CHAPTER 9
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

PREAMBLE

These rules describe the records of the Iowa department of human services and procedures for access to these records. All records of the department are open to the public except those that the department is authorized or required by law to keep confidential.

441—9.1(17A,22) Definitions. As used in this chapter:

"Agency" means the Iowa department of human services.

"Client" means a person who has applied for or received services or assistance from the agency.

"Confidential record" means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

"Custodian" means the agency or a person lawfully delegated authority by the agency to act for the agency in implementing Iowa Code chapter 22. For a local or district office, the custodian is the district administrator. For a child support recovery office, the custodian is the regional administrator. For an institution, the custodian is the institution superintendent. For a central office unit, or for requests dealing with more than one district, region, or institution, the custodian is the division director.

"Legal representative" is a person recognized by law as standing in the place or representing the interests of another for one or more purposes. For example, guardians, conservators, custodians, attorneys, parents of a minor, and executors, administrators, or next of kin of a deceased person are legal representatives for certain purposes.

"Mental health information" means oral, written, or otherwise recorded information which indicates the identity of a person receiving professional services (as defined in Iowa Code section 228.1(7)) and which relates to the diagnosis, course, or treatment of the person's mental or emotional condition. Mental or emotional conditions include mental illness, mental retardation, degenerative neurological conditions and any other condition identified in professionally recognized diagnostic manuals for mental disorders.

"Open record" means a record other than a confidential record.

"Personally identifiable information" means information about or pertaining to an individual in a record which identifies the individual and which is contained in a record system. The incidental mention of a person's name in another person's record (e.g., as employer, landlord, or reference) does not constitute personally identifiable information.

"Personal representative" is someone designated by another as standing in the other's place or representing the other's interests for one or more purposes.

"Record" means the whole or a part of a "public record" as defined in Iowa Code section 22.1, that is owned by or in the physical possession of this agency.

"Record system" means any group of records under the control of the agency from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

"Substance abuse information" means information which indicates the identity, diagnosis, prognosis, or treatment of any person in an alcohol or drug abuse program.

441—9.2(17A,22) Statement of policy. The purpose of this chapter is to facilitate broad public access to open records. It also seeks to facilitate sound agency determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. This agency is committed to the policies set forth in Iowa Code chapter 22; agency staff shall cooperate with members of the public in implementing the provisions of that chapter.

441—9.3(17A,22) Requests for access to records.

9.3(1) *Location of record*. A request for access to a record should be directed to the director or the particular agency office where the record is kept. If the location of the record is not known by the requester, the request shall be directed to the Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319–0114. If a request for access to a record is misdirected, agency personnel will promptly forward the request to the appropriate person within the agency.

9.3(2) *Office hours*. Open records shall be made available during all customary office hours, which are 8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays and legal holidays.

9.3(3) *Request for access*. Requests for access to open records may be made in writing, in person, or by telephone. Requests shall identify the particular records sought by name or description in order to facilitate the location of the record. Mail or telephone requests shall include the name, address, and telephone number of the person requesting the information. A person shall not be required to give a reason for requesting an open record.

9.3(4) *Response to requests*. Access to an open record shall be provided promptly upon request unless the size or nature of the request makes prompt access infeasible. If the size or nature of the request for access to an open record requires time for compliance, the custodian shall comply with the request as soon as feasible. Access to an open record may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The custodian shall promptly give notice to the requester of the reason for any delay in access to an open record and an estimate of the length of that delay and, upon request, shall promptly provide that notice to the requester in writing.

The custodian of a record may deny access to the record by members of the public only on the grounds that such a denial is warranted under Iowa Code sections 22.8(4) and 22.10(4), or that it is a confidential record, or that its disclosure is prohibited by a court order. Access by members of the public to a confidential record is limited by law and, therefore, may generally be provided only in accordance with the provisions of rule 441—9.4(17A,22) and other applicable provisions of law.

9.3(5) *Security of record*. No person may, without permission from the custodian, search or remove any record from agency files. Examination and copying of agency records shall be supervised by the custodian or a designee of the custodian. Records shall be protected from damage and disorganization.

9.3(6) *Copying*. A reasonable number of copies of an open record may be made in the agency's office. If photocopy equipment is not available in the agency office where an open record is kept, the custodian shall permit its examination in that office and shall arrange to have copies promptly made elsewhere.

9.3(7) *Fees.*

a. When charged. The agency may charge fees in connection with the examination or copying of records only if the fees are authorized by law. To the extent permitted by applicable provisions of law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest.

b. Copying and postage costs. Price schedules for published materials and for photocopies of records supplied by the agency shall be prominently posted in agency offices. Copies of records may be made by or for members of the public on agency photocopy machines or from electronic storage systems at cost as determined and posted in agency offices by the custodian. When the mailing of copies of records is requested, the actual costs of such mailing may also be charged to the requester.

c. Supervisory fee. An hourly fee may be charged for actual agency expenses in supervising the examination and copying of requested records when the supervision time required is in excess of one-half hour. The custodian shall prominently post in agency offices the hourly fees to be charged for supervision of records during examination and copying. That hourly fee shall not be in excess of the hourly wage of an agency clerical employee who ordinarily would be appropriate and suitable to perform this supervisory function.

d. Advance deposits.

(1) When the estimated total fee chargeable under this subrule exceeds $25, the custodian may require a requester to make an advance payment to cover all or a part of the estimated fee.

(2) When a requester has previously failed to pay a fee chargeable under this subrule, the custodian may require advance payment of the full amount of any estimated fee before the custodian processes a new request from that requester.

e. Subscription to policy manuals. Subscriptions to all or part of the agency's employees' manual are available at the cost of production and handling. Requests for subscription information should be addressed to the Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319–0114.

441—9.4(17A,22) Access to confidential records. Under Iowa Code section 22.7 or other applicable provisions of law, the lawful custodian may disclose certain confidential records to one or more members of the public. Other provisions of law authorize or require the custodian to release specified confidential records under certain circumstances or to particular persons. In requesting the custodian to permit the examination and copying of such a confidential record, the following procedures apply and are in addition to those specified for requests for access to records in rule 441—9.3(17A,22).

9.4(1) *Proof of identity.* A person requesting access to a confidential record may be required to provide proof of identity or authority to secure access to the record.

9.4(2) *Requests*. The custodian may require a request to examine and copy a confidential record to be in writing. A person requesting access to such a record may be required to sign a certified statement or affidavit enumerating the specific reasons justifying access to the confidential record and to provide any proof necessary to establish relevant facts.

9.4(3) *Notice to subject of record and opportunity to obtain injunction*. Except as provided in subrule 175.14(2), after the custodian receives a request for access to a confidential record, and before the custodian releases such a record, the custodian may make reasonable efforts to notify promptly any person who is a subject of that record, is identified in that record, and whose address or telephone number is contained in the record. To the extent such a delay is practicable and in the public interest, the custodian may give the subject of such a confidential record to whom notification is transmitted a reasonable opportunity to seek an injunction under Iowa Code section 22.8, and indicate to the subject of the record the specific period of time during which disclosure will be delayed for that purpose.

9.4(4) *Request denied*. When the custodian denies a request for access to a confidential record, the custodian shall promptly notify the requester. If the requester indicates to the custodian that a written notification of the denial is desired, the custodian shall promptly provide such a notification that is signed by the custodian and that includes:

a. The name and title or position of the custodian responsible for the denial; and

b. A citation to the provision of law vesting authority in the custodian to deny disclosure of the record and a brief statement of the reasons for the denial to this requester.

9.4(5) *Request granted*. Except as provided in subrule 175.14(2), when the custodian grants a request for access to a confidential record to a particular person, the custodian shall notify that person and indicate any lawful restrictions imposed by the custodian on that person's examination and copying of the record.

9.4(6) *Records requiring special procedures*. Special procedures are required for access to:

a. Child abuse information. Access to child abuse information is obtained according to rules 441—175.8(235A) and 441—175.9(235A).

b. Dependent adult abuse information. Access to adult abuse information is governed by rule 441—176.10(235A).

c. Quarterly list. Rescinded IAB 10/4/00, effective 12/1/00.

441—9.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examinations. The custodian may treat a record as a confidential record and withhold it from examination only to the extent that the custodian is authorized by Iowa Code section 22.7, another applicable provision of law, or a court order, to refuse to disclose that record to members of the public.

9.5(1) *Persons who may request*. Any person who would be aggrieved or adversely affected by disclosure of a record and who asserts that Iowa Code section 22.7, another applicable provision of law, or a court order, authorizes the custodian to treat the record as a confidential record, may request the custodian to treat that record as a confidential record and to withhold it from public inspection.

9.5(2) *Request*. A request that a record be treated as a confidential record and be withheld from public inspection shall be in writing and shall be filed with the custodian. The request must set forth the legal and factual basis justifying such confidential record treatment for that record, and the name, address, and telephone number of the person authorized to respond to any inquiry or action of the custodian concerning the request. A person requesting treatment of a record as a confidential record may also be required to sign a certified statement or affidavit enumerating the specific reasons justifying the treatment of that record as a confidential record and to provide any proof necessary to establish relevant facts. Requests for treatment of a record as such a confidential record for a limited time period shall also specify the precise period of time for which that treatment is requested.

A person filing such a request shall, if possible, accompany the request with a copy of the record in question from which those portions for which such confidential record treatment has been requested have been deleted. If the original record is being submitted to the agency by the person requesting such confidential treatment at the time the request is filed, the person shall indicate conspicuously on the original record that all or portions of it are confidential.

9.5(3) *Failure to request*. Failure of a person to request confidential record treatment for a record does not preclude the custodian from treating it as a confidential record. However, if a person who has submitted business information to the agency does not request that it be withheld from public inspection under Iowa Code sections 22.7(3) and 22.7(6), the custodian of records containing that information may proceed as if that person has no objection to its disclosure to members of the public.

9.5(4) *Timing of decision*. A decision by the custodian with respect to the disclosure of a record to members of the public may be made when a request for its treatment as a confidential record that is not available for public inspection is filed, or when the custodian receives a request for access to the record by a member of the public.

9.5(5) *Request granted or deferred*. If a request for such confidential record treatment is granted, or if action on such a request is deferred, a copy of the record from which the matter in question has been deleted and a copy of the decision to grant the request or to defer action upon the request will be made available for public inspection in lieu of the original record. If the custodian subsequently receives a request for access to the original record, the custodian will make reasonable and timely efforts to notify any person who has filed a request for its treatment as a confidential record that is not available for public inspection of the pendency of that subsequent request.

9.5(6) *Request denied and opportunity to seek injunction*. If a request that a record be treated as a confidential record and be withheld from public inspection is denied, the custodian shall notify the requester in writing of that determination and the reasons therefor. On application by the requester, the custodian may engage in a good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief under the provisions of Iowa Code section 22.8, or other applicable provision of law. However, such a record shall not be withheld from public inspection for any period of time if the custodian determines that the requester had no reasonable grounds to justify the treatment of that record as a confidential record. The custodian shall notify requester in writing of the time period allowed to seek injunctive relief or the reasons for the determination that no reasonable grounds exist to justify the treatment of that record as a confidential record. The custodian may extend the period of good faith, reasonable delay in allowing examination of the record so that the requester may seek injunctive relief only if no request for examination of that record has been received, or if a court directs the custodian to treat it as a confidential record, or to the extent permitted by another applicable provision of law, or with the consent of the person requesting access.

441—9.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Except as otherwise provided by law, a person may file a request with the custodian to review, and to have a written statement of additions, dissents, or objections entered into, a record containing personally identifiable information pertaining to that person. However, this does not authorize a person who is a subject of such a record to alter the original copy of that record or to expand the official record of any 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 bureau of policy analysis. 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.

441—9.7(17A,22,228) Consent to disclosure by the subject of a confidential record. To the extent permitted by any applicable provision of law, a person who is the subject of a confidential record may have a copy of the portion of that record concerning the subject disclosed to a third party. A request for such a disclosure must be in writing and must identify the particular record or records that may be disclosed, and the particular person or class of persons to whom the record may be disclosed and the time period during which the record may be disclosed. The person who is the subject of the record and, where applicable, the person to whom the record is to be disclosed, may be required to provide proof of identity.

No confidential information about clients of the agency shall be released without the client's consent, except as provided in rule 441—9.10(17A,22). Release of information includes:

1. Granting access to or allowing the copying of a record,
2. Providing information either in writing or orally, or
3. Acknowledging information to be true or false.

9.7(1) *Forms.*

a. General. Form 470–2115, Authorization for the Department to Release Information, is to be used for releases by the subject that do not involve mental health or substance abuse information.

b. Obtaining information from a third party. The agency is required to obtain information to establish eligibility, determine the amount of assistance, and provide services. Requests to third parties for this information involve release of confidential identifying information about clients. Except as provided in rule 441—9.9(22), the agency may make these requests only when the client has authorized the release on one of the following forms.

1. Form PA–2206–0, Authorization for Release of Information.
2. Form 470–1630, Household Member Questionnaire.
3. Form 470–1631, Financial Institution Questionnaire.
4. Form 470–1632, Landlord Questionnaire.
5. Form 470–1638, Request for School Verification.
6. Form 470–2844, Employer's Statement of Earnings.
7. Form 470–1640, Verification of Educational Financial Aid.
8. Form 470–2531, Consent of Disclosure.

c. Mental health and substance abuse information. Mental health or substance abuse information can be released only with authorization on Form MH–2201–0, Consent to Release or Obtain Information, or a form from another source that meets requirements of law.

d. Photographs. The agency uses Form Adm–4113–0, Authorization to Take and Use Photographs, and Form Adm–4118–0, Authorization to Take and Use Photographs of Minor or Ward, for permission to use photographs in agency publications.

e. Veteran's Home. Residents of the Iowa Veteran's Home use Forms 475–0860, 475–0861, 475–0862, and 475–0863, Request for and Consent to Release of Information from Claimants Records. Form 475–0860 is used to authorize requests for veteran's pension information. Form 475–0861 is used to authorize requests for social security and Medicare information. Form 475–0862 is used to authorize a request for medical and social history information. Form 475–0863 is used to authorize a request for clinical records from treatment providers. Form 475–0892, Authorization for Release of Information from the National Personnel Records Center, is used to authorize requests for military service information.

Authorization for photographs and videotapes is given on Form 475–1148, Authorization to Use Name, Form 475–1073, Authorization to Take and Use Photographs, and Form 475–0769, Authorization to Take and Use Videotapes.

9.7(2) *Exceptions to use of forms.*

a. *Counsel.* Appearance of counsel before the agency on behalf of a person who is the subject of a confidential record is deemed to constitute consent for the agency to disclose records about that person to the person's attorney.

b. *Public official.* A letter from the subject to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the agency shall be treated as an authorization to release information. The agency shall release sufficient information about the subject to the official to resolve the matter.

c. *Medical emergency.* Agency staff may authorize release of confidential information to medical personnel in a medical emergency if the subject is unable to give or withhold consent. As soon as possible after the release of information, the subject shall be advised of the release.

d. *Abuse information.* Consent to release information is not required to gather information for investigations of child abuse or dependent adult abuse.

9.7(3) *Consent by subject's legal or personal representative.*

a. *Adults.* When the subject is an adult, the subject's rights under this rule may also be exercised by the subject's legal or personal representative, except as provided in paragraph *"c."*

b. *Minors.* Within the limits of paragraph *"c,"* when the subject is a minor, the subject's rights under this rule shall be exercised only by the subject's legal representative, except as follows:

(1) Where the agency otherwise deals with the minor as an adult, as in the case of minor parents under the aid to families with dependent children program.

(2) Where otherwise specifically provided by law.

However, minor subjects shall be granted access to their own records upon request, subject to the limits in rule 441—9.9(22).

c. *Exceptions.*

(1) Scope of authority. Legal and personal representatives may act only within the scope of their authority. For example, court-appointed conservators and protective payees appointed by the agency shall have access to and authority to release the following information only:

1. Name and address of client.
2. Amounts of assistance or type of services received.
3. Information about the economic circumstances of the client.

(2) Mental health information. Only an adult subject or a subject's legal representative can consent to the disclosure of mental health information. Records of involuntary hospitalization shall be released only as provided in Iowa Code section 229.24. Medical records of persons hospitalized under Iowa Code chapter 229 shall be released only as provided in Iowa Code section 229.25.

(3) Substance abuse information. Only the subject can consent to the disclosure of substance abuse information, regardless of the subject's age or condition.

(4) Failure to act in good faith. If the agency has reason to believe that the legal or personal representative is not acting in good faith in the best interests of the subject, the agency may refuse to release information on the authorization of the legal or personal representative.

441—9.8(17A,22) Notice to suppliers of information. When the agency requests a person to supply information about that person, the agency shall notify the person of the use that will be made of the information, which persons outside the agency might routinely be provided this information, which parts of the requested information are required and which are optional, and the consequences of a failure to provide the information requested. This notice may be given in these rules, on the written form used to collect the information, on a separate fact sheet or letter, in brochures, in formal agreements, in contracts, in handbooks, in manuals, verbally, or by other appropriate means.

The notice shall generally be given at the first contact with the agency and need not be repeated at every following contact. Where appropriate, the notice may be given to a person's legal or personal representative. Notice may be withheld in an emergency or where it would compromise the purpose of an agency investigation.

In general, the agency requests information to determine eligibility and benefit levels for assistance, to provide appropriate services or treatment, and to perform regulatory and administrative functions. Information is routinely shared outside the agency when required by rules or law. Consequences of failure to provide information include ineligibility for public assistance, denial of licensure or regulatory approval, or inadequate service provision.

441—9.9(17A,22) Release to subject. The agency shall release confidential records to the subject of the record. However, when a record has multiple subjects with interest in the confidentiality of the record, the agency may take reasonable steps to protect confidential information relating to another subject. The agency need not release the following records to the subject:

1. Records need not be disclosed to the subject when they are the work product of an attorney or are otherwise privileged.
2. The identity of a person reporting suspected abuse to the agency need not be disclosed to the subject. (See rule 441—175.8(235A) and Iowa Code section 235A.19.)
3. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when that information is authorized to be held confidential pursuant to Iowa Code section 22.7(18).
4. Peace officers' investigative reports may be withheld from the subject, pursuant to Iowa Code section 22.7(5).
5. The agency may withhold disclosure of confidential information when the agency has reason to believe that disclosure of the information would cause substantial and irreparable harm and would not be in the public interest. The agency may withhold disclosure to seek an injunction to restrain examination of the record according to procedures in Iowa Code section 22.8 or to notify the person who would be harmed to allow that person to seek an injunction.
6. The agency may withhold information as otherwise authorized by law.

441—9.10(17A,22) Disclosure without consent of the subject. Open records are routinely disclosed without the consent of the subject. To the extent allowed by law, the agency may also disclose confidential information without the consent of the subject or the subject's representative.

9.10(1) *Internal use*. Confidential information may be disclosed to employees and agents of the agency as needed for the performance of their duties. The custodian of the record shall determine what constitutes legitimate need to use confidential records.

People affected by this rule include:

1. County-paid staff, field work students, and volunteers working under the direction of the agency.
2. Council and commission members.
3. Policy review and advisory committees.
4. Consultants to the agency.

9.10(2) *Audits*. Information concerning program expenditures and client eligibility is released to staff of the state executive and legislative branch who are responsible for assuring that public funds have been managed correctly. Information is also released to auditors from federal agencies when those agencies provide program funds.

9.10(3) *Program review.* Information concerning client eligibility and benefits is released to state or federal officials responsible for determining whether the agency is operating a program lawfully. This includes the citizens' aide office under Iowa Code section 601G.9 and the legislative fiscal bureau under Iowa Code section 2.52.

9.10(4) *Agreements with other agencies*.

a. The agency may enter into agreements with public or private agencies, such as the department of inspections and appeals or the Medicaid fiscal agent, in order to carry out the agency's official duties. Information necessary to carry out these duties may be shared with these agencies.

b. The agency may enter into agreements to share information with agencies administering federal or federally assisted programs which provide assistance or services directly to individuals on the basis of need. Only information collected in the aid to dependent children program, the food stamp program, refugee resettlement program or the child support recovery program may be shared under these agreements.

c. To meet federal income and eligibility verification requirements, the agency has entered into agreements with the Iowa department of employment services, the United States Internal Revenue Service, and the United States Social Security Administration. The agency obtains information regarding persons whose income or resources are considered in determining eligibility and the amount of benefits for aid to dependent children, refugee cash assistance, food stamps, medical assistance, state supplementary assistance and foster care. Identifying information regarding these people is released to these agencies. The information received may be used for eligibility and benefit determinations.

d. To meet federal requirements under the Immigration Reform and Control Act of 1986 (IRCA) relating to the Systematic Alien Verification for Entitlements (SAVE) program, the agency has entered into an agreement with the Immigration and Naturalization Service (INS) to exchange information necessary to verify alien status for the purpose of determining eligibility and the amount of benefits for aid to dependent children, refugee cash assistance, food stamps, medical assistance, state supplementary assistance and foster care assistance. Identifying information regarding these people is released to the INS. The information received may be used for eligibility and benefit determination.

e. The agency has entered into an agreement with the department of workforce development under which the agency will provide services to family investment program clients participating in the PROMISE JOBS program as described at 441—Chapter 93. Information necessary to carry out these duties shall be shared with the agency, as well as with the agency's subcontractors.

f. State legislation requires that all emergency assistance households apply for and accept benefits for which they may qualify from the energy assistance, county general relief and veteran's affairs programs before approval for emergency assistance. To meet this requirement, the department may enter into agreements with the agencies that administer these programs under which they may provide services to emergency assistance households as described at 441—Chapter 58. Information necessary to carry out these duties shall be shared with these agencies.

9.10(5) *Release to court*. Information is released to the court as required in Iowa Code sections 125.80, 125.84, 125.86, 229.8, 229.10, 229.13, 229.14, 229.15, 229.22, 232.48, 232.49, 232.52, 232.71, 232.81, 232.97, 232.98, 232.102, 232.111, 232.117 and 235B.1.

When a court subpoenas information that the agency is prohibited from releasing, the agency shall advise the court of the statutory and regulatory provisions against disclosure of the information and disclose the information only on order of the court.

9.10(6) *Fraud*. Information concerning suspected fraud or misrepresentation to obtain agency services or assistance is disclosed to the department of inspections and appeals and to law enforcement authorities.

9.10(7) *Service referrals*. Information concerning clients may be shared with purchase of service providers under contract to the agency.

Information concerning the client's circumstances and need for service is shared with prospective providers to obtain placement. If the client is not accepted for service all written information released to the provider shall be returned to the agency.

When the information needed by the provider is mental health information or substance abuse information, the client's specific consent is required in subrule 9.3(4).

9.10(8) *Medicaid billing*. Only the following information shall be released to bona fide providers of medical services in the event that the provider is unable to obtain it from the subject and is unable to complete the Medicaid claim form without it:

a. Patient identification number.

b. Health coverage code as reflected on the subject's medical card.

c. The subject's date of birth.

d. The subject's eligibility status for the month that the service was provided.

9.10(9) *County billing*. Information necessary for billing is released to county governments that pay part of the cost of care for local purchase services under rule 441—150.6(234), intermediate care facility services for the mentally retarded under subrule 82.14(2), or Medicaid waiver services under rule 441—83.9(249A). This information includes client names, identifying numbers, provider names, number of days of care, amount of client payment, and amount of payment due.

9.10(10) *Child support recovery.* The child support recovery unit has access to information from most agency records for the purpose of establishing and enforcing support obligations. Information about absent parents and recipients of child support services is released according to the provisions of Iowa Code chapters 234, 252A, 252B, 252C, 252D, 252E, 252F, 252G, 252H, 598, 600B, and any other support chapter. Information is also released to consumer reporting agencies as specified in rule 441—95.12(252B).

9.10(11) *Refugee resettlement program*. Contacts with both sponsor and resettlement agencies are made as a part of the verification process to determine eligibility or the amount of assistance. When a refugee applies for cash or Medicaid, the refugee's name, address, and telephone number are given to the refugee's local resettlement agency.

9.10(12) *Abuse investigation.* The central abuse registry disseminates child abuse information as provided in Iowa Code section 235A.15 and dependent adult abuse information as provided in 441—Chapter 176. Reports of child abuse and dependent adult abuse investigations are submitted to the county attorney as required in Iowa Code sections 232.71 and 235B.1. Results of the investigation of a report by a mandatory reporter are communicated to the reporter as required in Iowa Code sections 235A.17(5) and 235A.15(2)*"j."*

9.10(13) *Foster care*. Information concerning a child's need for foster care is shared with foster care review committees or foster care review boards and persons named in the case permanency plan.

9.10(14) *Adoption.* Adoptive home studies completed on families who wish to adopt a child are released to licensed child-placing agencies, to the United States Immigration and Naturalization Service, and to adoption exchanges. Information is released from adoption records as provided in Iowa Code sections 600.16 and 600.24.

9.10(15) *Quarterly list.* Rescinded IAB 10/4/00, effective 12/1/00.

9.10(16) *Response to law enforcement.* The address of a current recipient of family investment program benefits may be released upon request to a federal, state or local law enforcement officer if the officer provides the name of the recipient, and the officer demonstrates that:

a. The recipient is a fugitive felon who is fleeing prosecution, custody or confinement after conviction under state or federal law, or who is a probation or parole violator under state or federal law, or

b. The recipient has information that is necessary for the officer to conduct the officer's official duties, and

c. The location or apprehension of the recipient is within the officer's official duties.

9.10(17) *Research*. Information that does not identify individual clients may be disclosed for research purposes with the consent of the division director responsible for the records. The division director shall investigate the credentials of the researcher.

a. Mental health information may be disclosed for purposes of scientific research as provided in Iowa Code section 228.5, subsection 3, and section 229.25. Requests to do research involving records of an agency institution shall be approved by the research committee of that institution.

b. Abuse registry information may be disclosed for research purposes as provided in rules 441—175.9(235A) and 441—176.11(235B) and authorized by Iowa Code sections 235A.15(2)*"f"* and 235B. 1(4)*"a."*

9.10(18) *Imminent harm*. A client's name, identification, location, and details of a client's threatened or actual harm to agency staff or property may be reported to law enforcement officials. Other information regarding the client's relationship to the agency shall not be released.

When an agency staff person believes a client intends to harm someone, the staff person may warn the intended victim or police or both. Only the name, identification, and location of the client and the details of the client's plan of harm shall be disclosed.

9.10(19) *Federal requirements*. Information is shared with other agencies without a contract or written agreement when federal law or regulations require it.

9.10(20) *School attendance.* Effective January 1, 1998, the department may release or make available to a school truancy officer, as defined in Iowa Code section 299.12, the FIP status of a child who has not completed sixth grade and who is at risk of becoming truant. The department shall only make the child's FIP status available to the truancy officer upon receipt of a signed authorization to do so from the child's parent in the home or the specified relative who is included in the FIP grant. The department shall develop a database that only truancy officers, who have received security clearance from the department, may access to verify the FIP status of a child who has not completed sixth grade and who is at risk of being deemed truant. In order to implement the provisions of 441—subrule 41.25(8), the department shall limit the database to children aged 5 through 13 who are part of the FIP eligible group. The database shall contain only the minimum information needed to identify if the child is a member of a family investment program applicant or recipient family. To the extent feasible, access to the database shall be further restricted by geographical area or region.

441—9.11(22) Availability of records. This rule lists the agency records which are open to the public, those which are confidential, and those which are partially open and partially confidential.

Agency records are listed by category according to the legal basis for confidential treatment (if any). A single record may contain information from several categories.

The agency administers several federally funded programs and is authorized by Iowa Code section 22.9 to enforce confidentiality standards from federal law and regulation as are required for receipt of the funds. Where federal authority is cited in this rule, the department has determined that the right to examine and copy public records under Iowa Code section 22.2 would cause the denial of funds, services, or essential information from the United States government that would otherwise be available to the agency.

The chart indicates whether the records in this category contain personally identifiable information and indicates the legal authority for confidentiality and for the collection of personally identifiable information.

Abbreviations are used in the chart as follows:

Code	Meaning
O	The records are open for public inspection.
C	The records are confidential and are not open to public inspection.
O/C	The record is partly open and partly confidential.
PI	Personally identifiable information
NA	Not applicable

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
Records of Council, Commission and Statutory Committees	O/C	Iowa Code 21.5(4)	No	NA
Rule Making	O	NA	No	NA
Declaratory ruling records	O/C	Iowa Code 217.30	No	NA
Rules and Policy Manuals	O	NA	No	NA
State Plans	O	NA	No	NA
Publications	O	NA	No	NA
Statistical Reports	O	NA	No	NA
Financial and Administrative Records	O	NA	No	NA
Personnel records	O/C	Iowa Code 22.7(11)	Yes	Iowa Code 217.1
Contracts and Interagency Agreements	O	NA	No	NA
Grant Records				
• Child abuse prevention	O	NA	No	NA
• Domestic abuse	O	NA	No	NA
• Displaced homemaker	O	NA	No	NA
• Mental health/mental retardation general allocation	O	NA	No	NA
• Mental health/mental retardation special allocation	O	NA	No	NA
• Developmental disabilities basic	O	NA	No	NA
• Alcohol/drug abuse/mental health block	O	NA	No	
• National Institute of Mental Health	O	NA	No	
• Gamblers assistance	O	NA	No	NA
• Pregnancy prevention	O	NA	No	NA
• Juvenile community-based services	O	NA	No	NA
• Runaway prevention	O	NA	No	NA
Collection Service Center Payment Records	O	NA	Yes	Iowa Code 252B.13
Licensing, Registration and Approval				
• Juvenile detention and shelter care facilities	O/C	Iowa Code 217.30	No	NA
• Adoption Investigators	O	NA	Yes	Iowa Code 600.2
• Supervised apartment living arrangement	O	NA	No	NA
• Mental health providers	O	NA	No	NA
• Family-life homes	O/C	Iowa Code 217.30	Yes	Iowa Code 234.6
• Foster care facilities	O/C	Iowa Code 237.9	Yes	Iowa Code 237
• Day care facilities	O/C	Iowa Code 237A.7	Yes	Iowa Code 237A
• Child-placing agencies	O/C	Iowa Code 238.24	No	NA
• Health care facilities	O/C	Iowa Code 135C.19	No	NA
Appeal Records	O/C	Iowa Code 217.30	Yes	Iowa Code 217.1
Litigation files	O/C	Iowa Code 217.30, 22.7(4), 622.10	Yes	Iowa Code 217.1

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
Service Provider Records				
• Purchase of service providers	O/C	Iowa Code 217.30	Yes	Iowa Code 234.6
• Medicaid providers	O/C	Iowa Code 217.30, 42 USC 1396a(7), 42 CFR 431.300 to 307 as amended to October 1, 1987	Yes	Iowa Code 249A.4
• Residential care facilities	O/C	Iowa Code 217.30	No	NA
All Service or Assistance Client Records	C	Iowa Code 217.30	Yes	Iowa Code 217.1
• Aid to Dependent Children	C	Iowa Code 217.30, 42 USC §602(a)(9) and §1306a; 45 CFR 205.50 as amended to Oct. 1, 1987	Yes	Iowa Code 239
• State Supplementary Assistance	C	Iowa Code 217.30	Yes	Iowa Code 249
• Medicaid	C	Iowa Code 217.30; 42 U.S.C. §1396a(7) 42 CFR 431.300 to 307 as amended to October 1, 1987	Yes	Iowa Code 249A.4
• Food Stamps	C	Iowa Code 217.30; 7 U.S.C. §2020(e)8 and 7 CFR 272.1 (c) and (d) as amended to Jan. 1, 1987	Yes	Iowa Code 234.6
• Foster Care	C	Iowa Code 237.9	Yes	Iowa Code 237.3 to 237.5
• Title IV-E Foster Care and Adoption Assistance	C	Iowa Code 217.30; 42 U.S.C. §671(a)(8) 45 CFR 1355.30(1), as amended to Oct 1, 1986	Yes	Iowa Code 217.1 Iowa Code 600.17 to 600.22
• Refugee Resettlement	C	Iowa Code 217.30 45 CFR 400.27 as amended to October 1, 1987	Yes	Iowa Code 217.1
• Substance abuse	C	Iowa Code 125.37 and 125.93; 42 U.S.C. §29 dd. 3 and ee. 3; 42 CFR §2, as amended to October 1, 1987; 38 U.S.C. §4132	Yes	Iowa Code Chapters 125, 218, 219 and 234.6 and 249A.4
• State institution resident records	C	Iowa Code 218.22, 229.24 and 229.25	Yes	Iowa Code 218.1
Program records				
• Child support recovery	O/C	Iowa Code 252B.9, 45 CFR §303.21, as amended to October 1, 1987	Yes	Iowa Code Chapters 234,252A, 252B, 252C, 252D, 252E, 252F, 252G, 252H, 598, and 600B.
• Child abuse	C	Iowa Code 235A.13, 235A.15, 235A.16, and 235A.17	Yes	Iowa Code 235A.14

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR PI INFORMATION
• Dependent adult abuse	C	Iowa Code 235B.1, par 4(a)	Yes	Iowa Code 235B.1
• Adoption	C	Iowa Code 600.16 and 600.24	Yes	Iowa Code 600.8 and 600.16
Client records may contain information from restricted sources:				
• Federal tax returns	C	Iowa Code 422.20(2); 26 U.S.C. §6103	Yes	Iowa Code 217.1, 234.6(7), 239, 249A, 252B
• Department of Revenue and Finance	C	Iowa Code 421.17, 422.20(1)	Yes	Iowa Code 252B.9
• Department of Employment Services	C	Iowa Code 217.30; 42 U.S.C. §503(d) and (e)	Yes	Iowa Code 217.1, 234.6(7), 239, 249A, 249C
• Income and Eligibility Verification System	C	Iowa Code 217.30; 42 U.S.C. §1230b-7	Yes	Iowa Code 217.1, 234.6(7), 239, 249A
• Department of Public Safety	C	Iowa Code 692.2, .3, .8 and .18	Yes	Iowa Code 237.8, 237A.5
• United States Department of Health and Human Services	C	Iowa Code 217.30; 42 CFR §401.134(c), as amended to Oct. 1, 1987	Yes	Iowa Code 217.1, 234.6(7), 239, 249,249A, 252B
• Peer review organization	C	Iowa Code 217.30; 42 U.S.C. 1320c-9	Yes	Iowa Code 249A.4
• Juvenile court	C	Iowa Code 232.48, 232.97 and 232.147 to 232.151	Yes	Iowa Code 232 and 234.6
Other information				
• Mental health information	C	Iowa Code 228.2(1)	Yes	Iowa Code 217, 219, 222, 229
• Information received by a licensed social worker	C	Iowa Code 154C.5	Yes	Iowa Code 217.1
• Debtors to the Department	C	Iowa Code 537.7103(3)	Yes	Iowa Code 217.1
• Health care facility complaint and citation records	C	Iowa Code 135C.19	No	Iowa Code 249A.4, 135C.19
• Hospital records, medical records, and professional counselor records	C	Iowa Code 22.7, (2)	Yes	Iowa Code 218, 219, 222, 229
• Privileged communication and work products of attorneys representing the department	C	Iowa Code 22.7(4), Iowa Code of Professional Responsibility for Lawyers, Canon 4	No	NA
• Identity of volunteer informant who does not consent to release	C	Iowa Code 22.7(18)	No	Iowa Code 217.1
• School records	C	Iowa Code 22.7(1)	Yes	Iowa Code 218.1 and 234.6
• Library circulation records	C	Iowa Code 22.7(13) and (14)	No	Iowa Code 217.1
• Sealed bids prior to public opening	C	Iowa Code 72.3	No	NA

441—9.12(22,252G) Personally identifiable information. The confidentiality provisions affecting records described in this rule are addressed in rule 441—9.11(22).

9.12(1) *Nature and extent*. The personally identifiable information collected by the agency varies by the type of record. The nature and extent of personally identifiable information is described below:

a. *Recipients of assistance.* Several different types of agency records contain personally identifiable information about recipients of assistance programs such as food stamps, Medicaid, aid to dependent children, state supplementary assistance, refugee cash and medical assistance, and commodity supplemental foods.

(1) Client case file. Local office case files contain identifying information, demographic information, household composition, and income and resource information about applicants for and recipients of assistance, as well as any other persons whose circumstances must be considered in determining eligibility. Records may contain information about employment, disability, or social circumstances. Records identify the kind and amount of benefits received and what proof was obtained to verify the recipient's eligibility. Case files contain correspondence, appeal requests and decisions, and documentation of agency actions.

(2) Local office administrative records. Client names and program data are kept in card files, appointment logs, worker case lists, and issuance records.

(3) Data processing systems. Client identifying information, eligibility data, and payment data are kept in the automated benefit calculation (ABC) system. Records connected with particular programs are also kept in the child support collections and recovery system, the intermediate care facility eligibility and payment system, the overpayment and recoupment system, the Medicaid eligibility system, the medically needy spenddown control system, the Medicare buy-in system, the third-party health insurance coverage system, and the quality control system. Some of these records are also kept on microfiche.

(4) Quality control records. Files are developed on selected clients containing data required to verify the correctness of agency eligibility and benefit decisions.

(5) Appeals. Records containing client eligibility and payment information are created by the department of inspections and appeals when a client (or, for Medicaid, a provider) requests a hearing on an agency action.

(6) Fraud. When fraud is suspected of a client, an investigative record is generated by the department of inspections and appeals containing information pertinent to the circumstances of the case.

(7) Recoupment. When benefits have been overpaid, a record is established by the department of inspections and appeals concerning the circumstances of the overpayment and the client's repayment.

b. *Recipients of social services.* Several kinds of agency records contain personally identifiable information about applicants for and recipients of direct or purchased social services.

(1) Client case records. Local offices create client case files containing identifying information and demographic information; income data; information substantiating the need for services, which may include medical, psychological or psychiatric reports; social history; the agency evaluation of the client's situation; documentation of agency actions; and provider reports. Records may contain court orders and reports.

(2) Local office administrative records. Client names and services data appear in records such as card files, case lists, and appointment logs.

(3) Data processing systems. Client identifying information, demographic data, and services eligibility data are stored in the service reporting system. The purchase of services system contains invoice and service payment data. The child and adult protection system contains information from abuse reports and investigations. Some of these records are also kept on microfiche.

(4) Appeals. Records containing client identifying information and eligibility information are created by the department of inspections and appeals when a client requests a hearing on a department action.

(5) Adoption records. The bureau of adult, children, and family services keeps a master card file on all adoptions in Iowa as required in Iowa Code section 235.3, subsection 7. This record is also kept on microfilm.

The Iowa Adoption Exchange contains records on special needs children available for adoption and on families that have indicated an interest in adopting special needs children.

The bureau also keeps records on adoptions in which the agency has provided services. These files include the home study, information about the child, and legal documents. These records are also kept on microfiche.

(6) Abuse registry. Child and dependent adult abuse records contain names and information of the alleged victim and the victim's family, data on the reported abuse, details of injury, investigative data, name of alleged perpetrator, names of reporters, collateral contacts and findings.

(7) Interstate compact records. The bureau of adult, children, and family services maintains records on placement of children across state lines. These records contain identifying information about the children and the conditions of their placement, as well as progress reports. Some of the records are kept on microfiche.

(8) Guardianship records. The bureau of adult, children, and family services maintains records on all children under the guardianship of the agency. The records concern the children's characteristics and placements. Some of these records are kept on microfiche.

c. *Institutions.* Institution resident records may contain identifying and demographic information, medical and social histories, treatment records, treatment plans, educational information, admission procedures, financial accounts, county billings, residential unit notes, vocational information, economic data and information about personal effects. Some of this information is kept on microfiche.

Automated data processing systems associated with institutional client records include admission and discharge systems for the juvenile institutions and for the mental health and mental retardation institutions, institutional billing systems, client banking systems, and client data systems.

d. *Child support recovery unit (CSRU) records.* These records contain information such as client identifiers, demographic information, divorce decrees, child support orders, absent parent identifiers, employment history and physical characteristics of absent parents, payment history records, and termination of parental rights.

e. *Collection services center.* The collection services center maintains records of support orders issued or filed in Iowa after April 1, 1987, and support orders filed in counties that have been converted to the collection services center system. These records identify the person paying and receiving support, specify the support obligations, and contain a record of payments made. Most records are on an automated data processing system. Paper records may also be kept including conversion documents, orders, and correspondence.

f. *Contractor records for individual providers.* Records of individual purchase of service and Medicaid providers contain information such as names of owners and employees, names of clients served, eligibility data, amounts of payment for clients, and kinds of services received by clients.

g. *Regulatory files on individual providers.* Files on individuals who apply to be licensed, certified, registered, or approved by the agency contain identifying information, a description of the person's operation or premises, an agency evaluation of the information collected. Files may contain data on criminal records and abuse registry records on the individual and any employees. Files may contain information naming clients served (for example in complaints or incident reports). Some of these records are also kept on microfilm.

h. *Personnel files.* The agency maintains files containing information about employees, families and dependents, and applicants for paid or volunteer positions within the agency. The files contain payroll records, biographical information, medical information pertaining to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding and information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship.

9.12(2) *Data processing matching.*

a. *Internal.* All data processing systems operated by the agency which have comparable personally identifiable data elements permit the matching of personally identifiable information. (See subrule 9.12(1) for a description of these systems.) Matches which are routinely done include the following:

(1) Data from the service reporting system is matched with data from the purchase of service payment system for service eligibility and with the activity reporting system for cost allocation. Matches are also done with the state identification portion of the automated benefit calculation system.

(2) The automated benefit calculation system matches with the Medicaid eligibility system, the facility payment system, the child support collections system, the food stamp issuance system, the Medicare buy-in system, and the income eligibility and verification system.

(3) The Medicaid eligibility system matches information with the Medicaid management information system and the collection and recovery system.

b. *External.*

(1) The state data exchange matches information on agency clients with records on recipients of supplemental security income.

(2) The Medicare buy-in system matches information with the Social Security Administration.

(3) The income and eligibility verification system matches information on agency clients with income records from department of employment services records on unemployment compensation and wages, tax records from the Internal Revenue Service, wage records and social security benefit records from the Social Security Administration, and public assistance records from other states.

(4) Data from the collections and reporting system is matched with state and federal tax records, and with client records on the automated benefit calculation system.

(5) Data on agency clients is matched with records on workers' compensation from the industrial commission, with the administering agency for the Job Training Partnership Act, and with private agencies working to help employers collect benefits under the targeted jobs tax credit program.

(6) Reports on disqualified food stamp recipients from other states are received from the United States Department of Agriculture to ensure that recipients are not evading penalties by reapplying in Iowa.

(7) A list of recipients of benefits under the family investment program is released annually to the Internal Revenue Service for matching with records of dependents claimed.

(8) A list of applicants for and recipients of the family investment program (FIP), the family medical assistance program (FMAP), FMAP-related medical assistance, and the food stamp program is matched with records on Iowa motor vehicle registration files to assist in the identification of countable resources.

c. Centralized employee registry (CER) database. The CER receives data concerning employees and contractors who perform labor in Iowa. Information reported by Iowa employers about employees includes the employee's name, address, social security number, date of birth, beginning date of employment, whether health insurance is available, and when it may be available. Information reported by Iowa income payers about contractors is limited to the contractor's name, address, social security number, and date of birth, if known.

State agencies accessing the CER shall participate in proportionate cost sharing for accessing and obtaining information from the registry. Cost sharing shall include all costs of performing the match including costs for preparing the tapes and central processing unit time. Costs shall be specified in a 28E agreement with each agency. CER matches include the following. Data matches with:

(1) The child support collections and reporting system for the establishment and enforcement of child and medical support obligations.

(2) Other DHS systems for the purpose of gathering additional information and verification for use in the determination of eligibility or calculation of benefits.

(3) The department of employment services for the determination of eligibility or calculation of unemployment benefits, and to monitor employer compliance with job insurance tax liability requirements.

(4) The department of workforce development to verify employment of participants in the PROMISE JOBS program.

(5) The department of revenue and finance for the recoupment of debts to the state.

(6) The department of inspections and appeals for the recoupment of debts owed to DHS.

441—9.13(217) Distribution of informational materials.

9.13(1) *Requirements for distribution.* All material sent or distributed to clients, vendors, or medical providers shall:

a. Directly relate to the administration of the program.

b. Have no political implications.

c. Contain the names only of persons directly connected with the administration of the program.

d. Identify them only in their official capacity with the agency.

9.13(2) *Distribution prohibited.* The agency shall not distribute materials such as holiday greetings, general public announcements, voting information, and alien registration notices.

9.13(3) *Distribution permitted.* The agency may distribute materials directly related to the health and welfare of clients, such as announcements of free medical examinations, availability of surplus food, and consumer protection information.

These rules are intended to implement Iowa Code sections 17A.3, 22.11, 217.6 and 217.30, and Iowa Code chapters 228 and 252G.

[Filed emergency 11/25/75—published 12/15/75, effective 11/25/75]
[Filed 12/17/76, Notice 11/3/76—published 1/12/77, effective 2/16/77]
[Filed 9/6/79, Notice 7/11/79—published 10/3/79, effective 11/7/79]
[Filed 4/23/81, Notice 3/4/81—published 5/13/81, effective 6/17/81]
[Filed emergency 2/10/84—published 2/29/84, effective 2/10/84]
[Filed 3/4/85, Notice 12/19/84—published 3/27/85, effective 5/1/85]
[Filed 7/25/86, Notice 5/21/86—published 8/13/86, effective 10/1/86]
[Filed 11/14/86, Notice 10/8/86—published 12/3/86, effective 2/1/87]
[Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]
[Filed 4/22/88, Notice 2/10/88—published 5/18/88, effective 7/1/88]
[Filed without Notice 12/8/88—published 12/28/88, effective 2/1/89]
[Filed emergency 6/29/89 after Notice 5/3/89—published 7/26/89, effective 7/1/89]
[Filed 10/10/89, Notice 8/23/89—published 11/1/89, effective 1/1/90]
[Filed 12/15/89, Notice 7/26/89—published 1/10/90, effective 3/1/90]
[Filed emergency 10/12/90 after Notice 8/22/90—published 10/31/90, effective 11/1/90]
[Filed 10/12/90, Notice 8/22/90—published 10/31/90, effective 1/1/91]
[Filed 12/13/90, Notice 10/31/90—published 1/9/91, effective 3/1/91]
[Filed emergency 6/14/91 after Notice 5/1/91—published 7/10/91, effective 7/1/91]
[Filed 8/12/93, Notice 6/23/93—published 9/1/93, effective 11/1/93]
[Filed 1/11/95, Notice 11/23/94—published 2/1/95, effective 4/1/95]
[Filed emergency 6/12/97—published 7/2/97, effective 7/1/97]
[Filed 9/16/97, Notice 7/2/97—published 10/8/97, effective 12/1/97]
[Filed 11/12/97, Notice 9/10/97—published 12/3/97, effective 2/1/98]
[Filed 8/12/98, Notice 6/17/98—published 9/9/98, effective 11/1/98]
[Filed 9/12/00, Notice 7/12/00—published 10/4/00, effective 12/1/00]