduct a greater amount. A duplicate copy of the order shall be provided to the debtor by the employer.

b. The employer also shall receive from the commission an “employer acknowledgment of wage withholding” which should be completed and returned to the commission within ten business days.

c. The employer shall notify the commission if the debtor changes employment. The employer shall provide the debtor’s date of termination, last-known address, and current employer and telephone number (if known).

d. The commission will send the employer a “release of order of withholding from earnings” when the debtor’s ~~partnership loan or other loan being collected under Iowa Code section 261.38~~ by the commission is paid in full.

283—37.5(261) Offset against state income tax refund or rebate.

37.5(1) General. A claim against a defaulted borrower’s state income tax refund or rebate will be made to receive payment against any defaulted student loan owed to the commission.

37.5(2) Certification. The commission shall submit to the department of revenue a list of defaulted borrowers to certify for offset.

37.5(3) Borrower notification. The commission shall mail a preoffset notice to a defaulted borrower when:

a. The commission is notified by the department of revenue that the defaulted borrower is entitled to a state income tax refund or rebate; and

b. The commission makes claim to the defaulted borrower’s state income tax refund or rebate.

The preoffset notice will inform the defaulted borrower of the amount the commission intends to claim and apply to the outstanding defaulted student loan.

37.5(4) Challenge of offset. When the defaulted borrower contests a claim, a written request shall be submitted to the commission within 15 calendar days after the preoffset notice is mailed. When the request is received within the 15-day limit, a hearing shall be granted.

37.5(5) Spousal share. The spouse’s proportionate share of a joint return filed with a defaulted borrower, as determined by the department of revenue, shall be released by the department of revenue unless other claims are made on that portion of the joint income tax refund. The request for release of the spouse’s proportionate share shall be in writing and received by the commission within 15 calendar days after the mailing date of the preoffset notice.

37.5(6) Claim of offset. The commission may make claim to a defaulted borrower’s state income tax refund or rebate

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when the defaulted borrower has not made a voluntary payment which has been posted to the borrower's account during the 120 days preceding the day an offset tape match is run. A voluntary payment toward a defaulted loan is defined as making an agreed-upon monthly payment through a means other than by offset or garnishment.

37.5(7) Appeals.

a. *General.* Borrowers with defaulted student loans may appeal commission decisions to offset their state tax refunds or rebates pursuant to the procedures provided in this rule.

b. *Procedures.* If a defaulted borrower contests a claim, written appeal shall be presented to the commission's state offset coordinator, setting forth reasons for disagreement. The evidence must be presented within 15 calendar days after notification of the proposed offset, and the appellant may request a hearing.

(1) If no hearing is requested, the state offset coordinator will consider all evidence provided and will notify the appellant within 30 calendar days whether the decision is retracted, modified, or upheld. The appellant will be advised of the appellant's right to carry the appeal to an administrative law judge.

(2) If a hearing is requested, the state offset coordinator will set a date for the hearing no later than 30 calendar days from the date that the request was received.

(3) An administrative law judge will preside at the hearing and will consider any written material presented before the hearing as well as other evidence presented during the course of the hearing.

(4) After considering all evidence presented, the administrative law judge will notify the appellant in writing as to the decision on the appeal, advising the appellant of the appellant's right to carry the appeal to a full meeting of the commission or to its appointed appeals panel.

c. *Additional provisions.* Except as specifically provided in this rule, administrative hearings will be governed by 283—Chapter 4.

These rules are intended to implement Iowa Code sections 261.37, 261.38 and 261.121 to 261.127.

[Filed Emergency 6/16/06, effective 6/16/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5220B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 234.6 and 2006 Iowa Acts, Senate File 2217, section 7, the Department of Human Services amends Chapter 7, "Appeals and Hearings," and adopts Chapter 187, "Aftercare Services and Supports," Iowa Administrative Code.

These rules define and structure the aftercare service programs that assist youth leaving foster care in their successful transition to adulthood. Division I of the chapter addresses aftercare services. The aftercare program is operated with federal funds received through the John H. Chafee Foster Care Independence Program, which was created through amendments to Title IV-E of the Social Security Act enacted in Public Law 106-169, the Foster Care Independence Act of

1999. The Department contracts with private child welfare agencies to provide self-sufficiency planning, basic living skills training, vendor payments, case management, and personal contacts to eligible youth.

Division II addresses the preparation for adult living component, a new program authorized and funded by the Eighty-first General Assembly to provide a monthly cash stipend to meet the basic needs of youth receiving aftercare services after leaving state-paid foster care. To be eligible, youth must be engaged in or actively pursuing full-time activity comprised of one or more of the following:

- Enrollment in a postsecondary educational training program or work training;
- Employment for an average of 30 hours or more per week; or
- School or program attendance leading to high school diploma or GED.

Payments are based on the basic rate for foster family care for a child aged 16 or older and are reduced when a child's net earnings exceed the maximum payment amount.

A new Medicaid coverage group for youth leaving foster care was also enacted in conjunction with the preparation for adult living program and is being implemented through a separate rule making.

These amendments do not provide for waivers in specified situations, since they provide new benefits to the affected youth. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments June 14, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary because 2006 Iowa Acts, House File 2734, section 17(14), authorizes the Department to adopt rules without notice and public participation.

The Department finds that these amendments confer a benefit on the young adults affected by providing services and support to which they otherwise would not have access. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 5202B** to allow for public comment.

These amendments are intended to implement Iowa Code section 234.6, Public Law 106-109, and 2006 Iowa Acts, Senate File 2217, Division V.

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend rule **441—7.1(17A)**, definition of "aggrieved person," numbered paragraph "4," by adding the following **new** bulleted paragraph:

- Who has been referred to aftercare services under 441—Chapter 187 and has exhausted the aftercare provider's dispute resolution process.

ITEM 2. Adopt **new** 441—Chapter 187 as follows:

HUMAN SERVICES DEPARTMENT[441](cont'd)

CHAPTER 187
AFTERCARE SERVICES AND SUPPORTS

PREAMBLE

These rules define and structure the aftercare services program, which assists youth leaving foster care in their successful transition to adulthood. The aftercare program, including the preparation for adult living (PAL) component, helps former foster care youth to continue preparing for the challenges and opportunities presented by adulthood while receiving services and supports. The program also offers financial benefits to eligible youth up to the age of 21. All services and supports are voluntary.

DIVISION I
AFTERCARE SERVICES

441—187.1(234) Purpose. The purpose of aftercare services is to provide services and supports to youth between 18 and 21 years of age who were formerly in foster care. The primary goal of the program is for participants to achieve self-sufficiency and to recognize and accept their personal responsibility for the transition from adolescence to adulthood.

441—187.2(234) Eligibility. To be eligible for aftercare services, a youth must meet the following requirements:

187.2(1) Residence. The youth must reside in Iowa.

187.2(2) Age. The youth must be at least 18 years of age but less than 21 years of age.

187.2(3) Foster care experience.

a. The youth must leave foster care either:

(1) On or after the youth's eighteenth birthday; or

(2) Between the ages of 17 ½ and 18 after being in foster care continuously for at least six months.

b. For purposes of this division, "foster care" is defined as 24-hour substitute care for a child who is placed away from the child's parents or guardians and for whom the department or juvenile court services has placement and care responsibility through either court order or voluntary agreement.

c. A placement may meet the definition of foster care regardless of whether:

(1) The placement is licensed and the state or a local agency makes payments for the child's care;

(2) Adoption subsidy payments are being made before the finalization of adoption; or

(3) There is federal matching of any payments made.

d. Foster care may include, but is not limited to, placement in:

(1) A foster family home;

(2) A foster home of relatives;

(3) A group home;

(4) An emergency shelter;

(5) A preadoptive home;

(6) A residential facility; or

(7) The home of an unlicensed relative or suitable person.

e. Foster care does not include placement in:

(1) A detention facility;

(2) A forestry camp;

(3) A training school; or

(4) Any other facility operated primarily for the detention of children who are determined to be delinquent.

187.2(4) Responsibility. The youth must:

a. Actively take part in developing and participating in a self-sufficiency plan; and

b. Indicate recognition and acceptance of personal responsibility in the transition towards self-sufficiency.

441—187.3(234) Services and supports provided. The aftercare program shall provide the following services and supports to eligible youth:

187.3(1) Individual self-sufficiency plan. Each youth shall have an individual self-sufficiency plan based on an assessment of the youth's strengths and needs. The plan shall identify:

a. The youth's goals for achieving self-sufficiency;

b. The target date for reaching the goals; and

c. The tasks, responsible parties, time frames, and desired outcomes needed to reach the goals.

187.3(2) Life skills services. The program shall provide life skills to enable youth to maintain a safe, healthy, and stable home.

187.3(3) Vendor payments. The program shall make vendor payments to meet direct expenses of the participant that are necessary in order to meet goals of the participant's self-sufficiency plan.

a. Need. To receive a vendor payment, the youth must demonstrate that there are no other means to meet these needs. Youth receiving a PAL stipend are not eligible for a vendor payment.

b. Scope. Vendor payments may include but are not limited to:

(1) Life skills training;

(2) Transportation assistance;

(3) Employment and education assistance;

(4) Clothing; and

(5) Room and board.

c. Maximum payment. The amount available for a 12-month period of service shall not exceed \$1200 per youth.

187.3(4) Follow-up. The program shall maintain individual face-to-face contact with the youth at a frequency as defined in the youth's self-sufficiency plan to ensure that the youth is meeting the goals of the plan.

187.3(5) Ongoing assessment. Ongoing assessment activities shall be directed toward:

a. Monitoring the progress being made in the youth's ability to achieve self-sufficiency; and

b. Coordination and evaluation of the services and supports being provided to reach the self-sufficiency goal.

187.3(6) Case management. Case management activities shall include, but not be limited to:

a. Community involvement services to enable the youth to access community resources; and

b. Development of support systems, including services to assist the youth in establishing or reestablishing relationships with significant adults.

441—187.4(234) Termination. Aftercare services and supports shall be terminated when any of the following conditions apply:

187.4(1) The youth fails to follow self-sufficiency plan components and expectations as determined by the program administrator.

187.4(2) The youth voluntarily withdraws from aftercare services.

187.4(3) The youth is no longer residing in Iowa.

187.4(4) The youth reaches 21 years of age.

187.4(5) There are insufficient funds to continue the services.

441—187.5(234) Waiting list. The program administrator shall create a waiting list when all funds for the aftercare services program are committed for the fiscal year. Names shall be entered on the waiting list on a first-come, first-served basis once the youth is determined eligible.

HUMAN SERVICES DEPARTMENT[441](cont'd)

441—187.6(234) Administration. The department may contract with another state agency or a private organization to perform the administrative and case management functions necessary to administer this program.

187.6(1) The contractor and any subcontractors shall meet the standards in 441—subrule 150.5(3) and paragraph 150.3(3)“i.”

187.6(2) Agencies providing services or supports shall meet the standards in rules 441—108.2(238) through 441—108.6(238).

441—187.7 to 187.9 Reserved.

These rules are intended to implement Iowa Code section 234.6 and Public Law 106-169, the Foster Care Independence Act of 1999.

DIVISION II

PREPARATION FOR ADULT LIVING (PAL) PROGRAM

441—187.10(234) Purpose. The purpose of the PAL program is to provide financial support to eligible youth who are receiving aftercare services. Youth receiving a PAL stipend are not eligible to receive aftercare vendor payments.

441—187.11(234) Eligibility. A monthly stipend may be provided to a youth receiving aftercare services who left foster care after May 1, 2006, and who meets all of the following criteria:

187.11(1) Ineligibility for foster care. The youth must be ineligible for voluntary foster care placement under 441—Chapter 202.

187.11(2) Foster care experience. The youth must:

a. Leave foster care paid for by the state under Iowa Code section 234.35 on or after the youth's eighteenth birthday; and

b. Have been in foster care paid for by the state under Iowa Code section 234.35 in at least 6 of the last 12 months before the youth left foster care.

187.11(3) Living arrangement. The youth must have a living arrangement other than a parent's home, which may include a former foster family, an apartment, a college dormitory, or another approved arrangement. The program administrator is responsible for approving the living arrangement.

187.11(4) Activity. The youth must be engaged in or actively pursuing full-time activity comprised of one or more of the following:

a. Enrollment in a postsecondary educational training program or work training;

b. Employment for an average of 30 hours or more per week; or

c. School or program attendance leading to a high school diploma or GED.

187.11(5) Financial need. A youth whose unearned income exceeds the maximum payment determined according to 187.12(2) is not eligible for a stipend.

441—187.12(234) Payment. The program administrator shall issue a monthly stipend to each participant according to the following guidelines:

187.12(1) Need. The amount of the PAL stipend shall be based on the needs of the youth as documented in the youth's self-sufficiency plan.

187.12(2) Amount. The monthly stipend shall be based on the foster family basic daily maintenance rate for a child aged 16 or older. The maximum monthly payment shall be calculated by multiplying the daily rate in 441—subrule 156.6(1) by 365 and dividing by 12.

a. The stipend may be prorated based on the date of entry.

b. When the net earnings of the youth exceed the maximum payment, the stipend shall be reduced the following month by 50 cents for every dollar earned over the maximum payment.

187.12(3) Payee. The PAL stipend may be paid to the youth, the foster family, or another payee other than a department employee. The payee shall be agreed upon by the parties involved and specified in the self-sufficiency plan under 187.3(1).

441—187.13(234) Termination of stipend. The PAL stipend shall be terminated when any of the following conditions apply:

187.13(1) The youth reaches the age of 21.

187.13(2) The youth fails to meet work or education eligibility requirements for 30 consecutive days without good cause as determined by the program administrator.

187.13(3) The youth fails to follow self-sufficiency plan components and expectations as determined by the program administrator.

187.13(4) The youth fails to maintain satisfactory progress as defined by the education or training program in which the youth is enrolled. A youth who is not making satisfactory progress may stay in the PAL program by choosing the work option.

187.13(5) The youth chooses to live in a nonapproved setting.

187.13(6) The youth no longer resides in Iowa.

187.13(7) The youth lives with a parent.

187.13(8) There are insufficient funds to continue the stipend.

441—187.14(234) Waiting list. The program administrator shall create a waiting list when all funds for the PAL program are committed for the fiscal year. Names shall be entered on the waiting list on a first-come, first-served basis once the youth is determined eligible.

441—187.15(234) Administration. The department may contract with another state agency or a private organization to perform the administrative functions necessary to administer the PAL program.

187.15(1) The contractor and any subcontractors shall meet the standards in 441—subrule 150.5(3) and paragraph 150.3(3)“i.”

187.15(2) Agencies providing support or services shall meet the standards in rules 441—108.2(238) through 441—108.6(238).

These rules are intended to implement 2006 Iowa Acts, Senate File 2217, Division V.

[Filed Emergency 6/16/06, effective 7/1/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5219B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 249A.4 and 2006 Iowa Acts, House File 2734, section 17(14), the Department of Human Services amends Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

These amendments create a new Medicaid coverage group called "Medicaid for independent young adults." The group will provide Medicaid benefits for youth who have "aged out" of the foster care program. The state has the option of providing Medicaid coverage for adolescents leaving foster care under amendments to Title XIX of the Social Security Act that were enacted as part of the Foster Care Independence Act of 1999. The Eighty-first General Assembly authorized this coverage in the Iowa Medicaid program through passage of 2006 Iowa Acts, Senate File 2217, in conjunction with the Preparation for Adult Living Program.

To be eligible for this coverage, a youth must have been in state-paid foster care on the youth's eighteenth birthday and have income below 200 percent of the federal poverty level. The youth shall not be eligible for Medicaid under any other coverage group and shall not be a "considered person" on another Medicaid case. Household income will be examined only once a year. Coverage may extend until the youth reaches the age of 21.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments June 14, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary because 2006 Iowa Acts, House File 2734, section 17, authorizes the Department to adopt rules without notice and public participation.

The Department finds that these amendments confer a benefit by giving more young adults access to Medicaid benefits. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 5200B** to allow for public comment.

These amendments are intended to implement Iowa Code Supplement section 249A.3 as amended by 2006 Iowa Acts, Senate File 2217, section 8.

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code section 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)281-5279 before the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend rule 441—75.1(249A) by adopting **new** subrule 75.1(42) as follows:

75.1(42) Medicaid for independent young adults. Medical assistance shall be available, as assistance related to the family medical assistance program, to a person who left a

foster care placement on or after May 1, 2006, and meets all of the following conditions:

a. The person is at least 18 years of age and under 21 years of age.

b. On the person's eighteenth birthday, the person resided in foster care and Iowa was responsible for the foster care payment pursuant to Iowa Code section 234.35.

c. The person is not a mandatory household member or receiving Medicaid benefits under another coverage group.

d. The person has income below 200 percent of the most recently revised federal poverty level for the person's household size.

(1) "Household" shall mean the person and any of the following people who are living with the person and are not active on another Medicaid case:

1. The person's own children;

2. The person's spouse; and

3. Any children of the person's spouse who are under the age of 18 and unmarried.

No one else shall be considered a member of the person's household. A person who lives alone or with others not listed above, including the person's parents, shall be considered a household of one.

(2) The department shall determine the household's countable income pursuant to rule 75.57(249A). Twenty percent of earned income shall be disregarded.

(3) A person found to be income-eligible upon application or upon annual redetermination of eligibility shall remain income-eligible for 12 months regardless of any change in income or household size.

ITEM 2. Amend subrule **75.57(7)** by adopting **new** paragraph "**ai**" as follows:

ai. Payments received through participation in the preparation for adult living program pursuant to 441—Chapter 187.

[Filed Emergency 6/16/06, effective 7/1/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5217B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed Emergency After Notice**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

Section 6036 of the Deficit Reduction Act of 2005, which was signed in February 2006, requires Medicaid applicants and recipients to furnish documentation proving that they are citizens or nationals of the United States. This amendment incorporates that requirement into Iowa Medicaid rules and lists acceptable documentation.

Acceptable documentation for people with "national" status consists of documents issued by the U.S. Citizenship and Immigration Services. Acceptable documentation for people who are citizens is a U.S. passport or, most commonly, a birth certificate in combination with some other identification, such as a driver's license. Under the legislation, a driver's license alone is not sufficient identification unless the state

HUMAN SERVICES DEPARTMENT[441](cont'd)

that issued the license has verified the person's citizenship before issuing the license. An Iowa driver's license does not meet this standard.

The federal legislation imposes this verification requirement effective July 1, 2006. A Medicaid application will not be approved after that date unless each applicant has furnished the required verification. The requirement will be imposed on people receiving Medicaid benefits at the time of their next eligibility review. If acceptable verification is not furnished at that time, the person's Medicaid eligibility will end.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on May 10, 2006, as **ARC 5076B**. This amendment was also Adopted and Filed Without Notice and published in the Iowa Administrative Bulletin on the same date as **ARC 5077B**.

The Department received four comments on the Notice of Intended Action, all concerned about the burden of verifying citizenship for elderly and disabled people. The Department shares these concerns, and has added a provision for maintaining Medicaid eligibility for a reasonable period while a recipient is making a good-faith effort to obtain the documentation. Federal guidance prohibits the approval of eligibility for an applicant who has not furnished proof of citizenship and identity.

Aside from allowing a reasonable period to comply, this amendment does not provide for waivers in specified situations because the Deficit Reduction Act of 2005 does not allow any exceptions. Subrule 75.11(2) allows any method of documentation that is acceptable under the statute. The Department is awaiting federal guidance on what methods of documentation will be allowable. Methods of documentation that the Department is exploring include:

- A process to allow the Department to request administrative copies of birth certificates of persons born in Iowa from the Iowa Department of Public Health, Vital Records, at no cost to the Medicaid customer. An electronic match of birth certificate records is not possible because in Iowa those records are maintained on microfilm.

- A match with paid claims data of the Iowa Medicaid program. This match would identify any person currently receiving Medicaid in Iowa for whom Iowa Medicaid paid for the person's birth. When a match is found, the person would automatically be deemed a citizen and no further proof of citizenship would be needed. The Iowa Medicaid program has paid claims data back to 1997.

- Personal affidavits.

The Council on Human Services adopted this amendment on June 14, 2006.

The Department finds that this amendment confers a benefit on people required to furnish citizenship documentation by allowing more time for compliance and maintaining benefits as long as a person is making a good-faith effort to comply. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of this amendment is waived.

This amendment became effective July 1, 2006, at which time the Adopted and Filed Without Notice amendment is hereby rescinded.

This amendment is intended to implement Iowa Code section 249A.3.

The following amendment is adopted.

Amend subrule **75.11(2)** by adopting **new** paragraphs "**c**," "**d**," and "**e**" as follows:

c. Effective July 1, 2006, applicants who attest that they are citizens or nationals of the United States shall present satisfactory documentation of citizenship or nationality upon application for Medicaid as defined in paragraph "d" or "e."

(1) Persons receiving Medicaid benefits as of July 1, 2006, shall present this documentation at the next redetermination of their Medicaid eligibility.

(2) An applicant or recipient shall have a reasonable period to obtain and provide proof of citizenship or nationality. For the purposes of this requirement, the "reasonable period" begins on the date a written request to obtain and provide proof is issued to an applicant or recipient and continues to the date when the proof is provided or the date when the department establishes that the applicant or recipient is no longer making a good-faith effort to obtain the proof, whichever is earlier. Medicaid eligibility shall continue for recipients during the reasonable period. Medicaid shall not be approved for applicants until acceptable documentary evidence is provided.

(3) A reference to a form in paragraph "d" or "e" includes any successor form.

d. Any one of the following documents shall be accepted as satisfactory documentation of citizenship or nationality:

(1) A United States passport.

(2) Form N-550 or N-570 (Certificate of Naturalization) issued by the U.S. Citizenship and Immigration Services.

(3) Form N-560 or N-561 (Certificate of United States Citizenship) issued by the U.S. Citizenship and Immigration Services.

(4) A valid state-issued driver's license or other identity document described in Section 274A(b)(1)(D) of the United States Immigration and Nationality Act, but only if the state issuing the license or document either:

1. Requires proof of United States citizenship before issuance of the license or document; or

2. Obtains a social security number from the applicant and verifies before certification that the number is valid and is assigned to the applicant who is a citizen.

(5) Another document that provides proof of United States citizenship or nationality and provides a reliable means of documentation of personal identity, as the Secretary of the U.S. Department of Health and Human Services may specify by regulation pursuant to 42 U.S.C. Section 1396b(x)(3)(B)(v).

e. Satisfactory documentation of citizenship or nationality may also be demonstrated by the combination of:

(1) Any identity document described in Section 274A(b)(1)(D) of the United States Immigration and Nationality Act or any other documentation of personal identity that provides a reliable means of identification, as the Secretary of the U.S. Department of Health and Human Services finds by regulation pursuant to 42 U.S.C. Section 1396b(x)(3)(D)(ii), and

(2) Any one of the following:

1. A certificate of birth in the United States.

2. Form FS-545 or Form DS-1350 (Certification of Birth Abroad) issued by the U.S. Citizenship and Immigration Services.

3. Form I-97 (United States Citizen Identification Card) issued by the U.S. Citizenship and Immigration Services.

4. Form FS-240 (Report of Birth Abroad of a Citizen of the United States) issued by the U.S. Citizenship and Immigration Services.

5. Another document that provides proof of United States citizenship or nationality, as the Secretary of the U.S.

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Department of Health and Human Services may specify pursuant to 42 U.S.C. Section 1396b(x)(3)(C)(v).

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ARC 5215B

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, "Conditions of Eligibility," and Chapter 76, "Application and Investigation," Iowa Administrative Code.

These amendments change Iowa Medicaid policy on eligibility for limited services available to certain aliens. Immigrants who do not qualify under Medicaid requirements for citizenship or alien status may qualify for three days' Medicaid coverage for treatment of an emergency medical condition. An "emergency medical condition" is defined as a medical condition manifesting itself by acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to the patient's health, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. Covered conditions include labor and delivery.

Currently, eligibility for this coverage is based on a diagnosis code that is on a list published in the Department's Employees' Manual. Changes in medical terminology and practice make it difficult to keep this list updated. Medicaid eligibility is frequently denied because the code for the applicant's diagnosis is not listed. Many of these decisions are overturned on appeal because the applicant's medical condition meets the conditions for coverage set by the federal government and the Medicaid eligibility rules.

These amendments provide for verification of the presence of an emergent medical condition through a statement from the physician. This change will simplify administration of emergency medical coverage and result in fewer decisions being overturned on appeal.

These amendments also make a technical change to correct the form number for the review form used for women who are eligible for Medicaid family planning services only.

These amendments do not provide for waivers in specified situations because they remove a restriction on the people affected. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on April 12, 2006, as **ARC 5047B**. The Department received no comments on the Notice of Intended Action. The Department has made a technical change to shorten the title of new Form 470-4299 to "Verification of Emergency Health Care Services."

The Council on Human Services adopted these amendments on June 14, 2006.

The Department finds that these amendments confer a benefit on the persons affected by providing a more accurate procedure for making eligibility decisions and eliminating si-

tuations where applications are denied incorrectly due to problems with the diagnosis list. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of these amendments is waived.

These amendments became effective on July 1, 2006.

These amendments are intended to implement Iowa Code section 249A.3.

The following amendments are adopted.

ITEM 1. Amend subrule 75.11(4) as follows:

75.11(4) Eligibility for payment of emergency medical services. Aliens who do not meet the provisions of subrule 75.11(2) and who would otherwise qualify except for their alienage *alien* status are eligible to receive Medicaid for *care and services necessary for the treatment of an emergency medical care condition* as defined in subrule 75.11(1). To qualify for payment under these provisions, this provision:

a. ~~the~~ The alien must meet all other eligibility criteria, including state residence requirements provided at rules 441—75.10(249A) and 441—75.53(249A). ~~However, the requirements of, with the exception of rule 441—75.7(249A) and subrules 75.11(2) and 75.11(3) do not apply to eligibility for aliens seeking the care and services necessary for the treatment of an emergency medical condition not related to an organ transplant procedure furnished on or after August 10, 1993.~~

b. The medical provider who treated the emergency medical condition or the provider's designee must submit verification of the existence of the emergency medical condition on either:

(1) Form 470-4299, Verification of Emergency Health Care Services; or

(2) A signed statement that contains the same information as requested by Form 470-4299.

ITEM 2. Amend subrule **76.7(5)** by striking references to "Form 470-4091" and inserting "Form 470-4071" in lieu thereof.

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ARC 5211B

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4 and 2006 Iowa Acts, House File 2734, section 30(15), the Department of Human Services amends Chapter 75, "Conditions of Eligibility," and Chapter 81, "Nursing Facilities," Iowa Administrative Code.

These amendments implement an increase in the personal needs allowance for Medicaid residents in nursing facilities to \$50 per month. The personal needs allowance is the amount of income a Medicaid resident is allowed to keep for clothing, toiletries, and other personal expenses. The amount of the personal needs allowance has not changed since July 1988, when it was increased from \$25 to the current \$30 due to federal legislation. The Eighty-first General Assembly di-

HUMAN SERVICES DEPARTMENT[441](cont'd)

rected the Department to increase the allowance in 2006 Iowa Acts, House File 2319, and appropriated funds for this purpose in 2006 Iowa Acts, House File 2734.

Aged, blind, or disabled people who have little or no countable income are eligible to receive SSI payments to bring their income up to \$30 when they live in a facility where Medicaid is paying more than 50 percent of the cost of their care. This limited SSI payment will not change. In order to achieve the mandated increase in the personal needs allowance for all Medicaid residents in nursing facilities, it is necessary to supplement the income of residents whose income is less than \$50.

These amendments establish a new state-funded payment to eligible nursing home residents to cover the difference between the resident's countable income and \$50. This payment is not considered a benefit under Title XIX of the Social Security Act (the legislation authorizing the federal Medicaid program).

Under the terms of the state legislation, neither the increased personal needs allowance nor the supplemental payment apply to residents of an intermediate care facility for persons with mental illness or an intermediate care facility for persons with mental retardation.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments June 14, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary and impracticable. 2006 Iowa Acts, House File 2734, section 30, authorizes the Department to adopt rules without notice and public participation and requires the change to be effective July 1, 2006.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(1), that the normal effective date of these amendments should be waived, as authorized by 2006 Iowa Acts, House File 2734, section 30. The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that these amendments confer a benefit to Medicaid residents in nursing facilities by allowing them to keep more funds to meet their personal needs. Therefore, the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 5212B** to allow for public comment.

These amendments are intended to implement Iowa Code section 249A.4 and 2006 Iowa Acts, House File 2319, and House File 2734, section 30(1)(l).

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend subrule **75.16(2)**, paragraph "**a**," as follows:

a. Ongoing personal needs allowance. All clients shall retain \$30 of their monthly income for a personal needs allowance with the following exception.

(1) If the client is a veteran or a surviving spouse of a veteran who receives a Veterans' Administration pension subject to limitation of \$90 after the month of entry pursuant to

38 U.S.C. Section 3203(f)(2), the veteran or *the* surviving spouse of a veteran shall retain \$90 from the veteran's pension for ~~their~~ *the client's* personal needs allowance beginning the month after entry to a medical institution. The \$90 allowance from a veteran's pension is in lieu of the \$30 allowance from any income, not in addition thereto.

(2) If the client has earned income, an additional \$65 is added to the ongoing personal needs allowance from the earned income only.

(3) *If the client is residing in a nursing facility as defined in Iowa Code section 135C.1, an additional \$20 is added to the ongoing personal needs allowance.*

ITEM 2. Adopt **new** rule 441—81.23(249A) as follows:

441—81.23(249A) State-funded personal needs supplement. When a resident of a nursing facility as defined in Iowa Code section 135C.1 has countable income for purposes of rule 441—75.16(249A) of less than \$50 per month, the department shall issue a state-funded payment to the resident for the difference between that countable income and \$50. This payment shall not be considered a benefit under Title XIX of the Social Security Act.

This rule is intended to implement 2006 Iowa Acts, House File 2319.

[Filed Emergency 6/16/06, effective 7/1/06]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5213B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

These amendments publish the Department's annual updates of:

- The statewide average cost of nursing facility services to a private-pay resident. This figure is determined by a survey of facilities and is used to determine the period of ineligibility when a person transfers assets for less than market value. The monthly average cost has increased from \$3,697.55 to \$4,021.31. Since the amount transferred is divided by this cost to determine the number of months of ineligibility for nursing facility care and other long-term care services, the resulting periods of ineligibility will be slightly shorter.

- The statewide average charges or maximum Medicaid rate for various levels of institutional care. Iowa Code section 633.707 requires the Department to determine and publish these figures, which are used to regulate the disposition of the income of a medical assistance income (Miller-type) trust. A Miller-type trust allows a person whose income is above Medicaid limits but is less than the cost of care in a medical institution to attain eligibility by depositing the income in a trust. When the person's total income is less than the statewide average charge for the person's level of care, the trust releases income to the beneficiary up to the limit for Medicaid eligibility (300 percent of the monthly SSI benefit,

HUMAN SERVICES DEPARTMENT[441](cont'd)

or \$1,809). An increase in the average charge allows more people to qualify for Medicaid.

Changes in the average charge or maximum figures are as follows:

- Nursing facility care: an increase to \$3,733 per month (previously \$3,391). (This figure is based on data from free-standing facilities only, since the cost of special care is considered separately.)
- ICF/MR care: an increase to \$12,900 per month (previously \$11,138).
- Mental health institute care: an increase to \$14,582 per month (previously \$13,992).
- Psychiatric medical institution for children care: an increase to \$5,035 per month (previously \$4,477).

These amendments do not provide for waivers in specified situations because everyone should be subject to the same conditions in determining Medicaid eligibility as a matter of fairness, and these changes provide a benefit to applicants and recipients.

The Council on Human Services adopted these amendments June 14, 2006.

The Department finds that notice and public participation are unnecessary because the amendments simply update existing rules pursuant to established policy based on survey data. Therefore, these amendments are filed pursuant to Iowa Code section 17A.4(2).

The Department finds that these amendments confer a benefit by raising eligibility thresholds and limiting periods of ineligibility. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments are intended to implement Iowa Code sections 249A.4, 633.707, and 633.709.

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend subrule 75.23(3) as follows:

75.23(3) Period of ineligibility. The number of months of ineligibility shall be equal to the total cumulative uncompensated value of all assets transferred by the individual (or the individual's spouse) on or after the look-back date specified in 75.23(2), divided by the statewide average private-pay rate for nursing facility services at the time of application. The department shall determine the average statewide cost to a private-pay resident for nursing facilities and update the cost annually. For the period from July 1, 2005 2006, through June 30, 2006 2007, this average statewide cost shall be ~~\$3,697.55~~ \$4,021.31 per month or ~~\$121.63~~ \$132.28 per day.

ITEM 2. Amend subrule **75.24(3)**, paragraph “b,” first unnumbered paragraph and subparagraphs (1), (4), (5), and (6), as follows:

For disposition of trust amounts pursuant to Iowa Code sections 633.707 to 633.711, the average statewide charges and Medicaid rates for the period from July 1, 2005 2006, to June 30, 2006 2007, shall be as follows:

(1) The average statewide charge to a private-pay resident of a nursing facility is ~~\$3,391~~ \$3,733 per month.

(4) The maximum statewide Medicaid rate for a resident of an intermediate care facility for the mentally retarded is ~~\$11,138~~ \$12,900 per month.

(5) The average statewide charge to a resident of a mental health institute is ~~\$13,992~~ \$14,852 per month.

(6) The average statewide charge to a private-pay resident of a psychiatric medical institution for children is ~~\$4,477~~ \$5,035 per month.

[Filed Emergency 6/16/06, effective 7/1/06]

[Published 7/5/06]

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ARC 5214B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

These amendments provide that the value of one motor vehicle per eligible household will be disregarded in determining resource eligibility under the Family Medical Assistance Program. This change brings resource policies for this program in line with those for the Food Assistance Program and Family Investment Program. Equity value up to a limit of \$4,435 may also be disregarded for an additional vehicle for each additional adult or working teenaged child in the household. (This value is indexed annually based on the consumer price index.)

Adults who were denied Medicaid under the previous policy due to the value of a vehicle could qualify for limited benefits under IowaCare. Achieving full Medicaid coverage and a choice of medical providers will improve access to health care for these people. Access to reliable transportation is important for employment and self-sufficiency.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments June 14, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary because these amendments merely conform the rule to a change in the Iowa Code section that prescribes Medicaid eligibility requirements, as enacted in 2006 Iowa Acts, Senate File 2217, section 4, and impracticable because the statutory change is effective July 1, 2006.

The Department finds that these amendments confer a benefit on the persons affected by removing the equity value restriction on one vehicle per household. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments are intended to implement Iowa Code Supplement section 249A.3 as amended by 2006 Iowa Acts, Senate File 2217, section 4.

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

HUMAN SERVICES DEPARTMENT[441](cont'd)

The following amendments are adopted.

Amend subrule **75.56(1)**, paragraph “**d**,” as follows:

d. *One motor vehicle per household. If the household includes more than one adult or working teenaged child whose resources must be considered as described in subrule 75.56(2), An equity not to exceed a value of \$3,000 in one additional motor vehicle shall be disregarded for each additional adult and or working teenage teenaged child whose resources must be considered as described in subrule 75.56(2).*

(1) The disregard for an additional motor vehicle shall be allowed when the a working teenager is temporarily absent from work.

(2) The equity value of any additional motor vehicle in excess of \$3,000 of any motor vehicle shall be counted toward the resource limit in paragraph 75.56(1)“e.” When a motor vehicle(s) vehicle is modified with special equipment for the handicapped, the special equipment shall not increase the value of the motor vehicle(s) vehicle.

(3) Beginning July 1, 1994, and continuing in succeeding state fiscal years, the motor vehicle equity value to be disregarded shall be increased by the latest increase in the consumer price index for used vehicles during the previous state fiscal year.

[Filed Emergency 6/16/06, effective 7/1/06]
[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5209B

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 239B.4(4), 239B.8(2), and 249A.4, the Department of Human Services amends Chapter 78, “Amount, Duration, and Scope of Medical and Remedial Services,” and Chapter 93, “PROMISE JOBS Program,” Iowa Administrative Code.

These amendments continue the increases in reimbursement for nonemergency Medicaid transportation and in the transportation allowance for participation in PROMISE JOBS activities that were Adopted and Filed Emergency and published in the Iowa Administrative Bulletin on November 9, 2005, as **ARC 4626B**. Those amendments provided the increase only through June 30, 2006.

Because of continuing high fuel prices, a reduction to reimbursement at the previous levels would:

- Be a disincentive to Medicaid members in accessing needed medical care, especially in rural areas, and a barrier to finding volunteers to provide transportation; and
- Be a barrier to Family Investment Program participants carrying out education, training, and work activities under the PROMISE JOBS program to work toward self-sufficiency.

The Eighty-first General Assembly has appropriated funds to continue the PROMISE JOBS reimbursement at 30 cents per mile during state fiscal year 2007 to match the Medicaid rate.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be sub-

mitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments June 14, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are impracticable because there is insufficient time to allow for notice and public participation before the current increase expires.

The Department finds that these amendments confer a benefit by maintaining a transportation allowance that more adequately reflects the actual cost of transportation. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 5195B** to allow for public comment.

These amendments are intended to implement Iowa Code section 239B.8(2) and 2006 Iowa Acts, House File 2734, section 7(4d).

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend subrule **78.13(5)**, paragraph “**a**,” as follows:

a. When transportation is by car, the maximum payment which may be made will be the actual charge made by the provider for transportation to and from the source of medical care, but not in excess of 20 cents per mile. EXCEPTION: For transportation provided from November 1, 2005, through June 30, 2006 2007, the maximum payment shall be 30 cents per mile.

ITEM 2. Amend subrule **93.110(6)**, paragraph “**b**,” as follows:

b. For participants who use a motor vehicle they operate themselves or who hire private transportation, the transportation allowance shall be based on a formula which uses the normally scheduled days of participation in the PROMISE JOBS activity for the period covered by the allowance times the participant's anticipated daily round-trip miles times the mileage rate of \$~~24~~ 21 cents per mile. EXCEPTION: From November 1, 2005, through June 30, 2006 2007, the mileage rate shall be 30 cents per mile.

[Filed Emergency 6/16/06, effective 7/1/06]
[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5210B

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4 and 2006 Iowa Acts, House File 2734, section 30, the Depart-

HUMAN SERVICES DEPARTMENT[441](cont'd)

ment of Human Services amends Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

These amendments implement a 3 percent increase in reimbursement rates for most Medicaid providers, as directed by 2006 Iowa Acts, House File 2734. Increased reimbursement will encourage continued participation in the Iowa Medicaid program.

Providers and services receiving the increase include advanced registered nurse practitioners, ground ambulance services, ambulatory surgical centers, audiologists, birth centers, chiropractors, community mental health centers, dentists, drugs, family planning clinics, hearing aid dispensers, home health agencies, hospitals (except for critical access hospitals), lead inspection agencies, maternal health centers, medical equipment and supply dealers, opticians, optometrists, orthopedic shoe dealers, physical therapists, physicians, podiatrists, psychiatric medical institutions for children, psychologists, rehabilitative treatment services and screening centers.

The following home- and community-based waiver services and providers also received the increase: adult day care, assistive devices, behavioral programming, chore service, consumer-directed attendant care, counseling, day habilitation, emergency response system, family and community support services, family counseling and training, home-delivered meals, home health aide, homemaker, in-home family therapy, interim medical monitoring and treatment, nutritional counseling, prevocational services, respite, senior companion, supported community living, and supports to maintain employment.

These amendments do not provide for waivers in specified situations. Providers that wish to do so may request a waiver

under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments June 14, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary because these amendments implement 2006 Iowa Acts, House Files 2734, section 30(15), which authorizes the Department to adopt rules without notice and public participation.

The Department finds that these amendments confer a benefit on the affected Medicaid providers by raising reimbursement rates. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of these amendments should be waived.

These amendments are also published herein under Notice of Intended Action as **ARC 5194B** to allow for public comment.

These amendments are intended to implement Iowa Code section 249A.4 and 2006 Iowa Acts, House File 2734, section 30.

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend subrule 79.1(2) as follows:

79.1(2) Basis of reimbursement of specific provider categories.

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
Advanced registered nurse practitioners	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Ambulance	Fee schedule	Ground ambulance: Fee schedule in effect 6/30/05 6/30/06 plus 3%. Air ambulance: A base rate of \$209.54 plus \$7.85 per mile for each mile the patient is carried. Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Ambulatory surgical centers	Base rate fee schedule as determined by Medicare. See 79.1(3)	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Area education agencies	No change	No change
Audiologists	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Birth centers	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Chiropractors	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Clinics	No change	No change
Community mental health centers	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Dentists	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Durable medical equipment, prosthetic devices and medical supply dealers	Fee schedule. See 79.1(4)	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Family planning clinics	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Federally qualified health centers (FQHC)	No change	No change
HCBS waiver service providers, including:		Except as noted, limits apply to all waivers that cover the named provider.
1. Adult day care	Fee schedule	For AIDS/HIV, brain injury, elderly, and ill and handicapped waivers: Veterans Administration contract rate or \$21.26 \$21.90 per half day, \$42.32 \$43.59 per full day, or \$63.48 \$65.38 per extended day if no Veterans Administration contract.

HUMAN SERVICES DEPARTMENT[441](cont'd)

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
		For mental retardation waiver: County contract rate or, in the absence of a contract rate, \$28.33 \$29.18 per half day, \$56.55 \$58.25 per full day, or \$72.10 \$74.26 per extended day.
2. Emergency response system	Fee schedule	Initial one-time fee \$47.61 \$49.04. Ongoing monthly fee \$37.03 \$38.14.
3. Home health aides	Retrospective cost-related	For AIDS/HIV, elderly, and ill and handicapped waivers: Maximum Medicare rate in effect 6/30/05 6/30/06 plus 3%. For mental retardation waiver: Maximum Medicare rate in effect 6/30/05 6/30/06 plus 3% converted to an hourly rate.
4. Homemakers	Fee schedule	Maximum of \$19.04 \$19.61 per hour.
5. Nursing care	For elderly and mental retardation waivers: Fee schedule as determined by Medicare. For AIDS/HIV and ill and handicapped waivers: Agency's financial and statistical cost report and Medicare percentage rate per visit.	For elderly waiver: \$79.71 \$82.10 per visit. For mental retardation waiver: Maximum Medicare rate in effect 6/30/05 6/30/06 plus 3% converted to an hourly rate. For AIDS/HIV and ill and handicapped waivers: Cannot exceed \$79.71 \$82.10 per visit.
6. Respite care when provided by:		
Home health agency:		
Specialized respite	Rate for nursing services provided by a home health agency (encounter services-intermittent services)	Maximum Medicare rate in effect 6/30/05 6/30/06 plus 3% converted to an hourly rate not to exceed \$294 per day.
Basic individual respite	Rate for home health aide services provided by a home health agency (encounter services-intermittent services)	Maximum Medicare rate in effect 6/30/05 6/30/06 plus 3% converted to an hourly rate not to exceed \$294 per day.
Group respite	Retrospectively limited prospective rates. See 79.1(15)	\$12.61 \$12.99 per hour not to exceed \$294 per day.
Home care agency:		
Specialized respite	Retrospectively limited prospective rates. See 79.1(15)	\$32.45 \$33.42 per hour not to exceed \$294 per day.
Basic individual respite	Retrospectively limited prospective rates. See 79.1(15)	\$17.31 \$17.83 per hour not to exceed \$294 per day.
Group respite	Retrospectively limited prospective rates. See 79.1(15)	\$12.61 \$12.99 per hour not to exceed \$294 per day.
Nonfacility care:		
Specialized respite	Retrospectively limited prospective rates. See 79.1(15)	\$32.45 \$33.42 per hour not to exceed \$294 per day.
Basic individual respite	Retrospectively limited prospective rates. See 79.1(15)	\$17.31 \$17.83 per hour not to exceed \$294 per day.
Group respite	Retrospectively limited prospective rates. See 79.1(15)	\$12.61 \$12.99 per hour not to exceed \$294 per day.
Facility care:		
Hospital or nursing facility providing skilled care	Fee schedule	\$12.61 \$12.99 per hour not to exceed daily per diem for skilled nursing facility level of care.
Nursing facility	Fee schedule	\$12.61 \$12.99 per hour not to exceed daily per diem for nursing facility level of care.
Camps	Retrospectively limited prospective rates. See 79.1(15)	\$12.61 \$12.99 per hour not to exceed \$294 per day.
Adult day care	Fee schedule	\$12.61 \$12.99 per hour not to exceed rate for regular adult day care services.
Intermediate care facility for the mentally retarded	Fee schedule	\$12.61 \$12.99 per hour not to exceed daily per diem for ICF/MR level of care.
Residential care facilities for persons with mental retardation	Fee schedule	\$12.61 \$12.99 per hour not to exceed contractual daily per diem.
Foster group care	Fee schedule	\$12.61 \$12.99 per hour not to exceed daily per diem rate for rehabilitative treatment and supportive services.
Child care facilities	Fee schedule	\$12.61 \$12.99 per hour not to exceed contractual daily per diem.

HUMAN SERVICES DEPARTMENT[441](cont'd)

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
7. Chore service	Fee schedule	\$7.41 \$7.63 per half hour.
8. Home-delivered meals	Fee schedule	\$7.41 \$7.63 per meal. Maximum of 14 meals per week.
9. Home and vehicle modification	Fee schedule	No change
10. Mental health outreach providers	No change	No change
11. Transportation	Fee schedule	No change
12. Nutritional counseling	Fee schedule	\$7.93 \$8.17 per unit.
13. Assistive devices	Fee schedule	\$105.79 \$108.96 per unit.
14. Senior companion	Fee schedule	\$6.34 \$6.53 per hour.
15. Consumer-directed attendant care provided by:		
Agency (other than an elderly waiver assisted living program)	Fee agreed upon by consumer and provider	\$19.04 \$19.61 per hour not to exceed the daily rate of \$110.02 \$113.32 per day.
Assisted living program (for elderly waiver only)	Fee agreed upon by consumer and provider	No change
Individual	Fee agreed upon by consumer and provider	\$12.70 \$13.08 per hour not to exceed the daily rate of \$74.06 \$76.28 per day.
16. Counseling		
Individual:	Fee schedule	\$10.37 \$10.68 per unit.
Group:	Fee schedule	\$41.47 \$42.71 per hour.
17. Case management	Fee schedule	No change
18. Supported community living	Retrospectively limited prospective rates. See 79.1(15)	\$33.62 \$34.63 per hour, \$75.83 \$78.10 per day <i>not to exceed the maximum daily ICF/MR per diem.</i>
19. Supported employment:		
Activities to obtain a job	Fee schedule	No change
Supports to maintain employment	Retrospectively limited prospective rates. See 79.1(15)	Maximum of \$33.62 \$34.63 per hour for all activities other than personal care and services in an enclave setting. Maximum of \$19.04 \$19.61 per hour for personal care. Maximum of \$5.95 \$6.13 per hour for services in an enclave setting. Total not to exceed \$2,855.16 per month. Maximum of 40 units per week.
20. Specialized medical equipment	Fee schedule	No change
21. Behavioral programming	Fee schedule	\$10.37 \$10.68 per 15 minutes.
22. Family counseling and training	Fee schedule	\$41.47 \$42.71 per hour.
23. Prevocational services	Fee schedule	For the brain injury waiver: \$35.99 \$37.07 per day. For the mental retardation waiver: County contract rate or, in absence of a contract rate, \$46.35 \$47.74 per day.
24. Interim medical monitoring and treatment:		
Home health agency (provided by home health aide)	Rate for home health aide services provided by a home health agency (encounter services-intermittent services)	Maximum Medicare rate in effect 6/30/05 6/30/06 plus 3% converted to an hourly rate.
Home health agency (provided by nurse)	Rate for nursing services provided by a home health agency (encounter services-intermittent services)	Maximum Medicare rate in effect 6/30/05 6/30/06 plus 3% converted to an hourly rate.
Child development home or center	Fee schedule	\$12.61 \$12.99 per hour.
25. Residential-based supported community living	Retrospectively limited prospective rates. See 79.1(15)	No change
26. Day habilitation	Fee schedule	County contract rate or, in the absence of a contract rate, \$12.70 \$13.08 per hour, \$30.90 \$31.83 per half day, or \$61.80 \$63.65 per day.
27. Environmental modifications and adaptive devices	Fee schedule	No change

HUMAN SERVICES DEPARTMENT[441](cont'd)

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
28. Family and community support services	Retrospectively limited prospective rates. See 79.1(15)	\$ 33.62 \$34.63 per hour.
29. In-home family therapy	Fee schedule	\$ 90 \$92.70 per hour.
Hearing aid dispensers	Fee schedule plus product acquisition cost	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Home health agencies (Encounter services-intermittent services)	Retrospective cost-related	Rate in effect 6/30/05 6/30/06 plus 3%.
(Private duty nursing, personal care, and VFC vaccine administration for persons aged 20 and under)	Interim fee schedule with retrospective cost settling based on Medicare methodology	Rate in effect 6/30/05 6/30/06 plus 3%.
Hospices	No change	No change
Hospitals (Critical access)	No change	No change
Hospitals (Inpatient)	Prospective reimbursement. See 79.1(5)	Reimbursement rate in effect 6/30/05 6/30/06 plus 3%.
Hospitals (Outpatient)	Prospective reimbursement for providers listed at 441—paragraphs 78.31(1)“a” to “f.” See 79.1(16) Fee schedule for providers listed at 441—paragraphs 78.31(1)“g” to “n.” See 79.1(16)	Ambulatory patient group rate (plus an evaluation rate) and assessment payment rate in effect 6/30/05 6/30/06 plus 3%. Rates in effect 6/30/05 6/30/06 plus 3%.
Independent laboratories	No change	No change
Indian health service 638 facilities	No change	No change
Infant and toddler program providers	No change	No change
Intermediate care facilities for the mentally retarded	Prospective reimbursement. See 441—82.5(249A)	No change
Lead inspection agency	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Local education agency services providers	No change	No change
Maternal health centers	Reasonable cost per procedure on a prospective basis as determined by the department based on financial and statistical data submitted annually by the provider group	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
MR/CMI/DD case management providers	No change	No change
Nursing facilities		
1. Nursing facility care	No change	No change
2. Hospital-based, Medicare-certified skilled nursing care	No change	No change
Opticians	Fee schedule. Fixed fee for lenses and frames; other optical materials at product acquisition cost	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Optometrists	Fee schedule. Fixed fee for lenses and frames; other optical materials at product acquisition cost	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Orthopedic shoe dealers	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Pharmaceutical case management	No change	No change
Physical therapists	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Physicians (doctors of medicine or osteopathy)	Fee schedule. See 79.1(7)“a”	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Podiatrists	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Prescribed drugs	See 79.1(8)	\$ 4.39 \$4.52 dispensing fee. (See 79.1(8)“a,” “b,” and “e”)

HUMAN SERVICES DEPARTMENT[441](cont'd)

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
Psychiatric medical institutions for children (Inpatient)	Prospective reimbursement	Reimbursement rate for provider based on per diem rates for actual costs on 6/30/05 6/30/06 not to exceed a maximum of \$156.03 \$160.71 per day.
(Outpatient day treatment)	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Psychologists	Fee schedule	Fee schedule in effect 6/30/05 6/30/06 plus 3%.
Rehabilitation agencies	Fee schedule	Medicare fee schedule in effect 6/30/05 plus 3%; refer to 79.1(21).
Rehabilitation services for adults with a chronic mental illness	No change	No change
Rehabilitative treatment services	Negotiated rates based upon the historical and future reasonable and necessary cost of providing that service, other payment-related factors, and availability of funding as established in accordance with 441—subrule 185.112(1).	Rate in effect on 6/30/05 6/30/06 plus 3%.
Rural health clinics	No change	No change
Screening centers	Fee schedule	Reimbursement rate for center in effect 6/30/05 6/30/06 plus 3%.
State-operated institutions	No change	No change

ITEM 2. Amend subrule **79.1(8)**, paragraph “g,” as follows:

g. For services rendered after June 30, ~~2005~~ 2006, the professional dispensing fee is equal to ~~\$4.39~~ \$4.52, or the pharmacy’s usual and customary fee, whichever is lower.

[Filed Emergency 6/16/06, effective 7/1/06]
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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5218B

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 92, “IowaCare,” Iowa Administrative Code.

Effective July 1, 2005, the Department implemented the medical expansion program known as IowaCare, as authorized by Iowa Code Supplement chapter 249J and a federal waiver of Medicaid eligibility and benefits requirements approved under Section 1115 of the Social Security Act. Rules implementing the program were initially Adopted and Filed Emergency, published in the Iowa Administrative Bulletin on August 3, 2005, as **ARC 4398B**, and later were Adopted and Filed and published in the Iowa Administrative Bulletin on January 4, 2006, as **ARC 4799B**.

Members under the program are certified for a period of 12 months. With the first group of members approaching the end of their certification period, the Department has realized that the initial rules do not clearly or sufficiently address issues faced by members who are reapplying for continued IowaCare benefits. These amendments:

- Clarify that the provision requiring payment of at least four months’ premiums applies to the person’s continuous enrollment period, not to each certification period. The definition and use of the term “mandatory months” are elimi-

nated. This change is in conformity with statutory amendments included in 2006 Iowa Acts, House File 2734, section 115.

- Provide for a different form to be used for reapplications. Since the initial application form does not contain a local office address or worker identification, it is not efficient to use this form for renewal applications. The renewal form will be mailed to the member to serve as a reminder that a new application is due and will include specific filing information. The data collected on both forms is the same, but the renewal application is shorter since less explanatory information is needed and the application can be mailed at a reduced cost.

- Allow a longer time for workers to determine eligibility on a renewal application, as long as the decision can be made timely to avoid an interruption of coverage.

- Clarify that IowaCare applicants and recipients are now required to verify their citizenship or alien status, according to Section 6036 of the Deficit Reduction Act of 2005.

- Clarify that IowaCare eligibility is not available to people who qualify for Medicaid under the new coverage group for independent young adults that was established by 2006 Iowa Acts, Senate File 2217.

These amendments also include technical changes to:

- Update implementation citations and statutory references to reflect the codification of the IowaCare Act.

- Update the premium table to reflect the application of increases in federal poverty level guidelines that were implemented April 1, 2006, as provided in 441 IAC 92.7(1)“b.” These changes resulted in minor increases in premiums for members at some poverty levels and in minor decreases in premiums for members whose income is at a lower level now because the dollar amounts represented by the poverty levels have increased. Premiums do not change during the 12-month certification period. For members eligible before April 1, 2006, the revised premium amounts will apply to their next certification period.

These amendments do not provide for waivers in specified situations because the amendments provide clarifications, updates, or benefits to those affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

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The Council on Human Services adopted these amendments June 14, 2006.

The Department finds that notice and public participation are impracticable and contrary to the public interest in that 2006 Iowa Acts, House File 2764, took effect upon enactment, and renewal applications for the first group of IowaCare members will be due by July 1, 2006. It will be to the public's advantage for clarifications and streamlined procedures to be in place by that date. Public comment on technical changes is unnecessary. Therefore, these amendments are filed pursuant to Iowa Code section 17A.4(2).

The Department finds that these amendments confer a benefit by clarifying and simplifying procedures. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 5201B** to allow for public comment.

These amendments are intended to implement Iowa Code Supplement chapter 249J as amended by 2006 Iowa Acts, House File 2734.

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend **441—Chapter 92**, preamble, as follows:

PREAMBLE

This chapter defines and structures the IowaCare program administered by the department pursuant to 2005 Iowa Acts, chapter 167, divisions I and II *Code Supplement chapter 249J*. It is the department's intent that all state expenditures under the IowaCare program shall qualify for federal financial participation under Title XIX of the Social Security Act (Medical Assistance or Medicaid), as allowed by waivers of Title XIX requirements granted by the Secretary of the U.S. Department of Health and Human Services pursuant to Section 1115 of the Social Security Act (42 U.S.C. §1315). Therefore, this chapter shall not be effective until waivers necessary for federal financial participation become effective and shall remain in effect only as long as such waivers are effective. Further, this chapter shall be construed to comply with the requirements of Title XIX or with the terms of any applicable waiver of Title XIX requirements. To the extent that these rules may be found to be inconsistent with any applicable requirement of Title XIX or the terms of any applicable waiver, the requirements of Title XIX or the terms of the waiver shall prevail.

ITEM 2. Amend **441—Chapter 92**, parenthetical implementation references, by striking the reference "(249A, 81GA,ch167)" and inserting in lieu thereof "(249A,249J)."

ITEM 3. Amend rule **441—92.1(249A,249J)** as follows:
Rescind the definition of "mandatory months."

Amend the definition of "medical expansion services" as follows:

"Medical expansion services" means the services described in 2005 Iowa Acts, chapter 167, *Code Supplement* section 6 249J.6.

Adopt a **new** definition of "enrollment period" as follows:

"Enrollment period" means the entire period that a member receives IowaCare without a break, which may include multiple certification periods.

ITEM 4. Amend subrule **92.2(1)**, paragraph "a," subparagraph (1), as follows:

(1) Are not eligible for medical assistance under 441—subrules 75.1(1) through 75.1(40) or 75.1(42); and

ITEM 5. Amend subrule 92.3(1) as follows:

92.3(1) An application for IowaCare may also be submitted on Comm. 239, IowaCare Application, or Form 470-4364, *IowaCare Renewal Application*. An applicant who submits an application on another form allowed under 441—76.1(249A) shall also sign Form 470-4194, IowaCare Premium Agreement.

ITEM 6. Amend subrule 92.4(1), introductory paragraph, as follows:

92.4(1) Verification. Applicants seeking eligibility under 92.2(1)"b" shall provide verification of medical expenses as required under 92.5(5)"b." Applicants *IowaCare applicants* shall not be required to provide verification of income, citizenship, household members, disability, social security number, age, HAWK-I premium, group health insurance, or pregnancy, unless the verification is specifically requested in writing.

ITEM 7. Amend rule 441—92.7(249A,249J) as follows:

Amend the introductory paragraph as follows:

441—92.7(249A,249J) Financial participation. In addition to the copayments required by 441—subrule 79.1(13), IowaCare members, (with the exception of newborns eligible pursuant to 92.2(1)"c,") shall be assessed a sliding-scale monthly premium. A member shall be responsible for paying the premium for the first four months month of a certification period *initial enrollment and the following three months*, regardless of continued enrollment during the four-month period, and for each month of continued enrollment after the first four months. *If there is a break in enrollment of one month or more, a new four-month period of mandatory premiums shall be assessed, beginning with the month of reenrollment.*

Amend subrule **92.7(1)**, paragraph "a," as follows:

a. The monthly premium amount is based on the household's countable monthly income as a percentage of the federal poverty level for a household of that size. The premium amounts are based on this percentage *effective April 1, 2006*, are as follows:

When the household's income is at or below:	Each member's premium amount is:
10% of federal poverty level	\$ 0
20% of federal poverty level	\$ 1
30% of federal poverty level	\$ 3
40% of federal poverty level	\$ 4
50% of federal poverty level	\$ 6
60% of federal poverty level	\$7 8
70% of federal poverty level	\$ 9
80% of federal poverty level	\$11
90% of federal poverty level	\$12 13
100% of federal poverty level	\$14
110% of federal poverty level	\$39 40
120% of federal poverty level	\$43 44
130% of federal poverty level	\$47 49
140% of federal poverty level	\$51 53

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When the household's income is at or below:	Each member's premium amount is:
150% of federal poverty level	\$55 57
160% of federal poverty level	\$59 61
170% of federal poverty level	\$63 65
180% of federal poverty level	\$67 69
190% of federal poverty level	\$71 73
200% of federal poverty level	\$75 77

ITEM 8. Amend rule 441—92.11(249A,249J) by adopting **new** subrules 92.11(1) and 92.11(2) as follows:

92.11(1) Reapplication at least three days before end of certification period. When a member submits an application before the last three working days of the member's current certification period, the department shall approve or deny the application by the last working day of the current certification period unless a condition described at 92.4(3)"a" or "b" applies.

92.11(2) Reapplication within three days of end of certification period or later. When a member submits an application during the last three working days of the member's current certification period or after the certification period ends, the department shall approve or deny the application as described at 92.4(3).

ITEM 9. Amend **441—Chapter 92**, implementation statement, as follows:

These rules are intended to implement 2005 Iowa Acts, chapter 167, divisions I and II *Code Supplement chapter 249J*.

[Filed Emergency 6/16/06, effective 7/1/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5208B

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 237.3, 237.5A, and 600.7A, the Department of Human Services amends Chapter 113, "Licensing and Regulation of Foster Family Homes," and Chapter 200, "Adoption Services," Iowa Administrative Code.

These amendments incorporate statutory changes that allow the Department to waive all or part of the 30-hour preservice training program that is required of people applying to become foster parents and apply the same standard to prospective adoptive parents. The Department may waive the training requirement when:

- The Department determines that the applicant has training and experience that is an acceptable equivalent to the preservice training, such as foster parent training received in another state; or
- The Department finds good cause for the waiver based on the circumstances of the applicant and a particular child who may be placed with the applicant. This provision may remove barriers to placement with relatives.

The amendments also remove time-limited transitional provisions used when the 30-hour training requirements were implemented. These provisions are no longer needed.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments June 14, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary. The amendments merely mirror the language of 2006 Iowa Acts, Senate File 2217, Division IV, and it is the established practice of the Department to make requirements for adoptive parents and foster parents as similar as possible, since the same people are often represented in both categories.

The Department finds that these amendments remove a restriction on the persons affected. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of these amendments should be waived.

These amendments are also published herein under Notice of Intended Action as **ARC 5196B** to allow for public comment.

These amendments are intended to implement Iowa Code section 237.5A as amended by 2006 Iowa Acts, Senate File 2217, Division IV, and Iowa Code section 600.7A.

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend subrule **113.8(1)** by rescinding paragraph "c" and adopting the following **new** paragraph in lieu thereof:

- c. The department may waive the PS-MAPP training requirement in whole or in part when the department finds that:
- (1) The applicant has completed relevant training or has a combination of relevant training and experience that is an acceptable equivalent to all or a portion of the required preservice training; or
 - (2) There is good cause for the waiver based upon the circumstances of the child and the applicant.

ITEM 2. Amend subrule **200.4(4)**, paragraph "a," by rescinding subparagraph (3) and adopting the following **new** subparagraph in lieu thereof:

- (3) The department may waive the PS-MAPP training requirement in whole or in part when the department finds that:
1. The applicant has completed relevant training or has a combination of relevant training and experience that is an acceptable equivalent to all or a portion of the required preservice training; or
 2. There is good cause for the waiver based upon the circumstances of the child and the applicant.

[Filed Emergency 6/16/06, effective 7/1/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5207B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 234.6 and 2006 Iowa Acts, House File 2734, section 30(15), the Department of Human Services amends Chapter 150, "Purchase of Service," and Chapter 156, "Payments for Foster Care and Foster Parent Training," Iowa Administrative Code.

These amendments implement a 3 percent across-the-board increase for social service providers, as directed by 2006 Iowa Acts, House File 2734, sections 30(6) and 30(9). This increase affects adoption home studies, supervised apartment living services, and shelter care. The increase will be applied to reimbursement rates in effect on June 30, 2006, or to the provider's actual and allowable cost for each service plus inflation, whichever is less.

The amendments clarify language about shelter care payment, in conformity with 2006 Iowa Acts, House File 2734, section 17(5). The Department has contracted with 22 facilities around the state to provide emergency shelter care, based on a request for proposals issued in the spring of 2005. Each contract guarantees payment for a specified number of beds. Actual utilization will be reconciled monthly and, if the average utilization is higher than the guaranteed level, the shelter will be paid for the difference, up to the limit of the appropriation.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments June 14, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary because 2006 Iowa Acts, House File 2734, section 30(15), authorizes the Department to adopt rules implementing the rate increases without notice and public participation.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(1), that the normal effective date of these amendments should be waived, as authorized by 2006 Iowa Acts, House File 2734, section 30(15).

These amendments are also published herein under Notice of Intended Action as **ARC 5203B** to allow for public comment.

These amendments are intended to implement Iowa Code section 234.6 and 2006 Iowa Acts, House File 2734, sections 17(5), 30(6), and 30(9).

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend subrule **150.3(5)**, paragraph "**p**," as follows:

Amend subparagraph **(1)** as follows:

(1) The combined service and maintenance reimbursement rate paid to a shelter care provider shall be based on the financial and statistical report submitted to the department. For the fiscal year beginning July 1, ~~2005~~ 2006, the maxi-

imum reimbursement rate shall be ~~\$86.20~~ \$88.79 per day, based on a 365-day year. If the department reimburses the provider at less than the maximum rate, the department shall adjust the provider's reimbursement rate to the provider's actual cost plus the inflation factor or to the maximum reimbursement rate, whichever is less.

Amend subparagraph **(2)**, introductory paragraph and numbered paragraph "**1**," as follows:

(2) For the fiscal year beginning July 1, ~~2005~~ 2006, the maximum reimbursement rates for services provided under a purchase of social service agency contract (adoption, shelter care, family planning, and supervised apartment living) shall be increased by 3 percent over the rates in effect on June 30, ~~2005~~ 2006, or increased to the provider's actual and allowable cost plus inflation, whichever is less. The rates may also be adjusted under any of the following circumstances:

1. If a new service was added after June 30, ~~2005~~ 2006, the initial reimbursement rate for the service shall be based upon actual and allowable costs. A new service does not include a new building or location or other changes in method of service delivery for a service currently provided under the contract.

ITEM 2. Amend subrule **156.11(3)** as follows:

Amend paragraph "**a**," subparagraphs **(2)**, **(3)**, and **(4)**, as follows:

(2) The guaranteed level of payment shall be calculated by multiplying the number of beds for which daily payment is guaranteed ~~times~~ by the number of days in the month.

(3) When the actual unit billings for a facility do not equal the daily guaranteed level of payment for the month, the facility may submit a supplemental billing for the deficiency.

(4) The amount of the supplemental billing shall be determined by multiplying the facility's unit cost for shelter care by the number of units below the daily guaranteed level for the month for which the facility was not reimbursed.

Amend paragraph "**c**" as follows:

c. Shelter contracts for the state fiscal year beginning July 1, ~~2005~~ 2006, shall provide for the statewide availability of a daily average of 273 guaranteed emergency juvenile shelter care beds during the fiscal year. ~~For the fiscal year beginning July 1, 2005, state funding for shelter care shall be limited to \$7,452,955, including \$200,000 for unallocated beds.~~

[Filed Emergency 6/16/06, effective 7/1/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5206B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 234.6 and 2006 Iowa Acts, House File 2734, section 30(15), the Department of Human Services amends Chapter 156, "Payments for Foster Care and Foster Parent Training," Iowa Administrative Code.

These amendments increase the basic reimbursement rates for foster family care and, by reference, for foster care supervised apartment living and for adoption maintenance

HUMAN SERVICES DEPARTMENT[441](cont'd)

subsidy, as directed by 2006 Iowa Acts, House File 2734, section 30(5). With this increase, the rates are restored to 65 percent of the USDA estimate of the cost to raise a child in 2005, in compliance with Iowa Code section 234.38.

The amendments also make technical changes to update organizational terms and to remove an obsolete legal reference.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments June 14, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary and impracticable because these amendments implement 2006 Iowa Acts, House File 2734, section 30, which authorizes the Department to adopt rules without notice and public participation.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(1) and (2), that the normal effective date of these amendments should be waived, as authorized by 2006 Iowa Acts, House File 2734, section 30. These amendments also confer a benefit on the persons affected.

These amendments are also published herein under Notice of Intended Action as **ARC 5197B** to allow for public comment.

These amendments are intended to implement Iowa Code section 234.38.

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend subrule 156.6(1) as follows:

156.6(1) Basic rate. A monthly payment for care in a foster family home licensed in Iowa shall be made to the foster family based on the following schedule:

<u>Age of child</u>	<u>Daily rate</u>
0 through 5	\$14.94 \$15.31
6 through 11	\$15.58 \$15.99
12 through 15	\$17.18 \$17.57
16 and or over	\$17.27 \$17.73

ITEM 2. Amend paragraph **156.6(4)"e"**; subrule **156.8(7)**, introductory paragraph; and subrule **156.8(8)**, introductory paragraph and paragraphs **"e"** and **"f,"** by striking the words "human services area administrator" wherever they appear and inserting the words "service area manager" in their place.

ITEM 3. Amend rule **441—156.6(234)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 234.38 and 2005 Iowa Acts, House File 825, section 29, subsection 5.

[Filed Emergency 6/16/06, effective 7/1/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5204B

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 234.6 and 2006 Iowa Acts, House File 2734, section 30(15), the Department of Human Services amends Chapter 185, "Rehabilitative Treatment Services," Iowa Administrative Code.

These amendments implement a 3 percent cost-of-living adjustment to reimbursement rates negotiated for rehabilitative treatment and supportive services, including family preservation, family-centered services, and foster care services. Most of the increases will be applied to a provider's negotiated rates as in effect on June 30, 2006. For the family-centered service components of relative home studies and community resource procurement, the fixed fee stated in the rules is increased by 3 percent.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments June 14, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary and impracticable because these amendments implement 2006 Iowa Acts, House File 2734, section 30, which authorizes the Department to adopt rules without notice and public participation and requires the increases to be effective July 1, 2006.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(1), that the normal effective date of these amendments should be waived, as authorized by 2006 Iowa Acts, House File 2734, section 30.

These amendments are also published herein under Notice of Intended Action as **ARC 5199B** to allow for public comment.

These amendments are intended to implement Iowa Code sections 234.6 and 234.35 and 2006 Iowa Acts, House File 2734, section 30(8).

These amendments became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are adopted.

ITEM 1. Amend subrule **185.112(1)**, paragraph **"k,"** as follows:

k. Once a negotiated rate is established based on the provisions of this subrule, it shall not be changed or renegotiated during the period of this rule except in the following circumstances:

(1) By mutual consent of the provider and the service area manager of the host area based upon the factors delineated at paragraph 185.112(1)"f," except that rates shall not be changed or renegotiated for the period of July 1, 2000, through June 30, 2006 2007.

(2) In accordance with paragraph 185.112(6)"b," except that rates shall not be changed or renegotiated for services not assumed by a new provider for the period of July 1, 2000, through June 30, 2006 2007.

HUMAN SERVICES DEPARTMENT[441](cont'd)

(3) Rates may be changed when funds are appropriated for an across-the-board increase. A 3 percent cost-of-living adjustment will be applied ~~effective July 1, 2005 to those rates in effect as of June 30, 2006.~~

ITEM 2. Amend subrule **185.112(14)**, paragraphs “c” and “d,” as follows:

c. Relative home study (noncustodial parent home study, nonparental relative home study, and interstate compact home study).

(1) The rate for a new home study as described in 441—subrules 182.2(6) and 182.8(1) is ~~\$721~~ \$742.63 per unit of service.

(2) The rate for an update of an existing home study as described in 441—subrules 182.2(6) and 182.8(1) is ~~\$267.80~~ \$275.83 per unit of service.

d. Community resource procurement. The rate for community resource procurement services as described in 441—subrules 182.2(7) and 182.8(1) is ~~\$10.30~~ \$10.61 per unit of service.

[Filed Emergency 6/16/06, effective 7/1/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5205B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 600.22, the Department of Human Services amends Chapter 201, “Subsidized Adoptions,” Iowa Administrative Code.

This amendment gives the adoption subsidy program the authority to reimburse adoptive parents an additional \$200 per child for reasonable court costs and other expenses. The program currently has a \$500 limit on the reimbursement of nonrecurring fees, including attorney fees. A maximum reimbursement of \$700 per child would, therefore, be allowed for adoptive parents.

The amendment also makes a technical change to clarify that nonrecurring expenses may be reimbursed under either a current adoption subsidy agreement or an agreement for future subsidy.

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted this amendment June 14, 2006.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary and impracticable because this amendment merely conforms the rule to legislation as enacted in 2006 Iowa Acts, Senate File 2290, which was signed April 21, 2006, and became effective on July 1, 2006.

The Department finds that this amendment confers a benefit on the families affected by reimbursing more of the nonrecurring expenses connected with an adoption. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of this amendment is waived.

This amendment is also published herein under Notice of Intended Action as **ARC 5198B** to allow for public comment.

This amendment is intended to implement Iowa Code section 600.17.

This amendment became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is adopted.

Amend subrule **201.6(1)**, paragraph “a,” subparagraph (7), as follows:

(7) Nonrecurring expenses. Payment for nonrecurring expenses is *generally* limited to \$500 per child. *An additional \$200 may be allowed for reasonable court costs and other related legal expenses.* Nonrecurring expenses may be paid when the adoptive family has negotiated an *Adoption Subsidy Agreement, Form 470-0747, or an Agreement to Future Adoption Subsidy, Form 470-0762.*

[Filed Emergency 6/16/06, effective 7/1/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5184B**PUBLIC SAFETY
DEPARTMENT[661]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 103A.7, the Building Code Commissioner, with the approval of the Building Code Advisory Council, hereby amends Chapter 303, “State Building Code—Requirements for Energy Conservation in Construction,” Iowa Administrative Code.

Iowa Code section 103A.8A authorizes and requires the Building Code Commissioner to adopt requirements for energy conservation in residential construction. This Iowa Code provision has required that the standard “shall be stated in terms of the home heating index developed by the physics department at Iowa state university of science and technology.” Iowa Code section 103A.8A was amended by 2006 Iowa Acts, House File 2361, to remove the requirement to base the energy conservation standard for residential construction on the Home Heating Index and instead to require that the standard be based upon “a nationally recognized standard or code for energy conservation.”

This amendment rescinds subrule 303.2(9), which implemented the prior Iowa Code requirement to use the Home Heating Index. This amendment is being Adopted and Filed Emergency to allow it to go into effect on July 1, 2006, when 2006 Iowa Acts, House File 2361, takes effect. The result of this change will be to retain the Model Energy Code, 1992 edition, as the basis for requirements for energy conservation in residential construction. This is a temporary solution, in that the Building Code Commissioner intends to replace current requirements for energy conservation in both residential and nonresidential construction with requirements based upon the 2006 edition of the International Energy Conservation Code (IECC) published by the International Code Coun-

PUBLIC SAFETY DEPARTMENT[661](cont'd)

cil. A Notice of Intended Action has been submitted concurrently with the filing of this amendment. The Notice proposes amendments to energy conservation requirements for both residential and nonresidential construction. The proposed amendments would require compliance with the provisions of the 2006 edition of the International Energy Conservation Code (IECC) for both residential and nonresidential construction. The Notice of Intended Action is published herein as **ARC 5185B**. The Notice of Intended Action will allow for public comment and participation regarding the adoption of new energy conservation requirements, including a public hearing.

Pursuant to Iowa Code subsection 17A.4(2), the Department finds that notice and public participation prior to the adoption of this amendment are impracticable. The Iowa Code provision repealing the requirement that the Home Heating Index be used in evaluating energy conservation in residential construction is effective on July 1, 2006. Since Iowa Code section 103A.8A as amended by 2006 Iowa Acts, House File 2361, requires that the residential energy conservation requirements adopted by the Building Code Commissioner be based upon nationally recognized codes or standards, the Building Code Commissioner will no longer have the authority to require use of the Home Heating Index as of July 1, 2006. Removing this requirement from the rules is essential to allay any potential confusion or uncertainty regarding energy conservation requirements.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department further finds that the normal effective date of this amendment, 35 days after publication, should be waived and this amendment made effective July 1, 2006, after filing with the Administrative Rules Coordinator. This amendment confers a benefit upon the public by clarifying the energy conservation requirements which apply to residential construction.

This amendment is intended to implement Iowa Code section 103A.8A as amended by 2006 Iowa Acts, House File 2361.

This amendment became effective July 1, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is adopted.

Rescind and reserve subrule **303.2(9)**.

[Filed Emergency 6/9/06, effective 7/1/06]
[Published 7/5/06]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5179B

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 35A.3(2) and 2006 Iowa Acts, Senate File 2312, the Commission of Veterans Affairs adopts new Chapter 11, “Injured Veterans Grant Program,” Iowa Administrative Code.

In 2006, the legislature enacted 2006 Iowa Acts, Senate File 2312, which created the Injured Veterans Grant Program. This program provides immediate financial assistance to the veteran so that family members may be with the veteran during recovery and rehabilitation from an injury or illness received in the line of duty in a combat zone or in a designated hostile fire zone. Eligibility is retroactive to September 11, 2001.

The Commission on Veterans Affairs adopted these rules on May 30, 2006.

The Commission finds that notice and public participation are impracticable because the Department must implement the program as soon as possible because the Act has an immediate effective date and retroactive application. Therefore, these rules are filed pursuant to Iowa Code section 17A.4(2).

The Commission finds that these rules confer a benefit to injured veterans and should be implemented as soon as feasible in order to promptly begin payments under the program. Therefore, these rules are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these rules is waived.

These rules are also published herein under Notice of Intended Action as **ARC 5180B** to allow for public comment.

These rules are intended to implement 2006 Iowa Acts, Senate File 2312.

These rules became effective June 7, 2006.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following new chapter is adopted.

CHAPTER 11

INJURED VETERANS GRANT PROGRAM

2006-2007 PROGRAM GUIDELINES

801—11.1(81GA,SF2312) Purpose. 2006 Iowa Acts, Senate File 2312, enacts the injured veterans grant program, which is retroactively applicable to veterans injured after September 11, 2001. A total of \$1 million has been appropriated to the Iowa department of veterans affairs (IDVA) to fund this program. The purpose and legislative intent of this program are to provide immediate financial assistance to an injured veteran so that family members may be with the veteran during recovery and rehabilitation from an injury or illness received in the line of duty in a combat zone or in a designated hostile fire zone. Since the program is retroactive, it is also intended to reimburse veterans injured after September 11, 2001.

801—11.2(81GA,SF2312) Grant amounts. Grants will be paid by the Iowa department of veterans affairs in increments of \$2,500 up to a maximum of \$10,000 in the following manner:

- \$2,500 When veteran is medically evacuated from the combat zone.
- \$2,500 30 days after evacuation date if still hospitalized, receiving medical treatment or rehabilitation services by the military or Veterans Administration.
- \$2,500 60 days after evacuation date if still hospitalized, receiving medical treatment or rehabilitation services by the military or Veterans Administration.

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801](cont'd)

\$2,500 90 days after evacuation date if still hospitalized, receiving medical treatment or rehabilitation services by the military or Veterans Administration.

801—11.3(81GA,SF2312) Eligible veterans.

11.3(1) For purposes of this program, the term “veteran” means a person who is currently serving or has served in the active military, naval, coast guard, or air force armed services of the United States. For those persons who have been discharged or released from service, that discharge or release must be under honorable conditions.

11.3(2) In addition to the requirements set out in subrule 11.3(1), an eligible veteran must meet all of the following conditions:

- a. The veteran must be a resident of the state of Iowa at the time of injury; and
- b. The veteran must have sustained an injury or illness in a combat zone or hostile fire zone; and
- c. The injury or illness was serious enough to require medical evacuation from the combat zone; and
- d. The injury or illness was or is considered by the military to have been received in the line of duty, based upon the circumstances known at the time of evacuation.

11.3(3) The veteran shall remain eligible for the grant after discharge from the military so long as the veteran continues to receive medical treatment or rehabilitation services for the specific injury or illness.

11.3(4) The commission may consider a request for a waiver of any of these requirements only pursuant to the provisions of Iowa Code section 17A.9A.

801—11.4(81GA,SF2312) Notification and application procedures.

11.4(1) Retroactive application to September 11, 2001.

a. The department will accept a consolidated roster of eligible injured veterans from a “flag officer level command” or a central casualty notification agency of the responsible service component as long as the roster includes the following information for each veteran:

- (1) Veteran’s name, rank, and social security number.
- (2) Mailing address for check disbursement.
- (3) Telephone numbers, including day, evening, and cell-phone.
- (4) Combat theater served.
- (5) Date on which veteran was medically evacuated from combat theater.
- (6) Date on which medical or rehabilitative treatment was terminated. If the veteran is still receiving treatment, “inpatient” or “outpatient” shall be noted on the form.

(7) Contact information for the agency submitting the consolidated roster, including point of contact (POC), telephone numbers, and E-mail address.

b. A veteran filing for the grant under retroactive eligibility must submit an injured veteran grant application form along with supporting documents. Supporting documents needed to verify eligibility shall include copies of the following:

- (1) Military ID card;
- (2) DD214 (if the veteran has been discharged) or military orders to document service in a combat zone;
- (3) Medical records to document date of medical evacuation and periods of continued medical treatment or rehabilitation; and
- (4) Any document to establish Iowa residency at the time of injury, such as Iowa income tax forms.

A veteran may receive assistance in the application process by contacting the department office at (515)242-5331 or (800)838-4692 or by fax (515)242-5659.

11.4(2) Process for present and future injured veterans.

a. The department will establish contact with the appropriate level of command or the casualty assistance office of each military service component to develop a combat casualty tracking system. (For example, the adjutant general of Iowa serves as the command authority for providing the department with accurate data to track all combat injured veterans assigned to the Iowa national guard.)

b. When the department receives an official casualty notification from a designated service office that a veteran has been medically evacuated from a combat zone, the department will assign a case manager to serve as a point of contact for the next of kin designated on the veteran’s DD93. The case manager will, within 48 hours, confirm Iowa residency of the veteran and provide the department with the required data to disburse the first grant payment. The check will be made payable to the veteran and mailed or presented to the next of kin. The case manager will then maintain weekly contact with the service component and the next of kin to track the treatment progress of the veteran and ensure that subsequent grant payments are disbursed in a timely manner.

c. Grant payments will be stopped if the veteran is returned to duty or when medical or rehabilitative treatment is discontinued.

801—11.5(81GA,SF2312) Taxability. An injured veterans grant is exempt from Iowa income tax since the intent of the grant is to reimburse a veteran for family travel and lodging costs during the veteran’s medical treatment and rehabilitation.

These rules are intended to implement 2006 Iowa Acts, Senate File 2312.

[Filed Emergency 6/7/06, effective 6/7/06]

[Published 7/5/06]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5192B**CORRECTIONS DEPARTMENT[201]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 904.108 and chapter 903B, the Iowa Department of Corrections hereby adopts amendments to Chapter 38, "Sex Offender Management and Treatment," Iowa Administrative Code.

The amendments remove the polygraph requirement for the psychosexual assessment that is a part of presentence investigations for offenders whose convictions may require hormonal intervention therapy and update the standards for sex offender educational/treatment programs to the March 2006 revision date.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 12, 2006, as **ARC 5026B**. A public hearing was held on May 2, 2006, from 11 a.m. to 1 p.m. in the Second Floor Conference Room of the Department of Corrections. No one attended the public hearing, and no oral or written testimony was received. The following change was made from the Notice of Intended Action: The IBTSA standards update was changed from December 2005 to the more recent update of March 2006.

These amendments were approved during the June 9, 2006, meeting of the Board of Corrections.

These amendments are intended to implement Iowa Code Supplement section 903B.10(4).

These amendments will become effective on August 9, 2006.

The following amendments are adopted.

ITEM 1. Amend subparagraph **38.4(3)"a"(2)** as follows:

(2) The psychosexual assessment shall include:

- Tests of emotional and mental stability.
- I.Q. to measure capability.
- Measure of denial of deviant sexual characteristics.
- ~~Polygraphy by July 1, 1999.~~
- Plethysmography (optional).

ITEM 2. Amend paragraph **38.4(5)"b"** as follows:

b. All institutional or community-based corrections SOTP programs shall meet *the* Iowa board for the treatment of sexual abusers (IBTSA) standards ~~by July 1, 1999~~ *dated March 2006*.

[Filed 6/14/06, effective 8/9/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5216B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

This amendment imposes on Medicaid providers the obligation to keep all tax-reporting data current with the Iowa

Medicaid Enterprise. The amendment requires the provider to pay any federal tax-reporting penalty the Department incurs because of inaccurate data about the provider and permits termination of a provider's Medicaid enrollment if the data is not kept current.

Federal tax-reporting statutes require the Department to issue Form 1099-MISC annually to Medicaid providers. When the provider identification on this form is not accurate, the U.S. Internal Revenue Service imposes a \$50 fine on the Department. The Department has incurred substantial tax-reporting penalties in the past few years because of inaccurate provider data. The Department expended a great deal of effort in tax year 2005 to resolve this problem, but was unable to resolve many of the reporting errors for small Medicaid providers. Current rules do not allow the Department to impose any sanction on the provider, even when the provider's failure to keep the Department's information current results in a cost to the Department.

This amendment does not provide for waivers in specified situations because the Department does not believe a waiver of this requirement would be appropriate. Providers have the right to appeal any fine or termination of enrollment that the Department imposes.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on April 26, 2006, as **ARC 5063B**. The Department also held a public hearing on this amendment but no one attended. Two written comments were received: both requested an extension in the time to report changes and a specific list of everything a provider is required to report.

In response to these comments, the Department has changed the reporting period from 30 days to 60 days. The Department believes that creating a comprehensive list of reporting requirements would be burdensome and potentially confusing. New requirements may be imposed over time due to actions by federal agencies and others, and different requirements apply to different providers. The only reporting issue that could result in a provider fine is the failure to keep tax-reporting data current when that failure results in a fine being imposed on the Department.

The Council on Human Services adopted this amendment on June 14, 2006.

This amendment is intended to implement Iowa Code section 249A.4.

This amendment shall become effective on September 1, 2006.

The following amendment is adopted.

Amend rule 441—79.14(249A) by adopting new subrule 79.14(11) as follows:

79.14(11) Report of changes. The provider shall inform the Iowa Medicaid enterprise of all pertinent changes to enrollment information within 60 days of the change. Pertinent changes include, but are not limited to, changes to the business entity name, individual provider name, tax identification number, mailing address, and telephone number.

a. When a provider fails to provide current information within the 60-day period, the department may terminate the provider's Medicaid enrollment upon 30 days' notice. The termination may be appealed under 441—Chapter 7.

b. When the department incurs an informational tax-reporting fine because a provider submitted inaccurate information or failed to submit changes to the Iowa Medicaid enterprise in a timely manner, the fine shall be the responsibility of the individual provider to the extent that the fine relates to

HUMAN SERVICES DEPARTMENT[441](cont'd)

or arises out of the provider's failure to keep all provider information current.

(1) The provider shall remit the amount of the fine to the department within 30 days of notification by the department that the fine has been imposed.

(2) Payment of the fine may be appealed under 441—Chapter 7.

[Filed 6/16/06, effective 9/1/06]
[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5229B**IOWA FINANCE AUTHORITY[265]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3(1)“b,” 16.5(17) and 16.181, the Iowa Finance Authority amends Chapter 19, “State Housing Trust Fund,” Iowa Administrative Code.

These amendments replace the current allocation plan for the State Housing Trust Fund with the 2007 allocation plan, which is incorporated by reference in rule 19.1(16).

The allocation plan sets forth the purpose of the State Housing Trust Fund, the administrative information required for participation in the program, the threshold criteria, the selection criteria and other applicable requirements. Copies of the trust fund allocation plan are available upon request from the Authority and are available electronically on the Authority's Web site at www.ifahome.com. It is the Authority's intent to incorporate the 2007 trust fund allocation plan by reference consistent with Iowa Code chapter 17A and 265—subrules 17.4(2) and 17.12(2).

These rules do not contain a waiver provision, as the Authority does not intend to grant waivers under this program, other than as may be allowed pursuant to Chapter 18 of the Authority's rules.

Notice of Intended Action was published in the March 1, 2006, Iowa Administrative Bulletin as **ARC 4926B**. The Authority received no public comments during the public comment period. No changes to the text of the noticed amendment were made. Changes were made to the allocation plan based on staff recommendations.

The Authority adopted these amendments on June 7, 2006.

These amendments will become effective on August 9, 2006.

These amendments are intended to implement Iowa Code sections 16.5(17) and 16.181.

The following amendments are adopted.

ITEM 1. Amend rule 265—19.1(16) as follows:

265—19.1(16) Trust fund allocation plan. The trust fund allocation plan entitled Iowa Finance Authority State Housing Trust Fund 2005 2007 Allocation Plan, effective ~~December 1, 2004~~ August 9, 2006, shall be the allocation plan for the distribution of funds held within the state housing trust fund established in Iowa Code Supplement section 16.181. The trust fund allocation plan includes the plan, application and application instructions. The trust fund allocation plan is incorporated by reference pursuant to Iowa Code section 17A.6 and 265—subrules 17.4(2) and 17.12(2).

ITEM 2. Amend rule 265—19.2(16) as follows:

265—19.2(16) Location of copies of the plan. The trust fund allocation plan can be reviewed and copied in its entirety on the authority's Web site at www.ifahome.com. Copies of the trust fund allocation plan, application, and all related attachments and exhibits, if any, shall be deposited with the administrative rules coordinator and at the state law library. The plan incorporates by reference 2003 Iowa Acts, Senate File 458, ~~section 101~~ Iowa Code section 16.181.

ITEM 3. Amend **265—Chapter 19**, implementation clause, as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 16.5(17) and 2003 Iowa Acts, Senate File 458, ~~section 101~~ 16.181.

[Filed 6/16/06, effective 8/9/06]
[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5191B**LABOR SERVICES DIVISION[875]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 88.5 and 91.6, the Labor Commissioner hereby adopts amendments to Chapter 1, “Description of Organization and Procedures Before the Division,” Chapter 10, “General Industry Safety and Health Rules,” Chapter 26, “Construction Safety and Health Rules,” and Chapter 28, “Occupational Safety and Health Standards for Agriculture,” Iowa Administrative Code.

Notice of Intended Action was published in the May 10, 2006, Iowa Administrative Bulletin as **ARC 5084B**. No comments were received. These amendments are identical to those published under Notice of Intended Action.

The amendments update the agency's procedural rules and adopt by reference changes to federal occupational safety and health regulations relating to roll-over protective structures on tractors and exposure to hexavalent chromium.

The principal reasons for adoption of these amendments are to implement Iowa Code chapter 88, to protect the safety and health of Iowa's workers, and to make Iowa's rules more current and consistent with federal regulations. No waiver or variance procedures are included in this rule because there are statutory variance procedures.

These amendments will become effective August 9, 2006.

These amendments are intended to implement Iowa Code section 88.5.

The following amendments are adopted.

ITEM 1. Amend rule 875—1.102(17A,91), introductory paragraph, as follows:

875—1.102(17A,91) Petitions. If the petition for waiver or variance relates to a pending contested case, the petition shall be filed in the contested case proceeding. Other petitions must be submitted in writing to ~~Byron K. Orton~~, Labor Commissioner, 1000 E. Grand Avenue, Des Moines, Iowa 50319. In either case, the petition shall include the following information where applicable:

ITEM 2. Amend rule **875—10.20(88)** by inserting the following at the end thereof:

71 Fed. Reg. 10373 (February 28, 2006)

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ITEM 3. Amend rule **875—26.1(88)** by inserting the following at the end thereof:

70 Fed. Reg. 76985 (December 29, 2005)
71 Fed. Reg. 10381 (February 28, 2006)

ITEM 4. Amend rule **875—28.1(88)** by inserting the following at the end thereof:

70 Fed. Reg. 77003 (December 29, 2005)

[Filed 6/14/06, effective 8/9/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5190B

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 91A.4, the Labor Commissioner hereby amends Chapter 35, "Wage Collection Payment," Iowa Administrative Code.

This amendment implements Iowa Code chapter 91A; makes technical and editorial corrections; reorganizes and renumbers certain rules; and gives further details on wage claim procedures.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 10, 2006, as **ARC 5092B**. No public comment was received. This amendment is identical to that published under Notice.

This amendment was adopted by the Labor Commissioner on June 14, 2006.

This amendment shall become effective August 9, 2006.

This amendment is intended to implement Iowa Code chapter 91A.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this amendment [Ch 35] is being omitted. This amendment is identical to that published under Notice as **ARC 5092B**, IAB 5/10/06.

[Filed 6/14/06, effective 8/9/06]

[Published 7/5/06]

[For replacement pages for IAC, see IAC Supplement 7/5/06.]

ARC 5223B

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 89A.3, the Elevator Safety Board hereby adopts new Chapter 65, "Elevator Safety Board Administrative and Regulatory Authority," Chapter 66, "Waivers or Variances from Administrative Rules by the Elevator Safety Board," Chapter 67, "Elevator Safety Board Petitions for Rule Making," Chapter 68, "Declaratory Orders by the Elevator Safety Board," Chapter 69, "Contested Cases Before the Elevator Safety Board," Chapter 70, "Public Records and Fair Information Practices of the Elevator Safety Board," and amends Chapter 72, "New

Installations," and Chapter 73, "Existing Facilities," Iowa Administrative Code.

The amendments create procedures for Board actions; rescind an outdated requirement for scavenger pumps; adopt a new rule concerning shunt trip breakers in retrofitted elevators; and amend an existing safety bulkhead requirement.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 5102B** on May 10, 2006. A public hearing was held on June 1, 2006. One citizen commented on the proposed rules. The adopted versions of the rules differ from the proposed rules as follows:

The briefing schedule for contested cases was set forth in greater detail in paragraph 69.27(3)"f," which now reads:

"f. Briefs and arguments. Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs shall cite any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument shall be filed with the briefs.

"The board may resolve the appeal on the briefs or provide an opportunity for oral argument. The board may shorten or extend the briefing period as appropriate."

The summary of the applicable national code relating to safety bulkheads was expanded in rule 875—73.26(89A) for greater clarity. Revised rule 875—73.26(89A) reads as follows:

"875—73.26(89A) Safety bulkheads. ASME A17.1-2000 Rule 8.6.5.8 requires either a safety bulkhead conforming to ASME A17.1-2000 Rule 3.18.3.4; car safeties conforming to ASME A17.1-2000 Rule 3.17.1 and guide rails, guide rail supports and fastenings conforming to ASME A17.1-2000 Rule 3.23.1; or a plunger gripper conforming to ASME A17.1-2000 Rule 3.17.3 and set to grip when the applicable maximum governor tripping speed in ASME A17.1-2000 Table 2.18.2.1 is achieved. The deadline for compliance with ASME A17.1-2000 Rule 8.6.5.8 is July 1, 2011. Documentation from the manufacturer establishing that a safety bulkhead was installed in an elevator prior to the adoption of ASME A17.1-2000 Rule 8.6.5.8 shall establish compliance with this rule."

The purposes of these amendments are to establish Board procedures; clarify methods and time frames for compliance with existing rules; protect the safety of the public; and implement legislative intent. Provisions for waivers or variances are contained in these rules.

These amendments are intended to implement Iowa Code chapters 17A and 89A.

These amendments will become effective August 9, 2006.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [adopt Chs 65 to 70; amend Chs 72, 73] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 5102B**, IAB 5/10/06.

[Filed 6/16/06, effective 8/9/06]

[Published 7/5/06]

[For replacement pages for IAC, see IAC Supplement 7/5/06.]

ARC 5222B**NATURAL RESOURCE
COMMISSION[571]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby adopts new Chapter 95, "Game Harvest Reporting and Landowner-Tenant Registration," Iowa Administrative Code.

These rules give the regulations for reporting the harvest of deer and wild turkey and the procedures for landowners and tenants to verify their eligibility for free deer and wild turkey hunting licenses.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 29, 2006, as **ARC 5020B**. A public hearing was held on April 18, 2006. Sixty comments were received during the comment period. Thirty-one persons were in favor of the harvest reporting system (although several suggested modifications), five were against, one was undecided, and one was against reporting through ELSI, the Department's electronic licensing system. Seventeen persons were in favor of the registration system and five were opposed. The rule was tabled at the May meeting of the Natural Resource Commission for further consideration. A meeting was held in the Wallace State Office Building on May 22, 2006, with Iowa Farm Bureau and Iowa Corn Growers Association representatives, and further modifications were made.

The following changes from the Notice of Intended Action were made: The deadline for reporting a turkey harvest was changed to be the same as that for a deer harvest; the requirement that a tenant submit a copy of the tenant's federal Form AD-1026A with the application was changed to require that only an affidavit be submitted; and provisions for joint ownerships and penalties were added.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

These amendments shall become effective August 9, 2006.

The following new chapter is adopted.

CHAPTER 95**GAME HARVEST REPORTING AND
LANDOWNER-TENANT REGISTRATION**

571—95.1(481A) Harvest reporting system. Deer and turkey hunters must report each deer and wild turkey harvested to the department of natural resources (DNR) harvest reporting system. The hunter whose name is on the transportation tag is responsible for making the report. Hunters who do not bag a deer or wild turkey do not report.

95.1(1) Reporting deadlines.

a. Deer. A harvest report must be made by midnight on the day after the day of the kill, before the deer is taken to a locker, before the deer is processed for consumption, or before the hunter leaves the state, whichever occurs first.

b. Wild turkey. A harvest report must be made no later than midnight on the day after the turkey is killed, before the turkey is taken to a locker, before the turkey is processed for consumption, or before the hunter leaves the state, whichever occurs first.

95.1(2) Method of reporting. Hunters may report the harvest in one of three ways:

a. By calling the DNR toll-free harvest reporting telephone number. The telephone number will be in operation from 6 a.m. to midnight each day during hunting seasons and for the legal reporting period after the season.

b. By reporting through the Internet using the DNR online harvest reporting system. The system will function 24 hours a day, seven days a week during hunting seasons and for the legal reporting period after the season.

c. By visiting an electronic licensing system for Iowa (ELSI) license agent during the license agent's normal business hours. Reports may be made through ELSI whenever hunting seasons are open and for the legal reporting period after the seasons.

95.1(3) Report confirmation. After the report is made, the hunter will be given a coded number to write on the license and transportation tag to verify that the hunter has reported the kill. The confirmation number must remain on the transportation tag, and the tag must remain attached to the deer or wild turkey until the deer or turkey is processed for consumption.

571—95.2(481A) Verifying eligibility for free landowner or tenant licenses. Eligibility for free and reduced-fee deer and wild turkey hunting licenses, which are hereafter referred to as free licenses, is defined in Iowa Code section 483A.24, rule 571—98.5(483A) and rule 571—106.12(481A). The electronic licensing system for Iowa (ELSI) will not issue free licenses to persons who have not registered their eligibility with ELSI. Registering once will enable a landowner or tenant and any eligible family members to receive all the free licenses for which the landowner or tenant is eligible for three years after the date of registration.

95.2(1) Farm unit. As provided in 571—subrule 106.12(6), all the land under the lawful control of the landowner or tenant is considered one farm unit no matter how it is subdivided for business purposes. No one may be registered as eligible for free licenses on more than one farm unit. Registering on one parcel of land within the farm unit will allow the landowner, tenant or family member to hunt on all land in the farm unit.

95.2(2) Who may obtain free licenses. One member of the landowner family (the landowner or an eligible family member) may obtain a free any-deer license. Members of the landowner family may divide the free antlerless-deer-only licenses for which the family is eligible among themselves in any way they choose. If there is a tenant on the same property, one member of the tenant family (the tenant or an eligible family member) may also obtain a free any-deer license. Members of the tenant family may divide the free antlerless-deer-only licenses for which they may be eligible among themselves in any way they choose. The landowner family and the tenant family may each obtain one free spring turkey hunting license and one free fall turkey hunting license.

95.2(3) Method of registration. A landowner or tenant may register in one of the following ways:

a. Landowners. Persons who own at least one parcel of qualifying land may register on the Internet through ELSI or by mailing or faxing an affidavit obtained from DNR. The online system is available 24 hours a day, seven days a week. An online registrant may immediately obtain a free license once the registration process is complete. A person who registers through the mail or by fax may have to wait up to ten business days after the form is received by DNR to obtain a free license.

b. Tenants. A person who qualifies as a tenant but does not own any qualifying land shall register by mailing or faxing an affidavit obtained from DNR. A tenant may have to

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wait up to ten business days after the affidavit is received by DNR before obtaining a free license.

95.2(4) Information verifying eligibility. In order to register, a landowner, tenant or qualifying family member must have a customer record in ELSI, i.e., have already purchased a license through ELSI. A person without an ELSI customer record must call the ELSI telephone ordering system to establish a customer record before registering. When registering, landowners, tenants and family members will be required to provide their ELSI customer number or their Iowa driver's license number or social security number and their date of birth to identify their ELSI customer record.

a. Landowners. A landowner shall provide the taxpayer identification number (ID) or parcel identification number (PIN) from the landowner's current property tax statement for one parcel of qualifying land owned by the landowner and the number of the county where the land is located. Qualifying family members shall be registered to the same parcel of qualifying land as the landowner.

b. Partnerships, corporations or other forms of joint land ownership. Each owner of a jointly owned farm unit and the owner's qualifying family members who wish to receive free licenses for that farm unit shall register with the same county number and ID or PIN number. Only one joint owner or family member may obtain the one any-deer license available for the farm unit. The other joint owner(s) and family members may divide any other free licenses to which they are entitled among themselves in any way they choose.

c. Tenants. A tenant shall provide an affidavit that contains the name, address, and telephone number of the owner of the qualifying land rented by the tenant; the county number where the land is located; and the landowner's taxpayer ID or PIN from one parcel of that qualifying land. If a tenant rents land from more than one landowner, the tenant shall provide the required information about only one landowner. The tenant's qualifying family members shall be registered to the same parcel of qualifying land as the tenant.

d. Signature required. Pursuant to Iowa Code Supplement section 483A.24(2)"f," all affidavits submitted to register eligibility for free licenses shall bear the signature of the landowner, tenant, or family member attesting that the information contained therein is true.

95.2(5) Forms. Instructions and affidavits may be obtained online at www.iowadnr.com, at DNR offices, or by calling (515)281-5918.

95.2(6) Registration renewal. A landowner or tenant shall renew the landowner's or tenant's registration whenever the landowner's or tenant's eligibility or the eligibility of a family member changes. A landowner or tenant shall renew the landowner's or tenant's registration after three years to retain free license privileges.

95.2(7) Penalties. Free licenses will not be issued to an applicant until a legible and complete affidavit is received by DNR. An illegible or incomplete affidavit will be returned to the applicant for correction. A person who has made a false attestation in obtaining a license in violation of Iowa Code Supplement section 483A.24(2)"f" shall be guilty of a simple misdemeanor and subject to license revocation, as provided in Iowa Code section 483A.21, Iowa Code Supplement section 483A.24(2)"f" and 571—subrule 106.8(3).

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1 and 483A.7.

[Filed 6/16/06, effective 8/9/06]

[Published 7/5/06]

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ARC 5221B**NATURAL RESOURCE
COMMISSION[571]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby amends Chapter 106, "Deer Hunting by Residents," Iowa Administrative Code.

The amendments list license quotas for antlerless deer licenses, change restrictions on seasons in which antlerless-only licenses may be used, require landowners and tenants to register before obtaining free deer licenses, require all hunters who shoot deer to report each kill to the Department, and clarify tagging requirements.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 29, 2006, as **ARC 5015B**. A public hearing was held on April 18, 2006. More than 250 comments were received. Most comments opposed changes to the Early Muzzleloader Season and the November antlerless season.

The changes from the Notice of Intended Action are as follows:

1. Final antlerless license quotas are established;
2. Some restrictions on antlerless-deer-only licenses depending on the season in which an any-deer license was purchased are restored;
3. Tagging requirements have been clarified;
4. The use of crossbows by senior hunters during the bow season as required by an Iowa Code change is permitted; and
5. The definition of "juvenile child" has been added.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

These amendments shall become effective August 9, 2006.

The following amendments are adopted.

ITEM 1. Amend subrule 106.1(1) as follows:

106.1(1) Type of license.

a. Any-deer licenses. Any-deer licenses shall be valid for taking deer of either sex. Paid any-deer licenses shall be valid statewide or in a deer population management zone and in one season as ~~designated on the license~~ *selected at the time the license is purchased*. Free any-deer licenses shall be valid only on the farm unit of an eligible landowner or tenant in the season or seasons ~~designated on the license~~ *selected at the time the license is obtained*.

b. Antlerless-deer-only licenses. Antlerless-deer-only licenses shall be valid for taking deer that have no forked antler. Paid antlerless-deer-only licenses shall be valid in one county or in one deer population management zone and in one season as ~~designated on the license~~ *selected at the time the license is purchased*. Free and reduced-fee antlerless-deer-only licenses shall be valid on the farm unit of an eligi-

NATURAL RESOURCE COMMISSION[571](cont'd)

ble landowner or tenant in the season or seasons ~~designated on the license selected at the time the license is obtained.~~

ITEM 2. Rescind subrules 106.1(6) and 106.1(7) and adopt the following **new** subrules 106.1(6), 106.1(7) and 106.1(8) in lieu thereof:

106.1(6) January antlerless-deer-only licenses. Only antlerless-deer-only licenses, paid or free, will be issued for the January antlerless-deer-only season. Free antlerless-deer-only licenses shall be available only in the portion of the farm unit located in a county where paid antlerless-deer-only licenses are available during that season.

106.1(7) Free and reduced-fee deer licenses for landowners and tenants. A maximum of one free any-deer license, two free antlerless-deer-only licenses, and two reduced-fee antlerless-deer-only licenses may be issued to a qualifying landowner or eligible family member and a qualifying tenant or eligible family member. Eligibility for licenses is described in 571—106.12(481A). The free any-deer license shall be available for one of the following seasons: the youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season or first and second regular gun seasons. One free antlerless-deer-only license shall be available for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, first and second regular gun seasons, or November antlerless-deer-only season. The second free antlerless-deer-only license shall be valid only for the January antlerless-deer-only season and will be available only if a portion of the farm unit lies within a county where paid antlerless-deer-only licenses are available during that season. Each reduced-fee antlerless-deer-only license shall be valid for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, first and second regular gun seasons, November antlerless-deer-only season or January antlerless-deer-only season. January antlerless-deer-only licenses will be available only if a portion of the farm unit is located in a county where paid antlerless-deer-only licenses are available in that season.

106.1(8) Antlerless-deer-only crossbow licenses for senior citizens. Persons 70 years old or older may obtain one paid antlerless-deer-only license valid statewide for taking antlerless deer with a crossbow. The license will be valid only during the bow season.

ITEM 3. Amend subrule 106.2(5) as follows:

106.2(5) January antlerless-deer-only season. Antlerless deer may be taken from January 11 through the second following Sunday. ~~The season will be extended seven additional days in the southern two tiers of counties.~~

ITEM 4. Rescind rule 571—106.6(481A) and adopt the following **new** rule in lieu thereof:

571—106.6(481A) Paid deer license quotas and restrictions. Paid deer licenses, including antlerless-deer-only licenses, will be restricted in the type and number that may be purchased.

106.6(1) Paid any-deer licenses. Residents may purchase no more than two paid any-deer licenses, one for the bow season and one for one of the following seasons: early muzzleloader season, late muzzleloader season, first regular gun season, or second regular gun season. No more than 7,500 paid statewide any-deer licenses will be sold for the early muzzleloader season. Fifty additional paid early muzzleloader season licenses will be sold through and will be valid only for the Iowa Army Ammunition Plant. There will be no

quota on the number of paid any-deer licenses issued in the bow season, late muzzleloader season, first regular gun season, or second regular gun season.

106.6(2) Paid antlerless-deer-only licenses. Paid antlerless-deer-only licenses have quotas for each county and will be sold for each county until quotas are reached. The season that may be hunted with paid antlerless-deer-only licenses and the number that may be purchased depend on the season for which any-deer licenses have been purchased.

a. Bow season. A person who purchases a paid any-deer bow license may purchase antlerless-deer-only licenses, but the type and number that may be purchased depend on the season for which the paid any-deer firearm license is purchased (see paragraphs “b” through “f”). Prior to October 1, if no paid any-deer firearm license is purchased, the following paid antlerless-deer-only licenses may be purchased in any combination: up to three paid antlerless-deer-only licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of antlerless-deer-only licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.

b. First regular gun season. Prior to October 1, a person who purchases a paid any-deer license for the first regular gun season may purchase the following paid antlerless-deer-only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season, and late muzzleloader season. Up to three antlerless-deer-only licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of paid antlerless-deer-only licenses may be purchased for these seasons. A person obtaining a paid license for the first regular gun season may not obtain a paid license of any type for the second regular gun season.

c. Second regular gun season. Prior to October 1, a person who purchases a paid any-deer license for the second regular gun season may purchase the following paid antlerless-deer-only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, second regular gun season and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of paid antlerless-deer-only licenses may be purchased for these seasons. A person obtaining a paid license for the second regular gun season may not obtain a paid license of any type for the first regular gun season.

d. Early muzzleloader season. Prior to October 1, a person who purchases an any-deer license for the early muzzleloader season may purchase the following paid antlerless-deer-only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, early muzzleloader season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of paid antlerless-deer-only licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.

e. Late muzzleloader season. Prior to October 1, a person who purchases a paid any-deer late muzzleloader season license may purchase the following paid antlerless-deer-only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, first

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regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of licenses may be purchased for these seasons. A person may not obtain paid licenses of any type for both regular gun seasons.

f. Paid any-deer license not purchased. Prior to October 1, a person who has not purchased a paid any-deer license for any season may purchase the following antlerless-deer-only licenses in any combination: up to three licenses for the youth/disabled hunter season (if eligible), bow season, first regular gun season or second regular gun season, and late muzzleloader season. Up to three licenses may also be purchased for the January antlerless-deer-only season. Beginning October 1, an unlimited number of these licenses may be purchased. A person may not obtain paid licenses of any type for both regular gun seasons.

106.6(3) November antlerless-deer-only season. Beginning the second Saturday prior to the opening of the November antlerless-deer-only season, an unlimited number of paid antlerless-deer-only licenses may be purchased for the November antlerless-deer-only season. These licenses may be obtained regardless of any other paid any-deer or paid antlerless-deer-only licenses that may have been obtained. Licenses will be sold until county quotas are filled.

106.6(4) January antlerless-deer-only licenses. Antlerless-deer-only licenses for the January antlerless-deer-only season shall be available in the following counties: Adair, Adams, Allamakee, Appanoose, Benton, Bremer, Buchanan, Cass, Cedar, Chickasaw, Clarke, Clayton, Clinton, Dallas, Davis, Decatur, Delaware, Des Moines, Dubuque, Fayette, Fremont, Guthrie, Harrison, Henry, Howard, Iowa, Jackson, Jasper, Jefferson, Jones, Johnson, Keokuk, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Winneshiek, and Woodbury. Prior to October 1, a person may purchase up to three antlerless-deer-only licenses for the January antlerless-deer-only season. Beginning October 1, an unlimited number of licenses may be obtained until quotas are filled. January antlerless-deer-only licenses may be obtained regardless of any other deer licenses that may have been obtained.

106.6(5) Free landowner/tenant licenses. A person obtaining a free landowner/tenant license may purchase any combination of paid bow and paid gun licenses available to persons who are not eligible for landowner/tenant licenses as described in 571—106.12(481A).

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county as follows:

<u>County</u>	<u>Quota</u>
Adair	1500
Adams	1650
Allamakee	3750
Appanoose	3000
Audubon	100
Benton	1000
Black Hawk	0
Boone	500
Bremer	500
Buchanan	300
Buena Vista	0
Butler	250
Calhoun	0
Carroll	100
Cass	600

<u>County</u>	<u>Quota</u>
Cedar	1000
Cerro Gordo	0
Cherokee	0
Chickasaw	600
Clarke	1250
Clay	0
Clayton	4500
Clinton	1200
Crawford	150
Dallas	1500
Davis	3000
Decatur	2500
Delaware	1200
Des Moines	2000
Dickinson	0
Dubuque	2000
Emmet	0
Fayette	2000
Floyd	250
Franklin	150
Fremont	850
Greene	150
Grundy	0
Guthrie	2500
Hamilton	100
Hancock	0
Hardin	400
Harrison	700
Henry	1900
Howard	800
Humboldt	0
Ida	0
Iowa	1200
Jackson	1600
Jasper	950
Jefferson	1800
Johnson	1900
Jones	1400
Keokuk	1500
Kossuth	0
Lee	2500
Linn	1700
Louisa	1500
Lucas	1050
Lyon	0
Madison	1500
Mahaska	1100
Marion	1200
Marshall	500
Mills	850
Mitchell	250
Monona	650
Monroe	2500
Montgomery	800
Muscatine	1500
O'Brien	0
Osceola	0
Page	1100
Palo Alto	0
Plymouth	150
Pocahontas	0
Polk	750
Pottawattamie	1100
Poweshiek	750
Ringgold	2250

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County	Quota
Sac	0
Scott	1100
Shelby	200
Sioux	150
Story	400
Tama	800
Taylor	2100
Union	1500
Van Buren	4000
Wapello	2000
Warren	1150
Washington	1900
Wayne	2500
Webster	100
Winnebago	0
Winneshiek	3000
Woodbury	750
Worth	100
Wright	0

ITEM 5. Rescind rule 571—106.7(481A) and adopt the following **new** rule in lieu thereof:

571—106.7(481A) Method of take. Permitted weapons and devices vary according to the type of season.

106.7(1) Bow season. Only longbow, compound or re-curve bows shooting broadhead arrows are permitted during the bow season. Arrows must be at least 18 inches long.

a. Crossbows may be used during the bow season in the following two situations:

(1) By persons with certain afflictions of the upper body as provided in 571—15.5(481A); and

(2) By persons over the age of 70 with an antlerless-deer-only license as provided in Iowa Code section 483A.8A.

b. No explosive or chemical devices may be attached to the arrow, broadhead or bolt (if used with a crossbow).

106.7(2) Regular gun seasons. Only 10-, 12-, 16- and 20-gauge shotguns shooting single slugs and muzzleloaders and handguns as described in 106.7(3) will be permitted for taking deer during the regular gun seasons.

106.7(3) Muzzleloader seasons. Only muzzleloading rifles and muzzleloading pistols will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloader, centerfire handgun, or bow as described in 106.7(1). Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 and not larger than .775 caliber, shooting single projectiles only. Centerfire handguns must be .357 caliber or larger shooting straight-walled cartridges propelling an expanding-type bullet (no full-metal jacket) and complying with all other requirements provided in Iowa Code section 481A.48. Legal handgun calibers are listed on the department of natural resources list of Acceptable Handgun Calibers for Hunting Deer in Iowa. Revolvers, pistols and black powder handguns must have a 4-inch minimum barrel length. There can be no shoulder stock or long-barrel modifications to handguns. Muzzleloading handguns must be .44 caliber or larger, shooting single projectiles only.

106.7(4) November antlerless-deer-only season. Bows, shotguns, muzzleloaders and handguns as described in this rule may be used.

106.7(5) January antlerless-deer-only season. Bows, shotguns, muzzleloaders and handguns as described in this rule may be used during the January antlerless-deer-only season. Centerfire rifles .24 caliber or larger may be used during

the last seven days of the season in the southern two tiers of counties. For deer hunting, semiautomatic rifles may have no more than six rounds in the chamber and magazine combined.

106.7(6) Prohibited weapons and devices. The use of dogs, domestic animals, bait, rifles other than muzzleloaded or as provided in 106.7(5), handguns except as provided in 106.7(3), crossbows except as provided in 106.7(1), automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Bait" means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. "Paraplegic" means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.7(3) and 106.7(5). It shall be unlawful for a person hunting with a bow license to carry a handgun unless that person also has a valid deer hunting license and an unfilled transportation tag that permits a handgun to be used to take deer.

106.7(7) Discharge of firearms from highway. No person shall discharge a rifle, including a muzzleloading rifle or musket, or a handgun from a highway while deer hunting. In addition, no person shall discharge a shotgun shooting slugs from a highway north of U.S. Highway 30. A "highway" means the way between property lines open to the public for vehicle traffic, including the road ditch, as defined in Iowa Code section 321.1(78).

ITEM 6. Rescind subrule 106.8(3) and adopt the following **new** subrule in lieu thereof:

106.8(3) Providing false information.

a. Any person who provides false information about the person's identity or eligibility for any paid or free landowner/tenant deer license and tag and who attests that the information is correct by accepting and signing the license or tag shall have the person's hunting license revoked as a part of the sentencing for such criminal conviction, and the person shall not be issued a hunting license for one year pursuant to the authority of Iowa Code Supplement section 483A.24(2)"f" and rule 571—15.6(483A).

b. In addition to any legal penalties that may be imposed, the obtaining of a license in violation of this rule shall invalidate that deer license and transportation tag and any other deer hunting license and transportation tag obtained during the same year.

ITEM 7. Amend rule 571—106.9(481A) as follows:

571—106.9(481A) Transportation tag. A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to the carcass of each deer in such a manner that the tag cannot be removed without mutilating or destroying the tag. This tag shall be attached to the carcass of the deer within 15 minutes of the time the deer is killed or before the carcass is moved in any manner, whichever occurs first. *No person shall tag a deer with a transportation tag issued to another person. During the youth/disabled hunter season, bow season, early muzzleloader season and late muzzleloader season, the hunter who killed the deer must tag the deer by using the transportation tag issued in that person's name. During*

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the first and second regular gun seasons and the November and January antlerless-deer-only seasons, anyone present in the hunting party may tag a deer with a tag issued in that person's name. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to the deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility or until the deer has been processed for consumption.

ITEM 8. Amend subrule **106.10(1)**, paragraphs "a" and "b," as follows:

a. Youth deer hunt. A youth deer license may be issued to any Iowa resident who is at least 12 years old but not over 15 years old on the day the youth obtains the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free any-deer license for which the youth's family is eligible. ~~The youth must possess a valid hunter education certificate issued by a state wildlife agency to obtain a license.~~

Each participating youth must be accompanied by an adult who possesses a regular hunting license and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). Only one adult may participate for each youth hunter. The accompanying adult must not possess a firearm or bow and must be in the direct company of the youth at all times.

A person may obtain only one youth paid any-deer license but may also obtain the following additional licenses: ~~prior to October 1, one paid any-deer bow or paid any-deer firearm season license; up to three antlerless-deer-only licenses for the bow, first or second regular gun or late muzzleloader season; and up to three antlerless-deer-only licenses for the January antlerless-deer-only season. Beginning October 1, an unlimited number of these licenses may be obtained. any other paid or free any-deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the same manner with which other hunters obtain them, as described in 106.6(2). No person may obtain a paid license of any type for both the first and second regular gun seasons. Beginning November 12, a youth hunter may purchase an unlimited number of licenses for the November antlerless-deer-only season until quotas fill.~~

b. Severely disabled hunt. Any severely disabled Iowa resident meeting the requirements of Iowa Code section 321L.1(8) may be issued one any-deer license to hunt deer during the youth season. A person applying for this license must either possess a disability parking permit or provide a completed form from the department of natural resources. The form must be signed by a physician verifying that the person's disability meets the criteria defined in Iowa Code section 321L.1(8). Forms are available online at www.iowadnr.com, by visiting the DNR central office or any district office, or by calling (515)281-5918. A person between 16 and 65 years of age must also possess a regular hunting license and have paid the habitat fee to obtain a license (if normally required to have a hunting license and to pay the habitat fee to hunt). A severely disabled person obtaining this license may obtain ~~one paid any-deer bow license and up to three antlerless-deer-only licenses for the youth/disabled hunter or bow season. any other paid and free any-deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the~~

same manner by which other hunters obtain them, as described in 106.6(2).

ITEM 9. Amend subrule 106.12(1) as follows:

106.12(1) Who qualifies for free deer hunting license licenses.

a. Owners ~~or~~ and tenants of a farm unit, ~~or a member of an owner's or tenant's family and the spouse and juvenile child of an owner or tenant who resides~~ reside with the owner or tenant, are eligible for free deer licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

b. Juvenile child defined. "Juvenile child" means a person less than 18 years of age or a person who is 18 or 19 years of age and is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma or a high school equivalency diploma. A person 18 years of age or older who has received a high school diploma or high school equivalency diploma does not qualify.

ITEM 10. Rescind subrule 106.12(7) and adopt the following **new** subrule in lieu thereof:

106.12(7) Registration of landowners and tenants. Landowners and tenants and their eligible family members who want to obtain free deer hunting licenses must register with the department before the free licenses will be issued. Procedures for registering are described in 571—95.2(481A).

ITEM 11. Adopt **new** rule 571—106.13(481A) as follows:

571—106.13(481A) Harvest reporting. Each hunter who bags a deer must report that kill according to procedures described in 571—95.1(481A).

[Filed 6/16/06, effective 8/9/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5193B

NURSING BOARD[655]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 11, "Examination of Public Records," Iowa Administrative Code.

This amendment updates subrules related to electronic processing of records. A flat fee is established for electronic files to allow clients to pay for rosters at the time of ordering.

This amendment was published in the Iowa Administrative Bulletin on April 12, 2006, as **ARC 5038B**. This amendment is identical to that published under Notice.

This amendment will become effective August 9, 2006.

This amendment is intended to implement Iowa Code chapters 147, 152 and 272C.

The following amendment is adopted.

Amend subrules 11.5(1) to 11.5(3) and 11.5(5) as follows:

11.5(1) Roster information forms may be accessed via the board's Web site under "General Information" and "Rosters;" *or may be requested from the board office.*

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11.5(2) Upon receipt of a written request, the board shall send a form, to be signed by the purchaser, which denotes *Completed forms may be returned to the board office by either electronic means or in hard copy and must include a signed Purchase of Roster Agreement form to ensure that the materials or publications shall not be published in any manner which could be construed by the public to mean that the board or any of its employees support, endorse, or approve the materials or publications to be disseminated.*

11.5(3) *A fee of \$40 per data set shall be charged for a roster in electronic format, based on the hourly wage of the office employee processing the request. A fee shall be assessed the person requesting for a roster in hard-copy format, based on the rate of charge set by the outside vendor and the hourly wage of the office employee producing the roster. The fee assessed shall be paid directly to the board and shall be considered a repayment receipt as defined in Iowa Code section 8.2. The roster shall not be released until payment or purchase order has been received.*

11.5(5) State agencies that request a roster of Iowa licensees in hard-copy format will be invoiced at cost as an electronic expenditure correction. *State agencies that request the roster in electronic format will be provided an electronic file of the roster at no cost.*

[Filed 6/15/06, effective 8/9/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5182B

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Mortuary Science Examiners hereby amends Chapter 99, "Administrative and Regulatory Authority for the Board of Mortuary Science Examiners," and Chapter 103, "Disciplinary Proceedings," Iowa Administrative Code.

The amendments provide the Board the ability to retain licensure overpayments of less than \$10 to reduce program administrative costs and remove a reference to lapsed license status since that status no longer exists.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 12, 2006, as **ARC 5029B**. A public hearing was held on May 2, 2006, from 9:30 to 10 a.m. in the Fifth Floor Board Conference Room. A comment was received which noted that the rules included an obsolete reference to lapsed license status. The Board adopted an amendment to rule 645—103.6(17A,147,156,272C) to remove the reference.

The amendments were adopted by the Board of Mortuary Science Examiners on June 8, 2006.

These amendments will become effective August 9, 2006.

These amendments are intended to implement Iowa Code chapters 21, 147, 156 and 272C.

The following amendments are adopted.

ITEM 1. Amend rule **645—99.1(17A)** by adding the following **new** definition in alphabetical order:

"Overpayment" means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

ITEM 2. Amend rule **645—103.6(17A,147,156,272C)**, numbered paragraph "**14**," as follows:

14. Whether a licensee holding a ~~lapsed~~, *an* inactive, suspended, restricted or revoked license engaged in practices which require licensure.

[Filed 6/9/06, effective 8/9/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5187B

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Mortuary Science Examiners hereby amends Chapter 101, "Licensure of Funeral Directors," and Chapter 102, "Continuing Education for Funeral Directors," Iowa Administrative Code.

The amendments require taking either a college course of at least one semester hour or equivalent in Iowa law and rules or continuing education rather than an examination for an initial license, license renewal, license by endorsement and license reactivation starting July 1, 2007.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 12, 2006, as **ARC 5023B**. A public hearing was held on May 2, 2006, from 9:30 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. The Board did not receive any public comments; however, the Board amended subrule 101.4(2) to make it consistent with other rules in this chapter and changed the wording in subparagraph 101.18(3)"a"(3) to change the requirement from a one-semester-hour college course or its equivalent to two hours of continuing education.

The amendments were adopted by the Board of Mortuary Science Examiners on June 8, 2006.

These amendments will become effective August 9, 2006.

These amendments are intended to implement Iowa Code chapters 21, 147, 156 and 272C.

The following amendments are adopted.

ITEM 1. Amend subrule **101.3(1)** by adopting **new** paragraph "**c**" as follows:

c. Prior to July 1, 2007, an examination covering the Iowa law and rules for mortuary science with a score of at least 75 percent, or a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed. Beginning July 1, 2007, a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 2. Amend subrule **101.3(2)** by adopting **new** paragraph **“d”** as follows:

d. Prior to July 1, 2007, successfully pass an examination covering the Iowa law and rules for mortuary science with a score of at least 75 percent or a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed. Beginning July 1, 2007, successfully complete a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed.

ITEM 3. Amend subrule 101.4(2) as follows:

101.4(2) Prior to being registered as an intern in Iowa *and prior to July 1, 2007*, an applicant shall be required to pass an examination covering the Iowa law and rules for mortuary science *or a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed*. A 75 percent score shall be required for passing this examination. *Beginning July 1, 2007, prior to being registered as an intern in Iowa, an applicant shall successfully complete a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed.*

ITEM 4. Rescind subrule 101.8(6) and adopt the following **new** subrule in lieu thereof:

101.8(6) Prior to July 1, 2007, successfully passes an examination covering the Iowa law and rules for mortuary science with a score of at least 75 percent or a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed. Beginning July 1, 2007, an applicant must complete a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed;

ITEM 5. Amend subrule 101.10(2) as follows:

101.10(2) An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal date two years later. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The licensee will be required to complete a minimum of 24 hours of continuing education per biennium for each subsequent license renewal. *Effective July 1, 2007, 2 of the 24 hours of continuing education shall be in current Iowa law and rules.*

ITEM 6. Amend paragraph **101.18(3)“a”** by rescinding subparagraph **(3)** and adopting the following **new** subparagraph **(3)** in lieu thereof:

(3) Prior to July 1, 2007, verification of successful passage of an examination covering the Iowa law and rules for mortuary science with a score of at least 75 percent or a col-

lege course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed. Beginning July 1, 2007, verification of completion of 2 hours of continuing education in current Iowa law and rules. These 2 hours shall be included as a part of the 24 hours required in 101.18(3)“a”(2).

ITEM 7. Amend paragraph **101.18(3)“b”** by rescinding subparagraph **(3)** and adopting the following **new** subparagraph **(3)** in lieu thereof:

(3) Prior to July 1, 2007, verification of successful passage of an examination covering the Iowa law and rules for mortuary science with a score of at least 75 percent or a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed. Beginning July 1, 2007, verification of completion of a college course of at least one semester hour or equivalent in current Iowa law and rules covering mortuary science content areas including but not limited to Iowa law and rules governing the practice of mortuary science, cremation, vital statistics, cemeteries and preneed.

ITEM 8. Amend subrule 102.2(1) as follows:

102.2(1) The biennial continuing education compliance period shall extend for a two-year period beginning on the fifteenth day of the licensee’s birth month and ending on the fifteenth day of the licensee’s birth month. Each biennium, each person who is licensed to practice as a licensee in this state shall be required to complete a minimum of 24 hours of continuing education approved by the board. *Effective July 1, 2007, 2 of the 24 hours of continuing education shall be in current Iowa law and rules.*

ITEM 9. Amend subrule **102.3(2)** by adopting **new** paragraph **“f”** as follows:

f. Effective July 1, 2007, 2 of the 24 hours of continuing education shall be in current Iowa law and rules.

[Filed 6/9/06, effective 8/9/06]

[Published 7/5/06]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5183B

**PROFESSIONAL LICENSURE
DIVISION[645]**

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Massage Therapy Examiners amends Chapter 130, “Administrative and Regulatory Authority for the Board of Examiners for Massage Therapy,” Chapter 131, “Licensure of Massage Therapists,” and Chapter 134, “Discipline for Massage Therapists,” Iowa Administrative Code.

The amendments provide the Board the ability to retain licensure overpayments of less than \$10 to reduce program administrative costs and remove rule inconsistencies relating to inactive licensure status.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 29, 2006, as **ARC 4993B**. A

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

public hearing was held on April 18, 2006, from 9:30 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. Two comments were received noting inconsistencies relating to an inactive license that needed to be corrected in subparagraph 131.14(3)“a”(2) and subrule 134.2(30). The Board made changes to reflect these comments.

These amendments were adopted by the Board of Massage Therapy Examiners on June 6, 2006.

These amendments will become effective August 9, 2006.

These amendments are intended to implement Iowa Code chapters 21, 147, 152C and 272C.

The following amendments are adopted.

ITEM 1. Amend rule **645—130.1(17A)** by adding the following **new** definition in alphabetical order:

“Overpayment” means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

ITEM 2. Amend subparagraph **131.14(3)“a”(2)** as follows:

(2) Verification of completion of 12 hours of continuing education within two years of application for reactivation or, ~~for a licensee whose license expires August 15, 2006, or thereafter, beginning August 15, 2006, for a licensee whose license is inactive,~~ verification of completion of 24 hours of continuing education within two years of application.

ITEM 3. Amend subrule 134.2(30) as follows:

134.2(30) Practicing the profession while the license is under suspension, ~~lapsed~~ *inactive* or delinquent for any reason.

[Filed 6/9/06, effective 8/9/06]

[Published 7/5/06]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/06.

ARC 5181B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Speech Pathology and Audiology Examiners adopts amendments to Chapter 299, “Administrative and Regulatory Authority for the Board of Speech Pathology and Audiology Examiners,” Iowa Administrative Code.

The amendment provides the Board the ability to retain licensure overpayments of less than \$10 to reduce program administrative costs.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 12, 2006, as **ARC 5025B**. A public hearing was held on May 2, 2006, from 10:30 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received. This amendment is identical to that published under Notice.

The amendment was adopted by the Board of Speech Pathology and Audiology Examiners on June 9, 2006.

This amendment will become effective August 9, 2006.

This amendment is intended to implement Iowa Code chapters 21, 147 and 272C.

The following amendment is adopted.

Amend rule **645—299.1(17A,147)** by adding the following **new** definition in alphabetical order:

“Overpayment” means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

[Filed 6/9/06, effective 8/9/06]

[Published 7/5/06]

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ARC 5189B**TRANSPORTATION
DEPARTMENT[761]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation, on June 13, 2006, adopted an amendment to Chapter 605, “License Issuance,” Iowa Administrative Code.

Notice of Intended Action for this amendment was published in the April 12, 2006, Iowa Administrative Bulletin as **ARC 5040B**.

Subrule 605.25(2) is amended. The subrule currently allows a driver's license to be renewed earlier than 30 days before the license expiration date when good cause exists, but limits early renewal to no more than one year prior to the expiration date for everyone except active military personnel being deployed due to actual or potential military conflict. The amendment removes the one-year restriction and the exception for military personnel, thereby allowing the Department the discretion to renew the driver's license of any individual earlier than one year prior to the expiration date. The rule change is being made to accommodate early renewal for customers who will be traveling out of state and will not be present in the state of Iowa during the time currently allowed for driver's license renewal.

This amendment does not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

The amendment is identical to the one published under Notice of Intended Action.

This amendment is intended to implement Iowa Code chapter 321.

This amendment will become effective August 9, 2006.

Rule-making action:

Amend subrule 605.25(2) as follows:

605.25(2) A valid license may be renewed 30 days before the expiration date. If this is impractical, the department for good cause may renew a license earlier, ~~not to exceed one year prior to the expiration date. The department may allow renewal earlier than one year prior to the expiration date for active military personnel being deployed due to actual or potential military conflict.~~

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