



# IOWA ADMINISTRATIVE BULLETIN

Published Biweekly

VOLUME XLVIII  
February 4, 2026

NUMBER 17  
Pages 6609 to 6803

## CONTENTS IN THIS ISSUE

Pages 6627 to 6803 include ARC 0033D to ARC 0067D

### ADMINISTRATIVE RULES COORDINATOR[7]

- Notice, Uniform rules on agency procedure, chs 2500 to 2506 **ARC 0037D**. . . 6627
- Filed Emergency, Uniform rules on agency procedure, chs 2500 to 2506 **ARC 0038D**. . . . . 6640

### ALL AGENCIES

- Agency identification numbers. . . . . 6613
- Citation of administrative rules. . . . . 6611
- Schedule. . . . . 6612

### COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]"umbrella"

- Filed, Organization and operation, ch 1 **ARC 0040D**. . . . . 6673
- Filed, Commission procedure for rulemaking and petitions for rulemaking, ch 2 **ARC 0041D**. . . . . 6674
- Filed, Declaratory orders, ch 3 **ARC 0042D**. . . 6676
- Filed, Due process and contested cases, adopt ch 4, rescind ch 5 **ARC 0043D**. . . . . 6678
- Filed, Public records and fair information practices, ch 6 **ARC 0044D**. . . 6680
- Filed, Waivers from administrative rules, ch 7 **ARC 0045D**. . . . . 6683
- Filed, Uniform policies, ch 10 **ARC 0046D**. . . 6687
- Filed, Postsecondary educational institutions—federally recognized accreditation, 12.2, 12.5(3) **ARC 0047D**. . . 6689
- Filed, Health care professional recruitment program, rescind ch 14 **ARC 0048D**. . . . . 6691

- Filed, Health care professional incentive program, ch 17 **ARC 0049D**. . . . . 6692
- Filed, Court reporter equipment grant program, ch 19 **ARC 0050D**. . . . . 6694
- Filed, Iowa national guard service professional qualification scholarship, 20.1, 20.4 **ARC 0051D**. . . . . 6697
- Filed, Approval of postsecondary schools, ch 21 **ARC 0052D**. . . . . 6699
- Filed, Rural Iowa primary care loan repayment program, rescind ch 24 **ARC 0053D**. . . . . 6705
- Filed, Health care award program, rescind ch 26 **ARC 0054D**. . . . . 6707
- Filed, Mental health professional loan repayment program, rescind ch 31 **ARC 0055D**. . . . . 6708

### EDUCATION DEPARTMENT[281]

- Filed, Human growth and development—instruction in grades 5 through 12, permissible source of materials, 12.2, 12.5 **ARC 0056D**. . . . . 6709
- Filed, Community colleges—federally recognized accreditors, 21.1, 21.61 **ARC 0057D**. . . . . 6712

### HUMAN SERVICES DEPARTMENT[441]

- Regulatory Analysis, Autism support program, ch 22. . . . . 6615

Regulatory Analysis, Adolescent pregnancy prevention and services to pregnant and parenting adolescents programs, rescind ch 163. . . . .	6622
<b>INSPECTIONS AND APPEALS DEPARTMENT[481]</b>	
Filed, Food and consumer safety, ch 30 <b>ARC 0058D</b> . . . . .	6713
Filed, Food establishment and food processing plant inspections, ch 31 <b>ARC 0059D</b> . . . . .	6721
Filed, Contractor requirements, ch 35 <b>ARC 0060D</b> . . . . .	6731
Filed, Hotel and motel inspections, ch 37 <b>ARC 0061D</b> . . . . .	6734
Filed, Boarding homes, ch 66 <b>ARC 0062D</b> . . . . .	6736
Filed, General provisions for elder group homes, assisted living programs, and adult day services, ch 67 <b>ARC 0063D</b> . . . . .	6741
Filed, Elder group homes, ch 68 <b>ARC 0064D</b> . . . . .	6757
Filed, Assisted living programs, ch 69 <b>ARC 0065D</b> . . . . .	6769
Filed, Adult day services, ch 70 <b>ARC 0066D</b> . . . . .	6787
<b>IOWA FINANCE AUTHORITY[265]</b>	
Notice, Title guaranty division, ch 9 <b>ARC 0039D</b> . . . . .	6628

<b>REVENUE DEPARTMENT[701]</b>	
Regulatory Analysis, Barrel programs—products split between class “E” retail alcohol licensees, 1001.9(4). . . . .	6624
<b>VOLUNTEER SERVICE, IOWA COMMISSION ON[817]</b>	
Filed, Sex and gender identity—Iowa youth mentoring program, future ready Iowa volunteer mentor program, 8.4, 13.3 <b>ARC 0067D</b> . . . . .	6802
<b>WORKFORCE DEVELOPMENT DEPARTMENT[871]</b>	
Notice, Innovative businesses internship program, amendments to ch 69 <b>ARC 0036D</b> . . . . .	6636
Notice, STEM internship program, amendments to ch 75 <b>ARC 0035D</b> . . . . .	6638
Filed Emergency, Innovative businesses internship program, amendments to ch 69 <b>ARC 0034D</b> . . . . .	6666
Filed Emergency, STEM internship program, amendments to ch 75 <b>ARC 0033D</b> . . . . .	6669

## PREFACE

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

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

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

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

JACK EWING, Administrative Code Editor      Telephone: 515.281.6048      Email: [Jack.Ewing@legis.iowa.gov](mailto:Jack.Ewing@legis.iowa.gov)  
Publications Editing Office (Administrative Code) Telephone: 515.281.3355      Email: [AdminCode@legis.iowa.gov](mailto:AdminCode@legis.iowa.gov)

### CITATION of Administrative Rules

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

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

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

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

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

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

## Schedule for Rulemaking—2026

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

## PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after 12:00 p.m. noon on a submission deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor. If the submission deadline falls on a legal holiday, submissions made on the following business day will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more business days in advance of the deadline. The first possible Notice submission deadline noted above may not allow sufficient time for this. **Agencies should plan accordingly.**

**\*\*Bold and asterisks indicate change of regular submission deadline\*\***

The following list will be updated as changes occur.

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

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

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

ADMINISTRATIVE RULES COORDINATOR[7]  
ADMINISTRATIVE SERVICES DEPARTMENT[11]  
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]  
    Soil Conservation and Water Quality Division[27]  
ATTORNEY GENERAL[61]  
AUDITOR OF STATE[81]  
BEEF CATTLE PRODUCERS ASSOCIATION, IOWA[101]  
BLIND, DEPARTMENT FOR THE[111]  
CHIEF INFORMATION OFFICER, OFFICE OF THE[129]  
OMBUDSMAN[141]  
CIVIL RIGHTS, OFFICE OF[161]  
INSURANCE AND FINANCIAL SERVICES DEPARTMENT[181]  
    Banking Division[187]  
    Credit Union Division[189]  
    Insurance Division[191]  
    Professional Licensing and Regulation Bureau[193]  
        Accountancy Examining Board[193A]  
        Architectural Examining Board[193B]  
        Engineering and Land Surveying Examining Board[193C]  
        Landscape Architectural Examining Board[193D]  
        Real Estate Commission[193E]  
        Real Estate Appraiser Examining Board[193F]  
        Interior Design Examining Board[193G]  
UTILITIES COMMISSION[199]  
CORRECTIONS DEPARTMENT[201]  
    Parole Board[205]  
CULTURAL AFFAIRS DEPARTMENT[221]  
    Historical Division[223]  
ECONOMIC DEVELOPMENT AUTHORITY[261]  
    City Development Board[263]  
IOWA FINANCE AUTHORITY[265]  
EDUCATION DEPARTMENT[281]  
    Educational Examiners Board[282]  
    College Student Aid Commission[283]  
    Higher Education Loan Authority[284]  
    Public Broadcasting Division[288]  
    School Budget Review Committee[289]  
EGG COUNCIL, IOWA[301]  
ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]  
EXECUTIVE COUNCIL[361]  
FAIR BOARD[371]  
HUMAN RIGHTS DEPARTMENT[421]  
HUMAN SERVICES DEPARTMENT[441]  
INSPECTIONS AND APPEALS DEPARTMENT[481]  
    Employment Appeal Board[486]  
    Child Advocacy Board[489]  
    Racing and Gaming Commission[491]  
    State Public Defender[493]  
IOWA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM[495]  
IOWA PUBLIC INFORMATION BOARD[497]  
LAW ENFORCEMENT ACADEMY[501]

LIVESTOCK HEALTH ADVISORY COUNCIL[521]  
MANAGEMENT DEPARTMENT[541]  
    Appeal Board, State[543]  
    City Finance Committee[545]  
    County Finance Committee[547]  
NATURAL RESOURCES DEPARTMENT[561]  
    Environmental Protection Commission[567]  
    Natural Resource Commission[571]  
    Preserves, State Advisory Board for[575]  
PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]  
PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]  
PUBLIC DEFENSE DEPARTMENT[601]  
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]  
PUBLIC EMPLOYMENT RELATIONS BOARD[621]  
PUBLIC HEALTH DEPARTMENT[641]  
    Medicine Board[653]  
PUBLIC SAFETY DEPARTMENT[661]  
RECORDS COMMISSION[671]  
REGENTS BOARD[681]  
    Archaeologist[685]  
REVENUE DEPARTMENT[701]  
SECRETARY OF STATE[721]  
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]  
COMMUNICATIONS NETWORK, IOWA[751]  
TRANSPORTATION DEPARTMENT[761]  
TREASURER OF STATE[781]  
TURKEY MARKETING COUNCIL, IOWA[787]  
VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]  
VETERINARY MEDICINE BOARD[811]  
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]  
VOTER REGISTRATION COMMISSION[821]  
WORKFORCE DEVELOPMENT DEPARTMENT[871]  
    Labor Services Division[875]  
    Workers' Compensation Division[876]  
    Workforce Development Board, State[877]

### Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 22  
“Autism Support Program”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 225D.2  
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 225D

#### *Public Hearing*

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

February 24, 2026  
10 a.m.

Microsoft Teams  
Meeting ID: 255 645 635 525 48  
Passcode: gV6TU3Xa

#### *Public Comment*

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels  
321 East 12th Street  
Des Moines, Iowa 50319  
Phone: 515.829.6021  
Email: [compliancerules@hhs.iowa.gov](mailto:compliancerules@hhs.iowa.gov)

#### *Purpose and Summary*

These proposed rules provide definitions, provider qualifications, and appeal procedures related to the Autism Support Program created in Iowa Code chapter 225D. The purpose of the Autism Support Program is to provide funding for applied behavioral analysis services and care coordination for children with a diagnosis of autism who meet certain financial and clinical eligibility criteria.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the Department’s review, the Department removed restrictive terms, removed references to a program that is sunseting, referred definitions back to the applicable Iowa Code section, and removed redundant language.

#### *Analysis of Impact*

**1. Persons affected by the proposed rulemaking:**

• **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking, although some participants may have a cost share for services under the Autism Support Program.

• **Classes of persons that will benefit from the proposed rulemaking:**

Children under age 14 who have been diagnosed with autism and meet certain financial and insurance coverage criteria may be eligible for benefits under the Autism Support Program. Those children and their families benefit from the guidance in this proposed chapter.

**2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

• **Quantitative description of impact:**

The number of children can differ from year to year. In SFY 24, there were 14 children served. In SFY 25, there were 16 children served. The current appropriation is \$163,000 specifically for the Autism Support Program.

- **Qualitative description of impact:**

The Autism Support Program outlined in this proposed chapter promotes early intervention, expands access to applied behavioral analysis services, supports underserved populations, lowers long-term service costs, and helps ensure reasonably priced services through a cost-sharing mechanism.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel and other administrative costs in conjunction with administering the Autism Support Program.

- **Anticipated effect on State revenues:**

The current Autism Support Fund appropriation is \$163,000.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Rulemaking is required by law and is also needed to outline eligibility criteria.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

*Small Business Impact*

**If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:**

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

**If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?**

This proposed rulemaking has no impact on small business.

*Text of Proposed Rulemaking*

ITEM 1. Rescind 441—Chapter 22 and adopt the following **new** chapter in lieu thereof:

TITLE III  
MENTAL HEALTH

CHAPTER 22  
AUTISM SUPPORT PROGRAM

**441—22.1(225D) Definitions.**

“*Administrator*” means the entity selected by the department through a request for proposal process or other contractual arrangement to administer the autism support program.

“*Applicant*” means an individual on whose behalf an application has been submitted but who has not been identified as an eligible individual or an individual who has received a denial of eligibility for the program.

“*Applied behavioral analysis*” or “*ABA*” means the same as defined in Iowa Code section 225D.1.

“*Autism*” means autism spectrum disorders as defined in Iowa Code section 514C.28.

“*Autism service provider*” means the same as defined in Iowa Code section 225D.1.

“*Autism support fund*” or “*fund*” means the autism support fund created in Iowa Code section 225D.2.

“*Autism support program*” or “*program*” means the program created in Iowa Code section 225D.2 to provide funding for applied behavioral analysis and care coordination for eligible individuals with a diagnosis of autism.

“*Care coordination*” means the coordination of services performed by the regional autism assistance program under Iowa Code section 256.35.

“*Clinically relevant*” means the same as defined in Iowa Code section 225D.1.

“*Diagnostic assessment of autism*” means the same as defined in Iowa Code section 225D.1.

“*Eligible individual*” means the same as defined in Iowa Code section 225D.1.

“*Federal poverty level*” or “*FPL*” means the same as defined in Iowa Code section 225D.1.

“*Household income*” means household income, reported on the tax return on which the eligible individual is claimed as a dependent, as determined using the modified adjusted gross income methodology pursuant to Section 2002 of the federal Patient Protection and Affordable Care Act, Public Law 111-148 as amended to August 1, 2026. If the eligible individual’s parents live together and file separate tax returns, the income reported on both parents’ tax returns must be combined.

“*Household size*” means the total number of personal and dependent exemptions claimed on the tax return on which the eligible individual is claimed as a dependent plus any child under the age of 19 living in the household who is claimed for tax purposes by a noncustodial parent through a release of claim to exemption by the custodial parent.

“*Maximum amount of treatment*” means a maximum of 24 months of applied behavioral analysis funded by the autism support program. Months of service are not required to be consecutive.

“*Maximum annual benefit*” means a maximum annual benefit amount of \$36,000 per year for autism support program services for an eligible individual. For the purposes of this program, the annual benefit is calculated by using as a starting date the date the first service is reimbursed by the program and an ending date 12 months from the starting date. Expenditures included in the calculation of the maximum annual benefit include reimbursements to autism service providers for provision of applied behavioral analysis and reimbursements to integrated health homes for costs of care coordination. Cost-sharing paid by the eligible individual is not included in the calculation of the individual’s annual benefit.

“*Medical assistance*” or “*Medicaid*” means assistance provided under the medical assistance program pursuant to Iowa Code chapter 249A and Title XIX of the Social Security Act as amended to August 1, 2026.

“*Month of service*” means any month in which an individual receives at least one billable unit of applied behavioral analysis service funded by the autism support program.

“*Provider network*” means a network of autism service providers approved by the department to provide services to eligible individuals through the autism support program.

“*Regional autism assistance program*” or “*RAP*” means the program outlined in Iowa Code section 256.35.

“*Treatment plan*” means the same as defined in Iowa Code section 225D.1.

**441—22.2(225D) Eligibility and application requirements.** To be determined eligible for funding for services through the autism support program, an individual must meet the following requirements:

**22.2(1)** An individual shall submit an application to the department using a standardized application form available through the administrator’s and the department’s websites and from members of the provider network, RAP, and advocacy organizations.

**22.2(2)** An applicant for autism program services shall be less than the age of 14 at the time of application for the program. Proof of age must be provided at the time of application. An individual who reaches the age of 14 prior to receipt of the maximum benefits of the program may continue to receive services from the program in accordance with the individual’s treatment plan, up to a maximum of 24 months of applied behavioral analysis treatment.

**22.2(3)** An individual shall have a diagnosis of autism based on a diagnostic assessment of autism dated 24 months or less from the date of application for the program.

**22.2(4)** An individual shall be determined ineligible for coverage of applied behavioral analysis services under the medical assistance program, Iowa Code section 514C.28 or 514C.31, or other private insurance coverage. Proof of insurance coverage and noneligibility for coverage for applied behavioral analysis shall be provided at the time of application and shall include a written denial of coverage or a benefits summary indicating that the applied behavioral analysis treatment or applied behavior analysis treatment is not a covered benefit for which the applicant is eligible under the Medicaid program, Iowa Code section 514C.28 or 514C.31, or other private insurance coverage.

**22.2(5)** An individual shall have a household income equal to or less than 500 percent of the federal poverty level. Information needed to determine household income using modified adjusted gross income methodology shall be identified on the program application. Household size will be determined according to the standards in this chapter. The information shall be provided at the time of application.

**22.2(6)** The department will provide to the parent or guardian a written notice of decision determining initial eligibility or denial within 30 calendar days of receipt of the application.

**22.2(7)** The department will refer an applicant determined to be an eligible individual to care coordination services. The referral will occur within five business days of determination of eligibility for the program. Care coordination services will be provided by RAP. Care coordination is not required as a condition of receiving services through the autism support program.

**22.2(8)** The department will provide information to an applicant determined to be an eligible individual regarding all available administrators. The eligible individual may choose any available administrator.

**22.2(9)** The administrator shall maintain a list of individuals determined eligible for the program but unable to access services due to lack of available providers and shall work to connect eligible individuals on the list to network providers.

**22.2(10)** The department will stop processing applications at the point where available funds are fully obligated for eligible individuals and additional eligible individuals would cause expenditures in excess of the funds available to the program. The department will maintain a waiting list of individuals denied access to the program due to lack of available funds. If additional funds become available, the department will contact individuals on the list in order of the earliest date and time of the receipt of the original application. The applicant will be allowed 30 calendar days to submit an updated application and any required information needed to determine eligibility. If the applicant does not submit required information, the applicant will be denied eligibility and removed from the waiting list maintained for individuals denied access to the program due to lack of funding. The age of the applicant at the time of the most recent application will be used when determining eligibility for the program.

**441—22.3(225D) Cost-sharing requirements and graduated schedule of cost sharing.**

**22.3(1)** An individual with a household income equal to or greater than 200 percent of the federal poverty level, up to a maximum of 500 percent of the federal poverty level, will be subject to cost-sharing requirements. Cost sharing will be implemented incrementally up to a maximum of 15 percent of the costs of the services provided through the program for an individual with a household income equal to 500 percent of the federal poverty level. The following is a chart of the cost-sharing requirements:

Family income as a % of FPL	% of cost sharing of service costs	Family income as a % of FPL	% of cost sharing of service costs
200–209%	0.5%	350–359%	8.0%
210–219%	1.0%	360–369%	8.5%
220–229%	1.5%	370–379%	9.0%
230–239%	2.0%	380–389%	9.5%
240–249%	2.5%	390–399%	10.0%
250–259%	3.0%	400–409%	10.5%
260–269%	3.5%	410–419%	11.0%
270–279%	4.0%	420–429%	11.5%
280–289%	4.5%	430–439%	12.0%
290–299%	5.0%	440–449%	12.5%
300–309%	5.5%	450–459%	13.0%
310–319%	6.0%	460–469%	13.5%
320–329%	6.5%	470–479%	14.0%
330–339%	7.0%	480–489%	14.5%
340–349%	7.5%	490–500%	15.0%

**22.3(2)** An individual may request an exemption from cost sharing due to financial hardship. To qualify for an exemption, an individual shall submit written documentation to the department that the individual or the individual's family does not have the financial means to fulfill cost-sharing requirements.

**22.3(3)** Criteria to determine financial hardship include but are not limited to a change in income, change in employment of the parent or guardian, additional medical expenditures, other family members' health conditions, or other conditions that may affect the ability to fulfill cost-sharing requirements. The department will provide a written determination regarding eligibility for exemption from cost-sharing requirements. Eligibility for exemption from cost sharing expires at the end of the financial eligibility period.

**441—22.4(225D) Review of financial eligibility, cost-sharing requirements, exemption from cost sharing, and disenrollment in the program.**

**22.4(1)** An eligible individual's continued financial eligibility for the program, cost-sharing requirements, and exemption from cost sharing will be determined on an annual basis.

**22.4(2)** The administrator shall request needed information from the eligible individual's parent or guardian for redetermination of financial eligibility, cost-sharing requirements, and exemption from cost sharing at least 30 days prior to the expiration of the eligible individual's eligibility period. The notice requesting information needed for renewal of eligibility shall include the ending date of eligibility for services.

**22.4(3)** The department will provide a written notice of decision determining ongoing eligibility or denial within 15 calendar days of receipt of the continued financial eligibility documentation.

**22.4(4)** If the signed application and verification of continuing eligibility are not received by the department by the last working day of the renewal month, the individual's eligibility for the program will be terminated.

**22.4(5)** Reasons for disenrollment in the autism support program include:

- a. Death of the eligible individual.
- b. The family no longer meets one or more of the eligibility criteria outlined in rule 441—22.2(225D).
- c. The parent or legal guardian has failed to provide information required for redetermination of eligibility.
- d. The eligible individual has failed to access authorized services for a period of three consecutive months and has not made arrangements with the autism service provider or administrator to access authorized services.
- e. No funds are appropriated for the autism support program.

**441—22.5(225D) Initial-service authorization and renewal-of-service authorization.**

**22.5(1)** All services reimbursed through the program shall be prior-authorized by the administrator.

**22.5(2)** An autism service provider shall submit an initial treatment plan to the administrator specifying a plan of treatment for a period of no more than six months. The initial treatment plan shall specify the amount of units of applied behavioral analysis services requested for the eligible individual and include a baseline standardized assessment score.

**22.5(3)** Family engagement and participation are required for participation in the autism support program. Treatment plans shall identify specific activities and responsibilities of parents or guardians in the treatment plan.

**22.5(4)** The treatment plan shall reflect the autism service provider's engagement with the school in which the eligible individual is enrolled. Treatment plans shall identify specific actions taken by the autism service provider to engage the eligible individual's school and the results of such actions.

**22.5(5)** The treatment plan may include services provided by staff with a minimum of a bachelor's degree in a human services or education field, working under the supervision of an autism service provider who is board-certified as a behavior analyst. The treatment plan shall identify which services shall be provided directly by the board-certified behavior analyst and which services shall be provided by staff under the supervision of a board-certified behavior analyst.

**22.5(6)** For renewal or modification of service authorizations, the autism service provider shall submit an updated plan of treatment with a request for the number of units of applied behavioral analysis the provider believes is medically necessary to address the eligible individual's ongoing treatment needs. The autism service provider shall also provide evidence of the eligible individual's progress on identified treatment goals. The administrator shall consider the eligible individual's updated standardized assessment score along with other clinical information when reviewing requests for renewal or modification of service authorizations. Ongoing service authorization requests shall not exceed six months in duration.

**22.5(7)** The administrator shall provide approval, request for modification, or denial within ten business days of receipt of all service authorization requests.

**441—22.6(225D) Provider network.** The administrator shall establish and maintain a network of department-approved autism service providers so that applied behavioral analysis services are available to eligible individuals statewide to the maximum extent possible.

**22.6(1)** A provider shall be approved to participate in the autism support program provider network if the provider meets one of the following standards and is approved to provide applied behavioral analysis services through Medicaid:

*a.* The autism service provider is certified as a behavior analyst by the Iowa board of certification; or

*b.* The autism service provider is a psychologist licensed under Iowa Code chapter 154B; or

*c.* The autism service provider is a psychiatrist licensed under Iowa Code chapter 148.

**22.6(2)** The administrator's provider network shall accept the rate established by the department through the department's contract with the administrator as payment in full for the services rendered and will not charge eligible individuals any additional fees for services rendered, except for those eligible individuals who are required to pay a portion of the cost of services due to cost-sharing requirements.

**22.6(3)** The department is responsible for calculating the cost-sharing amount according to standards established in this chapter.

**22.6(4)** The autism service provider is responsible for collecting the cost-sharing amount from the eligible individual and will only be reimbursed by the administrator for the balance of the service fee minus the amount of cost sharing.

**441—22.7(225D) Financial management of the program.**

**22.7(1)** The department will:

*a.* Not take new applications for the program that would cause expenditures of the program to exceed the budgeted amount.

*b.* Limit expenditure of program funds to services for those individuals determined to be eligible individuals and for related administrative costs.

*c.* Allocate available funds for eligible individuals' services in a manner that allows for funding for all eligible individuals' services authorized by the administrator without exceeding the department's funding limits.

**22.7(2)** The administrator shall:

*a.* Limit annual expenditures for each eligible individual to the amount identified in Iowa Code section 225D.2(2) "a."

*b.* Limit length of service through the program to the amount identified in Iowa Code section 225D.2(2) "b."

*c.* Limit payment for applied behavioral analysis services to an hourly or equivalent quarter-hour unit rate that is equal to the contracted rate currently paid by Medicaid for applied behavioral analysis services.

*d.* Not provide financial compensation to RAP for care coordination services.

**441—22.8(225D) Appeal.** Notice of adverse action shall be given in accordance with 441—Chapter 16. The right to appeal shall be given in accordance with 441—Chapter 7.

These rules are intended to implement Iowa Code chapter 225D.

### Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 163  
“Adolescent Pregnancy Prevention and Services to Pregnant and Parenting Adolescents Programs”

Iowa Code section(s) or chapter(s) authorizing rulemaking: Executive Order 10  
State or federal law(s) implemented by the rulemaking: Executive Order 10

#### *Public Hearing*

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

February 24, 2026  
10 a.m.

Microsoft Teams  
Meeting ID: 255 645 635 525 48  
Passcode: gV6TU3Xa

#### *Public Comment*

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels  
321 East 12th Street  
Des Moines, Iowa 50319  
Phone: 515.829.6021  
Email: [compliancerules@hhs.iowa.gov](mailto:compliancerules@hhs.iowa.gov)

#### *Purpose and Summary*

The purpose of this proposed rulemaking is to rescind a chapter for which there is no rulemaking authority. The programs outlined in the chapter will continue to exist.

#### *Analysis of Impact*

1. **Persons affected by the proposed rulemaking:**
  - **Classes of persons that will bear the costs of the proposed rulemaking:**  
There are no costs associated with this proposed rulemaking.
  - **Classes of persons that will benefit from the proposed rulemaking:**  
No one will benefit from this proposed rulemaking, but neither will anyone be harmed.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
  - **Quantitative description of impact:**  
One chapter is being rescinded from agency [441].
  - **Qualitative description of impact:**  
The program described in the chapter will continue as authorized by law.
3. **Costs to the State:**
  - **Implementation and enforcement costs borne by the agency or any other agency:**  
The Department incurs personnel and other administrative costs associated with the underlying programs.
  - **Anticipated effect on State revenues:**  
This proposed rulemaking has no impact on State revenues.

**4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Chapter rescission is appropriate because there is no rulemaking authority in the Iowa Code.

**5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

**6. Alternative methods considered by the agency:**

• **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

*Small Business Impact*

**If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:**

• Establish less stringent compliance or reporting requirements in the rulemaking for small business.

• Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

• Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

• Establish performance standards to replace design or operational standards in the rulemaking for small business.

• Exempt small business from any or all requirements of the rulemaking.

**If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?**

This proposed rulemaking has no impact on small business.

*Text of Proposed Rulemaking*

ITEM 1. Rescind and reserve **441—Chapter 163**.

### Regulatory Analysis

Notice of Intended Action to be published: subrule 1001.9(4)  
“Barrel Programs”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 123.10  
State or federal law(s) implemented by the rulemaking: Iowa Code section 123.10(3)

#### *Public Hearing*

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

February 24, 2026  
2:30 to 3:30 p.m.

Via videoconference call  
[meet.google.com/uio-zdhk-ikb](https://meet.google.com/uio-zdhk-ikb)

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

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

#### *Public Comment*

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Madelyn Cutler  
Department of Revenue  
Hoover State Office Building  
P.O. Box 10457  
Des Moines, Iowa 50306-3457  
Phone: 515.724.2924  
Email: [madelyn.cutler@iowa.gov](mailto:madelyn.cutler@iowa.gov)

#### *Purpose and Summary*

The purpose of this proposed rulemaking is to update a subrule related to management of special order barrel program products available for sale by the Department. The proposed amendment to subrule 1001.9(4) would allow products purchased as part of a special order barrel program to be split between two or more class “E” retail alcohol licensees, which the subrule currently prohibits. This rulemaking is being proposed in response to a petition for rulemaking submitted by two alcoholic liquor suppliers.

#### *Analysis of Impact*

**1. Persons affected by the proposed rulemaking:**

• **Classes of persons that will bear the costs of the proposed rulemaking:**

No classes of persons have been identified that bear the costs of the proposed rulemaking.

• **Classes of persons that will benefit from the proposed rulemaking:**

Retailers, suppliers, and the State of Iowa will all benefit from the proposed rulemaking. Alcoholic liquor sales have the potential to increase State revenue due to the broader audience of class “E” licensees having an opportunity to purchase barrel program products by splitting them with one

or more other class “E” licensees. On-premises licensed establishments and consumers would also benefit by this proposed rulemaking by seeing an increase in availability of these desired barrel program products in the marketplace.

**2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

• **Quantitative description of impact:**

The exact effect on State revenue cannot be determined for this rulemaking; however, sales of these products have the potential to increase State revenue due to the broader audience of class “E” licensees having an opportunity to purchase these products by splitting them with one or more other class “E” licensees.

• **Qualitative description of impact:**

The proposed rulemaking reduces a restrictive and burdensome regulation that may unnecessarily limit class “E” licensee participation in barrel programs, particularly for smaller class “E” licensees that cannot commit to purchasing an entire barrel. This amendment will benefit suppliers by offering, through the Department, more barrel-aged alcoholic liquor products to a larger population of class “E” licensees. A broader audience of class “E” licensees would then have the opportunity to offer more of these unique and popular products to their interested customers.

**3. Costs to the State:**

• **Implementation and enforcement costs borne by the agency or any other agency:**

There are no costs to the agency for implementing the rulemaking beyond those that would otherwise be required to administer the related statutes.

• **Anticipated effect on State revenues:**

In fiscal year 2025, there was \$2,511,684.43 in sales for special ordered barrel products. The barrel program products were each sold to one class “E” licensee with presumably better financial means, since the average barrel was sold for \$9,316.31. While the exact effect on State revenue cannot be determined, sales of these products have the potential to increase State revenue due to the broader audience of class “E” licensees having an opportunity to purchase these barrel program products by splitting them with other class “E” licensees.

**4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The proposed rulemaking reduces a restrictive and burdensome regulation that may unnecessarily limit class “E” licensee participation in barrel programs, particularly for smaller class “E” licensees that cannot commit to purchasing an entire barrel. This amendment will offer a broader audience of class “E” licensees the opportunity to purchase more of these unique and popular products for their interested customers. Without this rulemaking, fewer class “E” licensees would have the means to participate in purchasing barrel program products. There are no known costs associated with this rulemaking.

**5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The proposed rulemaking is not costly or intrusive.

**6. Alternative methods considered by the agency:**

• **Description of any alternative methods that were seriously considered by the agency:**

The Department considered leaving subrule 1001.9(4) in its current form and not amending the subrule.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Department finds that the current restriction may unnecessarily limit retailer participation in barrel programs, particularly for smaller retailers that cannot commit to purchasing an entire barrel. The rulemaking process will provide an opportunity to explore whether modifications to subrule

1001.9(4) can accommodate supplier and retailer interests while maintaining appropriate regulatory oversight of barrel program products.

*Small Business Impact*

**If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:**

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

**If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?**

The proposed rulemaking provides a substantial benefit to small businesses. Class "A" native distilled spirits licensees and liquor manufacturer licensees would have the potential to offer, through the Department, more barrel-aged alcoholic liquor products to a larger population of class "E" licensees. Additionally, the proposed rulemaking reduces a restrictive and burdensome regulation that may unnecessarily limit class "E" licensee participation in barrel programs, particularly for smaller class "E" licensees that cannot commit to purchasing an entire barrel. By allowing barrel program products to be split between two or more class "E" licensees, the financial obligation is split among all of the licensees purchasing the product, thus creating less of a financial burden.

*Text of Proposed Rulemaking*

ITEM 1. Amend subrule 1001.9(4) as follows:

**1001.9(4)** Products purchased as part of a barrel program must be sold and delivered to the class "E" retail alcohol licensee that placed the special order. Barrel program products ~~must not~~ may be split between two or more class "E" retail alcohol licensees in a manner prescribed by the director.

**ARC 0037D****ADMINISTRATIVE RULES COORDINATOR[7]****Notice of Intended Action****Proposing rulemaking related to uniform rules and providing an opportunity for public comment**

The Administrative Rules Coordinator (ARC) hereby proposes to adopt a new Chapter 2500, "Uniform Rules on Agency Procedure Definitions," Chapter 2501, "Agency Procedure for Rulemaking," Chapter 2502, "Petitions for Rulemaking," Chapter 2503, "Declaratory Orders," Chapter 2504, "Rule Waivers," Chapter 2505, "Fair Information Practices," and Chapter 2506, "Contested Cases," Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 17A.24.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 17A.24.

*Purpose and Summary*

Pursuant to Iowa Code section 17A.24, the ARC proposes to adopt Uniform Rules on Agency Procedure that are suitable for general applicability to agencies for rulemaking, petitions for rulemaking, declaratory orders, waiver of rules, fair information practices, and contested cases.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the ARC for a waiver of the discretionary provisions, if any, pursuant to Chapter 2504 and Iowa Code section 17A.9A.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the ARC no later than 4:30 p.m. on February 24, 2026. Comments should be directed to:

Stan Thompson  
Administrative Rules Coordinator  
State Capitol  
Des Moines, Iowa 50319  
Phone: 515.218.4791  
Email: [stan.thompson@governor.iowa.gov](mailto:stan.thompson@governor.iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

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

*Emergency Rulemaking Adopted by Reference*

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0038D**, IAB 2/4/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

**ARC 0039D**

**IOWA FINANCE AUTHORITY[265]**

**Notice of Intended Action**

**Proposing rulemaking related to title guaranty division  
and providing an opportunity for public comment**

The Iowa Finance Authority hereby proposes to rescind Chapter 9, "Title Guaranty Division," Iowa Administrative Code, and to adopt a new Chapter 9 with the same title.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code sections 16.5 and 16.91.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code sections 16.2A, 16.4C, 16.5, 16.90 through 16.93, 17A.10 and 535.8.

*Purpose and Summary*

The Authority proposes to rescind Chapter 9 and adopt a new chapter in lieu thereof. The chapter describes the structure, policies, and procedures of the Iowa Title Guaranty Division (Division) of the Authority. The updated chapter reflects changes to the Division's structure in 2025 Iowa Acts, House File 975.

*Regulatory Analysis*

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on November 12, 2025. A public hearing was held on the following date(s):

- December 2, 2025

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

*Public Comment*

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on February 24, 2026. Comments should be directed to:

Lisa Connell  
Iowa Finance Authority  
1963 Bell Avenue, Suite 200  
Des Moines, Iowa 50309  
Email: [lisa.connell@iowaeda.com](mailto:lisa.connell@iowaeda.com)

*Public Hearing*

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

*Review by Administrative Rules Review Committee*

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

The following rulemaking action is proposed:

ITEM 1. Rescind 265—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9  
TITLE GUARANTY DIVISION

**265—9.1(16) Definitions.** The following words and phrases, when used in this chapter, shall have the meanings set forth below unless a meaning is inconsistent with the manifest intent or the context of a particular rule:

“*Abstract*” means a written or electronic summary of all matters of record affecting title to a specific parcel of real estate prepared in accordance with abstract minimum standards adopted by the division; provided, however, that for nonpurchase transactions, “abstract” may also mean a written or electronic short-form summary setting forth the titleholders, liens, and encumbrances in accordance with guidelines adopted by the division.

“*Abstractor*” means a person who is engaged in the practice of searching public records for the purpose of creating abstracts.

“*Authority*” means the Iowa finance authority established by Iowa Code chapter 16.

“*Authority board*” means the board of directors of the authority created pursuant to Iowa Code section 16.2.

“*Certificate*” means the form used to guarantee title, including any part or schedule thereof and any endorsements thereto.

“*Claim*” means loss or damage or potential loss or damage arising by reason of a matter actually, possibly, or allegedly within the coverage of a commitment, certificate, closing protection letter, mortgage release certificate, or by reason of any other matter for which the division is actually, possibly, or allegedly liable.

“*Claim loss*” means amounts paid by the division in the investigation and resolution of a claim, including but not limited to payments to the guaranteed, payments to adverse claimants, attorneys’ fees, and all other expenses and costs related to or arising from the claim.

“*Closing protection letter*” means the division’s written agreement to indemnify a lender or borrower or both for loss caused by a participating closer’s theft of settlement funds or failure to comply with written closing instructions relating to title certificate coverage when agreed to by the participating closer.

“*Commitment*” means the division’s written offer to issue a certificate and any endorsements thereto.

“*Division*” means Iowa title guaranty, a division of the authority.

“*Field issuer*” means a participant authorized by the division to issue commitments and certificates.

“*Mortgage release certificate*” means a certificate of release or a certificate of partial release issued by the division pursuant to Iowa Code section 16.92.

“*Participant*” means a participating attorney, a participating abstractor, or a participating closer.

“*Participating abstractor*” means an abstractor who is authorized by the division to prepare abstracts for division purposes.

“*Participating attorney*” means an attorney licensed to practice law in the state of Iowa who is authorized by the division to prepare title opinions for division purposes.

“*Participating closer*” means any of the following authorized by the division to issue a closing protection letter: an Iowa licensed attorney disbursing funds through an interest on a lawyer trust account, a closing agent licensed by the Iowa division of banking, or a real estate broker licensed by the Iowa real estate commission disbursing funds through a real estate trust account.

“*Party*” means a participant, or any other person, who has a contractual relationship with the division to provide services for which a claim may be brought against the division.

“*Person*” means an individual or legal entity, including a corporation, a limited liability company, a government or governmental subdivision or agency, a business trust, an estate, a trust, a partnership or association, or any other legal entity.

**265—9.2(16) Mission.** The mission of the division is to operate a program that offers guaranties of real property titles in order to provide, as an adjunct to the abstract-attorney’s title opinion system, a low-cost mechanism to facilitate mortgage lenders’ participation in the secondary market and add to the integrity of the land-title transfer system in the state of Iowa and to perform other duties as assigned by Iowa law.

**265—9.3(16) Organization.** The office of the division is located at the address set forth in rule 265—1.3(16). Office hours are 8 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The division’s website address is [www.iowatitleguaranty.com](http://www.iowatitleguaranty.com), and the division’s telephone number is 515.452.0484. The division’s email address is [titleguaranty@iowafinance.com](mailto:titleguaranty@iowafinance.com). Inquiries, submissions, applications and other requests for information may be directed to the division by the methods set forth herein.

**265—9.4(16) Operation.** The division offers guaranties of real property titles in the state through the issuance of commitments and certificates.

**9.4(1) Commitments, certificates, forms and manuals.** The terms, conditions, and form of commitments and certificates shall be approved by the authority board. The division may adopt and use manuals and other forms as the division deems necessary for implementation and administration of the title guaranty program.

*a.* The division will provide forms to a participant for use in issuing commitments and certificates on behalf of the division. A participant may not alter any form supplied by the division or use a form supplied by another person to bind the division. In addition, the participant shall not transfer or attempt

to transfer unissued commitments or certificates to another participant or other person unless authorized in writing by the division.

*b.* In addition to the division's other rights and remedies, the division may refuse to allow the participant access to any forms until the participant complies with the requirements of this chapter to the satisfaction of the division.

*c.* A participant shall be liable to the division for loss or damage sustained by the division by reason of the failure of the participant to comply with the requirements of this rule.

**9.4(2)** *Application for commitments and certificates.* The division will make an application for commitments and certificates available on the division's website.

**9.4(3)** *Rates.* Rates for commitments, certificates and closing protection letters shall be set pursuant to Iowa Code section 16.91(1). In transactions involving extraordinary risk or unusual or unique endorsements, the division may assess additional charges.

## **265—9.5(16) Participants.**

**9.5(1)** *General provisions.* An applicant shall submit a participant application and the first year's annual fee and shall sign a participation agreement in order to be authorized to provide one or more services on behalf of the division.

**9.5(2)** *Participant application.* Applications for participation and renewal are available on the division's website. An applicant shall submit an application to provide one or more services on behalf of the division. If the applicant is approved as a participant, the participant is required to submit a renewal application annually.

**9.5(3)** *Eligibility considerations.* To determine whether to approve or deny a participant application, factors the division may consider include but are not limited to the following:

- a.* The needs of the public and the needs of existing or potential customers of the applicant.
- b.* A history of the operation and management of the applicant's business.
- c.* The character, fitness, financial responsibility and experience of the applicant and the applicant's employees.
- d.* A credit report or criminal background check of the applicant or the applicant's employees.
- e.* A record of default in the payment of moneys collected for others by the applicant or the applicant's employees.
- f.* A history of discharge of debts by the applicant or the applicant's employees through bankruptcy proceedings.
- g.* Compliance with the title and settlement best practices adopted by the division.
- h.* Other factors as determined by the division.

**9.5(4)** *Participation agreement.* The participation agreement sets forth the contractual relationship between the participant and the division. A new participation agreement is executed annually and when otherwise required by the division.

**9.5(5)** *Annual fee.* A participant may be required to pay an annual fee of \$75, set pursuant to Iowa Code section 16.91(4).

**9.5(6)** *Agent relationship.* A participant is only authorized to act as an agent of the division for the purposes and in the manner set forth in the participant's participation agreement, the Iowa Code, these rules, manuals and any other written instructions given by the division. The authority of a participant to act as an agent of the division is not exclusive and is subject to the rights of the authority, the division, and other participants, agents, or representatives of the division.

**9.5(7)** *Conflict of interest.* A participant shall not, without prior authorization of the division, prepare an abstract or issue a title opinion, commitment, certificate, or closing protection letter for a transaction in which the participant has a personal or financial interest in the real estate that is the subject of that transaction.

**9.5(8)** *Clearance of title objections.* All title objections must be cleared in accordance with applicable division manuals and any other written instructions given by the division prior to the issuance of a certificate. Any underwriting determination about which there may be a bona fide difference of

opinion among attorneys, which is not specifically addressed by division manuals or instructions, shall be approved by the division in writing.

**9.5(9)** *Commitment and certificate coverage limitations.* A field issuer shall obtain written authorization from the division prior to issuing a commitment or certificate that exceeds the allowable maximum amount of coverage as determined by the division. If authorization under this subrule is not obtained through the act or omission of the field issuer, the field issuer shall be strictly liable to the division for any loss or damage resulting from issuance of the commitment, closing protection letter, or certificate.

**9.5(10)** *Document retention.* A participant shall maintain transaction files in such a manner that information pertaining to activities of the participant is readily available to the division while protecting confidential client information. A participant shall retain files for a period of ten years after the issued date of the certificate or the issued date of the commitment if a certificate is not issued.

**9.5(11)** *Training.* The division may require a participant and the participant's staff to participate in training sessions or continuing education seminars as deemed necessary by the division to ensure compliance with division requirements and procedures.

**9.5(12)** *Compliance.* Participants shall comply with the Iowa Code, these rules, the participation agreement, manuals, and any other written instructions given by the division. The division may audit the participant, with or without notice, for verification of compliance. An audit may include but not be limited to a review of the participant's abstracts, title opinions, commitment and certificate issuance procedures, a test of title plants and tract indices, and a review of closing policies and procedures and escrow account details.

**9.5(13)** *Revocation.* The division may revoke a participant's authorization to provide services on behalf of the division for reasons, including but not limited to the following:

- a. Failure to comply with the terms and conditions of the participation agreement.
- b. Failure to submit an annual renewal application.
- c. Knowingly withholding or misrepresenting material facts relied upon by the division.
- d. Fraud, theft, dishonesty, or misappropriation of funds or documents.
- e. Deterioration of the participant's financial condition adversely affecting the participant's ability to provide services on behalf of the division.
- f. A finding by the division director of material noncompliance with the Iowa Code, these rules, manuals, and any other written instructions given by the division.
- g. Other factors as determined by the division.

## **265—9.6(16) Services offered.**

**9.6(1)** *Abstracting.* Abstracts utilized for division purposes must be prepared by a participating abstractor.

a. *Title plant.* A participating abstractor shall own and maintain, or lease and use, a title plant, including tract indices for each county in which that participating abstractor prepares abstracts for division purposes, unless exempt under Iowa Code section 16.91(5) "a"(2) and paragraph 9.6(1) "c" or authorized under Iowa Code section 16.91(5) "b" and paragraph 9.6(1) "d." Each of the tract indices shall be designated to encompass a geographical area of not more than one block in the case of platted real estate, nor more than one section in the case of unplatted real estate. The tract indices shall include a reference to all of the instruments affecting real estate recorded in the office of the county recorder, and the tract indices shall commence not less than 40 years prior to the effective date of the abstractor's participation in the title guaranty program. A government-maintained and -controlled database is not considered a title plant for division purposes.

b. *Intent to build title plant.* The division may authorize an abstractor who is building or who intends to build a title plant to prepare abstracts for division purposes upon review of the following:

- (1) The abstractor's business plan;
- (2) Evidence that a title plant will be built for a specific county or counties within three years of authorization;
- (3) A timeline for completion of the title plant; and

(4) A description of the applicant's abstracting experience.

*c. Exemption.* The exemption available pursuant to Iowa Code section 16.91(5) "a"(2) is unique to the participating attorney, is nontransferable, and terminates at such time as the participating attorney ceases providing abstracts for division purposes or upon the death or incapacity of the participating attorney.

*d. Title plant waivers.* The division recognizes the 40-year title plant as the preferred method of providing title evidence for the purpose of issuing commitments and certificates. The division must weigh the benefits of the traditional title plant with other alternatives to ensure buyers and lenders a high quality of certificates throughout the state, rapid service, and a competitive price.

(1) General provisions. The division shall consider an application for a title plant waiver upon submission by an attorney or an abstractor.

(2) Submission of application. The division shall accept applications in the same manner as provided in subrule 9.5(2).

(3) Content of application. The applicant must provide, at a minimum, the following information:

1. The name, business address, email address, and telephone number of the applicant;
2. The applicant's business plan;
3. The county or counties in which the applicant intends to abstract;
4. A description of the applicant's abstracting experience;
5. Samples of abstracts prepared by the applicant;
6. A history of any professional disciplinary action against the applicant;
7. Professional references in support of the applicant;
8. The relevant facts that the applicant believes would justify a waiver under Iowa Code section 16.91(5) "b"; and

9. A signed statement from the applicant attesting to the accuracy of the facts provided in the application.

(4) Notification and response.

1. The division shall notify the applicant upon receipt of a complete application.
2. The Iowa State Bar Association and Iowa Land Title Association shall be provided notice of an application. Provision of the notice to the identified associations is not a requirement for the division to consider the application, and failure to inform an interested person of an application shall not void or otherwise nullify any action or decision of the division.

(5) Conditions. A waiver is unique to the recipient and is nontransferable. The division may limit a waiver as to county, transaction type, duration, or any other limitation. The division may require a waiver recipient to provide a guarantee, performance bond, or other form of indemnification as assurance for abstracts prepared by the waiver recipient on behalf of the division. The division may review the waiver annually and may require a renewal, modification or addition to any required assurances. An applicant may only retain a waiver if the applicant continues to meet the requirements for a participant in rule 265—9.5(16). If the waiver recipient fails to meet the terms of the recipient's participation agreement, the waiver may be withdrawn by the division.

(6) Withdrawal of a waiver. A waiver issued by the division may be withdrawn or modified if, after public notice and authority board meeting, the authority board issues a written ruling finding any of the following:

1. That the waiver recipient knowingly withheld or misrepresented material facts relied upon by the division in granting the waiver; or
2. That the waiver recipient failed to comply with all conditions contained in the written ruling; or
3. That the abstracts prepared by the waiver recipient fail to meet the abstract minimum standards adopted by the division; or
4. That the division has revoked the waiver recipient's authorization to provide services on behalf of the division pursuant to subrule 9.5(13).

(7) The decision of the authority board shall be final agency action, and all appeals shall be filed with the Iowa district court for Polk County.

**9.6(2)** *Issuing title opinions.*

*a.* All title opinions shall be prepared by participating attorneys and issued in compliance with division procedures as specified in manuals and any other written instructions given by the division.

*b.* A participating attorney who is a field issuer may issue a commitment as the preliminary title opinion and the certificate as the final title opinion.

*c.* A participating attorney shall be licensed to practice law in the state of Iowa and shall be in good standing with the Iowa supreme court at all times while acting as an agent of the division.

**9.6(3)** *Issuing commitments and certificates.* Pursuant to a participation agreement with the division, a participant may be authorized to issue a commitment or certificate on behalf of the division. A participant's right to issue commitments and certificates is a privilege for the convenience of the division and may be terminated pursuant to terms of the participation agreement.

**9.6(4)** *Issuing closing protection letters.*

*a.* Pursuant to a participation agreement with the division, a participant may be authorized to issue a closing protection letter on behalf of the division.

*b.* The division may require the participating closer to provide an irrevocable letter of direction to the institution at which each escrow account is established, authorizing the division to review and audit the institution's records of such account at any time that the division, in its discretion, deems necessary.

## **265—9.7(16) Claims.**

**9.7(1)** *Claim procedures.* In the event of a claim, the rights of the division and a party are as follows:

*a.* Upon receipt of notice by a party of a claim, the party must notify the division in writing within three business days of receipt of information about a claim by the party and shall mail notification to the division by first-class mail at the division's address as set forth in rule 265—1.3(16) or provide notification by email.

*b.* When a party receives a request from the division for information with respect to a claim, the party shall supply to the division any documents, correspondence, surveys, abstracts of title, title searches, title opinions, other writings, or other information known by or available to the party and relevant to the claim, even if not specifically requested by the division.

*c.* A party shall cooperate fully in the investigation and resolution of a claim and shall supply any additional, new information that may come to the party's attention with such promptness as the circumstances permit.

*d.* The division may, with or without prior notice to the party or parties involved, investigate and resolve any claim in any manner that, in the division's sole discretion, the division may deem advisable.

**9.7(2)** *Claim loss recovery.*

*a.* Any claim losses paid are recoverable from a party by the division.

*b.* In the absence of knowledge by the party about the title defect or other matter causing the claim loss, the division shall not seek recovery from the party when a claim loss arises from one or more of the following:

(1) Hidden defects, including but not limited to forged deeds and mortgages, false affidavits, and false statements of marital status;

(2) Errors by public officials in maintaining and indexing the public records, including but not limited to errors by county assessors, recorders, clerks, and treasurers;

(3) Errors in these rules, manuals, and any other written instructions given by the division that the party relies upon in issuing an abstract, a title opinion, a commitment, a closing protection letter or a certificate;

(4) Errors in surveys provided by registered Iowa land surveyors that the party relies upon in issuing a certificate that provides survey coverage; or

(5) Underwriting determinations or title risks approved by the division prior to issuance of the abstract, title opinion, commitment, closing protection letter, or certificate.

*c.* The party shall reimburse the division for a claim loss when the division determines, in accordance with paragraph 9.7(2) "d," that the party is liable and when the claim loss arises from one or more of the following:

- (1) Errors by the party in the preparation of an abstract or any other report of information in the public record;
- (2) Reliance by the party upon sources of title searches and other title information that had not been approved by the division at the time of the reliance;
- (3) Errors made by the party in examining the title information provided in an abstract, a survey, an affidavit, or another source of title information;
- (4) Errors made by the party in the preparation or review of an abstract, a title opinion, a commitment, a closing protection letter, or a certificate;
- (5) Issuance of an abstract, a title opinion, a commitment, a closing protection letter or a certificate by the party with knowledge that title is defective; or
- (6) Failure of the party to follow the Iowa Code, these rules, manuals, or any other written instructions given by the division.

*d.* Unless another rule, the Iowa Code, manuals, or any other written instruction given by the division provides for a different standard of liability or other rule for determining whether the party shall be liable for a claim loss, the division shall apply the following standards:

(1) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)“c”(1), the division may demand reimbursement from the party if the party was grossly negligent in preparing the abstract. Gross negligence includes the failure to make a search or the use of inadequate search procedures. Gross negligence under the preceding sentence includes but is not limited to failure to search certain indices, failure to search all names of parties with an interest in the real estate, or failure to search in all public offices required by the division search procedures or procedures used by prudent title searchers if the division has not established specific search procedures. In making its determination whether to seek recovery, the division may consider the complexity of the public record, the reliance of the party upon division-approved search procedures, the training and experience of the person who made the error, and the existence or nonexistence of previous search errors by the party.

(2) In the event that a claim loss occurs for which the division may seek recovery from a party under subparagraph 9.7(2)“c”(2), the division may demand reimbursement from that party if the party relied upon sources of abstracts or other title information that had not been approved by the division at the time of the reliance.

(3) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)“c”(3), the division may demand reimbursement from the party if the party negligently examined the title information used in making a title determination, failed to raise an appropriate exception, waived an exception, or endorsed a commitment or certificate.

1. The division may make full review of local county abstracting standards and title standards as a guide to determine whether the party has failed to meet the standard of skill and competence of an abstractor who prepares an abstract or an attorney who examines titles in the community where the claim arose.

2. The division may also consider whether the party followed the Iowa Code, these rules, manuals, or any other written instructions given by the division in examining the title.

3. In addition, the division may seek input from other parties in the community in which the claim arose as to the standard of care of an abstractor who prepares an abstract or of an attorney who examines titles in that community.

(4) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)“c”(4), the division may demand reimbursement from the party if the party negligently prepared or reviewed an abstract, a title opinion, a commitment, a closing protection letter, or a certificate.

(5) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2)“c”(5), the division may demand reimbursement from the party if the issuance of the abstract, title opinion, commitment, closing protection letter, or certificate constituted fraud, concealment or dishonesty, or if the issuance of the abstract, title opinion, commitment, closing

protection letter or certificate was based upon an underwriting decision on an unusual risk that was made without contacting the division for approval.

(6) In the event that a claim loss occurs for which the division may seek recovery from the party under subparagraph 9.7(2) “c”(6), the division may demand reimbursement from the party if the party failed to follow the Iowa Code, these rules, manuals, or any other written instructions given by the division with respect to the matter causing the claim loss.

(7) In the event the division seeks reimbursement from a party, the division shall state the basis of the reimbursement.

**265—9.8(16) Mortgage release certificate.** Pursuant to Iowa Code section 16.92, the division is charged with the administration of a program to release, after proper notification, paid-off mortgages from real estate titles in Iowa by executing and filing with the county recorder a mortgage release certificate.

**9.8(1) Application.** The division will provide a mortgage release application on the division’s website.

**9.8(2) Application fee.** An applicant may be required to pay a fee of \$200 to apply for a mortgage release certificate. The fee shall be set by the division.

**9.8(3) Maximum principal amount of mortgage.** The authority board may set a maximum principal amount for mortgages that may be released by a mortgage release certificate.

**9.8(4) Authority to sign certificate.** A mortgage release certificate shall be executed by the division director or designee of the division director.

**265—9.9(16) Rules of construction.** In this chapter, the following rules of construction shall be observed:

1. The word “shall” means mandatory and not permissive and the word “may” means permissive and not mandatory.

2. Nothing contained in this chapter shall be construed to require a participating attorney to disclose privileged information of a client to the division or to any other person.

3. Any rule that provides a specific remedy or sanction for violation of the rule shall not be construed as limiting the ability of the division to pursue and enforce other remedies or sanctions under this chapter, or otherwise against a participant or other person responsible or liable, either separately, concurrently, cumulatively, or in any combination, at the sole discretion of the division.

4. The failure of the division to enforce a right or remedy under this chapter, a statute, or common law shall not be construed as a waiver of such right or remedy either in the specific instance or in any other instance.

These rules are intended to implement Iowa Code sections 16.2A, 16.4C, 16.5, 16.90 through 16.93, 17A.10 and 535.8.

**ARC 0036D**

## **WORKFORCE DEVELOPMENT DEPARTMENT[871]**

### **Notice of Intended Action**

#### **Proposing rulemaking related to innovative businesses internship program and providing an opportunity for public comment**

The Director of the Workforce Development Department hereby proposes to amend Chapter 69, “Innovative Businesses Internship Program,” Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 84A.21.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 84A.21.

*Purpose and Summary*

This proposed rulemaking updates outdated references and removes restrictive terms.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on February 24, 2026. Comments should be directed to:

Rebecca Stonawski  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Phone: 515.868.1939  
Email: [rebecca.stonawski@iwd.iowa.gov](mailto:rebecca.stonawski@iwd.iowa.gov)

*Public Hearing*

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 24, 2026  
9 to 9:30 a.m.

[Microsoft Teams](#)  
Meeting ID: 282 292 082 026 56  
Passcode: 4Td2hQ95  
Dial in by phone: +1 469.998.6043  
Phone conference ID: 521 421 615#

February 24, 2026  
1 to 1:30 p.m.

[Microsoft Teams](#)  
Meeting ID: 274 475 671 864  
Passcode: sE3Q4dN3  
Dial in by phone: +1 469.998.6043  
Phone conference ID: 205 983 908#

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.802.9425 or via email at [rebecca.stonawski@iwd.iowa.gov](mailto:rebecca.stonawski@iwd.iowa.gov) at least 48 hours prior to the hearing date.

*Review by Administrative Rules Review Committee*

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

*Emergency Rulemaking Adopted by Reference*

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0034D**, IAB 2/4/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

**ARC 0035D**

**WORKFORCE DEVELOPMENT DEPARTMENT[871]**

**Notice of Intended Action**

**Proposing rulemaking related to STEM internship program  
and providing an opportunity for public comment**

The Director of the Workforce Development Department hereby proposes to amend Chapter 75, "STEM Internship Program," Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 84A.21.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 84A.21.

*Purpose and Summary*

The purpose of this proposed rulemaking is to clarify the requirements of utilizing the funding of and administering of Iowa's STEM Internship Program.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on February 24, 2026. Comments should be directed to:

Rebecca Stonawski  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Phone: 515.868.1939  
Email: [rebecca.stonawski@iwd.iowa.gov](mailto:rebecca.stonawski@iwd.iowa.gov)

### *Public Hearing*

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 24, 2026 9:30 to 10 a.m.	<a href="#">Microsoft Teams</a> Meeting ID: 275 462 236 752 63 Passcode: Yf7DL3tj Dial in by phone: +1 469.998.6043 Phone conference ID: 948 351 963#
February 24, 2026 1:30 to 2 p.m.	<a href="#">Microsoft Teams</a> Meeting ID: 241 258 713 108 Passcode: 4Y2bp3fQ Dial in by phone: +1 469.998.6043 Phone conference ID: 474 992 694#

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.802.9425 or via email at [rebecca.stonawski@iwd.iowa.gov](mailto:rebecca.stonawski@iwd.iowa.gov) at least 48 hours prior to the hearing date.

### *Review by Administrative Rules Review Committee*

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

### *Emergency Rulemaking Adopted by Reference*

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0033D**, IAB 2/4/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

## ARC 0038D

## ADMINISTRATIVE RULES COORDINATOR[7]

## Adopted and Filed Emergency

## Rulemaking related to uniform rules

The Administrative Rules Coordinator (ARC) hereby adopts new Chapter 2500, “Uniform Rules on Agency Procedure Definitions,” Chapter 2501, “Agency Procedure for Rulemaking,” Chapter 2502, “Petitions for Rulemaking,” Chapter 2503, “Declaratory Orders,” Chapter 2504, “Rule Waivers,” Chapter 2505, “Fair Information Practices,” and Chapter 2506, “Contested Cases,” Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 17A.24.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 17A.24.

*Purpose and Summary*

Pursuant to Iowa Code section 17A.24, the ARC is adopting Uniform Rules on Agency Procedure that are suitable for general applicability to agencies for rulemaking, petitions for rulemaking, declaratory orders, waiver of rules, fair information practices, and contested cases.

*Reason for Adoption of Rulemaking Without  
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the ARC finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee.

In compliance with Iowa Code section 17A.4(3)“a,” the Committee at its January 12, 2026, meeting reviewed the ARC’s determination and this rulemaking and approved the emergency adoption.

*Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the ARC also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on January 13, 2026, because these rules will provide agencies with uniform rules of general applicability that apply in instances where an agency does not have such rules and will enable electronic submission and filing of documents, which reduces cost and saves time.

*Adoption of Rulemaking*

This rulemaking was adopted by the ARC on November 24, 2025.

*Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as ARC 0037D to allow for public comment.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the ARC for a waiver of the discretionary provisions, if any, pursuant to Chapter 2504 and Iowa Code section 17A.9A.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking became effective on January 13, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 7—Chapter 2500:

CHAPTER 2500  
UNIFORM RULES ON AGENCY PROCEDURE DEFINITIONS

**7—2500.1(17A) Definitions.** As used in this chapter and 7—Chapters 2501 through 2506:

“Agency” means the same as defined in Iowa Code section 17A.2 and means the agency on which these rules are imposed pursuant to Iowa Code section 17A.24.

“Agency’s address” means the agency’s physical or mailing address as listed on the agency’s website.

“Agency’s email” means the agency’s general contact email as listed on the agency’s website.

“Agency’s telephone number” means the agency’s telephone number as listed on the agency’s website.

This rule is intended to implement Iowa Code chapter 17A.

ITEM 2. Adopt the following **new** 7—Chapter 2501:

CHAPTER 2501  
AGENCY PROCEDURE FOR RULEMAKING

**7—2501.1(17A) Rulemaking procedure.** The agency will comply in all material respects with the rulemaking obligations established in Iowa Code chapter 17A, as may be amended from time to time by the general assembly, as well as any other guidance issued by the governor or general assembly. All future amendments to Iowa Code chapter 17A that impact the rulemaking process are incorporated herein by reference as of the effective date of any such change.

This rule is intended to implement Iowa Code chapter 17A.

ITEM 3. Adopt the following **new** 7—Chapter 2502:

CHAPTER 2502  
PETITIONS FOR RULEMAKING

**7—2502.1(17A) Requesting rules be made.** Any person may file a petition for rulemaking with the agency by submitting an original petition for rulemaking to the agency at the agency’s address or to the agency’s email. The petition is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms to the following:

[AGENCY NAME]	
Petition by [name of petitioner] for the [adoption, amendment, or rescission] of rules relating to [state subject matter].	PETITION FOR RULEMAKING

Petitioners are obligated to provide the following information in the petition:

1. A statement of the specific rulemaking request from the petitioner that includes the text or a summary of the proposed rule or requested change to a rule. If the petition requests to change or rescind a rule, the petitioner is also directed to identify the rule by number and the language that the petitioner requests be changed or removed.
2. A citation to any law the petitioner believes supports the petitioner’s request for the agency’s ability to make or change the requested rule.
3. A summary of the petitioner’s arguments in support of the action urged in the petition.
4. A summary of any data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any group of persons, known by petitioner to be affected by or interested in the proposed request for changing or removing the rule.
6. Any request for a meeting provided for by rule 7—2502.3(17A) if desired.

**2502.1(1)** The petitioner is obligated to ensure the petition includes:

- a. The signature of petitioner or petitioner’s representative;
- b. The date of signature;
- c. The name, mailing address, email, and telephone number of the petitioner and petitioner’s representative; and
- d. Contact information for the person (petitioner or petitioner’s representative) to whom the agency should direct communications concerning the petition.

**2502.1(2)** The agency may deny a petition if it does not substantially conform to requirements above.

**7—2502.2(17A) Briefs.** The petitioner may attach a brief to the petition in support of the petition. The agency may also request briefing concerning the petition.

**7—2502.3(17A) Consideration by the agency.**

**2502.3(1)** Within 14 days after the filing of a petition, the agency will submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by the petitioner, the agency will schedule an informal meeting with the petitioner to discuss the petition. The agency may request that the petitioner submit additional information or argument in support of the petition. The agency may request and receive comments from any person regarding the petition.

**2502.3(2)** Within 60 days after the filing of the petition, or a longer period if agreed to by the petitioner, the agency will provide its decision in writing regarding the petitioner’s request. The agency may deny the petition and notify petitioner of its decision and the specific reasons for the denial, or the agency may grant the petition and notify petitioner that it has started rulemaking proceedings based upon the petitioner’s request. The petitioner is considered properly notified of the denial or granting of the petition on the date when the agency mails or delivers by electronic means the notification to petitioner.

**2502.3(3)** Denial of a petition because it does not substantially conform to the requirements does not prevent the petitioner from filing a new petition.

These rules are intended to implement Iowa Code section 17A.7(1).

ITEM 4. Adopt the following **new** 7—Chapter 2503:

CHAPTER 2503  
DECLARATORY ORDERS

**7—2503.1(17A) Petition for declaratory order.**

**2503.1(1)** Any person may file a petition with the agency requesting that the agency issue a declaratory order in accordance with Iowa Code section 17A.9. The petition can only be reviewed by the agency if the agency has the authority to consider the petition. Petitioners seeking a declaratory order are obligated to file the petition at the agency’s address or agency’s email. The petition is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms to the following:

[AGENCY NAME]	
Petition by [name of petitioner] for a declaratory order on [cite provisions of law involved].	PETITION FOR DECLARATORY ORDER

Petitioners are obligated to provide the following information in the petition:

1. A clear and concise statement of all facts the petitioner believes relevant to the order requested.
2. A citation to and the language of the specific statutes, rules, policies, decisions, or orders the petitioner is affected by or has concerns about and any other relevant law.
3. A concise statement of the questions petitioner wants answered.
4. The petitioner’s proposed answers to the questions, as well as any support for the proposed answers.
5. The reasons the petitioner is requesting the declaratory order and an explanation of why the petitioner is interested in the outcome.
6. A statement explaining whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner’s knowledge, those questions have been decided by, are pending determination by, or are under investigation by any agency or court of law.
7. The names and addresses of other persons, or a description of any group of persons, known by petitioner to be affected by or interested in the questions presented in the petition.
8. Any request by petitioner for a meeting with the agency to discuss the petition.

**2503.1(2)** The petitioner is obligated to ensure the petition includes:

- a. The signature of petitioner or petitioner’s representative;
- b. The date of signature;
- c. The name, mailing address, email, and telephone number of the petitioner and petitioner’s representative; and
- d. Contact information for the person (petitioner or petitioner’s representative) to whom the agency should direct communications concerning the petition.

**7—2503.2(17A) Notice of petition.** The petitioner is obligated to serve the petition on interested parties in accordance with rule 7—2503.5(17A). Within 15 days after receipt of a petition for a declaratory order, the agency will give notice of the petition to all persons not served by the petitioner to the extent required by applicable law. The agency may also give notice to any other persons.

**7—2503.3(17A) Intervention.**

**2503.3(1)** A person who qualifies under the law as an intervenor may intervene in a proceeding for a declaratory order by filing a petition for intervention within 30 days of the notice provided in accordance with rule 7—2503.2(17A).

**2503.3(2)** If a person files a petition for intervention before a proceeding for a declaratory order concludes, the agency has discretion to allow the person to intervene.

**2503.3(3)** An intervenor seeking to intervene in a petition for declaratory order is obligated to file the petition for intervention at the agency’s address or agency’s email. The petition for intervention is considered filed when received at either address. The agency will provide the intervenor with a file-stamped copy of the petition upon request. The agency can only accept petitions for intervention that are typewritten or legibly handwritten in ink. Intervenors are also obligated to submit the petition so that it substantially conforms with the following:

[AGENCY NAME]	
Petition by [name of original petitioner] for the [adoption, amendment, or rescission] of rules relating to [state subject matter].	PETITION FOR INTERVENTION

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

**2503.3(4)** The intervenor is obligated to ensure the petition for intervention includes:

- a. The signature of intervenor or intervenor’s representative;
- b. The date of signature;
- c. The name, mailing address, email, and telephone number of the intervenor and intervenor’s representative; and
- d. Contact information for the person (intervenor or intervenor’s representative) to whom the agency should direct communications concerning the petition for intervention.

**7—2503.4(17A) Briefs.** A petitioner or intervenor may file a brief in support of the position urged. The agency may request a brief from a petitioner, an intervenor, or any other person concerning the questions raised.

**7—2503.5(17A) Filing and service of petitions and other papers.**

**2503.5(1)** *Filing—when required.* All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order will be filed with the agency at the agency’s address or agency’s email.

**2503.5(2)** *When service required.* Except where otherwise provided by law, a person filing a petition for declaratory order, petition for intervention, brief, or other paper in a proceeding for a declaratory order is obligated to concurrently serve the document on each party to the proceeding and on all other persons identified in the petition for declaratory order or petition for intervention as affected by or interested in the questions presented. If the petitioner lacks sufficient information to effectuate service, the petitioner will notify the agency, and the agency will thereafter attempt to effectuate service on the interested person.

**2503.5(3)** *Method of service, time of filing, and proof of mailing or electronic delivery.* Rule 7—2506.12(17A) governs the method of service, time of filing, and proof of mailing or electronic delivery.

**7—2503.6(17A) Consideration by the agency.** The agency may solicit comments from any person on the questions raised in the petition. Any person may submit comments to the agency on the questions raised in the petition.

**7—2503.7(17A) Action on petition.** The chief executive of the agency or that person's designee will review the petition for declaratory order and take action on the petition in accordance with the statutory provisions and the timelines set forth in Iowa Code section 17A.9(5) and 17A.9(8).

**7—2503.8(17A) Refusal to issue order.**

**2503.8(1)** The agency will not issue a declaratory order if Iowa Code section 17A.9(1) does not allow it to. The agency may refuse to issue a declaratory order when:

- a. The petition does not substantially comply with the requirements of rule 7—2503.1(17A).
- b. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected if the agency does not issue an order.
- c. The agency does not have jurisdiction over the questions presented in the petition.
- d. The questions presented by the petition are also presented in a current rulemaking, contested case, or other agency or judicial proceeding that may definitively resolve them.
- e. The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.
- f. The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.
- g. There is no need to issue an order because a change in circumstances has eliminated the need to answer the questions raised in the petition.
- h. Instead of being based upon facts calculated to aid in the planning of future conduct, the petition is based upon previous conduct or seeks to challenge an agency decision already made.
- i. The requested order would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of petitioner.
- j. The petitioner requests the agency to determine whether a statute is unconstitutional on its face.
- k. The petition seeks interpretation of a rule or statute that the agency does not have the authority to interpret.

**2503.8(2)** A refusal to issue a declaratory order will indicate the specific grounds for the refusal and constitutes final agency action on the petition.

**2503.8(3)** Refusal to issue a declaratory order under this rule does not prevent the filing of a new petition that seeks to eliminate the grounds for the refusal to issue an order.

**7—2503.9(17A) Copies of orders.** The agency will promptly mail to or email the original petitioner and all intervenors a copy of each order issued in response to a petition for a declaratory order.

**7—2503.10(17A) Effect of a declaratory order.** A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the agency, the petitioner, and any intervenors (who consent to be bound) and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the agency. The issuance of a declaratory order constitutes final agency action on the petition.

These rules are intended to implement Iowa Code section 17A.9.

ITEM 5. Adopt the following **new** 7—Chapter 2504:

CHAPTER 2504  
RULE WAIVERS

**7—2504.1(17A) Application.**

**2504.1(1)** Any person may submit a petition to waive, in whole or in part, any rule in the agency’s jurisdiction by submitting the petition to the agency.

**2504.1(2)** The petitioner bears the burden of persuasion to show by clear and convincing evidence all the factors provided in Iowa Code section 17A.9A(2).

**2504.1(3)** A petitioner seeking to have a rule waived is obligated to file the petition for waiver at the agency’s address or agency’s email. The petition for waiver is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions for waiver that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms with the following:

BEFORE THE [INSERT NAME OF AGENCY]

Petition by [name of petitioner] for the waiver of [rule citation] related to [state subject matter].	PETITION FOR WAIVER
---	---------------------

1. The petitioner’s name, mailing address, email, and telephone number or, if applicable, petitioner’s representative.
2. A description and citation of the rule(s) that are the subject of the petition.
3. The specific waiver requested, including the scope and duration of the waiver.
4. All relevant facts and reasons the petitioner believes justify the waiver, including specific information satisfying the requirements of subrule 2504.1(2).
5. If applicable, the case number of any contested case related to the petition.
6. If applicable, a history of all previous contacts between the petitioner and the agency that may relate to or be affected by the rule(s) that are the subject of the petition.
7. If known, information about the agency’s treatment of other persons in similar circumstances.
8. If known, the name and contact information of any person who would be adversely affected or disadvantaged if the agency waives the rule.
9. If applicable, signed releases from any person with knowledge relevant to the petition.
10. An attestation that all information in the petition is true and accurate.
11. A dated signature by the petitioner or, if applicable, petitioner’s representative.

**7—2504.2(17A) Filing and service of petitions and other papers.**

**2504.2(1)** *Filing—when required.* All petitions for waiver, petitions for intervention, briefs, or other papers in a proceeding for a waiver will be filed with the agency at the agency’s address or agency’s email.

**2504.2(2)** *When service required.* Except where otherwise provided by law, a person filing a petition for waiver, petition for intervention, brief, or other paper in a proceeding for a waiver is obligated to concurrently serve the document on each party to the proceeding and on all other persons identified in the petition for waiver or petition for intervention as affected by or interested in the questions presented. If the petitioner lacks sufficient information to effectuate service, the petitioner will notify the agency and the agency will thereafter attempt to effectuate service on the interested person.

**2504.2(3)** *Method of service, time of filing, and proof of mailing or electronic delivery.* Rule 7—2506.12(17A) governs the method of service, time of filing, and proof of mailing or electronic delivery.

**7—2504.3(17A) Evaluation.**

**2504.3(1)** The agency will notify the petitioner of the receipt of the petition.

**2504.3(2)** The agency will evaluate the petition in accordance with Iowa Code section 17A.9A. The agency may request additional information from the petitioner or any person as part of its evaluation of the petition.

*a.* Additional information will be obtained by an evidentiary hearing consistent with Iowa Code chapter 17A if:

- (1) The petition was filed as a contested case;
- (2) An evidentiary hearing is required by any law; or
- (3) The agency requests an evidentiary hearing.

*b.* If an evidentiary hearing is not required, the agency's request for additional information may be informal.

#### **7—2504.4(17A) Issuance.**

**2504.4(1)** The agency will issue a written decision granting or denying the petition.

**2504.4(2)** After issuing a decision, the agency will index, file, make publicly available, and transmit its decision as required by Iowa Code section 17A.9A(4).

**2504.4(3)** If the agency does not issue a decision on a petition for waiver within 180 days from the date of its receipt by the agency, the petition is deemed denied.

**2504.4(4)** If the agency grants a petition in whole or in part, the waiver granted will comply with the requirements of Iowa Code section 17A.9A(3), including content, duration, conditions, and renewability.

#### **7—2504.5(17A) Remedies.**

**2504.5(1)** With appropriate notice, the agency may withdraw, cancel, or modify any waiver granted under this rule if the agency issues a written order finding one or more of the following:

- a.* The petitioner withheld or misrepresented material facts in the petition;
- b.* The waiver no longer adequately protects the public health, safety, and welfare;
- c.* The waiver may burden the substantial rights of any person; or
- d.* The petitioner has not complied with any of the waiver conditions imposed by the agency.

**2504.5(2)** A petitioner aggrieved by any final order of the agency may seek judicial review in accordance with Iowa Code chapter 17A.

These rules are intended to implement Iowa Code section 17A.9A.

ITEM 6. Adopt the following **new** 7—Chapter 2505:

### CHAPTER 2505 FAIR INFORMATION PRACTICES

**7—2505.1(17A,22) Definitions.** As used in this chapter:

*“Confidential record”* means a record that is not available for examination under applicable law.

*“Lawful custodian”* means the same as defined in Iowa Code section 22.1.

*“Personally identifiable information”* means information contained in a record that is about or pertains to an individual that identifies or that could be used to identify an individual.

*“Public records”* means the same as defined in Iowa Code section 22.1.

**7—2505.2(17A,22) Statement of policy.** The purpose of this chapter is to facilitate broad public access to public 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 are obligated to cooperate with members of the public in implementing the provisions of that chapter.

**7—2505.3(17A,22) Requests for access to records.**

**2505.3(1)** *Location of record.* A request for access to public records should be directed to the agency's address, the agency's email, or the agency's office where the record is kept. Agency staff will promptly forward public records requests to the lawful custodian when such a request is misdirected.

**2505.3(2)** *Office hours.* The agency is obligated to provide access to the public records it maintains during its regular office hours. The agency will post the schedule of these office hours on the agency's website to facilitate access to public records.

**2505.3(3)** *Request for access.* Requests for access to public records maintained by the agency shall be made, whenever possible, by email. Otherwise, requests can be made in writing, in person, by telephone using the agency's telephone number, or through other electronic means made available by the agency. Requests should identify the particular public records sought by name or description in order to facilitate identification of relevant public records. Requests should include the name, address, email, and telephone number of the person requesting the information. A member of the public need not give a reason for requesting public records. For public records requests that involve searches of electronic stores of information, the agency may condition the search on the requester providing search terms for the search.

**2505.3(4)** *Response to requests.* Access to public records will be provided promptly upon request unless the size or nature of the request requires additional time to complete. If the size or nature of the request causes a delay in compliance, the lawful custodian will comply with the request as soon as feasible. Access to public records may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The lawful custodian will promptly give notice to the requester of the reason for any delay in access to public records and an estimate of the length of that delay and, upon request, will promptly provide that notice to the requester in writing.

The agency that maintains a record claimed to be a public record may deny access to the record only if a denial is appropriate under Iowa Code sections 22.8(4) and 22.10(4) or based on a reasonable belief that the record is a confidential record or that its disclosure is prohibited by a court order. In addition, access to confidential records is generally not allowed. However, access may be allowed pursuant to the provisions of rule 7—2505.4(17A,22), as well as other applicable provisions of law.

**2505.3(5)** *Security of record.* No person may, without permission from the lawful custodian, search or remove any public record from the agency's files. Examination and copying or transmission of agency public records will be supervised by the lawful custodian or that person's designee. Public records will be protected from damage and disorganization.

**2505.3(6)** *Copying.* Electronic copies of records will be provided in response to a public records request whenever possible. When physical paper copies are demanded by a requester, a reasonable number of such physical copies of a public record may be made in the agency's office. If photocopy equipment is not available in the office where a public record is kept, the lawful custodian will permit its examination in that office and arrange to have copies promptly made elsewhere.

**2505.3(7)** *Fees.*

*a. When charged.* The agency may charge fees in connection with the examination or copying of public records only if the fees are allowed under the law. To the extent permitted by applicable law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest. The determination of whether to waive fees is in the sole discretion of the agency.

*b. Fees and costs.* The agency may charge for the actual cost of producing public records. These charges may include the actual cost of making photocopies, the actual cost of media necessary to convey electronic copies of public records, and the actual costs of mailing public records. Pricing schedules for these actual costs will be prominently posted on the agency's website. The agency may also charge for the expense associated with supervising and searching for public records. These hourly charges will be based on the actual hourly rate of the person performing the task. The agency will ensure that the employee rate charged is as low as possible based on the circumstances. The agency may impose hourly charges only after the first three hours of labor, which will be provided at no cost to the requester. For any additional review by the agency to address questions of confidentiality, the agency may charge the requester the actual hourly rate of the attorney performing the review, although the first three hours of the attorney's time will be provided at no cost to the requester.

*c. Advance payment.* When the estimated total fee exceeds \$250, the agency may require an advance payment from the requester to cover all or a part of the estimated fee before proceeding with the work of gathering and reviewing potentially relevant records. If a requester has an unpaid balance from

a previous records request, the agency may require the requester to pay both the unpaid balance and the current estimate, regardless of value, before proceeding with the review of public records.

**7—2505.4(17A,22) Access to confidential records.** If the agency reasonably believes that a record is or may be confidential, the following procedures apply to requests for access to the record and are in addition to other rules specified for access to public records.

**2505.4(1) Support for claimed access.** The agency may require a person requesting access to a potentially confidential record to provide proof of identity as well as proof of the person's authority to secure access to the record. The lawful custodian may also compel the requester to submit the request in writing and sign a certified statement or affidavit that the requester is entitled to access the record.

**2505.4(2) Notice to subject of record.** Before releasing a potentially confidential record, an agency may make reasonable efforts to notify the confidentiality claimant or any person whose information is in the records that may be subject to a claim of confidentiality. A "confidentiality claimant" is a person who has claimed confidentiality of a record or whose personally identifiable information is in a record.

**2505.4(3) Injunction—notice to the confidentiality claimant.** If practical and in the public interest, the lawful custodian may delay release for a reasonable period of time and notify the confidentiality claimant of the person's right to seek an injunction under Iowa Code section 22.8. Any notice provided to the confidentiality claimant in this regard will identify the time allowed the confidentiality claimant to seek an injunction. Failure to file an injunction after notice constitutes waiver of the confidentiality claim.

**2505.4(4) Request denied—notice to the requester.** When the lawful custodian denies a request for access to a potentially confidential record, the lawful custodian will promptly notify the requester. Written notification of the denial will be provided upon request, and this notification will include the name and title or position of the lawful custodian, as well as the legal reason for the denial and a brief explanation.

**2505.4(5) Request granted.** When the lawful custodian grants a request for access to a potentially confidential record, the lawful custodian will notify the person granted access of any lawful limitations the custodian imposes on that person's examination and copying of the record.

**2505.4(6) Redactions.** The lawful custodian may but is not compelled to redact confidential information from a document so that nonconfidential portions of the record can be provided to a requester. If the requester receives a redacted record and later requests access to the unredacted version of the record, the custodian may deny the request or notify the confidentiality claimant so the claimant may seek an injunction under subrule 2505.4(3).

**2505.4(7) Timing of decision.** The lawful custodian may decide whether a record is confidential at any time.

**7—2505.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination.** Requests to the agency to treat a record as confidential will be addressed in accordance with the following rules. The lawful custodian may treat a record as a confidential record and withhold it from examination only in accordance with applicable law.

**2505.5(1) Persons who may request.** Persons who believe they may be harmed by a potential disclosure of a record may request that the lawful custodian declare the record as confidential.

**2505.5(2) Request.** Any person may submit a request to treat a record as confidential. To be valid, the request will:

- a. Be in writing,
- b. Be filed with the lawful custodian,
- c. Explain the legal and factual reasons the record should be confidential,
- d. Include the requester's contact information, and
- e. Be accompanied by a redacted copy of the record.

The lawful custodian may also require a signed statement or affidavit supporting the confidentiality claim. If the request for confidentiality is for a specific period of time, the requester is also obligated to identify the time frame.

**2505.5(3) Failure to request.** The lawful custodian may treat a record as confidential even if no person files a request to treat the record as confidential. However, the agency has discretion to determine whether voluntary submission of an unredacted record to the agency, such as in the context of a bidder submitting an unredacted bid in response to a procurement, constitutes waiver of any argument that the person may have had that the record is in fact confidential.

**7—2505.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records.** Unless prohibited by law, a person may file a request with the lawful custodian to review, and have a written statement of additions, dissents, or objections entered into, a record containing personally identifiable information pertaining to that person. The requester must send the request and written statement of additions, dissents, or objections to the lawful custodian or to the agency at the agency’s address or agency’s email. The request must be dated and signed by requester and the requester’s representative, if any, and must include the current address, email, and telephone number of the requester and the requester’s representative, if any. A person who is a subject of such a record shall not alter the original record and shall not expand the official record of any agency proceeding, except as set forth in this rule. An agency’s need to preserve the original record as required by applicable law is a valid reason for denying a request to modify the agency’s records.

**7—2505.7(17A,22) Consent to disclosure by the subject of a confidential record.** To the extent permitted by law, a person who is the subject of a confidential record may have the portion of the record concerning that person disclosed to a third party. A request for such a disclosure must be in writing, identify the particular record or records to disclose, identify the person or class of persons to whom the record may be disclosed, and state when and where the disclosure should be made. The lawful custodian may require the requester and, where applicable, the person to whom the record is to be disclosed to provide proof of identity and may, when necessary, impose additional obligations for special classes of records. Except where legally prohibited, a request by a person’s attorney is presumed to be a request by the person to disclose records about that person to the attorney. The attorney making such request may be required to show proof of representation.

**7—2505.8(17A,22) Notice to suppliers of information.** When the agency requests a person to supply information about that person, the agency will 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 mandatory and which are optional, and the consequences of a failure to provide the information requested. This notice may be given in a manner that the agency in its discretion deems appropriate to adequately notify the person in accordance with this rule.

These rules are intended to implement Iowa Code chapters 17A and 22.

ITEM 7. Adopt the following **new** 7—Chapter 2506:

#### CHAPTER 2506 CONTESTED CASES

**7—2506.1(17A) Scope and applicability.** This chapter applies to contested case proceedings conducted by the agency, including vendor appeals.

**7—2506.2(17A) Definitions.** Except where otherwise specifically defined by law:

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

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

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

“*Presiding officer*” means the person designated pursuant to Iowa Code section 17A.11.

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

**7—2506.3(17A) Time obligations.**

**2506.3(1)** Time is computed as provided in Iowa Code section 4.1(34).

**2506.3(2)** For good cause, the presiding officer may extend or shorten the time to take any action, except when prohibited by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer will afford all parties an opportunity to be heard or to file written arguments.

**7—2506.4(17A) Electronic requests for contested case proceeding.**

**2506.4(1)** A person entitled to a contested case proceeding must electronically file written request for such a proceeding within the time specified by the governing rules or statutes or, if no rule or statute sets such a time, the time set by the agency.

**2506.4(2)** The request for a contested case proceeding must state the name, email, and address of the requester and identify the specific agency action disputed. Where the requester is represented by an attorney, the request must identify the law or precedent requiring or authorizing the holding of a contested case proceeding and include a short and plain statement of the issues of material fact in dispute.

**7—2506.5(17A) Notice of hearing.**

**2506.5(1)** *Delivery.* The agency will deliver notice of a hearing. Delivery shall, whenever possible, be effectuated through electronic means. Otherwise, delivery can be effectuated by:

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

**2506.5(2)** *Contents.* The notice of hearing must state:

- a. The time, place, and nature of the hearing;
- b. The legal authority and jurisdiction under which the hearing is to be held;
- c. The particular sections of the statutes and rules involved;
- d. Briefly and plainly, the matters asserted. If a party cannot state the matters in detail when the notice is served, the party may limit the initial notice to a statement of the issues involved but must supplement it with a more definite and detailed statement if requested by another party;
- e. All parties, including the name, address, and telephone number of the person who will advocate for each party;
- f. The procedural rules governing conduct of the contested case proceeding;
- g. The procedural rules governing informal settlement;
- h. The identity of the presiding officer, if known, or, if not, a description of who will serve as presiding officer; and
- i. The deadline to request under Iowa Code section 17A.11 and rule 7—2506.6(17A) that the presiding officer be an administrative law judge.

**7—2506.6(17A) Presiding officer.**

**2506.6(1)** Any party that wants an administrative law judge employed by the department of inspections, appeals, and licensing to serve as the presiding officer must file a request. The deadline for that request is 20 days after service of a notice of hearing that identifies someone other than an administrative law judge as the presiding officer.

**2506.6(2)** The agency or its designee may deny the request for any of the reasons set forth in Iowa Code section 17A.11(1) “a.”

**2506.6(3)** The agency or its designee is obligated to issue a written ruling specifying the grounds for its decision within 20 days after a request for an administrative law judge is filed.

**2506.6(4)** Except as otherwise prohibited by law, the agency may appeal all final rulings by an administrative law judge acting as presiding officer. A party is obligated to seek any available appeal to the agency in order to exhaust available administrative remedies.

**2506.6(5)** Except as otherwise set forth in law, heads of agencies and members of governmental agencies, when reviewing a proposed decision upon appeal to the agency, have the powers and duties of this chapter applicable to presiding officers.

**7—2506.7(17A) Waiver of procedures.** Unless otherwise prohibited by law, the parties in a contested case proceeding may waive any portion of this chapter. However, the agency in its discretion may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest.

**7—2506.8(17A) Telephone proceedings.** The presiding officer may resolve preliminary procedural motions by telephone or videoconference in which all parties have an opportunity to participate. Other telephone proceedings may be held with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, must be considered when a location is chosen.

**7—2506.9(17A) Disqualification.**

**2506.9(1)** A presiding officer or other person must withdraw from participation in the making of any proposed or final decision in a contested case if that person:

- a.* Has a personal bias or prejudice concerning a party or a representative of a party;
- b.* Has personally investigated, prosecuted, or advocated in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;
- c.* Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted, or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;
- d.* Has acted as counsel to any person who is a private party to that proceeding within the past two years;
- e.* Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;
- f.* Has a spouse or relative within the third degree of relationship who is:
  - (1) A party to the case or an officer, director or trustee of a party;
  - (2) An attorney in the case;
  - (3) Known to have an interest that could be substantially affected by the outcome of the case; or
  - (4) Likely to be a material witness in the case; or
- g.* Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

**2506.9(2)** The term “personally investigated” means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term does not include general direction and supervision of assigned investigators, unsolicited receipt of information relayed to assigned investigators, review of another person’s investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other agency functions, including fact gathering for purposes other than investigation of the matter that culminates in a contested case. If the presiding officer in the case has received factual information relevant to the merits of a contested case before being assigned as the presiding officer, the presiding officer is obligated to disclose that information to the parties to the extent required by Iowa Code section 17A.17(3) and subrules 2506.9(3) and 2506.23(9).

**2506.9(3)** A party that believes a presiding officer is disqualified must file a motion supported by an affidavit in accordance with Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party.

*a.* If a party during the course of the hearing becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification at that time but must establish the grounds introducing the evidence into the record.

*b.* If disqualification is required, the presiding officer or other person is obligated to withdraw. If withdrawal is not required, the presiding officer will enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 7—2506.25(17A) and seek a stay under rule 7—2506.29(17A).

**7—2506.10(17A) Consolidation—severance.**

**2506.10(1) Consolidation.** The presiding officer may consolidate matters at issue in two or more contested case proceedings if:

- a.* The matters involve common parties or common questions of fact or law;
- b.* Consolidation would expedite and simplify consideration of the issues involved; and
- c.* Consolidation would not adversely affect the rights of any of the parties to those proceedings.

**2506.10(2) Severance.** The presiding officer may, for good cause shown, order any contested case or portion of a contested case severed.

**7—2506.11(17A) Pleadings.**

**2506.11(1) Filing requirements.** Filing requirements may be imposed by rule, by the notice of hearing, or by order of the presiding officer.

**2506.11(2) Petition.**

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

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

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

**2506.11(3) Answer.** A party against whom a petition is filed must file an answer within 20 days of service of the petition unless otherwise ordered. A party may instead move to dismiss or apply for a more definite and detailed statement when appropriate.

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

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

*c.* Any allegation in the petition not denied in the answer is considered admitted. If a defense could have been raised in the answer but was not, the presiding officer may refuse to consider it if doing so would prejudice any party.

**2506.11(4) Amendment.** Any notice of hearing, petition, or other charging document may be amended before a responsive pleading has been filed. Amendments to pleadings after a responsive pleading has been filed and to an answer may be allowed with the consent of the other parties or in the discretion of the presiding officer who may impose terms or grant a continuance.

**7—2506.12(17A) Electronic service and filing of pleadings and other papers.**

**2506.12(1) Filing and service electronically.** Every pleading, motion, document, or other paper that is filed or served shall be executed electronically whenever possible. Filing or service by a non-electronic method can only be upon a showing to the presiding officer of undue hardship to use email.

**2506.12(2) When service mandated.** Except where otherwise provided by law, every pleading, motion, document, or other paper filed in a contested case proceeding and every paper relating to discovery in such a proceeding must be served upon each of the parties of record to the proceeding, including the person designated as advocate or prosecutor for the state or the agency. Service must be

at the same time as filing. Except for the original notice of hearing and an application for rehearing, as described in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

**2506.12(3) Service—how made.** Service upon a party represented by an attorney will be made upon the attorney unless otherwise ordered. Service shall be made electronically or, to the extent permitted in subrule 2506.12(1), by mailing a hard copy to the person's last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

**2506.12(4) Filing—when mandated.** After the notice of hearing, all pleadings, motions, documents or other papers in a contested case proceeding must be filed with the agency at the agency's address or agency's email. All pleadings, motions, documents or other papers that need to be served upon a party must be filed with the agency at the same time they are served.

**2506.12(5) Filing—when made.** Except where otherwise provided by law, a document is deemed filed at the time it is submitted to the department of inspections, appeals, and licensing electronic filing system, submitted to a separate agency electronic filing system, delivered to the agency's address or agency's email, delivered to an established courier service for immediate delivery to that office, or mailed by first-class mail or state interoffice mail to that office, so long as there is proof of mailing.

**2506.12(6) Copies by email.** Whenever possible, the parties shall provide opposing parties copies of all filings by email.

**2506.12(7) Proof of mailing.** In circumstances where non-electronic service is approved by the presiding officer, a proof of mailing is required, which includes either a legible United States Postal Service postmark on the envelope, a certificate of service, or a certification in substantially the following form:

I certify under penalty of perjury under the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the agency at the agency's address, and to the names and addresses of the parties listed below by depositing the same in (method of delivery).

(Date) (Signature)

#### **7—2506.13(17A) Discovery.**

**2506.13(1)** Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules or by order of the presiding officer, time periods for compliance with discovery are as set forth in the Iowa Rules of Civil Procedure. No new discovery under Iowa Rules of Civil Procedure 1.509, 1.510, and 1.512 may be served within 40 days of the scheduled hearing. All discovery must be completed no later than ten days before the scheduled hearing.

**2506.13(2)** Parties must not file motions relating to discovery unless they have first in good faith attempted to resolve the issue with the opposing party. A party filing a discovery motion must certify, under penalty of perjury, that it has made that good-faith attempt. Lack of such a certificate constitutes sufficient grounds for denying the motion.

**2506.13(3)** Unless shortened in accordance with subrule 2506.13(1), a discovery motion is ripe for ruling by the presiding officer ten days after the motion is filed. Opposing parties may file a response within that time. The presiding officer may order argument or rule on the parties' filings.

**2506.13(4)** Evidence obtained in discovery may be used in the contested case proceeding if that evidence would otherwise be admissible in that proceeding.

#### **7—2506.14(17A) Subpoenas.**

##### **2506.14(1) Issuance.**

*a.* A presiding officer must issue a subpoena upon a party's written request. Unless there is good cause, a party must request a witness subpoena at least three days before the scheduled hearing. The request will include the name, address, email, and telephone number of the requesting party.

*b.* Except as otherwise set forth by law, parties are responsible for serving their own subpoenas and for paying witness fees and mileage expenses. Subpoenas that do not include the required witness fees and mileage expenses are not valid.

**2506.14(2)** *Motion to quash or modify.* The presiding officer may quash or modify a subpoena in accordance with the Iowa Rules of Civil Procedure. A motion to quash or modify a subpoena will be set for argument promptly.

**7—2506.15(17A) Motions.**

**2506.15(1)** Motions are not required to be in a particular form. However, prehearing motions are to be in writing, state the grounds for relief, and state the relief sought.

**2506.15(2)** Any party may file a written response to a motion within ten days after the motion is served unless the time period is extended or shortened by rules of the agency or the presiding officer. The presiding officer may consider a failure to respond within the time period in ruling on a motion.

**2506.15(3)** The presiding officer may schedule oral argument on any motion.

**2506.15(4)** Unless there is good cause, motions pertaining to the hearing, except motions for summary judgment, must be filed and served at least ten days before the date of hearing. This time may be lengthened or shortened by rule of the agency or an order of the presiding officer.

**2506.15(5)** Motions for summary judgment.

*a.* Iowa Rules of Civil Procedure 1.981 through 1.983 govern motions for summary judgment, except where they conflict with this rule or legal requirements governing contested case proceedings.

*b.* Motions for summary judgment must be filed and served at least 45 days before the scheduled hearing date. Any party resisting the motion then has 15 days to file and serve a resistance. The time fixed for hearing or nonoral submission will be not less than 20 days after the filing of the motion. The presiding officer may by order change any of these deadlines. An order rendering summary judgment on all issues in a contested case is subject to rehearing pursuant to rule 7—2506.28(17A) and appeal pursuant to rule 7—2506.27(17A).

**7—2506.16(17A) Prehearing conference.**

**2506.16(1)** Any party may request a prehearing conference. A written request for prehearing conference or an order for prehearing conference on the presiding officer's own motion will be filed not less than seven days before the hearing date. A prehearing conference will be scheduled not less than three business days before the hearing date. The presiding officer may change these deadlines for good cause.

**2506.16(2)** Witness and exhibit lists.

*a.* Each party will bring to the prehearing conference a final list of:

(1) The witnesses whom the party anticipates will testify at hearing. Unless there is good cause for the omission, the presiding officer may exclude the testimony of unlisted witnesses; and

(2) Exhibits that the party anticipates will be introduced at hearing. Unless there is good cause for the omission, the presiding officer may exclude unlisted, non-rebuttal exhibits.

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

**2506.16(3)** The parties at a prehearing conference may:

*a.* Stipulate to law or fact;

*b.* Stipulate to the admissibility of exhibits;

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

*d.* Consider any additional matters that will expedite the hearing.

**2506.16(4)** Prehearing conferences will be conducted by telephone unless otherwise ordered. Parties are obligated to exchange and receive witness and exhibit lists before the conference.

**7—2506.17(17A) Continuances.** Applications for continuances can be made to the presiding officer.

**2506.17(1)** A written application for a continuance will:

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

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

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

No application for continuance will be made or granted without notice to all parties, except in an emergency where notice is not feasible. The agency may waive notice of such requests for a particular case or an entire class of cases.

**2506.17(2)** In determining whether to grant a continuance, the presiding officer may consider:

- a. Prior continuances;
- b. The interests of all parties;
- c. The likelihood of informal settlement;
- d. The existence of an emergency;
- e. Any objection;
- f. Any applicable time obligations;
- g. The existence of a conflict in the schedules of counsel, parties, or witnesses;
- h. The timeliness of the request; and
- i. Other relevant factors.

The presiding officer may order a party to furnish evidence of facts supporting or opposing the request.

**7—2506.18(17A) Withdrawals.** A party requesting a contested case proceeding may withdraw that request only in accordance with agency rules. Unless otherwise provided, a withdrawal will be with prejudice.

**7—2506.19(17A) Intervention.**

**2506.19(1)** *Motion.* A motion for leave to intervene in a contested case proceeding must state the grounds for the proposed intervention, the position and interest of the proposed intervenor, and the possible impact of intervention on the proceeding. The proposed intervenor must attach a proposed answer or petition in intervention, as appropriate, to the motion. Any party may file a response within 14 days of service of the motion to intervene unless the time period is extended or shortened by the presiding officer.

**2506.19(2)** *When filed.* A motion for leave to intervene must be filed as early as possible to avoid prejudice on existing parties or the conduct of the proceeding and, at any rate, before the prehearing conference, if any, or at least 20 days before the date scheduled for hearing. Later motions must show good cause for being untimely. Unless inequitable or unjust, an intervenor is bound by any agreement, arrangement, or other matter previously raised in the case. Requests by untimely intervenors for continuances that would delay the proceeding will ordinarily be denied.

**2506.19(3)** *Grounds for intervention.* The proposed intervenor must show that:

- a. Intervention would not unduly prolong the proceedings or otherwise prejudice the rights of existing parties;
- b. It is likely to be aggrieved or adversely affected by a final order in the proceeding; and
- c. Its interests are not adequately represented by existing parties.

**2506.19(4)** *Effect of intervention.* A person granted leave to intervene is a party to the proceeding. If appropriate, the presiding officer may order consolidation of the petitions and briefs of different parties whose interests are aligned with each other and limit the number of representatives allowed to participate actively in the proceedings. The order granting intervention may limit the issues the intervenor is allowed to raise or otherwise condition the intervenor's participation in the proceeding.

**7—2506.20(17A) Hearing procedures.**

**2506.20(1)** The presiding officer presides at the hearing and may rule on motions, impose obligations to submit briefs, issue a proposed decision, and issue orders and rulings to ensure the orderly conduct of the proceedings.

**2506.20(2)** All objections must be made timely and stated on the record.

**2506.20(3)** Parties have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Partnerships, corporations, limited-liability companies, and associations may be represented by any member, officer, director, or duly authorized agent. Any party may be represented by an attorney or another person authorized by law. An attorney admitted pro hoc vice in

accordance with the Iowa rules of court to practice in an agency administrative action in accordance with Iowa Court Rule 31.14 is obligated to have an in-state attorney present at every interaction with the presiding officer.

**2506.20(4)** Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.

**2506.20(5)** The presiding officer will maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

**2506.20(6)** Witnesses may be sequestered during the hearing.

**2506.20(7)** The presiding officer must conduct the hearing in the following manner:

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

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

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

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

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

#### **7—2506.21(17A) Evidence.**

**2506.21(1)** The presiding officer will rule on admissibility of evidence as provided in Iowa Code section 17A.14 and may, where appropriate, take official notice of facts in accordance with all applicable legal obligations.

**2506.21(2)** Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

**2506.21(3)** Evidence in the proceeding will be confined to the issues identified at the prehearing conference or in the notice of hearing, as appropriate. A party may waive its right to prehearing notice. The presiding officer may, for good cause, expand the issues to be considered and admit evidence on those issues. In that case, a party that objects to the expansion is, upon timely request, entitled to a continuance sufficient to amend pleadings and to prepare on the additional issue.

**2506.21(4)** The presiding officer will not rule on the admissibility of an exhibit until opposing parties have had an opportunity to examine it. Parties should ordinarily furnish copies of exhibits to opposing parties before a hearing to prevent unnecessary delay during the hearing. All exhibits admitted into evidence will be appropriately marked and made part of the record.

**2506.21(5)** Any party may object to specific evidence or request limits on the scope of any examination or cross-examination. Each objection must be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection when it is made or may reserve a ruling until the written decision.

**2506.21(6)** Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence is a document or exhibit, it will be marked as part of an offer of proof and inserted in the record.

#### **7—2506.22(17A) Default.**

**2506.22(1)** If a party does not appear or participate in a contested case proceeding after proper notice, the presiding officer may render a default or proceed with the hearing and render a decision in the absence of the party.

**2506.22(2)** Where appropriate, any party may move for default against a party who has requested the contested case proceeding and has not filed a necessary pleading or has not appeared after proper service.

**2506.22(3)** Default decisions and decisions rendered on the merits after a party has not appeared or participated are final agency actions from which a party may appeal under rule 7—2506.27(17A). A party against whom such a decision has been rendered may file a motion to vacate within 15 days, or other period specified by statute, after the date of notification or mailing of the decision. A motion to vacate must state all facts that establish good cause for that party's non-appearance or non-participation. Each such fact must be supported by at least one sworn affidavit of a person with personal knowledge, which affidavit must be attached to the motion.

**2506.22(4)** The time for further appeal of a decision is stayed while a timely motion to vacate is pending.

**2506.22(5)** A presiding officer may grant a motion to vacate only if it is timely and establishes good cause for the movant's non-appearance or non-participation. The burden of proof as to good cause is on the moving party. Opposed parties have ten days to respond to a motion to vacate. If the response includes a request to do so, an opposing party may conduct discovery into the issue of good cause and present evidence on that issue before the presiding officer decides the motion.

**2506.22(6)** "Good cause" for purposes of this rule has the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

**2506.22(7)** A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 7—2506.25(17A).

**2506.22(8)** If a motion to vacate is granted, and no timely interlocutory appeal has been taken, the presiding officer will issue another notice of hearing and the contested case will proceed accordingly.

**2506.22(9)** A default decision may award any relief consistent with the request for relief made in the petition and embraced in its issues.

**2506.22(10)** A default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a request for stay under rule 7—2506.29(17A).

#### **7—2506.23(17A) Ex parte communication.**

**2506.23(1)** Improper communications. Except as specifically allowed by law, no party, representative of a party, or person with a direct or indirect interest in a case may communicate, directly or indirectly, with the presiding officer, or vice versa, regarding the case or a pending factually related case. These communications are allowed only if all parties have been notified of the intention to communicate and have an opportunity to participate. This does not prohibit persons jointly assigned such tasks from communicating with each other. However, the presiding officer may communicate with members of the agency and may seek the advice or help of persons regarding the matter. This can include persons with whom the presiding officer is prohibited from communicating in another case, as long as the presiding officer's communications with that person are not regarding that other case or a case factually related to it.

**2506.23(2)** Written, oral, or other forms of communication are "ex parte" if made without notice and opportunity for all parties to participate.

**2506.23(3)** These prohibitions start when the notice of hearing is issued and continue for as long as the case is pending.

**2506.23(4)** To avoid banned ex parte communications, notice is to be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications will be provided in compliance with rule 7—2506.12(17A) and may be supplemented by telephone, fax, email or other means of notification. Where permitted, oral communications may be initiated through conference telephone call including all parties or their representatives.

**2506.23(5)** Persons who jointly act as presiding officer in a pending contested case may communicate with each other without notice or opportunity for parties to participate.

**2506.23(6)** The executive director or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a proposed or final decision and they comply with subrule 2506.23(1).

**2506.23(7)** Communications with the presiding officer involving uncontested scheduling or procedural matters do not need notice or opportunity for parties to participate. Parties should notify other parties prior to initiating such contact with the presiding officer when possible and must notify other parties when seeking to continue hearings or other deadlines.

**2506.23(8)** Disclosure of banned communications. A presiding officer who receives a banned ex parte communication while a contested case is pending must first determine whether the communication is so prejudicial that the presiding officer should be disqualified. If so, the presiding officer will enter into the record, sealed by a protective order, a copy of any banned written communication, all written responses to the communication, a written summary of the substance of any banned oral or other communication, all responses made, and the identity of each person from whom the presiding officer received a banned ex parte communication. If the presiding officer determines that disqualification is not warranted, the presiding officer will enter these documents into the record and serve them upon all parties. Any party desiring to rebut the banned communication will be allowed the opportunity to do so upon written request filed within ten days after notice of the communication.

**2506.23(9)** Promptly after being assigned to serve as presiding officer at any stage in a contested case proceeding, a presiding officer must disclose to all parties material factual information received through ex parte communication before the assignment began. The presiding officer does not need to disclose this information if it has already been, or shortly will be, disclosed under Iowa Code section 17A.13(2) or through discovery or if it is contained in an investigative report or similar document that has been or shortly will be given to the parties.

**2506.23(10)** The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, or suspension or revocation of the privilege to practice before the agency. Violation of ex parte communication obligations by agency personnel will be reported to the chief executive of the agency or that person's designee for possible sanctions including censure, suspension, dismissal, or other disciplinary action.

**7—2506.24(17A) Recording costs.** Upon reasonable request, the agency is obligated to provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record will be paid by the requesting party. A party that requests that a hearing be recorded by certified shorthand reporter rather than by electronic means is responsible for making such arrangements and paying associated costs unless otherwise provided by applicable law.

**7—2506.25(17A) Interlocutory appeals.** Upon written request of a party or on its own motion, the agency may review an interlocutory order. In determining whether to do so, the agency must weigh the extent to which the granting of the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the agency at the time it reviews the proposed decision of the presiding officer would provide an adequate remedy. A request for interlocutory review must be filed by the earliest of 14 days after the challenged order is issued, the deadline for complying with the order, or the date of hearing.

**7—2506.26(17A) Final decision.**

**2506.26(1)** When the agency presides over receiving evidence at the hearing, its decision is a final decision.

**2506.26(2)** When the agency does not preside over receiving evidence, the presiding officer will issue a proposed decision. The proposed decision becomes the final decision of the agency without

further proceedings unless there is an appeal of the proposed decision to the agency, or review of the proposed decision on the agency's own motion, in accordance with rule 7—2506.27(17A).

**7—2506.27(17A) Appeals and review.**

**2506.27(1)** *Appeal by party.* Any adversely affected party may appeal a proposed decision to the agency within 30 days after the decision is issued.

**2506.27(2)** *Review.* The agency may initiate review of a proposed decision on its own motion at any time within 30 days following the issuance of such a decision.

**2506.27(3)** *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the agency. The notice of appeal is to be signed by the appealing party or a representative of that party and contain a certificate of service. The notice will specify:

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;
- c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;
- d. The relief sought; and
- e. The grounds for relief.

**2506.27(4)** *Requests to present additional evidence.* A party may request to submit additional evidence. The request must be filed with the notice of appeal, if by an appealing party, or within 14 days of service of the notice of appeal, if by a non-appealing party. The agency will take additional evidence only if the party establishes that the evidence is material, that good cause existed for its not being presented at the hearing, and that the party has not waived the right to present the evidence. The agency may remand a case to the presiding officer to take additional evidence or may itself preside at the taking of additional evidence.

**2506.27(5)** *Scheduling.* The agency will issue a schedule for consideration of the appeal.

**2506.27(6)** *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs will include any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument will be filed with the briefs. The agency may resolve the appeal on the briefs or provide an opportunity for oral argument. The agency may shorten or extend the briefing period as appropriate.

**7—2506.28(17A) Applications for rehearing.**

**2506.28(1)** *By whom filed.* Any party to a contested case proceeding may file an application for rehearing from a final order.

**2506.28(2)** *Content of application.* The application for rehearing must identify on whose behalf it is filed, the portion of the decision the party wants reconsidered, the specific grounds for rehearing, whether the party wants to proceed on the record or to submit additional evidence, and the relief sought.

**2506.28(3)** *Time of filing.* The deadline to file an application for rehearing is 20 days after the final decision is issued.

**2506.28(4)** *Notice to other parties.* A copy of the application will be timely mailed or emailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the agency will serve copies on all parties.

**2506.28(5)** *Disposition.* A party need not respond to an application for rehearing unless the government entity requests a response. An application for a rehearing is deemed denied if it is not granted within 20 days of its filing or, if a response is filed, within 20 days of the filing of a response. An application for rehearing is optional; a party need not file an application to exhaust available administrative remedies. The filing of an application for rehearing shall toll the time period for appeal in rule 7—2506.27(17A).

**7—2506.29(17A) Stays of agency actions.**

**2506.29(1)** *When available.*

*a.* Any party may petition the agency to stay the effect of an order, or for other temporary remedies, pending review of the order by the agency. The petition must be filed with the notice of appeal and must state the reasons justifying a stay or other temporary remedy. The agency may rule on the stay or authorize the presiding officer to do so.

*b.* Any party may petition the agency for a stay, or other temporary remedies, pending judicial review of all or part of that proceeding. The petition must state the reasons justifying a stay or other temporary remedy.

**2506.29(2)** *When granted.* The presiding officer or agency will consider the factors listed in Iowa Code section 17A.19(5)“c” when deciding whether to grant the stay or other temporary remedy.

**2506.29(3)** *Vacation.* The presiding officer or agency may vacate a stay or other temporary remedy on the motion of the agency or any other party.

**7—2506.30(17A) Contested cases involving no factual dispute.** If the parties agree that no dispute of material fact exists, they may present all evidence, by stipulation or as otherwise agreed, without an evidentiary hearing. In such a situation, the parties should, as soon as practicable, jointly submit a proposed schedule for submitting the record and briefs and, if necessary, holding oral argument. If the parties cannot agree to a schedule, any party may file and serve a motion for summary judgment.

**7—2506.31(17A) Emergency adjudicative proceedings.**

**2506.31(1)** *Necessary emergency action.* To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare and, consistent with the Constitution and other provisions of law, the agency may issue an emergency adjudicative order in compliance with Iowa Code section 17A.18. The order must be in writing and may suspend a license in whole or in part, order that any continuing activity stop, order someone to act, or require other action within the jurisdiction of the agency. Before issuing an emergency adjudicative order, the agency must consider factors such as:

*a.* Whether there has been a sufficient factual investigation to ensure that it is proceeding on the basis of reliable information;

*b.* Whether the specific circumstances that pose immediate danger to public health, safety, or welfare have been identified and determined to be continuing;

*c.* Whether the person subject to the proposed emergency adjudicative order may continue to engage in other activities without posing immediate danger to public health, safety, or welfare;

*d.* Whether imposition of monitoring obligations or other interim safeguards would be sufficient to protect the public health, safety, or welfare; and

*e.* Whether the specific action contemplated by the agency is necessary to avoid immediate danger.

**2506.31(2)** *Issuance of order.*

*a.* An emergency adjudicative order must contain findings of fact and conclusions of law to justify the determination of an immediate danger in the agency’s decision to take immediate action.

*b.* The emergency adjudicative order will be immediately delivered to persons obligated to comply with the order by one or more of:

(1) Personal delivery;

(2) First-class or certified mail to the last address on file with the agency; or

(3) Fax. Fax may be used as the sole method of delivery if the person to whom the order applies has filed a written request that agency orders be sent by fax and has provided a fax number for that purpose.

*c.* To the practicable degree, the agency is obligated to select the procedure for providing written notice that best ensures prompt, reliable delivery.

**2506.31(3)** *Oral notice.* Unless the emergency adjudicative order is served by personal delivery on the same day that it is issued, the agency is obligated to make reasonable immediate efforts to contact the people to whom the order applies by telephone.

**2506.31(4)** *Completion of proceedings.*

*a.* After the issuance of an emergency adjudicative order, the agency will proceed as quickly as feasible to complete any proceedings that would be needed if the matter did not involve an immediate danger.

b. An emergency adjudicative order must include, or be accompanied by, a notice of the date by which agency proceedings are scheduled for completion. When an agency has issued an emergency adjudicative order, the agency or a presiding officer may continue contested case proceedings only in compelling circumstances upon application in writing.

7—2506.32 to 2506.100 Reserved.

**7—2506.101(17A) Definitions for vendor appeals of contested cases.** As used in this chapter, unless the context otherwise dictates:

“Agency” means the agency when purchasing goods or services through a competitive solicitation.

“Award” means the decision to select a vendor for a contract or purchase.

“Vendor” means any vendor who has submitted a bid or proposal in response to a competitive solicitation issued by an agency.

**7—2506.102(17A) Vendor appeal process.** Rules 7—2506.101(17A) through 7—2506.105(17A) govern appeals of the agency’s decisions regarding competitive solicitations for goods or services. These rules supplement standard contested case rules and control to the extent inconsistent with standard contested case rules. Not complying with these vendor appeal rules in any material respect will result in dismissal of the appeal and constitute a failure to exhaust administrative remedies.

**2506.102(1) Notice of intent to appeal.** A vendor who is aggrieved by the agency’s issuance of a notice of intent to award following a competitive solicitation may appeal that notice of intent to award. The deadline for the vendor to submit a notice of intent to appeal is five days following issuance of the notice of intent to award. Late notices of intent to appeal will not be accepted.

**2506.102(2) Initial disclosures.** When an agency receives the vendor’s notice of intent to appeal, the agency will respond by providing the public version of the winning vendor’s proposal as submitted by the vendor during the solicitation process. In addition, the agency will provide all evaluation committee materials, documentation, analysis, and results. If requested by the vendor, the agency will also send the public versions of losing bids or proposals as those public copies were submitted during the solicitation process. The vendor is not entitled to any additional discovery, materials, or information unless the proceedings advance past the first-tier review stage.

**2506.102(3) Notice of appeal.** Following receipt of the initial disclosures, the vendor may file a formal appeal within either the time frame identified in the solicitation document or, if no time frame is identified, five days from the award. If the vendor does not file a formal appeal in a timely manner, the appeal is waived. The vendor is obligated to plead with particularity; notice pleading is inadequate. At minimum, the formal appeal will include:

a. The vendor’s contact information, including contact information for the individual filing the notice of appeal, the individual’s association with the appealing vendor, and a showing of the individual’s authority to appeal on behalf of the appealing vendor;

b. Details of the award decision the vendor is challenging;

c. Why and how the vendor is aggrieved by the decision;

d. The legal and factual reasons for the vendor’s appeal, including references to the relevant grounds of appeal as set forth in Iowa Code section 17A.19(10); and

e. The relief the vendor is seeking.

**2506.102(4) Appeal bond—notice of appeal, first-tier review.** At the same time the vendor submits the notice of appeal, the appealing vendor must submit to the agency an appeal bond to the extent required in the solicitation document. An agency has discretion to require a bond in an amount up to 5 percent of the value of the contract that is the subject of the appeal, including all extension years available under the contract awarded. If the vendor does not submit the appeal bond, the agency will dismiss the appeal. The vendor forfeits the appeal bond if its claims are determined to be unreasonable, frivolous, or for purposes of delaying the award, in which case the vendor will also be ordered to pay all costs of the appeal of the agency and any intervening party. Those costs include but are not limited to the costs of the process, hearing costs, expert witness fees, and attorney’s fees and costs. The appealing vendor may be disqualified from future competitive solicitations in accordance with applicable rules

addressing vendor disqualification through debarment or suspension if the appeal is determined to be unreasonable, frivolous, or for the purpose of delay. Awarded costs may be extracted from the appeal bond.

**2506.102(5) Public records.**

a. To ensure fair evaluation of proposals and to make the vendor appeal process more efficient, solicitation-related information, such as proposals and evaluation materials, will remain confidential and will not be released to the public until the notice of intent to award is issued or any vendor appeals are fully and finally resolved, whichever comes later. Materials released in accordance with these vendor appeal rules or in a formal sealed bidding process controlled by Iowa Code section 72.3 are exceptions to this temporary prohibition on the release of confidential information.

b. By submitting materials for the bidding process, a vendor agrees that submitted documents and information can be shared with third parties, including competitors, in the event of an appeal. However, the agency will share confidential or proprietary information during an appeal process only in accordance with a protective order acceptable to the agency. Without a protective order, the agency will make available only to litigants copies of proposals from which confidential and proprietary information have been redacted, and then to non-litigants only after finalization of the award process or all vendor appeals, whichever comes later.

c. A vendor's notice of appeal is a public document available for public inspection. If the vendor believes the notice contains any confidential information, the vendor must, when it submits the notice of appeal, explain why the notice should remain confidential. The vendor must also submit a redacted version of the notice of appeal so that the public and other vendors submitting proposals in response to the solicitation can view nonconfidential portions of the notice of appeal.

**2506.102(6) Notice to winning vendor and intervention.** Once the agency receives the notice of appeal, the issuing officer for the solicitation will notify the winning vendor. The winning vendor may intervene in the appeal by submitting a notice of intervention no later than five days after receiving the notice.

**2506.102(7) Initial disclosures to intervenors.** The agency will send the intervening vendor the same public documents sent to the appellant.

**2506.102(8) Waiver.** To facilitate an orderly and timely resolution of vendor appeals, claims are waived in each of these instances:

a. A vendor did not raise during the solicitation process, such as through a question-and-answer period, an issue that could have been addressed during that process;

b. The issue is not raised in the original notice of appeal; and

c. An argument that could have been raised at an earlier stage of the appeal was not raised at that earlier stage.

**7—2506.103(17A) Vendor appeal stages.**

**2506.103(1) First-tier review.** Once the appeal is filed and any responses are received, the agency will review the case internally and issue a decision upholding, changing, or reversing the original award decision. The agency's decision is final unless the appealing vendor requests a second-tier review within the time frame identified in the solicitation document for seeking second-tier review or, if no time frame is so identified, five days from the issuance of the first-tier review. Failure to seek a second-tier review constitutes waiver of any right to seek a second-tier review and failure to exhaust administrative remedies.

**2506.103(2) Second-tier review.**

a. *Appeal hearing.* A vendor aggrieved by an agency's first-tier review may seek a second-tier review by filing a notice seeking second-tier review with the agency within five days of issuance of the first-tier review decision. The second-tier review request must comply with subrule 2506.102(3), except that it must refer to the first-tier review decision instead of the award decision. Upon receipt of a vendor's request for a second-tier review, the agency will schedule a hearing before an administrative law judge from the department of inspections, appeals, and licensing. The second-tier review hearing

will be held within 60 days after the request for a second-tier review, subject to good cause exceptions as set forth in subrule 2506.3(2).

*b. Appeal security.* At the same time as it submits a second-tier review request, the appealing vendor must submit an additional appeal bond to the extent required in the solicitation document. An agency has discretion to require a second bond in an amount up to 10 percent of the value of the contract that is the subject of the appeal, including all extension years available under the contract awarded. If the vendor does not satisfy the bond requirement, the agency will dismiss the second-tier review. The appeal bond will be forfeited if the vendor's claims are determined to be unreasonable, frivolous, or for purposes of delaying the award.

*c. Discovery.* Any party may seek reasonable discovery of information directly relevant to the issues that are the subject of the appeal. Overly broad or burdensome discovery requests are not allowed. Discovery issued to the agency is limited to events occurring at the agency that relate to the solicitation process. Issues not subject to discovery include the agency's existing relationships with other bidders. As a condition of requesting a second-tier review, the appellant is obligated to promptly respond to discovery requests made by any party defending the award. Any party defending the award may seek discovery from appellant of any matters that could affect the fairness of the solicitation process, including whether the appellant failed to disclose information relevant to the award process that would have resulted in its disqualification or that appellant engaged in previously unreported inappropriate contact that would have resulted in its disqualification. An appellant that would have been disqualified is not prejudiced by the award decision and lacks standing to challenge it. Confidential or proprietary information may be shared by the parties to the appeal in accordance with a protective order acceptable to the agency. All discovery requests will be made no later than five days after the request for a second-tier review is submitted. Parties must completely respond or object to discovery requests within 30 days of receipt. A party that objects to discovery requests must submit its objection to the requesting parties within ten days of receiving the discovery requests. Sanctions will be imposed for abuse of the discovery process, potentially including adverse inferences and dismissal of the appeal.

*d. Witnesses and exhibits.* At least ten days before the hearing, the parties will contact each other to discuss proposed witnesses and exhibits. Final witness and exhibit lists will be exchanged no later than seven days before the hearing.

*e. Second-tier hearing and decision.* The hearing will be transcribed by a court reporter arranged and paid for by the parties with the costs shared equally unless all parties to an appeal and the presiding officer agree to an alternative approach to record the proceeding. In the event the presiding officer orders post-hearing briefing, the following post-hearing schedule applies unless the parties agree to and the presiding officer orders a different schedule:

- (1) Any appellant post-hearing brief is due ten days after the presiding officer closes the record;
- (2) Any appellee or intervenor post-hearing brief is due ten days after receiving the appellant's brief, if any; and
- (3) Any appellant reply brief is due ten days after receiving the appellee or intervenor post-hearing brief.

Following the close of post-hearing briefing, the administrative law judge will issue a proposed decision, which will become the final agency decision unless a party seeks a third-tier review.

**2506.103(3)** *Third-tier review and decision.* A party aggrieved by an agency's second-tier review may seek a third-tier review by filing a notice seeking third-tier review with the agency. The deadline to file this notice is five days after the proposed decision on the second-tier review is issued. The third-tier review request must comply with subrule 2506.102(3), except that it must refer to the second-tier review decision instead of the award decision. The party appealing must submit the entire record from the second-tier review, including any transcripts or recordings, at its own cost. Any non-appealing party may file a response to the request. No additional briefing or argument is allowed at the third-tier review stage absent an agency's request. The agency will thereafter expeditiously issue the final agency decision, which will constitute final agency action on the matter.

## 7—2506.104(17A) Standards and remedies for vendor appeals.

**2506.104(1)** *Standard of review.* In all stages of the vendor appeal, the standard of review will be whether the solicitation process substantially complied with the legally binding procedures applicable to the award process at issue and, if not, whether there is prejudice to the nonprevailing vendor because:

- a. The noncompliance demands a conclusion that the award process was not conducted fairly, openly, or objectively, and
- b. Compliance with the legally binding procedure would have resulted in a different outcome.

For purposes of this rule, “legally binding procedure” means those procedures mandated by statute or administrative rule or expressly set forth in the text of the competitive solicitation. Agency guidance that is not in statute, administrative rule, or the text of the solicitation, including but not limited to training materials and procedural manuals, does not constitute legally binding procedure.

**2506.104(2)** *Burdens.* The appealing vendor bears the burden of proof and the burden of producing evidence in support of its allegations.

**2506.104(3)** *Standard of proof and prejudice to vendor.* The vendor must prove both noncompliance and prejudice by clear and convincing evidence.

**2506.104(4)** *Remedies available.* If the solicitation process is found to be unfair or noncompliant with legally binding procedures, the remedy will be narrowly tailored and specifically designed to remediate the specific noncompliance. Wholesale remedies invalidating or voiding solicitations will be avoided unless no other conceivable measure could remediate the noncompliance. Possible remedies may include but are not necessarily limited to remand to the agency with directions to remedy the specific noncompliance and reissue the award if the agency determines the contract is still necessary to meet the agency’s needs or objectives or, if remediation of the noncompliance is not possible, voiding the notice of intent to award with directions to the agency to proceed in the state’s best interests, which may include canceling the solicitation.

**2506.104(5)** *Authority over award decisions.* All final award decisions will be made by the agency. An administrative law judge’s authority is limited to affirming the agency’s action or remanding the issue to the agency for further consideration through a proposed decision. An administrative law judge lacks jurisdiction to compel the issuance of an award to a vendor other than a vendor awarded a contract by the agency.

**2506.104(6)** *Issues not for consideration.* The following types of challenges are not a basis for a vendor appeal. An attempted appeal that fits within one of the following categories will be dismissed:

- a. Any claim related to existing contract administration. The administration of an existing contract is within the discretion of the agency. Disputes between a vendor and the agency are resolved in accordance with dispute-resolution clauses in a contract and not through a vendor appeal process.
- b. Any claim of a subcontractor of an aggrieved vendor. Only vendors who submitted a bid or proposal in response to a solicitation have standing to appeal a notice of intent to award.
- c. Any claim related to alternative procurement processes, such as purchase orders, statements of work, or other transactional documents executed under an existing contract, including such orders made under master agreements. Vendor appeals are allowed only in response to competitive solicitations and no other forms of state purchases.
- d. Any claim related to suspensions or debarments of vendors.

#### **7—2506.105(17A) Stay of agency action.**

**2506.105(1)** *When a vendor can request a stay.* A vendor appealing a notice of intent to award may request a stay of the award process by filing a request for stay with the notice of appeal. In requesting the stay of agency action, the vendor is obligated to submit an additional bond equal to 120 percent of the value of the contract at issue, including any extension years available under the awarded contract. This bond is in addition to other appeal bonds as set forth in this chapter. If the appealing vendor does not submit a sufficient bond with its request for stay, its request for stay will be denied and the issue of stay of agency action will be considered waived. If no stay is sought or the issue is deemed waived, the agency will proceed with the contract award and contract execution consistent with the notice of intent to award. The vendor forfeits the appeal bond if its claims are determined to be unreasonable, frivolous, or for purposes of delaying the award, in which case the vendor will also be ordered to pay all costs of

the appeal of the agency and any intervening party. Those costs include but are not limited to the costs of the process, hearing costs, expert witness fees, and attorney's fees and costs. Awarded costs may be extracted from the appeal bond. If a stay is not granted and the ultimate award to the incoming awardee overturned in an administrative appeal or on judicial review, the contracted vendor will be entitled to payment for goods and services rendered under the contract and the agency may continue the contract with the awarded vendor until a replacement vendor is under contract.

**2506.105(2)** *When the stay is granted.* The agency will consider factors set forth in Iowa Code section 17A.19(5) "c" in deciding whether to grant the stay. The agency's decision on whether to grant a stay will be made by the chief executive of the agency and will constitute final agency action on the request for stay for purposes of Iowa Code chapter 17A.

**2506.105(3)** *When the stay is vacated.* Any stay imposed on an award may be vacated upon application of the agency or another interested party upon a showing of good cause.

**7—2506.106(17A) Federal funds.**

**2506.106(1)** Rules 7—2506.101(17A) through 7—2506.105(17A) do not apply where they conflict with a governing federal regulation or would jeopardize the receipt of federal funds.

**2506.106(2)** If the attorney general determines that any portion of rules 7—2506.101(17A) through 7—2506.105(17A) would cause the federal government to deny funds or services that would otherwise be available to an agency of this state, that portion will be suspended for that agency but only to the extent necessary to prevent denial of the federal funds or services.

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

[Filed Emergency 1/13/26, effective 1/13/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0034D**

**WORKFORCE DEVELOPMENT DEPARTMENT[871]**

**Adopted and Filed Emergency**

**Rulemaking related to innovative businesses internship program**

The Director of the Workforce Development Department hereby amends Chapter 69, "Innovative Businesses Internship Program," Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 84A.21.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 84A.21.

*Purpose and Summary*

This rulemaking updates outdated references and removes restrictive terms.

*Reason for Adoption of Rulemaking Without  
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its January 12, 2026, meeting reviewed the Department’s determination and this rulemaking and approved the emergency adoption.

*Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Department also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on January 12, 2026, because the rulemaking will confer a benefit on the public in that local small- and medium-sized businesses will continue to receive funding as they have in the past under the Iowa Economic Development Authority and most recently under Iowa Workforce Development. This clarifies that pursuant to Iowa Code section 84A.21, Iowa Workforce Development administers this program. In addition, this is a clerical update to make it clear that businesses with a significant portion of their workforce employed within the State of Iowa may receive funding.

*Adoption of Rulemaking*

This rulemaking was adopted by the Director of the Department on January 12, 2026.

*Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0036D** to allow for public comment.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking became effective on January 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule 871—69.1(15) as follows:

**871—69.1(15 84A) Authority.** The authority for adopting rules establishing an innovative businesses internship program is provided in Iowa Code section ~~15.411(4)~~ 84A.21.

ITEM 2. Amend rule 871—69.2(15) as follows:

**871—69.2(15 84A) Purpose.** The purpose of the innovative businesses internship program is to link Iowa students to ~~internship opportunities with innovative~~ small- and medium-sized Iowa firms ~~and to help such students convert their internships into employment through internship~~ opportunities.

ITEM 3. Amend rule 871—69.3(15), parenthetical implementation statute, as follows:

**871—69.3(15 84A) Definitions.**

ITEM 4. Rescind the definition of “Committee” in rule **871—69.3(15)**.

ITEM 5. Amend rule 871—69.4(15), parenthetical implementation statute, as follows:

**871—69.4(15 84A) Program funding.**

ITEM 6. Amend rule 871—69.5(15), parenthetical implementation statute, as follows:

**871—69.5(15 84A) Eligible business.**

ITEM 7. Amend subrule 69.5(1) as follows:

**69.5(1)** The business is ~~an Iowa-based business with fewer than 500 employees, with a significant portion employed within the state of Iowa. either:~~

a. An Iowa-based business with fewer than 500 employees, or

b. A business that is not based in Iowa with a significant portion employed within the state of Iowa.

ITEM 8. Amend rule 871—69.6(15), parenthetical implementation statute, as follows:

**871—69.6(15 84A) Ineligible business.**

ITEM 9. Amend subrule 69.6(1) as follows:

**69.6(1)** A business that is engaged in retail sales, ~~or that provides health services~~ health care, or other businesses requiring a professional license.

ITEM 10. Amend rule 871—69.7(15), parenthetical implementation statute, as follows:

**871—69.7(15 84A) Eligible students.**

ITEM 11. Amend rule 871—69.8(15) as follows:

**871—69.8(15 84A) Ineligible students.** Students who are more than two years from graduation are ineligible. Students who are immediate family members of management employees or board members of the applicant business are ineligible. Students who do not otherwise meet the eligibility requirements described in rule 871—69.7(15 84A) are not eligible.

ITEM 12. Amend rule 871—69.9(15), parenthetical implementation statute, as follows:

**871—69.9(15 84A) Application submittal and review process.**

ITEM 13. Amend rule 871—69.10(15), parenthetical implementation statute, as follows:

**871—69.10(15 84A) Application content and other requirements.**

ITEM 14. Amend rule 871—69.11(15) as follows:

**871—69.11(15 84A) Selection process.** Applications will be reviewed in the order received by the department. The director may approve, defer or deny each application for financial assistance based on the availability of funds. The department will score applications according to the criteria specified in rule 871—69.12(15 84A). Applications that receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules will be considered for funding.

ITEM 15. Amend rule 871—69.12(15), parenthetical implementation statute, as follows:

**871—69.12(~~15 84A~~) Application scoring criteria.**

ITEM 16. Amend rule 871—69.13(15), parenthetical implementation statute, as follows:

**871—69.13(~~15 84A~~) Contract and reporting.**

ITEM 17. Amend subrule 69.13(4) as follows:

**69.13(4) *Contract amendments.*** The board does not need to approve a contract amendment. ~~The director may approve contract amendments consistent with Iowa Code section 15.106C.~~

ITEM 18. Amend **871—Chapter 69**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section ~~15.411(4)~~ 84A.21.

[Filed Emergency 1/12/26, effective 1/12/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0033D**

## **WORKFORCE DEVELOPMENT DEPARTMENT[871]**

### **Adopted and Filed Emergency**

#### **Rulemaking related to STEM internship program**

The Director of the Workforce Development Department hereby amends Chapter 75, “STEM Internship Program,” Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 84A.21.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 84A.21.

#### *Purpose and Summary*

The purpose of this rulemaking is to clarify the requirements of utilizing the funding of and administering of Iowa’s STEM Internship Program.

#### *Reason for Adoption of Rulemaking Without Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its January 12, 2026, meeting reviewed the Department’s determination and this rulemaking and approved the emergency adoption.

#### *Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Department also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on January 12, 2026, because the rulemaking will confer a benefit on the public in that Iowa businesses will continue to receive funding as they have in the past under the Iowa Economic Development Authority and most recently under Iowa Workforce Development. This clarifies that pursuant to Iowa Code section 84A.21, Iowa Workforce Development administers this program. In

addition, this is a clerical update to make it clear that businesses with a significant portion of their workforce employed within the State of Iowa may receive funding.

*Adoption of Rulemaking*

This rulemaking was adopted by the Director of the Department on January 12, 2026.

*Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0035D** to allow for public comment.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking became effective on January 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule 871—75.1(15,85GA,ch1132,86GA,SF510) as follows:

**871—75.1(15 84A,85GA,ch1132,86GA,SF510) Authority.** The authority for adopting rules establishing a STEM internship program is provided in Iowa Code ~~sections 15.411(5) and 15.106A~~ [section 84A.21](#).

ITEM 2. Amend rule 871—75.2(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

**871—75.2(15 84A,85GA,ch1132,86GA,SF510) Purpose.**

ITEM 3. Amend rule 871—75.3(15), parenthetical implementation statute, as follows:

**871—75.3(15 84A) Definitions.**

ITEM 4. Amend rule **871—75.3(15)**, definition of “Employer,” as follows:

“Employer” means any enterprise located in this state that is operated for profit ~~and under a single management~~.

ITEM 5. Adopt the following **new** definition of “Innovative business” in rule **871—75.3(15)**:

“Innovative business” means the same as defined in Iowa Code section 84A.21(1)“a.”

ITEM 6. Rescind the definition of “Committee” in rule **871—75.3(15)**.

ITEM 7. Amend rule 871—75.4(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

**871—75.4(15 84A,85GA,ch1132,86GA,SF510) Program funding and disbursement.**

ITEM 8. Amend rule 871—75.5(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

**871—75.5(15 84A,85GA,ch1132,86GA,SF510) Eligible employers.**

ITEM 9. Amend subrule 75.5(1) as follows:

**75.5(1)** The employer is ~~an Iowa-based business and has a significant portion of its employees located within the state of Iowa.~~ either:

a. An Iowa-based business, or

b. A business that is not based in Iowa that has a significant portion of its employees located within the state of Iowa.

ITEM 10. Amend rule 871—75.6(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

**871—75.6(15 84A,85GA,ch1132,86GA,SF510) Ineligible employers.**

ITEM 11. Amend subrule 75.6(1) as follows:

**75.6(1)** An employer that is a business engaged in retail sales, health care, or other businesses requiring a professional license.

ITEM 12. Amend rule 871—75.7(15,85GA,ch1132,86GA,SF510) as follows:

**871—75.7(15 84A,85GA,ch1132,86GA,SF510) Eligible students.** To be eligible, a person meets the requirements of a “student” as defined in rule 871—75.3(15 84A) and is a person who is within one to two years of graduation, has declared a major in a STEM field or is enrolled in a STEM-related academic or degree program at a community college, and is hired for an internship at an Iowa employer during a designated internship period.

ITEM 13. Amend rule 871—75.8(15,85GA,ch1132,86GA,SF510) as follows:

**871—75.8(15 84A,85GA,ch1132,86GA,SF510) Ineligible students.** Students who are more than two years from graduation are ineligible. Students who have not declared a major in a STEM field or are not enrolled in a STEM-related academic or degree program at a community college are ineligible. Students who are immediate family members of management employees or board members of the applicant employer are ineligible. Students who do not otherwise meet the eligibility requirements described in rule 871—75.7(15 84A,85GA,ch1132,86GA,SF510) are ineligible.

ITEM 14. Amend rule 871—75.9(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

**871—75.9(15 84A,85GA,ch1132,86GA,SF510) Application submittal and review process.**

ITEM 15. Amend rule 871—75.10(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

**871—75.10(15 84A,85GA,ch1132,86GA,SF510) Application content and other requirements.**

ITEM 16. Amend rule 871—75.11(15,85GA,ch1132,86GA,SF510) as follows:

**871—75.11(15 84A,85GA,ch1132,86GA,SF510) Award process.** Applications will be reviewed in the order received by the department. The department will attempt to award as many eligible internships

as funding allows. However, the department may deny applications for incompleteness or because of insufficient funds. The department will score applications according to the criteria specified in rule 871—75.12(~~45 84A~~,85GA,ch1132,86GA,SF510). Applications that receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules will be considered for funding.

ITEM 17. Amend rule 871—75.12(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

**871—75.12(~~45 84A~~,85GA,ch1132,86GA,SF510) Application scoring criteria.**

ITEM 18. Amend rule 871—75.13(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

**871—75.13(~~45 84A~~,85GA,ch1132,86GA,SF510) Contract and reporting.**

ITEM 19. Amend **871—Chapter 75**, implementation sentence, as follows:

These rules are intended to implement 2014 Iowa Acts, chapter 1132, section 12, and Iowa Code section ~~45.411(5)~~ 84A.21.

[Filed Emergency 1/12/26, effective 1/12/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

ARC 0040D

**COLLEGE STUDENT AID COMMISSION[283]****Adopted and Filed****Rulemaking related to organization and operation**

The College Student Aid Commission hereby rescinds Chapter 1, “Organization and Operation,” Iowa Administrative Code, and adopts a new Chapter 1 with the same title.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 256.178.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

*Purpose and Summary*

The Commission is rescinding and adopting a new Chapter 1 pursuant to Executive Order 10. New Chapter 1 is adopted to ensure the Commission illustrates the organizational structure for the Commission as a bureau within the Iowa Department of Education and illustrates specific provisions related to the Commission Board.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9737C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 283—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1  
ORGANIZATION AND OPERATION

**283—1.1(256) Purpose.** This chapter describes the organization, operation, and location of the college student aid commission (hereinafter generally referred to as the commission).

**283—1.2(261) Organization and operations.**

**1.2(1) Location.** The location and mailing address of the commission are posted on the Iowa department of education website ([educateiowa.gov](http://educateiowa.gov)).

**1.2(2) The commission board.** The commission board's membership is governed by Iowa Code section 256.176.

**1.2(3) Commission board meetings.**

*a.* A quorum is governed by Iowa Code section 17A.2(1).

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

**1.2(4) Commission.** The commission is established by Iowa Code section 256.176 to perform the function and duties set forth in Iowa Code chapter 256, subchapter VII, part 4; Iowa Code chapter 261B; other Iowa Code provisions; and the Iowa Administrative Code. The commission exists as a bureau within the organizational structure of the Iowa department of education.

These rules are intended to implement Iowa Code chapter 256.

[Filed 1/9/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0041D**

**COLLEGE STUDENT AID COMMISSION[283]**

**Adopted and Filed**

**Rulemaking related to commission procedure for rulemaking and petitions for rulemaking**

The College Student Aid Commission hereby rescinds Chapter 2, "Commission Procedure for Rule Making," and adopts a new Chapter 2, "Commission Procedure for Rulemaking and Petitions for Rulemaking," Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 256.178.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

*Purpose and Summary*

The Commission is rescinding and adopting a new Chapter 2 pursuant to Executive Order 10. New Chapter 2 explains the rulemaking process.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9738C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 283—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2  
COMMISSION PROCEDURE FOR RULEMAKING  
AND PETITIONS FOR RULEMAKING

**283—2.1(17A) Incorporation by reference.** The college student aid commission incorporates by this reference all such matters in Iowa Code chapter 17A that deal with rulemaking or petitions for rulemaking.

**283—2.2(17A) Contact information.**

**2.2(1) General.** Petitions for rulemaking and inquiries about commission rules and the rulemaking process may be directed to the Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146.

**2.2(2) Comments on proposed rules.** Any public comment on a Notice of Intended Action or similar document may be directed to the Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146, or as directed in the Notice of Intended Action or similar document.

**2.2(3) Petitions for rulemaking.** A petition for rulemaking that substantially conforms to the following form will be considered by the commission:

COLLEGE STUDENT AID COMMISSION	
Petition by (Name of Petitioner) for the Adoption/Amendment/Repeal of (Cite rule involved).	}
PETITION FOR RULEMAKING	

**283—2.3(17A) Electronic submissions.** The department encourages electronic submissions of documents under this chapter, including documents bearing electronic signatures. More information is available in the administrative rules content on the Iowa department of education’s website ([educateiowa.gov](http://educateiowa.gov)).

These rules are intended to implement Iowa Code section 256.178 and chapter 17A.

[Filed 1/9/26, effective 3/11/26]

[Published 2/4/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0042D**

**COLLEGE STUDENT AID COMMISSION[283]**

**Adopted and Filed**

**Rulemaking related to declaratory orders**

The College Student Aid Commission hereby rescinds Chapter 3, “Declaratory Orders,” Iowa Administrative Code, and adopts a new Chapter 3 with the same title.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 256.178.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

*Purpose and Summary*

The Commission is rescinding and adopting a new Chapter 3 pursuant to Executive Order 10. New Chapter 3 explains the declaratory order process.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9739C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

#### *Review by Administrative Rules Review Committee*

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

#### *Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 283—Chapter 3 and adopt the following **new** chapter in lieu thereof:

### CHAPTER 3 DECLARATORY ORDERS

The college student aid commission adopts, with the exceptions and amendments noted in rule 283—3.1(17A), the Uniform Rules on Agency Procedure relating to declaratory orders, which are published at [www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf) on the general assembly's website.

**283—3.1(17A) Additional information concerning declaratory orders.** For purposes of the Uniform Rules on Agency Procedure relating to declaratory orders, the following amendments and exceptions apply:

1. In lieu of “(designate agency)”, insert “college student aid commission”.
2. In lieu of “(designate office)”, insert “Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
3. In lieu of “\_\_\_\_\_ days (15 or less)”, insert “15 days”.
4. In lieu of “\_\_\_\_\_ days”, insert “15 days”.
5. In lieu of “(designate official by full title and address)”, insert “Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.

6. In lieu of “(specify office and address)”, insert “Executive Director of the College Student Aid Commission, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.

7. Method of service, time of filing, proof of mailing, the date of issuance of an order, and a refusal to issue an order are governed by 283—Chapter 4.

These rules are intended to implement Iowa Code section 17A.9.

[Filed 1/9/26, effective 3/11/26]

[Published 2/4/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0043D**

## **COLLEGE STUDENT AID COMMISSION[283]**

### **Adopted and Filed**

#### **Rulemaking related to due process and contested cases**

The College Student Aid Commission hereby rescinds Chapter 4, “Due Process,” and adopts a new Chapter 4, “Due Process and Contested Cases,” and rescinds Chapter 5, “Contested Cases,” Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 256.178.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

#### *Purpose and Summary*

The Commission is rescinding Chapters 4 and 5 and adopting a new Chapter 4 pursuant to Executive Order 10. Chapter 4 consolidates the provisions from the two existing chapters. Chapter 4 explains the appeal process and contested case hearings.

#### *Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9740C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 283—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4  
DUE PROCESS AND CONTESTED CASES

**283—4.1(256) Definitions.** For the purposes of this chapter:

“*Commission*” means the college student aid commission.

“*Waiver*” means the same as defined in Iowa Code section 17A.9A(5).

**283—4.2(256) Appeals.** This rule describes procedures for appeal to commission decisions covering eligibility for state financial aid awards, adjustment in award amounts, refunds of awards, and institutional eligibility for participation in state financial aid programs.

**4.2(1)** Administrative staff of the commission shall make all decisions in accordance with established policies and published administrative rules approved by the commission and shall notify the concerned individual or institution of these decisions within a reasonable time after inquiry.

**4.2(2)** If an individual, institution, or any duly appointed representative thereof disagrees with a staff decision, written evidence setting forth the reasons for disagreement shall be presented to the executive director of the commission. The evidence must be presented within 60 days after notification of the staff decision, and the appellant may request a hearing.

*a.* If no hearing is requested, the executive director will consider all evidence provided and will notify the appellant within 30 days whether the decision is retracted, modified or upheld. The appellant will be advised of the appellant's right to carry the appeal to a meeting of the full commission or to an appeals panel appointed by the commission.

*b.* If a hearing is requested, the executive director will follow the contested case procedures in rule 283—4.3(17A).

**283—4.3(17A) Incorporation by reference.** The commission adopts, with the exceptions and amendments noted in rule 283—4.4(17A), the Uniform Rules on Agency Procedure relating to contested cases, which are published at [www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf) on the general assembly's website.

**283—4.4(17A) Additional information concerning contested cases.** For purposes of the Uniform Rules on Agency Procedure relating to declaratory orders, the following amendments and exceptions apply:

1. In lieu of “(agency name)”, insert “college student aid commission”.

2. In lieu of “(designate official)”, insert “Executive Director”.  
These rules are intended to implement Iowa Code section 256.178 and chapter 17A.

ITEM 2. Rescind and reserve **283—Chapter 5**.

[Filed 1/9/26, effective 3/11/26]

[Published 2/4/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0044D**

**COLLEGE STUDENT AID COMMISSION[283]**

**Adopted and Filed**

**Rulemaking related to public records and fair information practices**

The College Student Aid Commission hereby rescinds Chapter 6, “Public Records and Fair Information Practices,” Iowa Administrative Code, and adopts a new Chapter 6 with the same title.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 256.178.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

*Purpose and Summary*

The Commission is rescinding Chapter 6 and adopting a new Chapter 6 pursuant to Executive Order 10. New Chapter 6 explains the process of requesting and obtaining public records from the Commission.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9746C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 283—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The commission hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to public records and fair information practices, which are published at [www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf) on the general assembly's website.

**283—6.1(17A,22) Exceptions and additions.**

**6.1(1)** *Definition of "agency."* In lieu of the words "(official or body issuing these rules)", insert "college student aid commission".

**6.1(2)** *Request for access to record.* In subrule X.3(1), replace the paragraph with "Requests for access to records of the college student aid commission are to be directed to the Grimes State Office Building, Des Moines, Iowa 50319-0146, regardless of where those records are located."

**6.1(3)** *Office hours.* In lieu of the words "(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)" in subrule X.3(2), insert "8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays".

**6.1(4)** *Fees.* In paragraph X.3(7) "c," in lieu of the words "(specify time period)", insert "one hour". The fee will be \$60 per hour.

**6.1(5)** *Procedure by which additions, dissents, or objections may be entered into certain records.* In rule X.6, in lieu of the words "(designate office)", insert "the executive director of the college student aid commission".

**6.1(6)** *Consent to disclosure by the subject of a confidential record.* In rule X.7, add the following paragraphs:

**X.7(1)** A letter from a subject of a confidential record to a public official who seeks the official's intervention on behalf of the subject in a matter that involves the agency may to the extent permitted by law be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

**X.7(2)** The subject of a confidential record may file a written request to review confidential records about that person as provided in rule 281—5.6(22,256). However, the agency need not release records to the subject in the following circumstances:

*a.* The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

*b.* Records need not be disclosed to the subject when the records are the work product of an attorney or are otherwise privileged.

*c.* Peace officers' investigative reports may be withheld from the subject, except as provided by the Iowa Code. More information can be found in Iowa Code section 22.7(5).

*d.* As otherwise authorized by law.

**X.7(3)** Where 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.

**283—6.2(22,256) Disclosures without the consent of the subject.**

**6.2(1)** Records that are not confidential are routinely disclosed without the consent of the subject.

**6.2(2)** Records that are confidential will be disclosed outside of the commission only with the consent of the subject of the record or in circumstances in which consent of the subject is not legally necessary.

**6.2(3)** Confidential records may be disclosed without consent of the subject to the extent allowed by law and to the extent to which the need to access the record is compatible with the purpose for which the record was collected. Purposes that fall within this guideline are considered routine uses of confidential records. Under these premises, the following are considered routine uses:

*a.* Disclosure to officers, employees, and agents of the commission who have a need for the record in the performance of their employment duties. The custodian of the record may, upon request of an officer or employee or on the custodian’s own initiative, determine what constitutes legitimate need to use a confidential record.

*b.* Transfers of information within the commission, to other state agencies, or to local units of government, as appropriate, to administer the program for which the information is collected.

**283—6.3(17A,22) Availability of records.**

**6.3(1)** This rule lists the commission records that are open to the public, those that are confidential, and those that are partially open and partially confidential.

**6.3(2)** Commission records are listed by category, according to the legal basis for confidential treatment (if any). The commission administers federally funded programs, as well as state programs, and is authorized by Iowa Code section 22.9 to enforce confidentiality standards for federal law and regulations as are required for receipt of the funds. A single record may contain information from several categories.

**6.3(3)** The chart indicates whether the record contains personally identifiable information and indicates the legal authority for confidentiality and for the collection of personally identifiable information.

Abbreviations are used in the chart as follows:

Code	Meaning	Code	Meaning
O	The records are open for public inspection.	O/C	The record is partially open and partially confidential.
C	The records are confidential and are not open to public inspection.	O/E	The record is partially open to the public and partially exempt from disclosure.
E	The record is exempt from mandatory disclosure to members of the public.	O/E/C	The record is partially open to the public, partially exempt from disclosure, and partially confidential and not open to the public.
E/C	The record is exempt from mandatory disclosure to the public and is confidential and not open to public inspection.	NA	Not applicable.

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR INFORMATION
Records of Commission, Advisory Council, and Committees	O/E	Iowa Code 21.5	No	NA
Rulemaking	O	NA	No	NA
Declaratory Ruling Records	O/C	Iowa Code 22.7	No	NA
Rules and Policy Manuals	O	NA	No	NA
General Correspondence	O/E/C	Iowa Code 22.7	Yes	NA
Publications <ul style="list-style-type: none"> <li>• General</li> <li>• GSL</li> <li>• Scholarship</li> </ul>	O	NA	No	NA
Statistical Reports	O	NA	No	NA
Staff Reports	O	NA	No	NA
Financial & Administrative Records	O/E/C	Iowa Code 22.7	Yes	NA

DESCRIPTION OF RECORD	TYPE OF RECORD	LEGAL AUTHORITY FOR CONFIDENTIALITY	PERSONALLY IDENTIFIABLE INFORMATION	LEGAL AUTHORITY FOR INFORMATION
Registration and Approval Records	O	NA	No	NA
Contracts and Interagency Agreements	O/C	Iowa Code 22.7(3)	No	NA
Sealed Bids Prior to Public Opening	C	Iowa Code 22.3, 22.7 and 72.3	No	NA
Appeal Records	O/C	Iowa Code 22.7	Yes	NA
Litigation Files	O/E/C	Iowa Code 22.7	Yes	NA
Privileged Communication and Products of Attorneys Representing the Commission	E/C	Iowa Code 22.7, Iowa Code of Professional Responsibility for Lawyers, Canon 4	No	NA
Individual Applicant/Recipient Records (such as those collected under the Iowa Tuition Grant and Iowa Vocational-Technical Tuition Grant Programs)	C	Iowa Code 22.7	Yes	Sec. 428[b-c] and Sec. 488[c]
State and Federal Program Records (such as those maintained under the Iowa Tuition Grant Program and the John R. Justice Student Loan Repayment Program)	O	NA	No	NA

**283—6.4(22,256) Applicability.** This chapter does not:

- 6.4(1)** Compel the commission to create a record that does not otherwise exist.
- 6.4(2)** Require the commission to index or retrieve records that contain information about individuals by that person’s name or other personal identifier.
- 6.4(3)** Make available to the general public records that would otherwise not be available under Iowa Code chapter 22.
- 6.4(4)** Govern the maintenance, disclosure or notification of or access to records in the possession of the commission that are governed by the rules of another agency.
- 6.4(5)** Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs unless otherwise provided by law or agreement.
- 6.4(6)** Make available records compiled by the commission in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any individual or party subject to such litigation or proceedings is governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable rules of the commission.

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

[Filed 1/9/26, effective 3/11/26]

[Published 2/4/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0045D**

**COLLEGE STUDENT AID COMMISSION[283]**

**Adopted and Filed**

**Rulemaking related to waivers from administrative rules**

The College Student Aid Commission hereby rescinds Chapter 7, “Uniform Rules for Waivers,” and adopts a new Chapter 7, “Waivers from Administrative Rules,” Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 256.178.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 256.178.

*Purpose and Summary*

The Commission is rescinding Chapter 7 and adopting a new Chapter 7 pursuant to Executive Order 10. New Chapter 7 explains the rule waiver process to constituents.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9747C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 283—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7  
WAIVERS FROM ADMINISTRATIVE RULES

**283—7.1(17A) Definitions.** For purposes of this chapter:

“*Commission*” means the college student aid commission.

“*Waiver*” means the same as defined in Iowa Code section 17A.9A(5).

**283—7.2(17A) General.** The commission may grant a waiver of any administrative rule if the waiver is consistent with Iowa Code section 17A.9A.

**283—7.3(17A) Criteria for waiver.** In response to a petition filed pursuant to this chapter, the commission may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the commission finds, based on clear and convincing evidence, that all of the factors listed in Iowa Code section 17A.9A(2) apply.

**283—7.4(17A) Filing of petition.** All petitions for waiver are submitted in writing to the Executive Director, College Student Aid Commission, Department of Education, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146. If the petition relates to a pending contested case, the petition is filed in the contested case proceeding using the caption of the contested case.

**283—7.5(17A) Content of petition.** A petition for waiver includes the following information where applicable and known to the requester:

**7.5(1)** The name, address, and telephone number of the person for whom a waiver is being requested, and the case number of any related contested case.

**7.5(2)** A description and citation of the specific rule from which a waiver is requested.

**7.5(3)** The specific waiver requested, including the precise scope and duration.

**7.5(4)** The relevant facts that the petitioner believes would justify a waiver under the criteria described in Iowa Code section 17A.9A(2). This statement includes a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.

**7.5(5)** A history of any prior contacts between the commission and the petitioner relating to the commission's programs, contracts, allocations, loans, grants or other activities in which the petitioner has participated or from which the petitioner has received a benefit that are affected by the proposed waiver, including a description of each affected item held by the requester and any notices of violation or noncompliance, contested case hearings, or investigative reports relating to the item within the last five years.

**7.5(6)** A detailed statement of the impact on student achievement for any person affected by the granting of a waiver.

**7.5(7)** Any information known to the requester regarding the commission's treatment of similar cases.

**7.5(8)** The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

**7.5(9)** The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

**7.5(10)** Signed releases of information authorizing persons with knowledge regarding the request to furnish the commission with information relevant to the waiver.

**283—7.6(17A) Additional information.** Prior to issuing an order granting or denying a waiver, the executive director may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the commission or its executive director may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the commission's executive director, a committee of the commission's staff, or a quorum or committee of the commission's board to consider the petition for waiver.

**283—7.7(17A) Notice.** The commission will acknowledge a petition upon receipt and ensure that, within 30 days of the receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is necessary by any provision of law. In addition, the commission may give notice to other persons. To accomplish this notice provision, the commission may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the commission attesting that notice has been provided.

**283—7.8(17A) Hearing procedures.** The provisions of Iowa Code sections 17A.10 through 17A.18A regarding contested case hearings apply in three situations:

- 7.8(1) To any petition for a waiver filed within a contested case,
- 7.8(2) When provided by rule or order, or
- 7.8(3) When required to do so by statute.

**283—7.9(17A) Ruling.** An order granting or denying a waiver will be in writing and will contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of any waiver issued.

7.9(1) *General.* The final decision on whether the circumstances justify the granting of a waiver is in the sole discretion of the commission, based on the unique, individual circumstances set out in the petition.

7.9(2) *Compliance with Iowa Code standards.* The commission applies the standards and burdens in Iowa Code section 17A.9A(3).

7.9(3) *Administrative deadlines.* When the rule from which a waiver is sought establishes administrative deadlines, the commission will balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

7.9(4) *Narrowly tailored exception.* A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

7.9(5) *Time period of waiver.* A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the commission, a waiver may be renewed if the commission finds that grounds for a waiver continue to exist.

7.9(6) *Time for ruling.* The commission will grant or deny a petition for a waiver as soon as practicable but, in any event, within 120 days of its receipt unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the commission will grant or deny the petition no later than the time at which the final decision in that contested case is issued. Failure of the commission to grant or deny a petition within the required time period is deemed a denial of that petition by the commission. However, the commission remains responsible for issuing an order denying a waiver.

7.9(7) *Service of order.* Within seven days of its issuance, any order issued under this chapter is to be transmitted to the petitioner or the person to whom the order pertains, and to any other person entitled to such notice by any provision of law.

**283—7.10(17A) Public availability.** The commission will comply with the public availability and filing procedures of Iowa Code section 17A.9A(4).

**283—7.11(17A) After issuance of a waiver.**

7.11(1) *Cancellation.* A waiver issued pursuant to this chapter may be withdrawn, canceled or modified if, after appropriate notice and hearing, the commission issues an order finding any of the following:

- a. The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or
- b. The alternative means for ensuring that public health, safety and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or
- c. The subject of the waiver order has failed to comply with all conditions contained in the order.

7.11(2) *Violations.* A violation of conditions in the waiver approval is the equivalent of a violation of the particular rule for which the waiver is granted. As a result, the recipient of a waiver under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

7.11(3) *Defense.* After the commission issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

**7.11(4) *Judicial review.*** Judicial review of the commission’s decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

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

[Filed 1/9/26, effective 3/11/26]

[Published 2/4/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0046D**

## **COLLEGE STUDENT AID COMMISSION[283]**

### **Adopted and Filed**

#### **Rulemaking related to uniform policies**

The College Student Aid Commission hereby rescinds Chapter 10, “Uniform Policies,” Iowa Administrative Code, and adopts a new Chapter 10 with the same title.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 256.178.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Executive Order 10.

#### *Purpose and Summary*

The Commission is rescinding and adopting a new Chapter 10 pursuant to Executive Order 10. Chapter 10 consolidates uniform policies and definitions that are referenced in other chapters under the purview of the Bureau of Iowa College Aid.

#### *Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025, as **ARC 9589C**. A public hearing was held on the following date(s):

- October 21, 2025
- October 22, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 283—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10  
UNIFORM POLICIES

**283—10.1(256) Purpose.** This chapter describes uniform definitions and policies that apply to programs administered by the college student aid commission.

**283—10.2(256) Definitions.**

*“Financial metric”* is the means by which the commission ranks the relative financial need of an applicant for financial assistance. The calculated financial metric shall be evaluated annually on the basis of a confidential statement of family finances filed on a form designated by the commission. The commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form developed by the U.S. Department of Education, which is used to determine the financial metric. Relative need will be ranked based on the applicant's financial metric provided by the U.S. Department of Education. The FAFSA must be received by the processing agent by the date specified by the commission. A negative financial metric is the equivalent of zero.

*“Financial need”* is the difference between the applicant's cost of attendance, as defined in Title IV of the federal Higher Education Act of 1965, as of July 1, 2025, and the applicant's financial metric and other available financial assistance at the eligible institution.

*“Full-time”* means enrollment in at least 12 semester credit hours, or the equivalent, that are part of a program of study. Credits that a student receives through “life experience credit” and “credit by examination” are not eligible for funding. Only coursework required for the student's eligible program of study can be used to determine enrollment status for state award calculations.

*“Iowa resident”* means a person who:

1. If attending an Iowa regent university, Iowa private college or university, or Iowa barber or cosmetology college, meets the criteria used by the state board of regents to determine residency for tuition purposes as described in rule 681—1.4(262) and, if the person qualifies for residency only as described in 681—paragraph 1.4(2) “b,” meets the following additional criteria:

- Is a veteran or qualifying military person domiciled in the state of Iowa who is not dependent upon a parent for financial support;
- Is a dependent veteran or qualifying military person whose parent is domiciled in the state of Iowa; or
- Is the spouse, domestic partner, or dependent child of a veteran or qualifying military person who is domiciled in the state of Iowa; or

2. If attending an Iowa community college, meets the criteria defined by the Iowa department of education to determine residency for community college tuition purposes as defined in 281—subrule 21.2(11) and, if the person qualifies for residency only as described in 281—subparagraph 21.2(11) “b”(5), meets the following additional criteria:

- Is a veteran of uniformed service or a national guard member domiciled in the state of Iowa who is not dependent upon a parent for financial support;
- Is a dependent veteran of uniformed service or a national guard member whose parent is domiciled in the state of Iowa; or
- Is the spouse, domestic partner, or dependent child of a veteran of uniformed service or a national guard member who is domiciled in the state of Iowa.

“*Part-time*” means enrollment that includes 3 to 11 semester credit hours, or the equivalent, that are part of a program of study. Credits that a student receives through “life experience credit” and “credit by examination” are not eligible for funding. Only coursework required for the student’s eligible program of study can be used to determine enrollment status for state award calculations.

“*Program of study*” means a course of study that is eligible for federal student aid programs and leads to a teaching license or an undergraduate diploma, certificate, or degree.

“*Satisfactory academic progress*” is determined by the eligible institution, the standards of which meet the criteria for participation in federal student aid programs and are published on the eligible institution’s website.

**283—10.3(256) Policies.** A student who is in default on a Stafford Loan, SLS Loan, PLUS Loan, or Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the program. The student regains eligibility under this rule by providing documentation to the eligible institution that the student has regained eligibility under Title IV of the Higher Education Act of 1965 as of July 1, 2025.

These rules are intended to implement Iowa Code chapter 256.

[Filed 1/9/26, effective 3/11/26]

[Published 2/4/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0047D**

## **COLLEGE STUDENT AID COMMISSION[283]**

### **Adopted and Filed**

#### **Rulemaking related to the Iowa tuition grant program**

The College Student Aid Commission hereby amends Chapter 12, “Iowa Tuition Grant Program,” Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code sections 256.178 and 256.189.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code sections 256.183 through 256.190.

#### *Purpose and Summary*

The Commission is amending Chapter 12 pursuant to 2025 Iowa Acts, House File 295. The amendments replace references to the Higher Learning Commission with the broader accreditation authority enacted in House File 295. In addition, the rulemaking adopts a technical clarification to the definition of “program of study” to align the administrative rule language with the operation of the program.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9768C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule **283—12.2(256)**, definitions of “Located in Iowa” and “Program of study,” as follows:

“*Located in Iowa*” means a college or university is accredited by ~~the Higher Learning Commission of the North Central Association of Colleges and Schools~~ a federally recognized accreditor of postsecondary educational institutions, has made a substantial investment in a permanent Iowa campus and staff, and offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

“*Program of study*” means the same as defined in rule 283—10.2(256), except that the program of study must lead to an undergraduate degree or an initial teaching license in Iowa.

ITEM 2. Amend subrule 12.5(3) as follows:

**12.5(3) Ongoing eligibility.** An accredited private institution that is participating in the Iowa tuition grant program will immediately notify the commission if its ~~higher learning commission accreditation~~ federally recognized accreditation as a postsecondary educational institution or 501(c)(3) status is lost, or if the accredited private institution will fail to meet the necessary institutional match. Failure to meet any provision in Iowa Code sections 256.183 through 256.190 or this rule may result in the immediate cessation of the institution's participation in the Iowa tuition grant and in the institution returning Iowa tuition grant funds to the commission.

[Filed 1/15/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0048D**

## **COLLEGE STUDENT AID COMMISSION[283]**

### **Adopted and Filed**

#### **Rulemaking related to health care professional recruitment program**

The College Student Aid Commission hereby rescinds Chapter 14, "Health Care Professional Recruitment Program," Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code sections 256.178 and 256.223.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 256.223.

#### *Purpose and Summary*

The Health Care Professional Recruitment Program (Iowa Code section 256.223) was repealed on July 1, 2025, by 2025 Iowa Acts, House File 972, so there is no further benefit of Chapter 14.

#### *Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025, as **ARC 9590C**. A public hearing was held on the following date(s):

- October 21, 2025
- October 22, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

#### *Review by Administrative Rules Review Committee*

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

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **283—Chapter 14**.

[Filed 1/9/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0049D**

**COLLEGE STUDENT AID COMMISSION[283]**

**Adopted and Filed**

**Rulemaking related to health care professional incentive program**

The College Student Aid Commission hereby adopts new Chapter 17, "Health Care Professional Incentive Program," Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 256.178 and 2025 Iowa Acts, House File 972.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 972.

*Purpose and Summary*

The Commission hereby adopts new Chapter 17 pursuant to 2025 Iowa Acts, House File 972, division IV. The rulemaking defines key terms used in this chapter and explains the process used to award grants under the program.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9767C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received.

One change from the Notice has been made. Since publication of the Notice, 2025 Iowa Acts, House File 972, has been codified. References in the rulemaking to House File 972 have been removed accordingly.

*Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 283—Chapter 17:

CHAPTER 17  
HEALTH CARE PROFESSIONAL INCENTIVE PROGRAM

**283—17.1(256) Definitions.**

“*Award*” means the same as defined in Iowa Code section 256.222. The applicant will select the award type on the initial application and may change that choice if a request is provided to the commission in writing.

“*Eligible applicant*” means an individual who is an eligible health care professional or agrees to become an eligible health care professional, agrees to sign a program agreement, has not received an award under Iowa Code section 256.222(4) and agrees to complete the obligation. The eligible applicant completes applications on or before the date established by the commission.

1. The program agreement specifies the obligation and other details pertaining to the program.
2. The obligation is fulfilled by serving clients in eligible practice areas on a full-time basis for five consecutive years or on a part-time basis for seven consecutive years. Progression toward completion of the obligation is verified annually.

“*Eligible health care professional*” means the same as defined in Iowa Code section 256.222. The eligible health care professional must be licensed or board-certified to practice as an eligible health care professional before the obligation begins.

“*Eligible practice area*” means the same as defined in Iowa Code section 256.222. After an eligible applicant signs an agreement to practice in an eligible practice area, subsequent changes to eligible practice areas will not impact that applicant's continued eligibility for the program.

“*Part-time*” means an average of at least 30 hours, but fewer than 40 hours, per week.

**283—17.2(256) Awarding of funds.**

**17.2(1)** *Award designations.* The commission will establish the number of awards and maximum award amounts for each eligible health care profession prior to the fiscal year in which applications will be accepted and awards obligated.

**17.2(2)** *Selection criteria.* All eligible applicants will be considered for an award. Awards will be prioritized within each eligible health care profession according to subrule 17.2(3).

**17.2(3) Priority for awards.** If funding is insufficient to award all eligible applicants, new awards will be made to eligible applicants in order of the following priority categories:

*a.* Eligible applicants who are in their final year of a program of study or of a clinical or residency program that leads to their full license to practice on a full-time basis as an eligible health care professional in an eligible practice area. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized by the date of application.

*b.* Eligible applicants who are fully licensed eligible health care professionals but who agree to continue or begin full-time practice as eligible health care professionals on a full-time basis in eligible practice areas within six months of signing a program agreement. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized by the date of application.

*c.* Eligible applicants who are in their final year of a program of study or clinical or residency program that leads to their full license to practice on a part-time basis as an eligible health care professional in an eligible practice area. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized by the date of application.

*d.* Eligible applicants who are fully licensed eligible health care professionals but who agree to continue or begin full-time practice as eligible health care professionals on a part-time basis in eligible practice areas within six months of signing a program agreement. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized by the date of application.

**17.2(4) Awarding process.**

*a.* The commission will provide notice of the eligibility criteria, the anticipated number of awards to be made in each eligible health care profession, the maximum award amount in each eligible health care profession and the application process annually.

*b.* The commission will collect applications, designate eligible applicants for awards and notify applicants of their eligibility.

*c.* The commission will track eligible applicants selected to receive awards through completion of their obligation. An obligation is satisfied if completed according to the criteria in Iowa Code section 256.222 and this rule.

*d.* Upon verifying completion of the obligation with the eligible health care professional's employer on an annual basis, the commission will pay the annual award.

These rules are intended to implement Iowa Code section 256.222.

[Filed 1/9/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0050D**

**COLLEGE STUDENT AID COMMISSION[283]**

**Adopted and Filed**

**Rulemaking related to the court reporter equipment grant program**

The College Student Aid Commission hereby adopts new Chapter 19, "Court Reporter Equipment Grant Program," Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 256.178 and 2025 Iowa Acts, Senate File 647.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 647.

*Purpose and Summary*

The Commission hereby adopts a new Chapter 19 pursuant to 2025 Iowa Acts, Senate File 647, division VI. The rulemaking defines key terms used in this chapter, outlines the eligibility requirements for applicants, and explains the process used to award grants under the program.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9766C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received.

One change from the Notice has been made. Since publication of the Notice, 2025 Iowa Acts, Senate File 647, has been codified. References in the rulemaking to Senate File 647 have been removed accordingly.

*Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 283—Chapter 19:

CHAPTER 19  
COURT REPORTER EQUIPMENT GRANT PROGRAM

**283—19.1(261) Basis for aid.** Assistance available under the court reporter equipment grant program is for students who are enrolled in a court reporter program at an eligible college or university.

**283—19.2(261) Definitions.** As used in this chapter:

“*Approved program*” means a court reporter program that meets the definition of an eligible program of study in 283—Chapter 10.

“*Eligible institution*” means a community college established under Iowa Code chapter 260C, an institution of higher learning governed by the state board of regents, or an accredited private institution as defined in Iowa Code section 256.183.

“*Iowa resident*” means the same as defined in rule 283—10.2(256).

“*Semester*” means the fall, spring, or summer term of enrollment at an eligible institution, if the eligible institution is on a semester system, or the equivalent, if the institution is on a system other than a semester system.

**283—19.3(261) Eligible applicant.** An eligible applicant is enrolled in an approved program at an eligible institution and completes the applications the college student aid commission (commission) deems necessary on or before the date established by the commission.

**283—19.4(261) Awarding of funds.**

**19.4(1) Selection criteria.** All eligible applicants will be considered for an award.

**19.4(2) Extent of award and maximum award.** The maximum award will be established annually by the commission but will not exceed \$2,000 annually.

**19.4(3) Priority for awards.** In the event that funds available are insufficient to provide maximum awards to all eligible applicants, awards are prioritized in the following order:

*a.* Eligible applicants who are Iowa residents, are in their first year in the approved program, and are employed in a court-related job, by application date.

*b.* Eligible applicants who are not Iowa residents, are in their first year in the approved program, and are employed in a court-related job, by application date.

*c.* Eligible applicants who are Iowa residents, are not in their first year in the approved program, and are employed in a court-related job, by application date.

*d.* Eligible applicants who are not Iowa residents, are not in their first year in the approved program, and are employed in a court-related job, by application date.

**19.4(4) Awarding process.**

*a.* The commission will provide notice of the eligibility criteria and maximum award to participating eligible institutions annually to authorize awarding.

*b.* Eligible institutions will inform students applying for admission to the approved program of the availability of the court reporter equipment grant program.

*c.* The commission will designate eligible applicants for awards.

*d.* Eligible institutions will verify eligible applicants’ enrollment in the approved program following institutional verification of enrollment.

*e.* Eligible applicants will submit documentation of their court reporter equipment or software purchase to the commission.

*f.* The commission will reimburse the eligible applicant for court reporter equipment or software purchases in the amount of the maximum award specified under subrule 19.4(2).

*g.* The commission will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in Iowa Code section 256.231 and this rule.

**283—19.5(261) Institutional application process.** Following the first year of administration of the court reporter equipment grant program by the commission, an institution requesting to participate in the program will apply to the commission using the commission’s designated application. An applicant institution will provide the commission with documentation establishing the applicant institution’s eligibility as an eligible institution that offers an approved program. Applicant institutions will submit the application and documentation establishing the applicant institution’s eligibility before October 1 of the year prior to the beginning of the academic year for which the applicant institution is applying for participation.

These rules are intended to implement Iowa Code section 256.231.

[Filed 1/15/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0051D**

## **COLLEGE STUDENT AID COMMISSION[283]**

### **Adopted and Filed**

#### **Rulemaking related to the Iowa national guard benefits programs**

The College Student Aid Commission hereby amends Chapter 20, "Iowa National Guard Benefits Programs," Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 256.178 and 2025 Iowa Acts, House File 117.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 117.

#### *Purpose and Summary*

The Commission is amending Chapter 20 pursuant to 2025 Iowa Acts, House File 117. The amendments add a definition for "educational programs" to clarify eligibility for scholarships and benefits and create a new Iowa National Guard Service Professional Qualification Scholarship designed to assist Guard members in pursuing professional credentials and qualifications necessary for specific occupations.

#### *Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9769C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received.

One change from the Notice has been made. Since publication of the Notice, 2025 Iowa Acts, House File 117, has been codified. References in the rulemaking to House File 117 have been removed accordingly.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** definition of “Educational program,” in rule **283—20.1(256)**:  
“*Educational program*” means a program of study that is approved by the adjutant general and leads to a credential as described in Iowa Code section 256.210A.

ITEM 2. Adopt the following **new** rule 283—20.4(256):

**283—20.4(256) Iowa national guard service professional qualification scholarship.** In the event that the adjutant general authorizes the expenditure of unencumbered or unobligated funds from Iowa Code section 256.210(6) to provide an eligible member of the Iowa national guard who is enrolled in an educational program that meets the criteria of Iowa Code section 256.210A, this rule will be used to administer authorized scholarships. The adjutant general will select program recipients, select educational programs, and authorize scholarship awards under this rule. The decision of the adjutant general is final.

**20.4(1) Eligible applicant.** An eligible applicant is an Iowa resident, as determined by the adjutant general, who enrolls in an educational program at an eligible institution and who meets the award eligibility criteria approved by the adjutant general and the following provisions:

a. Completes the applications the Iowa national guard deems necessary on or before the date established by the Iowa national guard, except that an individual who was on federal active duty at the time of an application deadline will have 30 days to apply upon return to Iowa from active duty.

b. Meets the eligibility criteria in Iowa Code section 256.210A(2); meets satisfactory academic progress standards; and maintains satisfactory performance of duty upon return from initial active duty training, including attending a minimum of 90 percent of scheduled drill dates and attending annual training.

**20.4(2) Awarding of funds.**

a. *Selection criteria.* All eligible applicants will be considered for an award.

b. *Maximum award and extent of award.* The adjutant general will determine the amount and extent of awards eligible applicants can receive.

(1) The maximum award will not exceed the maximum award established by the adjutant general or the tuition and testing fees charged to the eligible applicant by the eligible institution, whichever is lower.

(2) Scholarship awards within a term of enrollment will be reported to the commission within the state-defined payment period.

c. *Awarding process.* The commission adopts the awarding process in paragraph 20.2(2) “c” with the following exceptions:

(1) In lieu of “Iowa Code section 256.210(5)” in subparagraph 20.2(2) “c”(4), insert “paragraph 20.4(2) ‘b’”.

(2) In lieu of “Iowa Code section 256.210” in subparagraph 20.2(2) “c”(7), insert “Iowa Code section 256.210A”.

[Filed 1/15/26, effective 3/11/26]

[Published 2/4/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0052D**

## **COLLEGE STUDENT AID COMMISSION[283]**

### **Adopted and Filed**

#### **Rulemaking related to approval of postsecondary schools**

The College Student Aid Commission hereby rescinds Chapter 21, “Approval of Postsecondary Schools,” Iowa Administrative Code, and adopts a new Chapter 21 with the same title.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code sections 256.177, 256.178, 261B.3, 261B.5, 261B.8 and 261G.5.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code sections 256.177, 261B.3, 261B.5 and 261G.5 and 34 CFR 600.9.

#### *Purpose and Summary*

The Commission hereby rescinds and adopts a new Chapter 21 pursuant to Executive Order 10. New Chapter 21 establishes standards, procedures, and oversight mechanisms by which the Commission reviews, approves, monitors, renews, or revokes the registration of postsecondary institutions seeking to operate in Iowa or participate in interstate reciprocity agreements.

#### *Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9759C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 283—Chapter 21 and adopt the following **new** chapter in lieu thereof:

CHAPTER 21  
APPROVAL OF POSTSECONDARY SCHOOLS

**283—21.1(261B,261G,714) Postsecondary registration, exception to registration, and participation in the commission-approved reciprocity agreement.** The college student aid commission authorizes postsecondary schools to operate in Iowa and offer postsecondary programs to Iowans pursuant to Iowa Code chapters 261B and 261G and 34 CFR 600.9 as of July 1, 2025.

**283—21.2(261B,261G) Definitions.** As used in this chapter:

*“Interstate reciprocity agreement”* means the agreement the commission has entered into in order to participate in interstate reciprocity under Iowa Code chapter 261G.

*“Postsecondary school”* means an entity that meets any of the following provisions:

1. Meets the conditions in Iowa Code section 261B.2(5) “a” and “c.”
2. Provides a postsecondary course of instruction leading to a credential.

*“Postsecondary school closure”* means a precipitous or abrupt closure of a postsecondary school, Iowa site, or program during a semester, school period, or term of enrollment that leaves students without an option to complete the courses or program they started and with no ability to receive credit.

*“Presence”* means the same as defined in Iowa Code section 261B.2 and described in Iowa Code section 261B.3(1).

*“State authorization”* means the process by which a postsecondary school must seek the commission's approval to operate in Iowa or offer a postsecondary course of instruction to Iowans through registration under Iowa Code chapter 261B or an exception to registration under Iowa Code section 261B.11. Postsecondary schools that are approved by the commission to operate in Iowa or offer a postsecondary course of instruction to Iowans shall receive an official written approval notification issued by the commission. This notification shall identify the institution by name as an educational institution.

**283—21.3(261B,261G) State authorization types and requirements.**

**21.3(1) Registration.**

*a. Qualifying postsecondary schools.* A degree-granting postsecondary school whose operation is primarily outside of the state but that has a presence in Iowa, or an Iowa-originating postsecondary school that does not qualify for an exception under Iowa Code section 261B.11 and that is accredited by an accrediting agency recognized and approved by the United States Department of Education or

its successor agency, will register with the commission. A postsecondary school that qualifies for an exception from registration may voluntarily submit an application under subrule 21.3(1). In addition, qualifying postsecondary schools that meet the following conditions must register to offer postsecondary education programs to Iowans:

(1) Provide distance education programs to Iowans in which the student participates in a structured field experience at a location in Iowa that is a required component of the distance education program.

(2) Compensate a party to recruit Iowans, the recruiter maintains an Iowa address, and the recruitment activities are not solely occasional or short-term events, such as college fairs or conferences.

*b. Requirements.* Qualifying postsecondary schools must submit information required in Iowa Code sections 256.177(7) and 261B.4 and other information requested by the commission. The commission may require a qualifying postsecondary school to submit a new application if there is a change in ownership or governance or an amendment to an existing application. In addition, a qualifying postsecondary school must:

(1) Certify to the commission that the qualifying postsecondary school's approval to operate in a state has not been revoked by the state, the qualifying postsecondary school has not been sanctioned by a state within a year prior to the date of its application, and the qualifying postsecondary school is not under investigation or bound by the terms of a judgment issued by a state's attorney general or other enforcement authority. The postsecondary school will immediately notify the commission of any pending or final sanction by an accrediting agency, state entity, state attorney general, or other enforcement authority.

(2) Certify that it is not subject to a limitation, suspension, or termination order issued by the United States Department of Education or its successor agency. The applicant postsecondary school shall provide the commission with a copy of the postsecondary school's current program participation agreement with the United States Department of Education or its successor agency.

(3) Employ at least one full-time Iowa faculty member or one program or student services coordinator at the Iowa location who is devoted to Iowa students if the postsecondary school operates a location or administrative office at a fixed location in Iowa.

(4) Provide the commission with institutional policies adopted by the postsecondary school that comply with the requirements of Iowa Code section 256.183(1) "e" through "h" and "k."

1. For a program in which a student's academic progress is measured only in clock hours, the postsecondary school shall provide a full refund of tuition and mandatory fees to a student who withdraws and who requests that benefit under Iowa Code section 256.183(1) "g" for the payment period in which the student withdrew. The payment period is determined under rules promulgated by the United States Department of Education for the disbursement of federal Stafford loan funds.

2. The employee policy for reporting suspected incidents of child physical or sexual abuse required by Iowa Code section 256.183(1) "h" shall apply to individuals the postsecondary school compensates to conduct activities on the postsecondary school's behalf at an Iowa location.

(5) For a covered institution under Iowa Code chapter 261F, adopt a code of conduct that complies with Iowa Code section 261F.2.

(6) For a covered institution under Iowa Code chapter 261F that offers a preferred lender list, the list meets the requirements of Iowa Code section 261F.6.

(7) Provide documentation demonstrating that a program that prepares a student for an occupation that requires professional licensure in Iowa and that the postsecondary school proposes to offer under its registration:

1. Has been approved by the appropriate state of Iowa licensing agency and accrediting agency, if such approval is required, or

2. Meets curriculum standards of the appropriate state of Iowa licensing agency such that the state of Iowa licensing agency does not require the student to complete additional coursework or practicum hours that the postsecondary school did not offer in its professional licensure preparation program.

(8) Have procedures for the preservation of student academic transcripts for a minimum period of 50 years from the point of withdrawal from or completion of the credential and publish contact information to be used by students and graduates who seek to obtain transcript information.

(9) Provide a complaint process for students to file a complaint about the postsecondary school. The postsecondary school must prominently provide on its website the link to the commission's web page for student complaints. The student must complete the postsecondary school's internal complaint or grievance process and receive a decision before filing a complaint with the commission.

(10) Comply with provisions of Iowa Code sections 714.18, 714.19, 714.23, 714.24, and 714.25, if applicable.

(11) Commit to meeting the provisions of rule 283—21.5(261B,261G) and to providing a teach-out plan or providing alternatives for students to complete their programs at other postsecondary schools and ensuring students have continued access to their transcripts if the postsecondary school closes, discontinues a program, or closes an Iowa site before students have completed their program of study.

*c. Limitations and denials.*

(1) A postsecondary school must meet, to the satisfaction of the commission, all requirements identified in paragraph 21.3(1)“b.”

(2) Pursuant to Iowa Code section 256.177(7), a nonpublic postsecondary school that is required to register under subrule 21.3(1) must demonstrate that its most recent, official federal financial composite score, as calculated using the method prescribed by the United States Department of Education, is at least 1.0. A postsecondary school that does not participate in the postsecondary student financial aid programs authorized by the United States Department of Education demonstrates that its financial responsibility composite score is official by providing written confirmation of its composite score from its independent auditor. For postsecondary institutions owned and controlled by another entity, the relevant composite score will be the composite score of the parent entity, as identified by the United States Department of Education. A postsecondary school that fails to demonstrate a federal financial composite score of at least 1.0 for two successive years may be subject to restrictions on new Iowa enrollments, may be required to provide a teach-out plan pursuant to subparagraph 21.3(1)“b”(11), or may be required to secure a letter of credit in an amount equal to 10 percent of the tuition charged to Iowa residents during the most recently completed fiscal year.

(3) The commission may take action that includes but is not limited to limiting a postsecondary school's program offerings or enrollment or denying or revoking the postsecondary school's registration as a result of any of the following:

1. An adverse notice, warning, or other sanction issued by the postsecondary school's accrediting agency.
2. An adverse action or sanction issued by the United States Department of Education.
3. A publicly announced lawsuit filed by a state agency, a state attorney general's office, or another enforcement authority.
4. A judgment issued by a state attorney general's office or another enforcement authority.
5. Repeated complaints about a postsecondary school received from the postsecondary school's students by the commission, by another state, or by a state attorney general's office.
6. Failure to pay fees due to the commission in accordance with rule 283—21.4(261B,261G).
7. Failure to provide responses to any of the requirements in paragraph 21.3(1)“b” or provide evidence substantiating the postsecondary school's compliance with those requirements.
8. Other actions deemed by the commission as significant evidence that the postsecondary school should not be allowed to operate under this chapter.

*d. Exceptions.* Notwithstanding paragraph 21.3(1)“a,” a nonaccredited postsecondary school may qualify for provisional registration if the postsecondary school is authorized under subrule 21.3(2), the postsecondary school is actively seeking accreditation to offer degrees, and the accreditor requires state authorization approval before accreditation approval.

**21.3(2) Exception from registration.**

*a. Qualifying postsecondary schools.* A postsecondary school that meets an exception in Iowa Code section 261B.11, meets the requirements of paragraph 21.3(2)“b,” and has a physical location in the state of Iowa must apply for an exception from registration.

*b. Requirements.* A qualifying postsecondary school must submit information requested by the commission. In addition, a qualifying postsecondary school must meet the following conditions:

(1) If the postsecondary school offers a course of instruction leading to a degree, with the exception of a postsecondary school that qualifies for an exception under Iowa Code section 261B.11(1)“h,” the postsecondary school is accredited by an accrediting agency recognized by the United States Department of Education or its successor agency and will notify the commission of any negative changes to its accrediting status.

(2) The postsecondary school adopts institutional policies that comply with the requirements of subparagraph 21.3(1)“b”(4).

(3) The postsecondary school has procedures for the preservation of student academic transcripts for a minimum period of 50 years from the point of withdrawal from or completion of the credential and publishes contact information to be used by students and graduates who seek to obtain transcript information.

(4) A covered institution under Iowa Code chapter 261F adopts a code of conduct that complies with Iowa Code section 261F.2.

(5) If a covered institution under Iowa Code chapter 261F offers a preferred lender list, the list meets the requirements of Iowa Code section 261F.6.

(6) The postsecondary school provides a complaint process for students to file a complaint pursuant to subparagraph 21.3(1)“b”(9).

(7) The postsecondary school complies with provisions of Iowa Code sections 714.18, 714.19, 714.23, 714.24, and 714.25, if applicable.

*c. Limitations and denials.* The commission may take action that includes but is not limited to restricting a postsecondary school’s program offerings or enrollment or denying or revoking the postsecondary school’s authorization for failure to demonstrate to the commission that the postsecondary school qualifies for the exception and meets consumer protection standards established by the commission.

**21.3(3) Commission-approved interstate reciprocity agreement.**

*a. Qualifying postsecondary schools.* A participating resident institution pursuant to Iowa Code section 261G.2 that is accredited by an accrediting agency recognized and approved by the United States Department of Education or its successor agency may qualify to apply to the commission to participate in a commission-approved interstate reciprocity agreement.

*b. Requirements.* A qualifying postsecondary school must be approved under subrule 21.3(1) or subrule 21.3(2), be in compliance with Iowa Code chapters 261B and 261G, and meet the conditions of the interstate reciprocity agreement. In addition, a postsecondary school will prominently disclose on its website the postsecondary school’s participation in the commission-approved interstate reciprocity agreement and provide a process for students to file a complaint pursuant to subparagraph 21.3(1)“b”(9).

*c. Limitations and denials.* A participating nonresident institution pursuant to Iowa Code section 261G.2 is not a postsecondary school that is eligible to apply to the commission to participate in a commission-approved interstate reciprocity agreement under Iowa Code chapter 261G.

**283—21.4(261B,261G) Authorization fees.**

**21.4(1)** A postsecondary school that applies for initial registration as required under subrule 21.3(1) shall remit an initial registration application fee payable to the commission in the amount of \$5,000. This fee is nonrefundable regardless of the commission’s decision with respect to the postsecondary school’s eligibility for registration in Iowa. A postsecondary school that fails to pay the initial registration application fee shall be denied initial registration consideration.

**21.4(2)** A postsecondary school that is approved under subrule 21.3(1) or 21.3(3) shall remit an annual fee payable to the commission in the amount due on October 15 of each year. If a postsecondary school’s authorization terminates during a year, the postsecondary school shall pay the annual fee to the commission if the postsecondary school’s approval is valid as of October 15 of that year or on the date the payment is received. The annual fee is nonrefundable and will be assessed based on a postsecondary school’s full-time equivalent (FTE) enrollment as follows:

*a.* Under 2,500 FTE – \$2,000.

b. 2,500 to 9,999 FTE – \$4,000.

c. 10,000 FTE or more – \$6,000.

**21.4(3)** A postsecondary school that registers and pays fees under subrule 21.3(1) is not required to pay fees under subrule 21.3(3) if participating in the interstate reciprocity agreement.

**283—21.5(261B,261G) Postsecondary school, Iowa site, or program closure.**

**21.5(1)** A postsecondary school that is approved under subrule 21.3(1) or 21.3(2), or a degree-granting postsecondary school approved pursuant to Iowa Code section 714.18, must notify the commission in writing before the postsecondary school takes action to close the postsecondary school, close an Iowa site, or discontinue a program that is offered to Iowans.

**21.5(2)** If requested by the commission, the postsecondary school shall provide the following information to the commission:

a. The full name, residential address, telephone number, email address, program name, and anticipated graduation date of affected Iowa resident students or, as applicable, affected students at the postsecondary school's Iowa campus(es). The postsecondary school shall organize this list in alphabetical order by student last name.

b. Documentation of the postsecondary school's proposed notice to students.

c. The postsecondary school's specific plan to provide alternatives for affected students to complete the programs offered under the postsecondary school's state authorization, and any external approvals of the plan if applicable.

d. The postsecondary school's plan for storage and retrieval of student transcript information pursuant to subparagraphs 21.3(1) "b"(8) and 21.3(2) "b"(3).

e. Specific information about how the postsecondary school will provide transitional support to affected students.

f. Contact information for the specific entity and individual who will accept responsibility for all of the following:

(1) Ensuring that unearned federal student aid is returned to the United States Department of Education on a timely basis.

(2) Finalizing student account records and providing copies of the students' final account statements to the students and, upon request, to the commission.

(3) Collecting outstanding bills a student owes to the postsecondary school for tuition and other educational expenses.

(4) Collecting on private education loans or other institutional loans made to students by the postsecondary school and, if applicable, the postsecondary school's private preferred lender(s).

(5) Responding to inquiries from students, parents, and the commission.

**21.5(3)** An authorized postsecondary school that has a continuous corporate surety bond in effect pursuant to Iowa Code section 714.18 will maintain the bond until the last currently enrolled Iowa student graduates or withdraws.

**21.5(4)** If the commission takes action to discontinue a postsecondary school's program, close a postsecondary school's Iowa site, or terminate a postsecondary school's operation in Iowa pursuant to subparagraph 21.3(1) "c"(3), the postsecondary school shall provide to the commission the information in subrule 21.5(2) and shall be subject to the requirements of subrule 21.5(3).

**283—21.6(261B,261G) Postsecondary school closures.** In the event of a postsecondary school closure, the commission may use unobligated funds from the postsecondary registration fund, pursuant to Iowa Code section 261B.8, to assist impacted eligible students.

**21.6(1)** *Eligible students.* The provisions of this rule apply to Iowa resident students who were enrolled in a postsecondary educational program that leads to a recognized educational credential or were on an approved leave of absence at the time of a postsecondary school closure.

**21.6(2)** *Assistance to impacted eligible students.* The commission may provide the following forms of assistance to eligible students impacted by a postsecondary school closure:

- a. Procure, evaluate, and store records needed to establish the validity of claims against a postsecondary school for failure to faithfully perform all contracts and agreements.
- b. Pay institutional charges on behalf of Iowans who enrolled at the school.
- c. Support an arrangement in which the postsecondary school provides its current students with the opportunity to complete the students' courses of study after the postsecondary school closes, including any activities designed to facilitate the transition of such students to another postsecondary educational institution.
- d. Pay private educational loan debt incurred by Iowans for attendance at the postsecondary school during the enrollment term that the college closes.
- e. Reimburse Iowans who enrolled at the postsecondary school for other financial loss, as determined by the commission.

**21.6(3) Claims process.** An eligible student making a claim for reimbursement under paragraph 21.16(2)“b,” “d,” or “e” must contact the commission within six months of the postsecondary school closure for a claim form and provide the following supporting information and documentation:

- a. Proof of enrollment at the time of postsecondary school closing.
- b. Proof of attendance at the time of postsecondary school closing.
- c. Proof of Iowa residency at the time of postsecondary school closing.
- d. Proof of payment of private educational loan debt, tuition, fees, or other financial loss as determined by the commission.
- e. Any other documentation to support a student's claim of enrollment, attendance, or payment.

**21.6(4) Approval process.** The commission will review a claim and the supporting information and documentation submitted by each eligible student seeking reimbursement under this rule. The commission may delay approval of claims for a period not to exceed one year from the date of the postsecondary school closure to ensure all claims related to a postsecondary school closure are received.

**21.6(5) Awarding of approved claims.**

- a. All claims for reimbursement shall be submitted and approved within one year of the date of the postsecondary school closure.
- b. Claims for reimbursement will first be made against the postsecondary school's surety bond.
- c. If the postsecondary school's surety bond is insufficient to provide reimbursement to all approved claims, the postsecondary registration fund, pursuant to Iowa Code section 261B.8, may be used to reimburse any remaining approved claims.

In no case will the total approved claims related to a single postsecondary school closure exceed one-half of the unobligated balance in the postsecondary registration fund pursuant to Iowa Code section 261B.8. If the postsecondary registration fund is insufficient to cover the full amount of all approved claims, the commission shall develop a method of allocating the funds to eligible students.

**21.6(6) Appeal process.** The procedures set forth in 283—Chapter 4 will be followed in the event of an appeal to a decision by the commission.

These rules are intended to implement Iowa Code chapters 256, 261B, and 261G.

[Filed 1/9/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0053D**

## **COLLEGE STUDENT AID COMMISSION[283]**

**Adopted and Filed**

### **Rulemaking related to the rural Iowa primary care loan repayment program**

The College Student Aid Commission hereby rescinds Chapter 24, “Rural Iowa Primary Care Loan Repayment Program,” Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code sections 256.178 and 256.221.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 256.221.

*Purpose and Summary*

The Rural Iowa Primary Care Loan Repayment Program (Iowa Code section 256.221) was repealed on July 1, 2025, by 2025 Iowa Acts, House File 972, so there is no further benefit of Chapter 24, which is therefore being rescinded.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9770C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **283—Chapter 24**.

[Filed 1/15/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0054D****COLLEGE STUDENT AID COMMISSION[283]****Adopted and Filed****Rulemaking related to the health care award program**

The College Student Aid Commission hereby rescinds Chapter 26, “Health Care Award Program,” Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code sections 256.178 and 256.224.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 256.224.

*Purpose and Summary*

The Health Care Award Program (Iowa Code section 256.224) was repealed on July 1, 2025, by 2025 Iowa Acts, House File 972, so there is no further benefit of Chapter 26, which is therefore being rescinded.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025, as **ARC 9591C**. A public hearing was held on the following date(s):

- October 21, 2025
- October 22, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **283—Chapter 26**.

[Filed 1/9/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0055D**

**COLLEGE STUDENT AID COMMISSION[283]**

**Adopted and Filed**

**Rulemaking related to the mental health professional loan repayment program**

The College Student Aid Commission hereby rescinds Chapter 31, "Mental Health Professional Loan Repayment Program," Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code sections 256.178 and 256.225.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 256.225.

*Purpose and Summary*

The Mental Health Professional Loan Repayment Program (Iowa Code section 256.225) was repealed on July 1, 2025, by 2025 Iowa Acts, House File 972, so there is no further benefit of Chapter 31, which is therefore being rescinded.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9771C**. A public hearing was held on the following date(s):

- December 16, 2025
- December 17, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Commission on January 9, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **283—Chapter 31**.

[Filed 1/15/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0056D**

**EDUCATION DEPARTMENT[281]****Adopted and Filed****Rulemaking related to general accreditation standards**

The State Board of Education hereby amends Chapter 12, "General Accreditation Standards," Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 279.50 as amended by 2025 Iowa Acts, Senate File 175.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 175.

*Purpose and Summary*

This rulemaking implements 2025 Iowa Acts, Senate File 175, which added additional content to human growth and development instruction in grades 5 through 12 and defined the permissible sources of the materials used in such instruction.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9804C**. A public hearing was held on the following date(s):

- December 30, 2025

Five individuals provided public comment. Forty-seven written public comments were received.

The vast majority of the public comments objected to the rulemaking itself, taking issue with the underlying legislation's requirement for instructional content or restrictions on sources of instructional materials. No changes from the Notice have been made based on these comments.

Several comments objected to the proposed requirements that the content required by Senate File 175 be presented at least once in grades five and six and at least once in grades seven and eight. The commenters asserted that Senate File 175 requires the content to be presented in every grade for grades five through eight and that the proposed amendments were impermissible. While Senate File 175 does state that human growth and development instruction in grades five and six shall include the content in Senate File 175, there are competing canons of statutory construction at play, including prior administrative constructions given by the Department of Education (e.g., Iowa Code section 4.6). For that reason, it is not clear to the Department that the Notice is impermissible. That being said, the Department has made the changes requested by the commenters for other reasons advanced by the commenters. The requested changes are also within the State Board's authority and find support in the statutory text. Requiring this content to be offered each year in grades five through eight decreases the likelihood that a child would miss this content. Furthermore, based on the narrow nature of this material, it would not impose a burden on school districts and schools to provide the material in each of the relevant grades. Items 2 and 3 have been changed accordingly.

One commenter appeared to assert that the content in Senate File 175 be required in all grades in high school. This is an unsustainable reading of the statutory scheme. In high school, the required offering of one unit of health instruction includes age-appropriate human growth and development (Iowa Code section 256.11(5)“j”). The Department has no statutory authority to require additional offerings of the content required by Senate File 175 in grades 9 through 12.

One commenter asserted that in grades one through eight, human growth and development instruction is a separate curricular requirement from health (Iowa Code section 256.12(3) and 256.12(4)). Historically, the State Board's rules have combined health and human growth and development into one component in each grade band for simplicity's sake and to recognize that human growth and development is most likely to be taught in health education. Rather than adding a new curricular area to the rules, the Department has revised the current language to indicate that it is inclusive of human growth and development instruction. Items 2 and 3 have been changed accordingly.

One commenter suggested that the rules' reference to “the video” is underinclusive of the content required by Senate File 175. The commenter's point is well taken. References to “the video” have been changed to “the content” in all items. Another commenter requested that “the video” be changed to “a video,” the indefinite article indicating that more than one video may meet the statute's requirements. This commenter's concerns have been addressed by the change from “the video” to “the content” required by Senate File 175, because Senate File 175 uses indefinite articles in both requirements to show an ultrasound video and a computer-generated rendering or animation. No additional change is necessary.

One commenter requested that the rules include an opt-out provision, citing the Supreme Court's decision in *Mahmoud v. Taylor*, 606 U.S. 522 (2025). This is unnecessary because the underlying statute provides that parents may excuse their children from human growth and development instruction for any reason or no reason at all (Iowa Code section 279.50(6)). No change is necessary.

Additional changes were made to remove references to 2025 Iowa Acts, Senate File 175, since the legislation has been codified in the 2025 Iowa Code.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the State Board on January 15, 2026.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule **281—12.2(256)**, definition of “Age-appropriate,” as follows:

*“Age-appropriate,”* with the exception of the human growth and development, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. ~~“Age-appropriate” does not include any material with descriptions or visual depictions of a sex act. A reference or mention of a sex act in a way that does not describe or visually depict a sex act as defined in these rules is not included in the previous sentence. For purposes of human growth and development instruction required by Iowa Code section 279.50, “age-appropriate” means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.~~

1. “Age-appropriate” does not include any material with descriptions or visual depictions of a sex act. A reference to or mention of a sex act in a way that does not describe or visually depict a sex act as defined in these rules is not included in the previous sentence.

2. For purposes of human growth and development instruction required by Iowa Code section 279.50, “age-appropriate” means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

3. For purposes of human growth and development instruction required by Iowa Code section 279.50, in grades 5 through 12, “age-appropriate” also includes the content required by Iowa Code section 279.50(2)“b”(1) and 279.50(3)“b”(1).

4. For purposes of human growth and development instruction required by Iowa Code section 279.50, “age-appropriate” does not include any book, article, outline, handout, video, or other educational material described in Iowa Code section 279.50(2)“b”(2) and 279.50(3)“b”(2).

ITEM 2. Amend paragraph **12.5(3)“e”** as follows:

e. *Health; human growth and development.* Health instruction is and human growth and development instruction are as referenced in Iowa Code sections 256.7(26)“a”(3) and 279.50. During fifth and sixth grade, human growth and development instruction will include the content described in Iowa Code section 279.50(2).

ITEM 3. Amend paragraph **12.5(4)“e”** as follows:

e. *Health; human growth and development.* Health instruction is and human growth and development instruction are as referenced in Iowa Code sections 256.7(26)“a”(3) and 279.50. During seventh and eighth grade, human growth and development instruction will include the content described in Iowa Code section 279.50(3).

[Filed 1/15/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0057D**

## **EDUCATION DEPARTMENT[281]**

### **Adopted and Filed**

#### **Rulemaking related to community colleges**

The State Board of Education hereby amends Chapter 21, "Community Colleges," Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 260C.48.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 295.

#### *Purpose and Summary*

This rulemaking implements 2025 Iowa Acts, House File 295, which eliminated the requirement that community colleges be accredited by the Higher Learning Commission and broadened the accreditation requirement to "any federally recognized accreditor of postsecondary educational institutions selected" by the State Board.

#### *Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9805C**. A public hearing was held on the following date(s):

- December 30, 2025

No one attended the public hearing. No public comments were received. One change from the Notice has been made to replace a reference to legislation with a reference to the codified statute.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the State Board on January 15, 2026.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

#### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** definition of “Federally recognized accreditor of postsecondary educational institutions” in rule **281—21.1(260C)**:

“*Federally recognized accreditor of postsecondary educational institutions*” or “*federally recognized accreditor*” means an accrediting agency recognized by the United States Department of Education to perform accreditation functions and selected by the state board of education to perform such functions in Iowa. The state board may select more than one federally recognized accreditor. Iowa Code sections 260C.47 and 260C.48 require that the state accreditation process be integrated with the processes established by a federally recognized accreditor.

ITEM 2. Rescind the definition of “Higher Learning Commission” in rule **281—21.1(260C)**.

ITEM 3. Rescind rule 281—21.61(260C) and adopt the following **new** rule in lieu thereof:

**281—21.61(260C) Accreditation components and criteria—federally recognized accreditor.** To be accredited by the state board of education and maintain accreditation status, a community college must meet the accreditation criteria of a federally recognized accreditor of postsecondary institutions and additional state standards. Documents and materials provided in accordance with the accreditation requirements of the federally recognized accreditor will also be provided to the department for the state accreditation process pursuant to Iowa Code section 260C.47(1), unnumbered paragraph 1.

[Filed 1/15/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0058D**

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Adopted and Filed**

**Rulemaking related to food and consumer safety**

The Department of Inspections, Appeals, and Licensing hereby rescinds Chapter 30, “Food and Consumer Safety,” Iowa Administrative Code, and adopts a new Chapter 30 with the same title.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code chapters 137C and 137F.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapters 137C and 137F.

*Purpose and Summary*

The rulemaking repromulgates Chapter 30 and implements Iowa Code chapters 137C and 137F in accordance with the goals and directives of Executive Order 10. Iowa Code section 137C.6 gives the Director of the Department the authority to regulate, license, and inspect hotels and enforce the Iowa

hotel sanitation code in Iowa. Iowa Code section 137F.2 requires the Department to adopt rules setting minimum standards to protect consumers from foodborne illness. Iowa Code section 137F.3 authorizes the Director to regulate, license, and inspect food establishments and food processing plants.

The rulemaking implements the aforementioned Iowa Code chapters by describing the licensing process and setting out the inspection frequency. The rulemaking also sets forth the process for denial, suspension, or revocation of a license to operate, including the penalty for late and delinquent fees and returned checks.

#### *Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9776C**. A public hearing was held on the following date(s):

- December 30, 2025
- December 31, 2025

Representative Chad Ingels attended. Representative Ingels had questions regarding how Iowa Code section 137F.6(1)“g”(2) was implemented. The process was explained to him. Representative Ingels also had questions about the process when a vendor holds an annual statewide Farmers Market or Temporary Food Establishment license and operates in two separate counties. That process was explained to him.

No public comments were received.

A change from the Notice has been made to update an inaccurate Iowa Code section.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the Department on January 14, 2026.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

#### *Review by Administrative Rules Review Committee*

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

#### *Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 481—Chapter 30 and adopt the following **new** chapter in lieu thereof:

INSPECTIONS DIVISION  
CHAPTER 30  
FOOD AND CONSUMER SAFETY

**481—30.1(10A,137C,137F) Food and consumer safety bureau.** The food and consumer safety bureau inspects food establishments and food processing plants, including food storage facilities (warehouses) and food and beverage vending machines, and hotels and motels. It is also responsible for social and charitable gambling and amusement devices.

**481—30.2(10A,137C,137F) Definitions.** The following definitions are applicable to 481—Chapters 30 and 31. If a term is defined herein and by the Food Code adopted in rule 481—31.1(137F), the definition set forth herein applies.

*“Bed and breakfast home”* means the same as defined in Iowa Code chapter 137F.

*“Bed and breakfast inn”* means the same as defined in Iowa Code section 137C.2.

*“Catering”* means the preparation of food for distribution to an individual, business, institution or organization for exclusive service to the individual’s, business’s or organization’s nonpaying guests, employees or members or an institution’s residents, students or employees.

*“Certified wild-harvested mushroom identification expert”* means an individual who has within the last three years successfully completed a wild-harvested mushroom identification training program provided by an accredited college, university, or state mycological society, as evidenced by a document issued therefrom specifying the species of wild mushrooms the individual is qualified to certify. The training program must include a component of actual identification of physical specimens or simulations of mushroom species.

*“Commissary”* means the same as defined in Iowa Code section 137F.1.

*“Contractor”* means a municipal corporation, county or other political subdivision that contracts with the department to license and inspect under Iowa Code chapter 137C or 137F.

*“Cottage food”* means the same as defined in Iowa Code section 137F.1.

*“Criminal offense”* means a public offense as defined in Iowa Code section 701.2 that is prohibited by statute and is punishable by fine or imprisonment.

*“Cultivated mushroom”* means a mushroom grown through a process in which the grower inoculates a substrate (logs, beds, straw, etc.) with a known strain or species of mushroom spawn in a dedicated space, whether outdoors or indoors, that is under the control of the grower, for the purpose of fruiting mushrooms.

*“Department”* means the same as defined in Iowa Code section 137F.1.

*“Event”* means the same as defined in Iowa Code section 137F.1. For example, an event does not include a single store’s grand opening or sale.

*“Farmers market”* means the same as defined in Iowa Code section 137F.1.

*“Farmers market time/temperature control for safety food license”* means a license for a temporary food establishment that sells unpackaged time/temperature control for safety foods at farmers markets. The license is only applicable at farmers markets and is not required in order to sell wholesome, fresh shell eggs to consumer customers.

*“Food establishment”* means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, nutrition program operated pursuant to Title III-C of the Older Americans Act, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school. Assisted living programs and adult day services are included in the definition of food establishment to the extent required by 481—subrules 69.28(6) and 70.28(6). “Food establishment” does not include the following:

1. A food processing plant.
2. An establishment that offers only prepackaged foods that are not time/temperature control for safety foods.
3. A produce stand or facility that sells only whole, uncut fresh fruits and vegetables.
4. Premises that are a home food processing establishment pursuant to Iowa Code chapter 137D.
5. Premises that operate as a farmers market if unpackaged time/temperature control for safety foods are not sold or distributed from the premises.

6. Premises of a residence in which food is produced pursuant to Iowa Code section 137F.20.
7. A kitchen in a private home where food is prepared or stored for family consumption or in a bed and breakfast home.
8. A private home or private party where a personal chef or hired cook is providing food preparation services to a client and the client's nonpaying guests.
9. A private home that receives catered or home-delivered food.
10. Child day care facilities and other food establishments located in hospitals or health care facilities that serve only patients and staff and are subject to inspection by other state agencies or divisions of the department.
11. Supply vehicles or vending machine locations.
12. Establishments that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.
13. A beer, wine or distilled spirits manufacturer, distributor or wholesaler under Iowa Code chapter 123, provided it is exclusively engaged in the sale of alcoholic beverages in prepackaged form.
14. Premises or operations that are exclusively engaged in the processing of milk and milk products, are regulated by Iowa Code sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.
15. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler's license.
16. Premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.
17. Premises regularly used by a nonprofit organization that engages in the serving of food on the premises as long as the nonprofit organization does not exceed the following:
  - The nonprofit organization serves food no more than one day per calendar week and not on two or more consecutive days;
  - Twice per year, the nonprofit organization may serve food to the public for up to three consecutive days;
  - The nonprofit organization may use the premises of another nonprofit organization not more than twice per year for one day to serve food.
18. A stand operated by a minor.

*"Food processing plant"* means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to a consumer. "Food processing plant" does not include any of the following:

  1. A beer, wine or distilled spirits manufacturer, distributor or wholesaler under Iowa Code chapter 123, provided it is exclusively engaged in the sale of alcoholic beverages in a prepackaged form.
  2. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.
  3. Premises or operations that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.
  4. Premises or operations that are exclusively engaged in the processing of milk or milk products, are regulated by Iowa Code sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.
  5. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler's license.
  6. Premises or operations that are exclusively engaged in the preparation or processing of Siluriformes, including catfish, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.
  7. Premises that are a home food processing establishment pursuant to Iowa Code chapter 137D.
  8. Premises or operations that are exclusively engaged in the production or processing of egg products, as defined in 9 CFR Part 590 as amended to March 11, 2026, including egg substitutes and freeze-dried egg products, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.

*“Food service establishment”* means a food establishment where food is prepared or served for individual portion service intended for consumption on the premises or is subject to Iowa sales tax as provided in Iowa Code section 423.3.

*“Hotel”* means the same as defined in Iowa Code section 137C.2.

*“Mobile food unit”* means a food establishment that is self-contained, with the exception of grills and smokers, and readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.

*“Patrol dog”* means a dog that is accompanying a law enforcement officer or security officer.

*“Personal chef”* or *“hired cook”* means a person who provides food preparation services in a private home or at a private party for a client and the client’s nonpaying guests. “Personal chef” or “hired cook” does not include a person who provides the ingredients intended to be used in food preparation.

*“Pet dog”* means a dog that does not meet the definition of a patrol dog or a service animal as defined in 28 CFR Part 36 as amended to March 11, 2026.

*“Processed food”* means the same as defined in 21 U.S.C. 321 as amended to March 11, 2026.

*“Pushcart”* means a non-self-propelled vehicle food establishment limited to serving foods that are not time/temperature control for safety foods or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.

*“Raw agricultural commodity”* means the same as defined in 21 U.S.C. 321 as amended to March 11, 2026.

*“Retail food establishment”* means a food establishment that sells to consumer customers food or food products intended for preparation or consumption off the premises.

*“Stand operated by a minor”* means the same as defined in Iowa Code section 137F.1.

*“Temporary food establishment”* means the same as defined in Iowa Code section 137F.1.

*“Time/temperature control for safety food”* means the same as defined in Iowa Code section 137F.1.

*“Transient guest”* means an overnight lodging guest who does not intend to stay for any permanent length of time. Any guest who rents a room for more than 31 consecutive days is presumed not to be a transient guest.

*“Unattended food establishment”* means an operation that provides packaged foods or whole fruit using an automated payment system and has controlled entry not accessible by the general public. “Controlled entry,” for the purposes of the definition of “unattended food establishment,” means selective restriction or limitation of access to a place or location.

*“Unprocessed commodity”* means a raw agricultural commodity.

*“Vending”* means selling or dispensing food to an individual consumer customer. Vending does not include catering.

*“Vending machine”* means the same as defined in Iowa Code section 137F.1. Vending machines that dispense only prepackaged foods that are not time/temperature control for safety foods, panned candies, gumballs or nuts are exempt from licensing but may be inspected by the department upon receipt of a written complaint. “Panned candies” are those with a fine, hard coating on the outside and a soft candy filling on the inside. Panned candies are easily dispensed by a gumball-type machine.

*“Vending machine location”* means the same as defined in Iowa Code section 137F.1.

*“Wild-harvested mushroom”* means a fresh mushroom that has been found or foraged in the natural environment and has not been processed (e.g., dried or frozen). “Wild-harvested mushroom” does not include cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.

**481—30.3(137C,137F) Licensing and postings.** Applications for a license shall be completed using the department’s online application system at least 30 days prior to the anticipated opening of the hotel, food establishment or food processing plant. If extenuating circumstances exist that prevent the applicant from completing the online application, paper applications are available from the department or its contractors. Temporary food establishment license applications shall be submitted a minimum of three business days prior to opening.

**30.3(1) *Transferability.*** A license is not transferable to a new owner or location. Any change in business ownership or business location requires a new license. Vending machines, mobile food units and pushcarts may be moved without obtaining a new license. A farmers market time/temperature control for safety food license or an annual temporary event food establishment license may be used at different locations without obtaining a new license. If the different locations are operated simultaneously, a separate license is required for each location. Nutrition sites for the elderly licensed under Iowa Code chapter 137F may change locations in the same city without obtaining a new license.

**30.3(2) *Refunds.*** License fees are refundable only if the license is surrendered to the department prior to the effective date of the license and only as follows:

- a. License fees of \$67.50 or less are an application processing fee and are not refundable.
- b. If an inspection has not occurred, license fees of more than \$67.50 will be refunded less the \$67.50.
- c. If an inspection has occurred, the entire license fee is nonrefundable.

**30.3(3) *License expiration.*** A license is renewable and expires after one year, with the exception of a temporary food establishment license issued in conjunction with a single event at a specific location, which is valid for a period not to exceed 14 consecutive days.

**30.3(4) *Posting of inspection reports, licenses, and registration tags.*** A valid license and the most recent inspection report, along with any current complaint or reinspection reports, shall be posted no higher than eye level where the public can see them and not be posted in such a manner that the public cannot reasonably read the report. Reports may be posted in paper form or through a QR code provided on the license. A paper report must be available upon request. The posting of a report behind a service area where the report can be seen but not easily read is not allowed. Vending machines shall bear a tag to affirm the license. For the purpose of this subrule, only founded complaint reports are considered complaints and shall be posted until either the mail-in recheck form has been submitted to the regulatory authority or a recheck inspection has been conducted to verify that the violations have been corrected.

**30.3(5) *Documentation of gross sales.*** Documentation of the annual gross sales of food and drink sold by a licensed food establishment or a licensed food processing plant is required unless the establishment is paying the highest license fee required by rule 481—30.4(137C,137F). Documentation will be kept confidential and will be used to verify that the license holder is paying the appropriate license fee based on annual gross sales of food and drink. For food processing plants that are food storage facilities and food establishments whose sales are included in a single rate with lodging or other services, the value of the food handled should be used. Documentation includes:

- a. A copy of the firm's business tax return;
- b. Quarterly sales tax data;
- c. A letter from an independent tax preparer;
- d. Other appropriate records.

**30.3(6) *License eligibility for renewal limited to 60 days after expiration.*** A delinquent license will only be renewed if application for renewal is made within 60 days of expiration. If a delinquent license is not renewed within 60 days, an establishment must apply for a new license and meet all the requirements for licensure. Establishments that have not renewed the license within 60 days will be closed by the department or a contractor.

**481—30.4(137C,137F) License fees.** License fees are set by Iowa Code chapters 137F and 137C. The license fee is the same for an initial license and a renewal license. The department will charge a voluntary inspection fee of \$100 when a premises that is not a food establishment requests a voluntary inspection.

**481—30.5(137F) Penalty and delinquent fees.**

**30.5(1) *Late penalty.*** Renewals submitted after the license expiration are subject to a penalty of 10 percent of the license fee per month in accordance with Iowa Code section 137F.4. A license will only be renewed if the license holder has provided documentation pursuant to subrule 30.3(5).

**30.5(2)** *Penalty for opening or operating without a license.* Operating without a license is subject to a penalty of up to twice the amount of the annual license fee in accordance with Iowa Code section 137F.9.

**481—30.6(137C,137F) Returned checks.** If a check intended to pay for any license provided for under Iowa Code chapter 137C or 137F is not honored for payment, the department will attempt to redeem the check and notify the applicant of the need to provide sufficient payment. An additional fee of \$25 will be assessed for each dishonored check. If the department does not receive payment, the establishment will be operating without a valid license. Late penalties assessed pursuant to rule 481—30.5(137F) will accrue and must be paid.

**481—30.7(137F) Double licenses.**

**30.7(1)** Any establishment that holds a food service establishment license and has gross sales over \$20,000 annually in packaged food items intended for consumption off the premises is also required to obtain a retail food establishment license. The license holder shall keep a record of these food sales and make it available to the department upon request.

**30.7(2)** Licensed retail food establishments serving only coffee, soft drinks, popcorn, prepackaged sandwiches or other food items manufactured and packaged by a licensed establishment only need a retail food establishment license.

**30.7(3)** A food establishment that holds both a food service establishment license and a retail food establishment license shall pay a license fee based on the annual gross sales for the dominant form of business plus \$150.

EXAMPLE: A food establishment holds a food service establishment license and a retail food establishment license. It has annual gross sales of more than \$750,000 for its retail food establishment and \$120,000 for its food service establishment. The food establishment pays a license fee of \$400 for its retail food establishment license (Iowa Code section 137F.6) and \$150 for its food service establishment license.

**30.7(4)** The business with higher annual gross sales determines the type of license for establishments that engage in operations covered under both the definition of a food establishment and of a food processing plant. Food establishments that process low-acid food in hermetically sealed containers or process acidified foods are required to have a food processing plant license in addition to the food establishment license. Regardless of the type of license, food processing plants will be inspected pursuant to food processing inspection standards and food establishments will be inspected pursuant to the Food Code.

**481—30.8(137C,137F) Inspection frequency.** Inspections are based on risk assessment.

**30.8(1)** *Food establishments.* Food establishments will have routine inspections at least once every 60 months. Very low risk food establishments will not have a routine inspection frequency.

**30.8(2)** *Food processing plants.* Food processing plants that process foods will have routine inspections at least once every 60 months. If the United States Food and Drug Administration completes an inspection in a facility, the inspection satisfies the state inspection frequency.

**30.8(3)** *Food processing plants that store foods.* Food processing plants that store foods will be inspected at least once every 84 months. If the United States Food and Drug Administration completes an inspection in a facility, the inspection satisfies the state inspection frequency. Very low risk food processing plants that store food will not have a routine inspection frequency.

**30.8(4)** *Hotels.* Hotels will be inspected in accordance with Iowa Code chapter 137C.

**30.8(5)** *Farmers market time/temperature control for safety food.* Farmers market time/temperature control for safety food licensees will be inspected based on risk.

**30.8(6)** *Temporary food establishments.* Temporary food establishments issued an annual license will be inspected based on risk.

**481—30.9(22) Examination of records.**

**30.9(1) *Public information.*** Information collected by the food and consumer safety bureau and contractors is generally considered public information pursuant to Iowa Code chapter 22. Records are stored in computer files and are not matched with any other data system. Inspection reports are available at [dial.iowa.gov](http://dial.iowa.gov). Requests for records of other state or federal agencies will be referred to the appropriate agency.

**30.9(2) *Confidential records.*** Certain records are confidential, including:

- a. Trade secrets and proprietary information, including items such as formulations, processes, policies and procedures, and customer lists;
- b. Health information related to foodborne illness complaints and outbreaks;
- c. The name or any identifying information of a person who files a complaint.

**481—30.10(17A,137C,137F) Denial, suspension, or revocation of a license to operate.** A license denial, suspension or revocation is effective 30 days after mailing or personal service of the notice.

**30.10(1) *Immediate suspension of license.*** To the extent not inconsistent with Iowa Code chapters 17A, 137C, and 137F and rules adopted pursuant to those chapters, chapter 8 of the Food Code is adopted for food establishments. A license may be immediately suspended in cases of an imminent health hazard. Iowa Code section 17A.18A and Food Code chapter 8 will be followed in cases of an imminent health hazard. The appeal process in rule 481—30.11(10A,137C,137F) is available following an immediate suspension.

**30.10(2) *Criminal offense—conviction of license holder.*** The department may revoke the license of a license holder who conducts an activity constituting a criminal offense in the licensed food establishment resulting in a felony, serious misdemeanor or aggravated misdemeanor conviction. A certified copy of the final order or judgment of conviction or plea of guilty is conclusive evidence of the conviction.

**481—30.11(10A,137C,137F) Formal hearing.**

**30.11(1)** An establishment may contest adverse action taken pursuant to this chapter by submitting a request for hearing to the department within 30 days of the mailing or service of the department's action. Appeals and hearings are governed by 481—Chapter 9.

**30.11(2)** For contractors, license holders shall have the opportunity for a hearing before the local board of health. If the hearing is conducted before the local board of health, the license holder may appeal to the department and shall follow the process for review in rule 481—9.3(10A,17A).

**481—30.12(137F) Primary servicing laboratory.** The primary servicing laboratory for the food and consumer safety bureau is the State Hygienic Laboratory at the University of Iowa created under Iowa Code section 263.7. If the laboratory is unable to perform laboratory services, the laboratory will assist in finding another laboratory with a preference toward laboratories that are in the Food Emergency Response Network (FERN) and have achieved ISO 17025 accreditation.

**481—30.13(10A,137F) Cottage food.**

**30.13(1)** Cottage food is exempt from all licensing, permitting, inspection, packaging, and labeling laws of the state if the food complies with all of the following:

- a. The food does not require time/temperature control for safety. When it is not obvious whether a food requires time/temperature control for safety, the food producer will provide documentation that a food does not require time/temperature control for safety to the regulatory authority upon request.
- b. The food is not a milk or milk product regulated under Iowa Code chapters 192 and 194.
- c. The food is not a meat, meat food product, poultry, or poultry food product regulated under Iowa Code chapter 189A.
- d. The food is not unpasteurized fruit or vegetable juice.
- e. The food is produced in a private residence.
- f. The food is sold and delivered by the producer directly to the consumer.
- g. The cottage food is labeled or affixed with the following information:

- (1) Information to identify the name and address, phone number, or email address of the person preparing the food.
- (2) The common name of the food.
- (3) The ingredients of the cottage food in descending order of predominance.
- (4) The following statement: “This product was produced at a residential property that is exempt from state licensing and inspection.”
- (5) If the cottage food contains one or more major food allergens, an additional allergen statement identifying each major allergen contained in the food by the common name of the allergen.
- (6) If the food is home-processed and contains home-canned pickles, vegetables, or fruits permitted under this rule, the date that the food was processed and canned.
  - h.* Home-processed and home-canned pickles, vegetables, or fruits sold under this rule must comply with the following:
    - (1) Each batch must be measured by a pH meter or a water activity meter and shall have a finished equilibrium pH value of 4.60 or lower or a water activity value of 0.85 or less.
    - (2) Each container that is sold or offered for sale must contain the date the food was processed and canned.
      - i.* The cottage food producer must provide batch testing records to the regulatory authority upon request, including at the point of sale.
      - j.* Cottage food shall not be offered for sale in a food establishment except in a temporary food establishment, provided that the temporary food establishment is operated by the cottage food producer and the cottage food is offered for sale in a packaged form and labeled in accordance with paragraph 30.13(1) “g.”

**30.13(2)** Reserved.

These rules are intended to implement Iowa Code chapter 137F.

[Filed 1/14/26, effective 3/11/26]

[Published 2/4/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0059D**

## **INSPECTIONS AND APPEALS DEPARTMENT[481]**

### **Adopted and Filed**

#### **Rulemaking related to food establishment and food processing plant inspections**

The Department of Inspections, Appeals, and Licensing hereby rescinds Chapter 31, “Food Establishment and Food Processing Plant Inspections,” Iowa Administrative Code, and adopts a new Chapter 31 with the same title.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 137F.3.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 137F.3.

#### *Purpose and Summary*

The rulemaking repromulgates Chapter 31 and implements Iowa Code chapter 137F in accordance with the goals and directives of Executive Order 10. Iowa Code section 137F.2 requires the Department to adopt rules setting minimum standards to protect consumers from foodborne illness. Iowa Code

section 137F.3 authorizes the Director of the Department to regulate, license, and inspect food establishments and food processing plants.

The rulemaking implements the aforementioned Iowa Code chapter by describing the inspection standards for food establishments and food processing plants and describing time and temperature controls for licensees.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9777C**. A public hearing was held on the following date(s):

- December 30, 2025
- December 31, 2025

No public comments were made at the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Department on January 14, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 481—Chapter 31 and adopt the following **new** chapter in lieu thereof:

CHAPTER 31  
FOOD ESTABLISHMENT AND FOOD  
PROCESSING PLANT INSPECTIONS

**481—31.1(137F) Inspection standards for food establishments.** The department adopts, with the following exceptions, the 2017 Food Code with Supplement of the Food and Drug Administration as the state's "food code," which is the inspection standard for food establishments.

**31.1(1) Unattended food establishments—assignment of responsibility.** For the purposes of section 2-101.11(C) of the 2017 Food Code with Supplement, unattended food establishments are not required to

have a designated person in charge present during all hours of operation provided that the permit holder ensures the following requirements are met.

*a. Unattended food establishment location.* The unattended food establishment is located in the interior of a building, has controlled entry, and is not accessible by the general public. Access to the unattended food establishment will be limited to a defined population (e.g., employees, registered guests or occupants of the building where the establishment is located). For the purposes of this paragraph, registered guests are individuals whose names are officially recorded with a business by reservation or by appointment. The term ensures a secure and traceable record of who is occupying a space.

*b. Nature and source of food and beverages offered for sale.*

(1) Only commercially packaged foods properly labeled for individual retail sale, pursuant to Food Code section 3-201.11(C), will be offered.

(2) No unpackaged food is permitted except as provided by section 3-302.11(B)(1) of the Food Code.

(3) Food preparation by consumers is limited to heating/reheating food in a microwave oven.

(4) No dispensing of bulk food is permitted.

*c. Refrigerated display equipment.* An unattended food establishment will be equipped with refrigeration or freezer units that have the following features:

(1) Self-closing doors that allow food to be viewed without opening the door to the refrigerated cooler or freezer;

(2) An automatic self-locking mechanism that prevents the consumer from accessing the food upon the occurrence of any condition that results in the failure of the refrigeration unit to maintain the internal product temperature specified under section 3-501.16(A)(2) or of the freezer unit to maintain the product as frozen.

*d. Food service equipment limitations.*

(1) Beverages are dispensed by individual serving only. Beverage dispensers connected to the building water supply will be properly equipped with backflow prevention pursuant to section 5-203.14 of the Food Code.

(2) Food-contact surfaces.

1. Multiuse food-contact surfaces will be cleaned on a frequency consistent with the service pursuant to section 4-202.11 of the Food Code or are easily removed and replaced with cleaned surfaces.

2. No multiuse food-contact surfaces intended for use with time/temperature control for safety foods are permitted.

*e. Security.*

(1) An unattended food establishment will provide continuous video surveillance of areas where consumers view, select, handle and purchase products that will provide sufficient resolution to identify situations that may compromise food safety or food defense.

1. Video surveillance recordings will be maintained and made available for inspection by a representative of a regulatory agency within 24 hours of request.

2. Video surveillance recordings will be held by the establishment for a minimum of 14 days after the date of the surveillance.

(2) The permit holder will take reasonable steps necessary to discourage individuals from returning food, beverages, or both that have not been selected for purchase.

*f. Routine maintenance at an unattended food establishment.*

(1) The permit holder will service the unattended food establishment at least weekly, which may include:

1. Checking food supplies and equipment for signs of product damage, tampering, or both.

2. Verifying that refrigeration equipment is operating properly, including the temperature display and self-locking mechanism.

3. Rotating foods to better ensure first in/first out of food items.

4. Cleaning food service equipment and food display areas.

5. Stocking food and disposable single-use and single-service supplies.

6. Checking inventory for recalled foods.

(2) The permit holder will ensure that:

1. Food is from an approved source.
2. Packaged food is provided in tamper-evident packaging.
3. Food is protected from potential sources of cross contamination.
4. Food is maintained at safe temperatures during transport and display.

*g. Unattended food establishment oversight.* Each unattended food establishment will have a sign readily visible at the automated payment station stating the name, mailing address, telephone number, email address and web information, if any, of the business entity responsible for the establishment and to whom complaints and comments should be addressed.

*h. Designation of responsibilities.* The permit holder bears all responsibilities for the operation of the food establishment. When the permit holder is not the owner or operator of the building where the food establishment is located, a mutual agreement that outlines the responsibilities for cleaning and maintenance of all surfaces and equipment and for provision of supportive facilities/services, such as janitorial services and restroom facilities, pest control and removal of solid waste, may be approved by the regulatory agency. This agreement should outline actions that must be taken by both parties to maintain the establishment in compliance with all requirements including responding to imminent health hazards.

*i. Inspections—on-site person in charge.* When requested by the regulatory authority for the purposes of conducting an inspection, the permit holder will provide an on-site person in charge within a reasonable time frame not to exceed four hours.

**31.1(2)** *Certified food protection manager requirements, exceptions, and time frames for compliance.*

*a.* For the purposes of section 2-102.12(A) of the 2017 Food Code with Supplement, the food establishment may employ a single certified food protection manager who is not present at the food establishment during all hours of operation, as long as the following requirements are met:

(1) The individual who is a certified food protection manager has supervisory and management responsibility and the authority to direct and control food preparation and service at the food establishment;

(2) The person in charge demonstrates knowledge as prescribed in section 2-102.11 of the 2017 Food Code with Supplement;

(3) The person in charge demonstrates active managerial control of food safety by complying with section 2-103.11 of the 2017 Food Code with Supplement.

*b.* A food establishment that, upon inspection, is found to be in violation of section 2-102.11 or 2-103.11 of the 2017 Food Code with Supplement will have six months to ensure that any individual designated as the person in charge is a certified food protection manager.

*c.* For the purposes of section 2-102.12(B), the following food establishments are not required to employ a certified food protection manager:

(1) Temporary or farmers market food establishments.

(2) Food establishments at which food is not prepared, where customers may purchase beverages and where the service of food is limited to the service of ice, beverages, prepackaged snack foods, popcorn or peanuts and to the reheating of commercially prepared foods for immediate service that do not require assembly, such as frozen pizza or prepackaged sandwiches.

(3) Food establishments at which food is not prepared, where customers may purchase only commercially prepared non-time/temperature control for safety foods that are dispensed either unpackaged or packaged and that are intended for off-premises consumption.

*d.* Time frames for compliance with section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)“a” and “b,” are as follows:

(1) Newly licensed facilities will comply with section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)“a” and “b,” within six months of licensure.

(2) If an individual meeting the requirement of paragraph 31.1(2)“a” leaves employment, the establishment will comply with section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)“a” and “b,” within six months of the individual’s departure.

**31.1(3)** *Honey prepared in a residence.* Section 3-201.11 is amended to allow honey that is stored; prepared, including by placement in a container; or labeled at or distributed from the premises of a residence to be sold in a food establishment.

**31.1(4)** *Homemade food items prepared in a licensed home food processing establishment.* Section 3-201.11 is amended to allow homemade food items that are eligible for resale and are prepared, packaged, and labeled pursuant to 481—Chapter 34 to be offered for human consumption in a food establishment.

**31.1(5)** *Wild-harvested mushrooms.* Section 3-201.16, paragraph (A), is amended by adding the following:

“A food establishment or farmers market time/temperature control for safety food licensee may sell or serve wild-harvested mushrooms provided:

“a. All wild-harvested mushrooms sold or served are varieties classified as one of the following:

Common name	Scientific name
Morel	<i>Morchella</i> spp. ( <i>M. americana</i> , <i>M. angusticeps</i> , <i>M. punctipes</i> )
Oyster	<i>Pleurotus citrinopileatus</i> , <i>Pleurotus ostreatus</i> , <i>Pleurotus populinus</i> , or <i>Pleurotus pulmonarius</i>
Chicken of the woods	<i>Laetiporus</i> ( <i>L. cincinnatus</i> , <i>L. sulphureus</i> )
Hen of the woods	<i>Grifola frondosa</i>
Chanterelle	<i>Cantharellus cibarius</i> group
Bear’s head tooth, Lion’s mane	<i>Hericium</i> spp. ( <i>H. erinaceus</i> , <i>H. americanum</i> )
Pheasant back	<i>Polyporus squamosus</i>
Black trumpet	<i>Craterellus cornucopoides</i>

“b. All wild-harvested mushrooms sold or served in a food establishment must be obtained from sources where each mushroom is individually inspected and found to be safe by a certified wild-harvested mushroom identification expert.

“c. All wild-harvested mushroom species sold or served in a food establishment must have a written buyer specification. The buyer shall retain the written buyer specification for 90 days from the date of sale or service that must include:

- “1. Identification of each mushroom species by the scientific and common name;
- “2. Date of purchase;
- “3. Quantity by weight of each species received;
- “4. A statement indicating that each mushroom was identified in its fresh state and was not mixed or in contact with other mushroom species;
- “5. The name, address, and telephone number of the certified wild-harvested mushroom identification expert;
- “6. A copy of the certified wild-harvested mushroom identification expert’s certificate of successful completion of the program, including the date of completion.

“d. A consumer advisory shall inform consumers by brochures, deli case, menu advisories, label statements, table tents, placards, or other effective written means that ‘wild-harvested mushrooms should be thoroughly cooked and may cause allergic reactions or other effects.’

“e. This section does not apply to cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.”

**31.1(6)** *Field-dressed wild game prohibition.* Subparagraph 3-201.17(A)(4) is amended to state that field-dressed wild game shall not be permitted in food establishments unless:

- a. The food establishment is also licensed and inspected by the Iowa department of agriculture and land stewardship (IDALS) meat and poultry inspection bureau pursuant to Iowa Code chapter 189A;
- b. All field-dressed wild game is adequately separated from food, equipment, utensils, clean linens, and single-service and single-use articles;
- c. Any equipment used in the processing of field-dressed wild game is adequately cleaned and sanitized before use with other foods.

**31.1(7)** *Reduced oxygen packaging in meat and poultry processing plants.* Meat and poultry processing plants that are licensed and inspected by the IDALS meat and poultry inspection bureau

pursuant to Iowa Code chapter 189A and that are also licensed as a food establishment are exempt from section 3-502.11, paragraphs (A), (B), (D) and (F), and section 3-502.12 if these criteria are met:

- a. Each food product formulation has been approved by the IDALS meat and poultry inspection bureau;
- b. A copy of the approved formulation (T40/45) is maintained on file at the establishment and made available to the regulatory authority upon request;
- c. Cooked products that do not include a curing agent or an antimicrobial agent that will control *Clostridium botulinum* and *Listeria monocytogenes* that are in a reduced oxygen package are stored and sold frozen and are labeled "Keep Frozen";
- d. The food products are properly labeled.

**31.1(8)** *Warewashing sinks in establishments serving alcoholic beverages.* Section 4-301.12 is amended by adding the following: "When alcoholic beverages are served in a food service establishment, a sink with at least three compartments shall be used in the bar area for manual washing, rinsing and sanitizing of bar utensils and glasses. When food is served in a bar, a separate three-compartment sink for washing, rinsing and sanitizing food-related dishes shall be used in the kitchen area, unless a dishwasher is used to wash utensils."

**31.1(9)** *Prohibiting animals.* Section 6-501.115, paragraph (B), is amended by adding the following:

"(6) Pet dogs may be allowed on exterior premises of a food establishment, including outdoor patio and outdoor dining areas, provided the food establishment meets these requirements:

"a. A separate entrance is present so that pet dogs do not enter the food establishment to access the outdoor area;

"b. No food preparation is allowed in the outdoor area, including mixing or dispensing drinks and ice;

"c. Customer multiservice or reusable utensils such as plates, silverware, glasses, and bowls are not stored, displayed, or preset in the outdoor area;

"d. Food or water provided to pet dogs shall be in single-use disposable containers provided by the food establishment or a container provided by the pet owner that is filled without any contact between the container and any dispensing item of the food establishment;

"e. Employees are prohibited from direct contact with pet dogs while on duty;

"f. The outdoor area is maintained clean;

"g. In cases where excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited, an employee shall immediately ensure the area is cleaned and sanitized;

"h. The outdoor area shall not be fully enclosed (an enclosed area is considered part of the interior of the facility);

"i. Disruptive pet dogs must be controlled or removed from the premises;

"j. Rules governing pet dogs shall be posted at each entrance of the food establishment and shall contain the following:

"i. Pet dogs shall be leashed at all times;

"ii. Pet dogs shall not enter any interior area of the food establishment at any time;

"iii. Pet dogs must be controlled at all times by the dog's owner or designee;

"iv. Pet dogs are not permitted on chairs, tables, benches or seats;

"v. Pet dog owners must immediately notify the food establishment's staff in the event that excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited.

"(7) Pet dogs may be allowed on the interior premises of a food establishment that only stores, sells, distributes, or otherwise handles packaged food under these conditions:

"a. The food establishment is maintained clean;

"b. In cases where excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited, an employee shall immediately ensure the area is cleaned and sanitized;

"c. Disruptive pet dogs must be controlled or removed from the premises;

"d. Rules governing pet dogs shall be displayed at or near the entrances of the food establishment and shall, at a minimum, contain the following:

- “i. Pet dogs shall be leashed at all times;
- “ii. Pet dogs must be controlled at all times by the dog’s owner or designee;
- “iii. Pet dogs are not permitted on chairs, tables, benches, seats or in shopping carts;
- “iv. Pet dog owners must immediately notify the food establishment’s staff in the event that excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited.”

**31.1(10) *Inspection standards for elder group homes.*** Elder group homes as defined by Iowa Code section 231B.1 will be inspected by the department, but chapters 4 and 6 of the Food Code will not apply. Elder group homes will pay the lowest license fee set forth in 481—subrule 30.4(2).

**31.1(11) *Nonprofit exception for temporary events.*** Nonprofit organizations that are licensed as temporary food establishments may serve non-time/temperature control for safety food from an unapproved source for the duration of the event but cannot serve home-canned pickles, vegetables, or fruits produced in accordance with Iowa Code chapter 137F.

**31.1(12) *Variance approval by department and submission of hazard analysis and critical control point (HACCP) plans.*** Any variances or HACCP plans that require approval by the “regulatory authority” must be approved by the department. HACCP plans pursuant to paragraphs 3-502.12(B) and 8-201.13(B) shall be filed with the department prior to implementation, regardless of whether or not the plan requires approval.

**481—31.2(137F) Inspection standards for food processing plants.** The following are the inspection standards for food processing plants including food storage facilities.

**31.2(1) *Definitions.*** For the purposes of this rule, the definitions of “food,” “label,” “labeling,” and “dietary supplement” are as defined in 21 U.S.C. Section 321.

**31.2(2) *Prohibited acts.*** The prohibited acts identified in 21 U.S.C. Section 331(a) to (f), (k), and (v) are prohibited acts in Iowa.

**31.2(3) *Stop sale.*** Any article of food that is adulterated or misbranded when introduced into commerce may be embargoed until such a time as the adulteration or misbranding is remedied or the product is destroyed. The action is immediate, but the licensee may appeal the decision following the process outlined in rule 481—30.11(10A,137C,137F).

**31.2(4) *Standards for food.*** If a standard that has been adopted for a food is adopted pursuant to 21 U.S.C. Section 341, the standard shall be met.

**31.2(5) *Misbranded food.*** A food is misbranded if it is found in violation of 21 U.S.C. Section 343.

**31.2(6) *New dietary ingredients.*** New dietary ingredients shall comply with the process in 21 U.S.C. Section 350(b) or will be deemed adulterated.

**31.2(7) *Records.*** Records shall be made available as required under 21 U.S.C. Section 373 for all interstate and intrastate food.

**31.2(8) *Adoption of Code of Federal Regulations.*** The following parts of the Code of Federal Regulations are adopted:

- a. 21 CFR Part 1, Sections 1.20 to 1.24 and Subpart O, Sections 1.900 to 1.934 (labeling).
- b. 21 CFR Part 7, Sections 7.1 to 7.13 and 7.40 to 7.59 (guaranty and recalls).
- c. 21 CFR Part 70, Sections 70.20 to 70.25 (labeling requirements for colors).
- d. 21 CFR Part 73, Sections 73.1 to 73.615 (color additives exempt from certification).
- e. 21 CFR Part 74.101 to 74.706 (listing of color additives subject to certification).
- f. 21 CFR Part 81, general specifications and general restrictions for provisional color additives for use in foods, drugs, and cosmetics.
- g. 21 CFR Part 82, Sections 82.3 to 82.706 (certified provisionally listed colors and specifications).
- h. 21 CFR Part 100, Section 100.155 (specific provisions for salt and iodized salt).
- i. 21 CFR Part 101, except Sections 101.69 and 101.108 (food labeling).
- j. 21 CFR Part 102, except Section 102.19 (common or usual name for nonstandard food).
- k. 21 CFR Part 104, nutritional quality guidelines for foods.
- l. 21 CFR Part 105, food for special dietary use.
- m. 21 CFR Part 106, except Section 106.120 (infant formula quality control procedures).

- n.* 21 CFR Part 107, except Sections 107.200 to 107.280 (infant formula labeling).
- o.* 21 CFR Part 108, Sections 108.25 to 108.35 (exceptions for when a permit is not required, acidified and thermal processing of low-acid foods packaged in hermetically sealed containers).
- p.* 21 CFR Part 109, unavoidable contaminants in food for human consumption and food-packaging material.
- q.* 21 CFR Part 110, current good manufacturing practice in manufacturing, packing or holding human food.
- r.* 21 CFR Part 111, current good manufacturing practice in manufacturing, packaging, labeling, or holding operations for dietary supplements.
- s.* 21 CFR Part 113, thermally processed low-acid food packaged in hermetically sealed containers.
- t.* 21 CFR Part 114, acidified foods.
- u.* 21 CFR Part 115, shell eggs.
- v.* 21 CFR Part 117, current good manufacturing practice and hazard analysis and risk-based preventive controls for human food shall apply, with the exception that warehousing operations located on the premises of residences that store unexposed, packaged frozen food for sale directly to a consumer customer or at a farmers market shall comply with subpart B of 21 CFR 117.
- w.* 21 CFR Part 118, production, storage and transportation of shell eggs.
- x.* 21 CFR Part 120, hazard analysis and critical control point (HACCP) systems (juice).
- y.* 21 CFR Part 123, fish and fisheries products (seafood).
- z.* 21 CFR Part 129, processing and bottling of bottled drinking water.
- aa.* 21 CFR Part 130, except Sections 130.5, 130.6 and 130.17, food standards: general.
- ab.* 21 CFR Part 131, milk and cream.
- ac.* 21 CFR Part 133, cheeses and related cheese products.
- ad.* 21 CFR Part 135, frozen desserts.
- ae.* 21 CFR Part 136, bakery products.
- af.* 21 CFR Part 137, cereal flours and related products.
- ag.* 21 CFR Part 139, macaroni and noodle products.
- ah.* 21 CFR Part 145, canned fruits.
- ai.* 21 CFR Part 146, canned fruit juices.
- aj.* 21 CFR Part 150, fruit butters, jellies, preserves, and related products.
- ak.* 21 CFR Part 152, fruit pies.
- al.* 21 CFR Part 155, canned vegetables.
- am.* 21 CFR Part 156, vegetable juices.
- an.* 21 CFR Part 158, frozen vegetables.
- ao.* 21 CFR Part 160, egg and egg products.
- ap.* 21 CFR Part 161, fish and shellfish.
- aq.* 21 CFR Part 163, cacao products.
- ar.* 21 CFR Part 164, tree nut and peanut products.
- as.* 21 CFR Part 165, beverages.
- at.* 21 CFR Part 166, margarine.
- au.* 21 CFR Part 168, sweeteners and table syrups.
- av.* 21 CFR Part 169, food dressings and flavorings.
- aw.* 21 CFR Part 170, except Sections 170.6, 170.15, and 170.17, food additives.
- ax.* 21 CFR Part 172, food additives permitted for direct addition to food for human consumption.
- ay.* 21 CFR Part 173, secondary direct food additives permitted in food for human consumption.
- az.* 21 CFR Part 174, indirect food additives: general.
- ba.* 21 CFR Part 175, indirect food additives: adhesives and components of coatings.
- bb.* 21 CFR Part 176, indirect food additives: paper and paperboard components.
- bc.* 21 CFR Part 177, indirect food additives: polymers.
- bd.* 21 CFR Part 178, indirect food additives: adjuvants, production aids, and sanitizers.

*be.* 21 CFR Part 180, food additives permitted in food or in contact with food on an interim basis pending additional study.

*bf.* 21 CFR Part 181, prior-sanctioned food ingredients.

*bg.* 21 CFR Part 182, substances generally recognized as safe.

*bh.* 21 CFR Part 184, direct food substances affirmed as generally recognized as safe.

*bi.* 21 CFR Part 186, indirect food substances affirmed as generally recognized as safe.

*bj.* 21 CFR Part 189, substances prohibited from use in human food.

*bk.* 21 CFR Part 190, dietary supplements.

**31.2(9)** *Egg products processing plants.* The department will use the good manufacturing practices adopted in paragraph 31.2(8)“b,” unless such practices are inconsistent with standards set by the United States Department of Agriculture, Food Safety and Inspection Service, in 9 CFR Parts 590-592. If the standards are inconsistent, the standards adopted in 9 CFR Parts 590-592 apply.

**31.2(10)** *References.* All references to federal statutes and regulations in this rule are to those versions in effect on March 11, 2026.

**481—31.3(137F) Adulterated food and disposal.** No one may produce, distribute, offer for sale or sell adulterated food. “Adulterated” is defined in the federal Food, Drug, and Cosmetic Act, Section 402, as amended to March 11, 2026. Adulterated food shall be disposed of in a reasonable manner as determined by the department. The destruction of adulterated food may be watched by a person approved by the department.

**481—31.4(137F) False label or defacement.** Labels required by Iowa Code chapter 137F and this chapter shall be legibly printed and not be deceptive as to the true nature of the article or place of production.

**481—31.5(137F) Temporary food establishments and farmers market time/temperature control for safety food licensees.** While the retail food code adopted in rule 481—31.1(137F) applies to temporary food establishments, the following subrules provide a simplified version of requirements for temporary food establishments. If the two rules are inconsistent, the standards in this rule apply.

**31.5(1)** *Personnel.* For the purposes of this rule, employees include volunteers.

*a.* Employees will keep their hands and exposed portions of their arms clean.

*b.* Employees will have clean garments and aprons and effective hair restraints. Smoking, eating or drinking in food booths is not allowed. All nonworking, unauthorized persons are to be kept out of the food booth.

*c.* All employees will be under the direction of the person in charge, who will ensure that the workers are effectively cleaning their hands; that time/temperature control for safety food is adequately cooked, held or cooled; and that all multiuse equipment or utensils are adequately washed, rinsed and sanitized.

*d.* Employees will not work at a temporary food establishment or farmers market time/temperature control for safety food establishment if they have open cuts, sores or communicable diseases. The person in charge will take appropriate action to ensure that employees and volunteers who have a disease or medical condition transmissible by food are excluded from the food operation.

*e.* Every employee will sign a logbook with the employee’s name, address, and telephone number or email address and the date and hours worked. The logbook will be maintained for 30 days by the person in charge and made available to the department upon request.

**31.5(2)** *Food handling and service.*

*a.* *Dry storage.* All food, equipment, utensils and single-service items will be stored off the ground and above the floor on pallets, tables or shelving.

*b.* *Cold storage.* Refrigeration units will be provided to keep time/temperature control for safety foods at 41°F or below. The inspector may approve an effectively insulated, hard-sided container with sufficient coolant for storage of time/temperature control for safety food at events of short duration if the container maintains food temperatures at 41°F or below.

c. *Hot storage.* Hot food storage units will be used to keep time/temperature control for safety food at 135°F or above. Electrical equipment is required for hot holding, unless the use of propane stoves and grills capable of holding the temperature at 135°F or above is approved by the department. Sterno cans are allowed for hot holding if adequate temperatures can be maintained. Steam tables or other hot holding devices are not allowed to heat foods and are to be used only for hot holding after foods have been adequately cooked or heated.

d. *Cooking temperatures.* As specified in the following chart, the minimum cooking temperatures for food products are:

165°F	<ul style="list-style-type: none"> <li>● Poultry and game animals that are not commercially raised</li> <li>● Products stuffed or in a stuffing that contains fish, meat, pasta, poultry or ratite</li> <li>● All products cooked in a microwave oven</li> </ul>
155°F	<ul style="list-style-type: none"> <li>● Rabbits, ratite and game meats that are commercially raised</li> <li>● Ground or comminuted (such as hamburgers) meat/fish products</li> <li>● Raw shell eggs not prepared for immediate consumption</li> </ul>
145°F	<ul style="list-style-type: none"> <li>● Pork and raw shell eggs prepared for immediate consumption</li> <li>● Fish and other meat products not requiring a 155°F or 165°F cooking temperature as listed above</li> </ul>

e. *Consumer advisory requirement.* If raw or undercooked animal food such as beef, eggs, fish, lamb, poultry or shellfish is offered in ready-to-eat form, the license holder (person in charge) will post the consumer advisory as required by the food code.

f. *Thermometers.* Each refrigeration unit will have a numerically scaled thermometer to measure the air temperature of the unit accurately. An appropriate thermometer will be provided where necessary to check the internal temperature of both hot and cold food. Thermometers must be accurate and have a range from 0°F to 220°F.

g. *Food display.* Foods on display will be covered. The public is not allowed to serve itself from opened containers of food or uncovered food items. Condiments such as ketchup, mustard, coffee creamer and sugar will be served in individual packets or from squeeze containers or pump bottles. Milk will be dispensed from the original container or from an approved dispenser. All fruits and vegetables will be washed before being used or sold. Food will be stored at least six inches off the ground. All cooking and serving areas will be adequately protected from contamination. Barbeque areas will be roped off or otherwise protected from the public. All food will be protected from customer handling, coughing or sneezing by wrapping, sneeze guards or other effective means.

h. *Food preparation.* Unless otherwise approved by a variance from the department, no bare-hand contact of ready-to-eat food will occur.

i. *Approved food source.* All food supplies will come from a commercial manufacturer or an approved source. The use of food in hermetically sealed containers that is not prepared in an approved food processing plant or home food processing establishment is prohibited. Transport vehicles used to supply food products are subject to inspection and will protect food from physical, chemical and microbial contamination. Cottage foods may be offered for sale in a temporary food establishment if the temporary food establishment is operated by the cottage food producer and the cottage food is offered for sale in a packaged form and labeled pursuant to rule 481—30.13(10A,137F).

j. *Leftovers.* Hot-held foods that are not used by the end of the day will be discarded.

**31.5(3) Utensil storage and warewashing.**

a. *Single-service utensils.* The use of single-service plates, cups and tableware is required.

b. *Dishwashing.* An adequate means to heat the water and a minimum of three basins large enough for complete immersion of the utensils are required to wash, rinse and sanitize utensils or food-contact equipment. Alternative dishwashing methods may be used if approved in advance by the regulatory authority.

c. *Sanitizers.* Chlorine bleach or another approved sanitizer will be provided for warewashing sanitization and wiping cloths. An appropriate test kit will be provided to check the concentration of

the sanitizer used. The person in charge will demonstrate knowledge in the determination of the correct concentration of sanitizer to be used.

*d. Wiping cloths.* Wiping cloths will be stored in a clean, 100 ppm chlorine sanitizing solution or equivalent. Sanitizing solution will be changed as needed to maintain the solution in a clean condition.

**31.5(4) Water.**

*a. Water supply.* An adequate supply of clean water will be provided from an approved source. Water storage units and hoses will be food grade and approved for use in storage of water. If not permanently attached, hoses used to convey drinking water will be clearly and indelibly identified as to their use. Water supply systems will be protected against backflow or contamination of the water supply. Backflow prevention devices, if required, will be maintained and adequate for their intended purpose.

*b. Wastewater disposal.* Wastewater will be disposed of in an approved wastewater disposal system sized, constructed, maintained and operated according to law.

**31.5(5) Premises.**

*a. Hand-washing container.* An insulated container with at least a two-gallon capacity filled with hot water and with a spigot, basin, soap and dispensed paper towels will be provided for hand washing.

*b. Floors, walls and ceilings.* If required, walls and ceilings will be of tight design and weather-resistant materials to protect against the elements and flying insects. If required, floors will be constructed of tight wood, asphalt, rubber or plastic matting or other cleanable material to control dust or mud.

*c. Lighting.* Adequate lighting shall be provided. Lights above exposed food preparation areas shall be shatter-resistant or shielded.

*d. Food preparation surfaces.* All food preparation or food contact surfaces shall be of a safe design, smooth, easily cleanable and durable.

*e. Garbage containers.* An adequate number of cleanable containers with tight-fitting covers shall be provided both inside and outside the establishment.

*f. Toilet rooms.* An adequate number of approved toilet and hand-washing facilities shall be provided at each event.

*g. Clothing.* Personal clothing and belongings shall be stored at a designated place in the establishment, adequately separated from food preparation, food service and dishwashing areas.

These rules are intended to implement Iowa Code chapter 137F.

[Filed 1/14/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0060D**

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Adopted and Filed**

**Rulemaking related to contractor requirements**

The Department of Inspections, Appeals, and Licensing hereby rescinds Chapter 35, "Contractor Requirements," Iowa Administrative Code, and adopts a new Chapter 35 with the same title.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code sections 137C.7, 137D.2, and 137F.3.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code sections 137C.7, 137D.2, and 137F.3.

### *Purpose and Summary*

This rulemaking repromulgates Chapter 35 and implements Iowa Code sections 137C.7, 137D.2, and 137F.3 in accordance with the goals and directives of Executive Order 10. Iowa Code section 137C.7 requires the regulatory authority to regulate, license, and conduct inspections for hotels and motels and allows the Director of the Department to enter into agreements with municipal corporations to license, inspect, or otherwise enforce this chapter. Iowa Code section 137D.2 requires the Department to regulate, license, and inspect home food processing establishments. Iowa Code section 137F.3 authorizes the Director to inspect food establishments and allows the Director to enter into agreements with a municipal corporation to license, inspect, or otherwise enforce the chapter.

The rulemaking implements the above Iowa Code sections by allowing the Department to enter into contracts with municipal corporations or counties to license, inspect, and enforce these Iowa Code chapters. The rulemaking sets forth contractor requirements and investigation and inspections standards.

### *Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9778C**. A public hearing was held on the following date(s):

- December 30, 2025
- December 31, 2025

Representative Chad Ingels attended, and no public comments were received. No changes from the Notice have been made.

### *Adoption of Rulemaking*

This rulemaking was adopted by the Department on January 14, 2026.

### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

### *Jobs Impact*

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

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

### *Review by Administrative Rules Review Committee*

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

### *Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 481—Chapter 35 and adopt the following **new** chapter in lieu thereof:

## CHAPTER 35 CONTRACTOR REQUIREMENTS

**481—35.1(137C,137D,137F) Definitions.** The definitions in rule 481—30.2(10A,137C,137F) and Iowa Code sections 137C.2, 137D.1 and 137F.1 are hereby incorporated by reference as part of this chapter.

**481—35.2(137C,137D,137F) Contracts.** A municipal corporation or county may enter into an agreement with the department to license, inspect and enforce under Iowa Code chapters 137C, 137D and 137F.

**35.2(1)** The department will investigate the municipal corporation or county to determine if it possesses adequate resources to fulfill the requirements of the contract.

**35.2(2)** A copy of the contract is available from the Department of Inspections, Appeals, and Licensing, Food and Consumer Safety Bureau, 6200 Park Avenue, Des Moines, Iowa 50321.

**481—35.3(137C,137D,137F) Contractor.**

**35.3(1)** The contractor will:

*a.* Furnish the personnel, materials, services and facilities necessary to perform the required functions of the contract;

*b.* Cooperate with the department's monitoring activities in areas under the scope of this agreement;

*c.* Provide 24-hour-per-day, seven-day-per-week coverage of the facilities under contract;

*d.* Ensure that personnel are available at all times to respond to complaints, investigations, emergencies and other situations;

*e.* Supply trained personnel who are prepared and have the capability to perform inspections; and

*f.* Provide other information as requested by the department in regard to inspections and licenses issued under the contract.

**35.3(2)** The contractor is not an authorized agent of the state of Iowa.

**481—35.4(137C,137D,137F) Contractor inspection personnel.**

**35.4(1)** Contractor inspection personnel will possess experience and education qualifications equal to those required for state food inspectors, including application of the food code. Municipal corporations or counties that wish to contract with the department to perform food inspections under Iowa Code chapters 137C, 137D and 137F but do not have trained personnel to perform these services will reimburse the department for the cost of providing the required training.

**35.4(2)** The salary received by contractor inspection personnel should be comparable to state inspection personnel.

**35.4(3)** Contractor inspection personnel will participate in state-sponsored training activities.

**481—35.5(137C,137D,137F) Investigation.** The contractor will investigate all alleged food-borne illnesses in areas licensed and inspected under the agreement. The contractor will notify the department immediately of the existence of any food-borne or other illness caused by, or suspected to have been caused by, unsanitary conditions existing within the jurisdiction of the contractor.

**481—35.6(137C,137D,137F) Inspection standards.** Inspections will be completed using forms prescribed by the department for those inspections. The contractor will follow applicable standards for inspections found in Iowa Code chapters 137C, 137D and 137F and 481—Chapters 30, 31, 34, 35, and 37. Copies of inspection standards are available from the Department of Inspections, Appeals, and Licensing, Food and Consumer Safety Bureau, 6200 Park Avenue, Des Moines, Iowa 50321.

**481—35.7(137C,137D,137F) Enforcement.** The contractor will enforce state laws and rules, including regulations adopted by reference. These regulations are the legal basis of authority in licensing and inspection of establishments under this contract.

**481—35.8(137C,137D,137F) Licensing.** The contractor will issue licenses and collect license fees.

**481—35.9(137C,137D,137F) Records.** The contractor will maintain records of all inspections, license applications and fees for a minimum of three years and provide the records to the department upon its request.

**481—35.10(137C,137D,137F) Contract rescinded.** If the department determines that Iowa Code chapters 137C, 137D and 137F are not being enforced by the contractor, the department may rescind the agreement. Notification will be provided to the contractor at least 30 days in advance of the action. The contractor has the right to request a hearing with the department to contest the action.

These rules are intended to implement Iowa Code chapters 137C, 137D and 137F.

[Filed 1/14/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0061D**

## **INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Adopted and Filed**

### **Rulemaking related to hotel and motel inspections**

The Department of Inspections, Appeals, and Licensing hereby rescinds Chapter 37, "Hotel and Motel Inspections," Iowa Administrative Code, and adopts a new Chapter 37 with the same title.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 137C.6.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 137C.6.

#### *Purpose and Summary*

The rulemaking repromulgates Chapter 37 and implements Iowa Code chapter 137C in accordance with the goals and directives of Executive Order 10. Iowa Code section 137C.6 gives the Director of the Department the authority to regulate, license, and inspect hotels and to enforce the Iowa hotel sanitation code in Iowa.

The rulemaking implements the aforementioned Iowa Code chapter by setting forth criteria for safe and sanitary hotels and motels, as well as setting forth the enforcement mechanisms for the Iowa Code chapter and these rules.

#### *Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9779C**. A public hearing was held on the following date(s):

- December 30, 2025
- December 31, 2025

Representative Chad Ingels attended the public hearing on December 30, 2025. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the Department on January 14, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 481—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37  
HOTEL AND MOTEL INSPECTIONS

**481—37.1(137C) Building and grounds.** Owners or managers are expected to keep hotels clean, meaning no litter nor accumulation of refuse anywhere on the premises. The floors, walls, and ceilings shall be kept clean and in good repair.

**37.1(1)** Screens, self-closing doors or other effective methods shall be used to keep flies, mosquitoes and other pests out of hotel lobbies, kitchens or any other indoor area.

**37.1(2)** All garbage must be kept in metal or plastic containers with tight-fitting lids and removed regularly to avoid offensive odors, a problem with insects or rodents, or health or fire hazards.

**37.1(3)** Any room or article that becomes infested with insects or vermin shall be cleaned or chemically treated until there are no more insects or vermin.

**481—37.2(137C) Guest rooms.** Hotels built or extensively remodeled, as determined by the department, shall provide ventilation in guest rooms with windows or mechanical devices. The furniture, drapes and accessories shall be kept clean and in good repair.

**481—37.3(137C) Bedding.** All materials used on a bed or any sleeping place shall be kept clean and in good repair.

**37.3(1)** There shall be an under sheet and top sheet that are large enough to cover the mattress for every bed. Pillows shall have pillow slips.

**37.3(2)** Each guest shall be furnished clean sheets and pillow slips.

**37.3(3)** All other bedding shall be aired between guests and kept clean.

**481—37.4(137C) Lavatory facilities.** Hotels built or remodeled shall have lavatory facilities in each guest room, except for bed and breakfast inns.

**37.4(1)** Each guest room shall be equipped with hot and cold running water fixtures. The floors shall be nonabsorbent and impermeable so they can be washed with water.

**37.4(2)** Lavatory rooms shall be well-lighted and vented to the outside of the building, which may be done with electric units.

**37.4(3)** Each guest shall have a clean towel each day.

**37.4(4)** Bed and breakfast inns shall provide at least one restroom that is available to overnight guests that is equipped as provided in subrules 37.4(1) through 37.4(3).

**481—37.5(137C) Glasses and ice.**

**37.5(1)** Each guest shall have clean glasses to use. All cups, glasses or utensils usable more than once shall be sanitized by:

- a. A sanitizing solution used in accordance with the manufacturer's use instructions; or
- b. A mechanical dishwasher that sanitizes and is operated in accordance with the manufacturer's instructions.

**37.5(2)** Sanitizing temperature or solution concentration measuring devices are readily available to frequently measure sanitizing temperatures and sanitizing solution concentrations.

**37.5(3)** Ice kept for guests to use shall be protected from contamination with tight lids on ice machines or storage bins. Containers used to store ice shall be continuously drained and have no direct waste connection. Ice containers and utensils shall be designed so that the surfaces are made of a material that is safe for use as a food contact surface and so that the surface can be adequately cleaned.

**481—37.6** Reserved.

**481—37.7(137C) Room rates.** Room rates will be posted in accordance with Iowa Code chapter 137C.

**481—37.8(137C) Inspections.** Hotels will be inspected in accordance with Iowa Code chapter 137C.

**481—37.9(137C) Enforcement.** Violation of these rules or any provision of Iowa Code chapter 137C is a simple misdemeanor. The department may employ various remedies if violations are discovered, including suspension or revocation of licenses (Iowa Code section 137C.10) or injunction (Iowa Code section 137C.29).

**481—37.10(137C) Criminal offense—conviction of license holder.**

**37.10(1)** The department may suspend or revoke the license of a license holder who conducts an activity constituting a criminal offense as set forth in Iowa Code section 137C.10(3).

**37.10(2)** A certified copy of the final order or judgment of conviction or plea of guilty is conclusive evidence of the conviction of the license holder.

These rules are intended to implement Iowa Code chapter 137C.

[Filed 1/14/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0062D**

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Adopted and Filed**

**Rulemaking related to boarding homes**

The Department of Inspections, Appeals, and Licensing hereby rescinds Chapter 66, "Boarding Homes," Iowa Administrative Code, and adopts a new Chapter 66 with the same title.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 135O.2.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 135O.2.

*Purpose and Summary*

This rulemaking repromulgates Chapter 66. This rulemaking implements Iowa Code section 135O.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 135O.2 requires the Department to adopt rules to administer Iowa Code chapter 135O in consultation with the Department of Health and Human Services (HHS) and the Department of Public Safety (DPS).

This rulemaking implements Iowa Code section 135O.2 by setting forth a registration process for boarding homes as well as occupancy report requirements. The rulemaking also lays out the process regarding complaints and investigations, as well as criteria for determining a penalty. The rules were provided to personnel from the HHS and the DPS for input.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9780C**. A public hearing was held on the following date(s):

- December 30, 2025
- December 31, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Department on January 14, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 481—Chapter 66 and adopt the following **new** chapter in lieu thereof:

CHAPTER 66  
BOARDING HOMES

**481—66.1(1350) Definitions.**

*“Activities of daily living”* means the following self-care tasks: bathing, dressing, grooming, eating, transferring, toileting, and ambulation.

*“Affiliated person or entity”* means an individual operating as a sole proprietorship who is related within the third degree of consanguinity to the boarding home owner or lessee; or a business entity with common ownership or with 25 percent or more ownership by the boarding home owner or lessee.

*“Assistance”* means aid or help.

*“Assistance with activities of daily living”* does not mean routine, total dependence on staff for the performance of activities of daily living or nursing care.

*“Boarding home”* means the same as defined in Iowa Code section 1350.1(1).

*“Commencing operations”* means the date on which a premises becomes a boarding home by renting to a third individual who meets the requirements pursuant to the definition of “boarding home.”

*“Department”* means the department of inspections, appeals, and licensing.

*“Director”* means the director of the department of inspections, appeals, and licensing.

*“Known”* means information that an owner, a lessee, or a manager possesses without seeking additional information from tenants.

*“Lessee”* means a person who leases the boarding home from its owner.

*“Premises”* means the same as defined in Iowa Code section 562A.6(7).

*“Preponderance of the evidence”* means that the evidence, considered and compared with the evidence opposed to it, produces the belief in a reasonable mind that the allegations are more likely true than not true. A “preponderance of the evidence” standard does not require that the investigator personally witnessed the alleged violation.

*“Probable cause”* means a reasonable suspicion to believe that a boarding home is in violation of Iowa Code chapter 1350 or licensing or other regulatory requirements of the department of health and human services or department of inspections, appeals, and licensing; or that dependent adult abuse of any individual living in the boarding home has occurred or is occurring.

*“Responsible party”* means the individual designated on the registration of a boarding home as the department’s primary contact.

*“Room”* means an apartment, group of rooms, or single room that is occupied as a separate living quarter or, if vacant, that is intended for occupancy as a separate living quarter, in which a tenant can live and sleep separately from any other persons in the building and that has direct access from the outside of the building or through a common hall.

*“Supervision”* means oversight necessary to prevent accidents or ensure the health, safety, and welfare of the tenant.

*“Third degree of consanguinity”* means the following relatives of the owner or lessee: spouse, children, parents, siblings or half-siblings, grandchildren, grandparents, uncles, aunts, nephews, nieces, great-grandparents, and great-grandchildren.

**481—66.2(1350) Registration of boarding homes.**

**66.2(1)** A boarding home shall complete and submit the boarding home registration form located on the department’s website within 60 days of commencing operations.

**66.2(2)** The registration form may be submitted electronically via the department’s website or by mail to the Department of Inspections, Appeals, and Licensing, Health Facilities Division, 6200 Park Avenue, Des Moines, Iowa 50321.

**66.2(3)** The registrant shall include the following:

- a. Name(s) of the owner, lessee and manager;
- b. Number of rooms available for rent and maximum number of tenants for the entire boarding home;

- c. Location of the boarding home, including street address, city and ZIP code;
- d. Telephone number, mailing address and email address for the owner, lessee and manager;
- e. Occupant loads as calculated in accordance with the building and fire codes as adopted by the applicable jurisdictions;
- f. Whether the building is equipped with a fire sprinkler system;
- g. Whether the building is equipped with a centralized kitchen in which meals are prepared;
- h. Name of the responsible party to whom the department will send all notices regarding the boarding home.

**66.2(4)** The boarding home shall notify the department as provided in subrule 66.2(2) of any changes to the information on the initial statement of registration within 30 days of when the change occurs, including cessation of operation.

#### **481—66.3(1350) Occupancy reports.**

**66.3(1)** Each boarding home shall update its boarding home registration form with the department annually between January 1 and January 31 as provided in subrule 66.2(2).

**66.3(2)** The owner or lessee shall include the following information on the occupancy report. If the owner or lessee is unable to answer the question because the owner or lessee does not have such information, the owner or lessee shall indicate such on the report.

- a. Current number of rooms occupied;
- b. Current number of tenants residing in the boarding home;
- c. Date of last fire inspection and any deficiencies noted and how such deficiencies have been corrected;
- d. The number of tenants receiving Medicaid;
- e. The number of tenants receiving food assistance benefits (EBT cards);
- f. The number of tenants receiving other types of state assistance and the types of state assistance received;
- g. Types of services provided or arranged by the owner, lessee, manager or an affiliated person or entity; frequency of services by type; and the name and contact information of the person or entity providing or arranging such services;
- h. Any assistance or supervision provided to tenants by the owner, lessee or manager;
- i. Method of rent payments, such as cash, check, or state assistance;
- j. The number of tenants with a power of attorney, guardian or conservator.

#### **481—66.4(1350) Complaints and investigations.**

##### **66.4(1) Complaints.**

a. Any person with a concern regarding the operation of a boarding home may file a complaint with the department in writing, by use of the complaint hotline at 1.877.686.0027 or through the department's website at [dial.iowa.gov](http://dial.iowa.gov).

b. When the nature of the complaint is outside the department's authority, the department will forward the complaint to the appropriate investigatory entity.

c. If other state agencies receive a complaint that relates to boarding homes, the agencies will forward the complaint to the department.

d. The department will act on anonymous complaints unless the department determines that the complaint is intended to harass the boarding home or is without a reasonable basis.

**66.4(2) Content of complaint reports.** The complaint will include as much of the following information as possible: the complainant's name, address and telephone number; the complainant's relationship to the boarding home and tenant; and the reason for the complaint.

**66.4(3) Initiation of investigations and time frames for investigation of complaints.** If the department determines there is probable cause to believe that a boarding home is an unregistered boarding home or that a registered boarding home is not in compliance with applicable law, an investigation will be initiated. The department will evaluate whether other local, state, or federal agencies, including law enforcement, should be provided a referral or included in the investigation.

An investigation of the boarding home will be initiated within 45 working days. If there is the likelihood of immediate danger, the department will initiate an investigation of the boarding home within two working days of receipt of the complaint. If there is an allegation of harm, the department will initiate an investigation of the boarding home within 20 working days of receipt of the complaint.

**66.4(4)** *Standard for determining whether a complaint is substantiated.* The department will apply a preponderance of the evidence standard in determining whether a complaint is substantiated.

**66.4(5)** *Notification of the boarding home or alleged boarding home of results of investigation.* The department will notify the boarding home or alleged boarding home, in writing, of the final report of the complaint investigation.

**66.4(6)** *Notification of the complainant of results of investigation.* The complainant, if known, will be notified of the final findings of a complaint investigation or if the department determines not to investigate a complaint and will receive an explanation of the department's decision.

**481—66.5** Reserved.

**481—66.6(1350) Penalties.** The director will consider the following when determining whether to assess a penalty for violation of Iowa Code chapter 1350 or rules adopted thereunder and the amount of the penalty:

1. The duration of the noncompliance;
2. The nature of the noncompliance;
3. The response of the owner or lessee upon notification of noncompliance;
4. The number of tenants affected;
5. The impact to the tenants.

**481—66.7(1350) Public and confidential information.**

**66.7(1)** *Public disclosure.* The following records are open and available for inspection:

- a. Registration forms and accompanying materials;
- b. Final findings of investigations, unless otherwise confidential by law, such as investigative findings of the division of criminal investigation of the department of public safety or dependent adult abuse investigations;
- c. Official notices of penalties.

**66.7(2)** *Confidential information.* Confidential information includes the following:

- a. Information that does not comprise a final finding;
- b. Names and identifying information of all complainants;
- c. Names of tenants of a boarding home, identifying personal or medical information, copies of documentation appointing a legal representative, and the address of anyone other than an owner or lessee;
- d. Social security or employer identification numbers (EIN).

**66.7(3)** *Redaction of confidential information.* If a record normally open for inspection contains confidential information, the confidential information will be redacted prior to an agency's providing the record for inspection.

**66.7(4)** *Searchable database of all registered boarding homes.* The department will maintain a searchable database of all registered boarding homes on the health facilities division's website at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov).

These rules are intended to implement Iowa Code chapter 1350.

[Filed 1/14/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0063D****INSPECTIONS AND APPEALS DEPARTMENT[481]****Adopted and Filed****Rulemaking related to general provisions for elder group homes,  
assisted living programs, and adult day services**

The Department of Inspections, Appeals, and Licensing hereby rescinds Chapter 67, “General Provisions for Elder Group Homes, Assisted Living Programs, and Adult Day Services,” Iowa Administrative Code, and adopts a new Chapter 67 with the same title.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code sections 231B.2, 231C.3, and 231D.2.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code sections 231B.2, 231C.3, and 231D.2.

*Purpose and Summary*

This rulemaking repromulgates Chapter 67 and implements Iowa Code sections 231B.2, 231C.3, and 231D.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 231B.2 requires the Department to establish minimum standards for certification and monitoring of elder group homes. Iowa Code section 231C.3 states that the Department must establish minimum standards for certification and monitoring of assisted living programs. Iowa Code section 231D.2 indicates that the Department is to establish a program for certification of, monitoring of, and complaint investigations related to adult day services.

This rulemaking implements the above Iowa Code sections by setting forth policies and procedures that are applicable to elder group homes, assisted living programs, and adult day services. This rulemaking describes the procedure for handling medications; explains the procedure for investigating incidents, including the process for denial, suspension, or revocation of a certificate; and sets out when a program must conduct checks of its employees.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9781C**. A public hearing was held on the following date(s):

- December 30, 2025
- December 31, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Department on January 14, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 481—Chapter 67 and adopt the following **new** chapter in lieu thereof:

CHAPTER 67  
GENERAL PROVISIONS FOR ELDER GROUP HOMES, ASSISTED LIVING  
PROGRAMS, AND ADULT DAY SERVICES

**481—67.1(231B,231C,231D) Definitions.** The following definitions apply to this chapter and to 481—Chapters 68, 69, and 70.

*“Accredited”* means that the program has received accreditation from an accreditation entity.

*“Activities of daily living”* means the following self-care tasks: bathing, dressing, grooming, eating, transferring, toileting, and ambulation.

*“Ambulatory”* or *“ambulation”* means physically and cognitively able to walk without aid of another person.

*“Applicable requirements”* means the requirements in Iowa Code chapters 135C, 231B, 231C, 231D, 235B, 235E, and 562A, this chapter, and 481—Chapters 68, 69, and 70, as applicable, and includes any other applicable administrative rules and provisions of the Iowa Code.

*“Assistance”* means aid to a tenant who self-directs or participates in a task or activity or who retains the mental or physical ability, or both, to participate in a task or activity. Cueing of the tenant regarding a particular task or activity means the tenant has participated in the task or activity.

*“Certified staff”* means certified nursing assistants (CNAs) and certified medication assistants (CMAs) employed by the program.

*“Change of ownership”* means the purchase, transfer, assignment or lease of a program and includes a change in the management company responsible for the day-to-day operation of the program, if the management company is ultimately responsible for any enforcement action taken by the department.

*“Dementia”* means an illness characterized by multiple cognitive deficits that represent a decline from previous levels of functioning and includes memory impairment and one or more of the following cognitive disturbances: aphasia, apraxia, agnosia and disturbance in executive functioning.

*“Department”* means the department of inspections, appeals, and licensing.

*“Director”* means the director of the department.

*“Direct supervision”* means the provision of guidance and oversight of a delegated nursing task through the physical presence of the licensed nurse to observe and direct certified and noncertified staff.

*“Elope”* means that a tenant who has impaired decision-making ability leaves the program without the knowledge or authorization of staff.

“*Global Deterioration Scale*” or “*GDS*” means the seven-stage scale for assessment of primary degenerative dementia developed by Dr. Barry Reisberg.

“*Health care professional*” means a physician, physician assistant, registered nurse, licensed practical nurse via RN delegation or advanced registered nurse practitioner licensed in Iowa by the respective licensing board or eligible to practice in Iowa through compact licensure agreements.

“*Health-related care*” means the same as defined in Iowa Code section 231B.1(5) and includes nurse-delegated assistance.

“*Human service professional*” means an individual with a bachelor’s degree in a human service field, including but not limited to human services, gerontology, social work, sociology, psychology, or family science. Two years of experience in a human service field may be substituted for up to two years of the required education.

“*Impaired decision-making ability*” means a lack of capacity to make safe and prudent decisions regarding one’s own routine safety as determined by the program manager or nurse or means having a GDS score of five or above.

“*Independent reviewer*” means an attorney licensed in the state of Iowa who is not currently and has not been employed by the department in the past eight years, or has not appeared in front of the department on behalf of a health care facility in the past eight years. Preference shall be given to an attorney with background knowledge, experience or training in long-term care.

“*Indirect supervision*” means the provision of guidance and oversight of a delegated nursing task through means other than direct supervision, including written and verbal communication.

“*Instrumental activities of daily living*” means those activities that reflect the tenant’s ability to perform household and other tasks necessary to meet the tenant’s needs within the community, which may include but are not limited to shopping, housekeeping, chores, and traveling within the community.

“*In the proximate area*” means an area located within a five-minute or less response time.

“*Medication setup*” means the same as defined in Iowa Code section 231B.1(6).

“*Modification*” means any addition to or change in physical dimensions or structure, except as incidental to the customary maintenance of the physical structure of the program’s facility.

“*Monitoring*” means an on-site evaluation of a program, a complaint investigation, or a program-reported incident investigation performed by the department to determine compliance with applicable requirements. A monitor who performs a monitoring for the department shall be a registered nurse, human service professional, or another person with program-related expertise.

“*Nonaccredited*” means that the program has been certified but has not received accreditation from an accreditation entity.

“*Noncertified staff*” means unlicensed and uncertified personnel employed by the program.

“*Nurse delegation*” means the action of a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to direct competent certified and noncertified staff to perform selected nursing tasks in selected situations. The decision of a nurse to delegate is based on the delegation process, including assessment, planning, implementation, supervision, and evaluation of the tenant, nursing tasks, personnel, and the situation. The nurse, as a licensed professional, retains accountability for the delegation process and the decision to delegate. Licensed practical nurses may delegate within the scope of their license with the supervision of a registered nurse.

“*Occupancy agreement*” or “*contractual agreement*” means the same as defined in Iowa Code sections 231B.1(7) and 231C.2(9).

“*Part-time or intermittent care*” means licensed nursing services and professional therapies that are provided in combination with nurse-delegated assistance with medications or activities of daily living and do not exceed 28 hours per week or, for adult day services, 4 hours per day.

“*Personal care*” means the same as defined in Iowa Code section 231B.1(8).

“*Preponderance of the evidence*” means that the evidence, considered and compared with the evidence opposed to it, produces the belief in a reasonable mind that the allegations are more likely true than not true.

“*Program*” means one or more of the following, as applicable: an elder group home as defined in Iowa Code section 231B.1 and 481—Chapter 68, an assisted living program as defined in Iowa Code

section 231C.1 and 481—Chapter 69, or adult day services as defined in Iowa Code section 231D.1 and 481—Chapter 70.

*“Program staff”* means all employees of the program, regardless of certification or licensure status.

*“Qualified professional”* means a facility plant engineer familiar with the type of program being provided, or a licensed plumbing, heating, cooling, or electrical contractor who furnishes regular service to such equipment.

*“Recognized accrediting entity”* means the same as defined in Iowa Code sections 231C.2(11) and 231D.1(11).

*“Regulatory insufficiency”* means a violation of an applicable requirement.

*“Restraints”* means any chemical or manual method that restricts freedom of movement or normal access to one’s body or any physical or mechanical device, material or equipment that is attached or adjacent to the tenant’s body that the tenant cannot remove easily and that restricts freedom of movement or normal access to one’s body.

*“Routine”* means more often than not or on a regular customary basis.

*“Self-administration”* means a tenant’s taking personal responsibility for all phases of medication except for any component assigned to the program under medication setup, and may include the tenant’s use of an automatic pill dispenser.

*“Service plan”* means the document that defines all services necessary to meet the needs and preferences of a tenant, whether or not the services are provided by the program or other service providers.

*“Significant change”* means the same as defined in Iowa Code section 231C.2(12).

*“Substantial compliance”* means the same as defined in Iowa Code section 231C.2(13) regarding a level of compliance with applicable requirements.

*“Tenant”* means the same as defined in Iowa Code sections 231B.1(9) and 231C.2(14). In the context of adult day services, “tenant” means a “participant” as defined in 481—Chapter 70.

*“Tenant advocate”* means the same as defined in Iowa Code section 231B.1(10).

*“Tenant’s legal representative”* means the same as defined in Iowa Code section 231B.1(11). In the context of adult day services, “tenant’s legal representative” means a “participant’s legal representative” as defined in 481—Chapter 70.

#### **481—67.2(231B,231C,231D) Program policies and procedures.**

**67.2(1)** A program’s policies and procedures must meet the minimum standards set by applicable requirements. All programs shall have policies and procedures related to the following:

*a.* Reporting of incidents, including allegations of dependent adult abuse on incident report forms to provide a detailed incident report completed at the time of the incident and include statements from individuals, if any, who witnessed the incident. The program will identify in the program’s policy who of the program staff is responsible for completion of the initial report. The report will remain accessible for a minimum of three years. All accidents or unusual occurrences within the program’s building or on the premises that affect tenants will be reported as incidents.

*b.* Allegations of dependent adult abuse consistent with Iowa Code chapter 235E and rules adopted pursuant to that chapter and, at a minimum, reporting requirements for staff and employees, and requirements that the victim and alleged abuser be separated.

*c.* Evaluation of each tenant or participant. A copy of the evaluation tool or tools to be used to identify the functional, cognitive and health status of each tenant or participant will be included.

*d.* Service plans.

*e.* Medical needs of tenants or participants.

*f.* Food service, including policies and procedures related to staffing, nutrition, menu planning, therapeutic diets, and food preparation, service and storage.

*g.* Transportation.

*h.* Staffing and training.

*i.* Emergencies, including policies and procedures related to natural disasters, with an evacuation plan and procedures for notifying legal representatives in emergency situations as applicable.

- j.* Managing risk and upholding tenant or participant autonomy when decision-making results in poor outcomes for the tenant or participant or others.
  - k.* Accidents and emergency response.
  - l.* Addressing sexual relationships between tenants and staff and between tenants with dementia greater than Stage 5 on the Global Deterioration Scale.
  - m.* Extraordinary lifesaving measures, including policies and procedures related to cardiopulmonary resuscitation (CPR).
  - n.* Narcotics protocol, including policies and procedures related to reconciliation and destruction.
- 67.2(2)** The program shall follow the policies and procedures established by the program.

**481—67.3(231B,231C,231D) Tenant rights.** All tenants have the following rights:

- 67.3(1)** To be treated with consideration, respect, and full recognition of personal dignity and autonomy.
- 67.3(2)** To receive care, treatment and services that are adequate and appropriate.
- 67.3(3)** To receive respect and privacy in the tenant's medical care program. Personal and medical records shall be confidential, and the written consent of the tenant obtained for the records' release to any individual, including family members, except as needed in case of the tenant's transfer to a health care facility or as required by law or a third-party payment contract.
- 67.3(4)** To be free from mental and physical abuse.
- 67.3(5)** To receive from the manager and staff of the program a reasonable response to all requests.
- 67.3(6)** To associate and communicate privately and without restriction with persons and groups of the tenant's choice, including the tenant advocate, on the tenant's initiative or on the initiative of the persons or groups at any reasonable hour.
- 67.3(7)** To manage the tenant's own financial affairs unless a tenant's legal representative has been appointed for the purpose of managing the tenant's financial affairs.
- 67.3(8)** To present grievances and recommend changes in program policies and services, personally or through other persons or in combination with others, to the program's staff or person in charge without fear of reprisal, restraint, interference, coercion, or discrimination.
- 67.3(9)** To be free from restraints.

**481—67.4(231B,231C,231D) Program notification to the department.** The director or the director's designee shall be notified within 24 hours, or the next business day, by the most expeditious means available:

- 67.4(1)** Of any accident causing major injury, including a substantial injury.
  - a.* "Major injury" is defined as any injury that:
    - (1) Results in death; or
    - (2) Requires admission to a higher level of care for treatment, other than for observation; or
    - (3) Requires consultation with the attending physician, designee of the physician, or physician extender who determines, in writing on a form designated by the department, that an injury is a "major injury" based upon the circumstances of the accident, the previous functional ability of the tenant, and the tenant's prognosis.
  - b.* The following are not reportable accidents:
    - (1) An ambulatory tenant who falls when neither the program nor its employees have culpability related to the fall, even if the tenant sustains a major injury;
    - (2) Spontaneous fractures;
    - (3) Hairline fractures.
- 67.4(2)** When damage to the program is caused by a natural or other disaster, including physical impairments affecting operating (e.g., failure of a heating or cooling system or water heater failure).
- 67.4(3)** When there is an act that causes major injury to a tenant or when a program has knowledge of a pattern of acts committed by the same tenant on another tenant that results in any physical injury. "Pattern" means two or more times within a 30-day period.
- 67.4(4)** When a tenant elopes from a program.

**67.4(5)** When a tenant attempts suicide, regardless of injury.

**67.4(6)** When a fire occurs in a program and the fire requires the notification of emergency services, requires full or partial evacuation of the program, or causes physical injury to a tenant.

**67.4(7)** When a defect or failure occurs in the fire sprinkler or fire alarm system for more than 4 hours in a 24-hour period.

NOTE: Additional reporting requirements are created by other rules and statutes, including but not limited to Iowa Code chapters 235B and 235E, which require reporting of dependent adult abuse.

**481—67.5(231B,231C,231D) Medications.**

**67.5(1)** If a program handles, stores, or administers controlled substances, the program shall be registered with the Iowa board of pharmacy as a care facility in accordance with 481—Chapter 551.

**67.5(2)** Each program shall follow its own written medication policy, including the following:

*a.* The program will not prohibit a tenant from self-administering medications.

*b.* A tenant will self-administer medications unless:

(1) The tenant or the tenant's legal representative delegates in the occupancy agreement or signed service plan any portion of medication setup to the program.

(2) The tenant delegates medication setup to someone other than the program.

(3) The program assumes partial control of medication setup at the direction of the tenant. The medication plan will not be implemented by the program unless the program deems it appropriate under applicable requirements, including those in Iowa Code section 231C.16A and subrule 67.9(4).

*c.* A tenant will keep medications in the tenant's possession unless the tenant or the tenant's legal representative, if applicable, delegates in the occupancy agreement or signed service plan partial or complete control of medications to the program, including the tenant's choice related to storage.

*d.* When a tenant has delegated medication administration to the program, the program will maintain a list of the tenant's medications. If the tenant self-administers medications, the tenant may choose to maintain a list of medications in the tenant's apartment or to disclose a current list of medications to the program for the purpose of emergency response, but the tenant remains responsible for the accuracy of the list.

*e.* When medications are administered traditionally by the program:

(1) The administration of medications will be provided by a registered nurse, licensed practical nurse or advanced registered nurse practitioner registered in Iowa, by an individual who has successfully completed a department-approved medication aide or medication manager course and passed the respective department-approved medication aide or manager examination, or by a physician assistant (PA) in accordance with 481—Chapter 781. Injectable medications will be administered as permitted by Iowa law by a registered nurse, licensed practical nurse, advanced registered nurse practitioner, physician, pharmacist, or PA.

(2) The program will maintain a list of each tenant's medications and document the medications administered.

(3) Medications and treatments will be administered as prescribed by the tenant's physician, advanced registered nurse practitioner or PA.

**481—67.6(231B,231C,231D) Another business or activity located in a program.**

**67.6(1)** A business or activity serving persons other than tenants of a program is allowed in a designated part of the physical structure in which the program is located if the other business or activity meets the requirements of applicable state and federal codes, administrative rules, and federal regulations.

**67.6(2)** A business or activity conducted in the designated part of the physical structure in which the program is located shall not interfere with the use of the program by tenants or with services provided to tenants or disturb tenants or reduce access, space, services, or staff available to tenants or necessary to meet the needs of tenants.

**481—67.7(231B,231C,231D) Waiver of criteria for retention of a tenant in the program.**

**67.7(1) *Time-limited waiver.*** Upon receipt of a program's request for waiver of the criteria for retention of a tenant, the department may grant a waiver of the criteria under applicable requirements for a time-limited basis. Absent extenuating circumstances, a waiver of the criteria for retention of a tenant is limited to a period of six months or less.

**67.7(2) *Waiver petition procedures.*** The following procedures shall be used to request and to receive approval of a waiver from criteria for the retention of a tenant:

*a.* A program will submit the waiver request on a form and in a manner designated by the department as soon as it becomes apparent that a tenant exceeds retention criteria pursuant to an evaluation by a health care or human service professional.

*b.* The department will respond in writing to a waiver request within 15 working days of receipt of all required documentation. In consultation with the program, the department may take an additional 15 working days to report its determination regarding the waiver request.

*c.* The program will provide to the department within five working days written notification of any changes in the condition of the tenant as described in the approved waiver request.

**67.7(3) *Factors for consideration for waiver of criteria for retention of a tenant.*** In addition to the criteria established in Iowa Code section 17A.9A(2), the following factors may be demonstrative in determining whether the criteria for issuance of a waiver have been met:

*a.* It is the informed choice of the tenant or the tenant's legal representative, if applicable, to remain in the program;

*b.* The program is able to provide the staff necessary to meet the tenant's service needs in addition to the service needs of the other tenants;

*c.* The waiver will not jeopardize the health, safety, security or welfare of the tenant, program staff, or other tenants;

*d.* The tenant has been diagnosed with a terminal illness and has been admitted to hospice, and the tenant exceeds the criteria for retention and admission for a temporary period of less than six months. A terminal diagnosis means the tenant is within six months of the end of life.

**67.7(4) *Conditional waiver.*** A conditional waiver may be granted contingent upon the department's receipt of additional information or performance of monitoring.

*a.* If a waiver has been in effect for six months, a monitoring may be conducted to determine whether the tenant meets the criteria to continue on a waiver.

*b.* The department may seek additional information during the period to determine if a waiver should be granted.

**67.7(5) *Appeals.*** The denial of a waiver request may be appealed by the program pursuant to Iowa Code chapter 17A.

**481—67.8(231B,231C,231D) All other waiver requests.** Waiver requests relating to topics other than retention of a tenant in a program shall be filed in accordance with 481—Chapter 6.

**481—67.9(231B,231C,231D) Staffing.**

**67.9(1) *Number of staff.*** A sufficient number of trained staff shall be available at all times to fully meet tenants' identified needs.

**67.9(2) *Emergency procedures.*** All program staff shall be able to implement the accident, fire safety, and emergency procedures.

**67.9(3) *Documentation.*** The program shall have training records and staffing schedules on file and maintain documentation of training received by program staff, including training of certified and noncertified staff on nurse-delegated procedures.

**67.9(4) *Nurse delegation procedures.*** The program's registered nurse shall ensure certified and noncertified staff are competent to meet the individual needs of tenants. Nurse delegation shall include the following:

a. The program's newly hired nurse will within 60 days of beginning employment as the program's registered nurse document a review to ensure that staff are sufficiently trained and competent in all tasks that are assigned or delegated.

b. Within 30 days of beginning employment, all program staff will receive training by the program's nurse(s).

c. Training for noncertified staff will include the provision of activities of daily living and instrumental activities of daily living.

d. Direct care staff will receive training regarding service plan tasks in accordance with medical or nursing directives and the acuity of the tenants' health, cognitive or functional status.

e. The program's nurse(s) will provide direct or indirect supervision of all direct care staff as necessary in the professional judgment of the program's nurse(s) and in accordance with the needs of the tenants and staff.

f. Services will be provided to tenants in accordance with the training provided.

g. The program will have in place a system by which direct care staff communicate in writing occurrences that differ from the tenant's normal health and functional and cognitive status. The program's nurse or designee will train staff on reporting to the program's nurse(s) or designee(s) and documenting occurrences that differ from the tenant's normal health and functional and cognitive status. The written communication required by this paragraph will be retained by the program for a period of not less than three years and be accessible to the department upon request.

h. In the absence of the program's nurse(s) due to vacation or other temporary circumstances, the nurse(s) assuming the duties of the program's nurse(s) will have access to staff training in relation to tenant needs.

**67.9(5) Prohibited services.** A program staff member shall not be designated as attorney-in-fact, guardian, conservator, or representative payee for a tenant unless the program staff member is related to the tenant by blood, marriage, or adoption.

**67.9(6) Dependent adult abuse training.** Program staff shall receive training relating to the identification and reporting of dependent adult abuse as required by Iowa Code section 235B.16.

#### **481—67.10(17A,231B,231C,231D) Monitoring.**

**67.10(1) Frequency of monitoring.** The department will monitor a certified program at least once during a 24-month period.

**67.10(2) Standard for determining whether a regulatory insufficiency exists.** The department will use a preponderance-of-the-evidence standard when determining whether a regulatory insufficiency exists. A preponderance-of-the-evidence standard does not require that the monitor shall have personally witnessed the alleged violation.

#### **481—67.11(231B,231C,231D) Complaint and program-reported incident report investigation procedure.**

**67.11(1) Complaints.** The process for filing a complaint is as follows:

a. Any person with concerns regarding the operation or service delivery of a program may file a complaint with the Department of Inspections, Appeals, and Licensing, Complaints Unit, 6200 Park Avenue, Des Moines, Iowa 50321; by use of the complaint hotline, 1.877.686.0027; by facsimile sent to 515.281.7106; or through the website address: [dial.iowa.gov](http://dial.iowa.gov).

b. When the nature of the complaint is outside of the department's authority, the department will forward the complaint or refer the complainant, if known, to the appropriate investigatory entity.

c. The complainant will include as much of the following information as possible in the complaint: the complainant's name, address and telephone number; the complainant's relationship to the program or tenant; and the reason for the complaint. The complainant's name shall be confidential information and shall not be released by the department. The department will act on anonymous complaints unless the department determines that the complaint is intended to harass the program. If the department, upon preliminary review, determines that the complaint is intended as harassment or is without reasonable basis, the department may dismiss the complaint.

**67.11(2)** *Program-reported incident reports.* When the program is required pursuant to applicable requirements to report an incident, the program will make the report to the department via:

- a. The web-based reporting tool accessible from the following website, [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov);
- b. Mail by sending the complaint to the Department of Inspections, Appeals, and Licensing, Complaints Unit, 6200 Park Avenue, Des Moines, Iowa 50321;
- c. The complaint hotline, 1.877.686.0027; or
- d. Facsimile sent to 515.281.7106.

**67.11(3)** *Time frames for investigation of complaints or program-reported incident reports.* Upon receipt of a complaint or program-reported incident report made in accordance with this rule, the department will conduct a preliminary review of the complaint or report to determine if a potential regulatory insufficiency has occurred. If a potential regulatory insufficiency exists, the department will institute a monitoring of the program within the following time frames: within 2 working days of receipt of the complaint or incident report if there is the possibility of immediate danger, including that the potential regulatory insufficiency has caused or is likely to cause serious injury, harm, impairment, or death to a resident; or within 20 working days of receipt of the complaint or incident report if the potential regulatory insufficiency has caused or may cause harm that negatively impacts a tenant's mental, physical, or psychosocial status or function and is of such consequence to the tenant's well-being that a rapid response is warranted; or within 45 working days of receipt of the complaint or incident report for any other complaint or incident investigation, including a potential regulatory insufficiency that may have caused harm of limited consequence and does not significantly impair the tenant's mental, physical, or psychosocial status or function.

**67.11(4)** *Standard for determining whether a complaint is substantiated.* The department will apply a preponderance-of-the-evidence standard in determining whether or not a complaint or program-reported incident report is substantiated.

**67.11(5)** *Notification of program and complainant.* The department will notify the program and, if known, the complainant of the final report regarding the complaint investigation.

**67.11(6)** *Notification of accrediting entity.* For any credible report of alleged improper or inappropriate conduct or conditions within an accredited program, the department will notify the accrediting entity by the most expeditious means possible of any actions taken by the department with respect to certification enforcement.

**67.11(7)** *Notification of complainant when complaint not investigated.* The department will notify the complainant if the department does not investigate a complaint, including the reasons for not investigating the complaint.

**481—67.12(17A,231B,231C,231D,85GA,HF2365) Exit interview, final report, plan of correction.**

**67.12(1)** *Exit interview.* The department will provide an exit interview pursuant to Iowa Code sections 231B.8 and 231C.8.

**67.12(2)** *Final report.* The department will issue the final report pursuant to Iowa Code sections 231B.8(2) and 231C.8(2).

**67.12(3)** *Plan of correction.* Within ten working days following receipt of the final report, the program shall submit a plan of correction to the department, which shall include:

- a. Elements detailing how the program will correct each regulatory insufficiency, including at the system level;
- b. The date by which the regulatory insufficiency will be corrected not to exceed 30 days from receipt of the final report without approval of the department;
- c. What measures will be taken to ensure the problem does not recur;
- d. How the program plans to monitor performance to ensure compliance; and
- e. Any other required information.

The department will review the plan of correction and may request additional information or suggest revisions to the plan.

**67.12(4)** *Monitoring revisit.* The department may conduct a monitoring revisit to ensure that the plan of correction has been implemented and the regulatory insufficiency has been corrected.

**481—67.13(17A,231B,231C,231D,85GA,HF2365) Response to final report.** The program shall respond pursuant to Iowa Code sections 231B.9A, 231C.9A, and 231D.9A in the following manner.

**67.13(1) *If not contesting.*** If the program does not seek an informal conference or contest the final report and civil penalty, if assessed, the program shall remit to the department the amount of the civil penalty, if assessed. If a program has been assessed a civil penalty, the civil penalty will be reduced by 35 percent if the requirements of subrule 67.16(5) are met.

**67.13(2) *Informal conference.***

*a. Request for informal conference.* The request for an informal conference must be in writing and include the following:

- (1) Identification of the regulatory insufficiency(ies) being disputed;
- (2) The type of informal conference requested: virtual or telephone conference;
- (3) A request for monitor's notes for the regulatory insufficiency(ies) being disputed, if desired.

*b. Submission of documentation.* The program will submit the following within ten working days from the date of the program's written request for an informal conference:

- (1) The names of those who will be attending the informal conference, including legal counsel;
- (2) Documentation supporting the program's position. The program will highlight or use some other means to identify written information pertinent to the disputed regulatory insufficiency(ies). Supporting documentation that is not submitted with the request for an informal conference will not be considered, except as otherwise permitted by the independent reviewer upon good cause shown. "Good cause" means substantial or adequate grounds for failing to submit documentation in a timely manner. In determining whether the program has shown good cause, the independent reviewer shall consider what circumstances kept the program from submitting the supporting documentation within the required time frame.

*c. Virtual or telephone conference.* A virtual or telephone conference, if requested, will be scheduled to occur within ten working days of the receipt of the written request, all supporting documentation and the plan of correction required by subrule 67.12(3).

- (1) Failure to submit supporting documentation will not delay scheduling.
- (2) The conference will be scheduled for one hour. The program will informally present information and explanation concerning the contested regulatory insufficiency(ies). The department will have time to respond to the program's presentation. Due to the confidential nature of the conference, attendance may be limited.
- (3) If additional information is requested by the independent reviewer during the informal conference, the program will have two working days to deliver the additional materials to the independent reviewer.

(4) When extenuating circumstances exist, the program may be given one opportunity to reschedule.

*d. Results.* The results of the informal conference will generally be sent within ten working days after the date of the informal conference or within ten working days after the receipt of additional information, if requested.

(1) The department will issue an amended (changes in factual content) or corrected (changes in typographical/data errors) final report if changes result from the informal conference.

(2) The program must submit to the department a new plan of correction for the amended or corrected report within ten calendar days from the date of the letter conveying the results of the conference.

(3) If the informal conference results in dismissal of a regulatory insufficiency for which a civil penalty was assessed, the corresponding civil penalty will be rescinded.

**67.13(3) *Procedure after informal conference.*** After the conclusion of an informal conference:

*a.* If the program does not desire to further contest an affirmed or modified final report, the program shall, within five working days after receipt of the written decision of the independent reviewer, remit to the department the civil penalty, if assessed.

b. If the program does desire to further contest an affirmed or modified final report, the program shall, within five working days after receipt of the written decision of the independent reviewer, notify the department in writing that it desires to formally contest the final report.

**67.13(4) *Contested case hearings.*** Contested case hearings shall be conducted by the department's administrative hearings division pursuant to Iowa Code chapter 17A and 481—Chapter 9.

**481—67.14(17A,231B,231C,231D) Denial, suspension or revocation of a certificate.**

**67.14(1) *Notice and request for hearing.*** The denial, suspension or revocation of a certificate shall be effected by delivering to the applicant or certificate holder by restricted certified mail or by personal service a notice setting forth the particular reasons for such actions. A denial, suspension or revocation shall be effective 30 days after certified mailing or personal service of the notice, unless the applicant or certificate holder gives the department written notice requesting a hearing within the 30-day period. If a timely request for hearing is made, the notice shall be deemed suspended pending the outcome of the hearing unless subrule 67.14(3) or 67.14(4) applies. If an enforcement action has been implemented immediately in accordance with subrule 67.14(3) or 67.14(4), the enforcement action remains in effect regardless of a request for hearing.

**67.14(2) *Hearings.*** Hearings shall be conducted by the administrative hearings division of the department pursuant to Iowa Code chapter 17A and 481—Chapter 9.

**67.14(3) *Immediate suspension of a certificate.*** When the department finds that an imminent danger to the health or safety of tenants of a program exists that requires action on an emergency basis, the department may direct removal of all tenants from the program and suspend the certificate or require additional remedies to ensure the ongoing safety of the program's tenants prior to a hearing.

**67.14(4) *Immediate imposition of enforcement action.*** When the department finds that an imminent danger to the health or safety of tenants exists that requires action on an emergency basis, the department may immediately impose a conditional certificate and accompanying conditions upon the program in lieu of immediate suspension of the certificate and removal of the tenants from the program if the department finds that tenants' health and safety would still be protected. The program may request a hearing, but the immediate enforcement action remains in effect regardless of the request for hearing.

**481—67.15(17A,231B,231C,231D) Conditional certification.**

**67.15(1) *Conditional certification.*** In lieu of denial, suspension or revocation of a certificate, the department may issue a conditional certificate for a period of up to one year. Notwithstanding subrule 67.14(4), a conditional certificate shall be issued only when regulatory insufficiencies pose no greater risk to tenant health or safety than the potential for causing minimal harm.

a. The department will specify the reasons for the conditional certificate in the notice issuing the conditional certificate.

b. The department may place conditions upon a certificate, such as requiring additional training; restriction of the program from accepting additional tenants for a period of time; or any other action or combination of actions deemed appropriate by the department.

c. Failure by the program to adhere to the plan of correction or conditions placed on the certificate may result in suspension or revocation of the conditional certification and further enforcement action as available under applicable requirements.

d. A program must be in substantial compliance with applicable requirements before the removal of a conditional certificate by the department. Prior to lifting a conditional certificate, the department may conduct a monitoring to verify substantial compliance.

**67.15(2) *Appeal of conditional certificate.*** A written request for hearing must be received by the department within 30 days after the mailing or service of notice. The conditional certificate will not be suspended pending the hearing. Hearings will be conducted by the administrative hearings division of the department pursuant to Iowa Code chapter 17A and 481—Chapter 9.

**481—67.16(17A,231B,231C,231D) Civil penalties.**

**67.16(1) *When civil penalties may be issued.*** Civil penalties may be issued when the director finds that any of the following has occurred:

*a.* A program that does not comply with applicable requirements and the noncompliance results in imminent danger or a substantial probability of resultant death or physical harm to a tenant may be assessed a civil penalty of not more than \$10,000.

*b.* A program that continues to fail or refuses to comply with applicable requirements within prescribed time frames established by the department or approved by the department in the program's plan of correction and the noncompliance has a direct relationship to the health, safety, or security of tenants may be assessed a civil penalty of not more than \$5,000.

*c.* A program that prevents, interferes with or attempts to impede in any way any duly authorized representative of the department in the lawful enforcement of applicable requirements may be assessed a civil penalty of not more than \$1,000.

*d.* A program that discriminates or retaliates in any way against a tenant, tenant's family, or an employee of the program who has initiated or participated in any proceeding authorized by Iowa Code chapter 231B, 231C or 231D and the corresponding administrative rules may be assessed a civil penalty of not more than \$5,000.

**67.16(2)** *Duplicate civil penalties prohibited.* The department shall not impose duplicate civil penalties on a program for the same set of facts and circumstances.

**67.16(3)** *Factors in determining the amount of a civil penalty.* The department will consider the following factors when determining the amount of a civil penalty:

*a.* The frequency and length of time the regulatory insufficiency occurred (i.e., whether the regulatory insufficiency was an isolated or a widespread occurrence, practice, or condition);

*b.* The past history of the program as it relates to the nature of the regulatory insufficiency (the department will not consider more than the current certification period and the immediately previous certification period);

*c.* The culpability of the program as it relates to the reasons the regulatory insufficiency occurred;

*d.* The extent of any harm to the tenants or the effect on the health, safety, or security of the tenants that resulted from the regulatory insufficiency;

*e.* The relationship of the regulatory insufficiency to any other types of regulatory insufficiencies that have occurred in the program;

*f.* The actions of the program after the occurrence of the regulatory insufficiency, including when corrective measures, if any, were implemented and whether the program notified the director as required;

*g.* The accuracy and extent of records kept by the program that relate to the regulatory insufficiency, and the availability of such records to the department;

*h.* The rights of tenants to make informed decisions;

*i.* Whether the program made a good-faith effort to address a high-risk tenant's specific needs and whether the evidence substantiates this effort.

**67.16(4)** *Civil penalties due.* The civil penalty shall be paid to the department within 30 days following the program's receipt of the final report and demand letter. The program may appeal in accordance with rule 481—67.13(17A,231B,231C,231D,85GA,HF2365). If the program appeals, the civil penalty will be deemed suspended until the appeal is resolved.

**67.16(5)** *Reduction of civil penalty.* If a program has been assessed a civil penalty, the civil penalty will be reduced by 35 percent if both of the following requirements are met:

*a.* The program does not request a formal hearing pursuant to rule 481—67.13(17A,231B,231C,231D,85GA,HF2365) or withdraws its request for formal hearing within 30 calendar days of the date that the civil penalty was assessed; and

*b.* The civil penalty is paid and payment is received by the department within 30 calendar days of receipt of the final report.

**481—67.17(17A,231B,231C,231D)** **Judicial review.** Judicial review shall be conducted pursuant to Iowa Code chapter 17A and 481—Chapter 9.

**481—67.18(135C,231B,231C,231D) Criminal, dependent adult abuse, and child abuse record checks.**

**67.18(1) Definitions.** The following definitions apply for the purposes of this rule.

“*Background check*” or “*record check*” means criminal history, child abuse and dependent adult abuse record checks.

“*Comprehensive preliminary background check*” means a criminal history check of all states in which the applicant has worked or resided over the seven-year period immediately prior to applying for employment that is conducted by an approved third-party vendor.

“*Direct services*” means services provided through person-to-person contact. “Direct services” excludes services provided by individuals such as building contractors, repair workers, or others who are in a program for a very limited purpose, who are not in the program on a regular basis, and who do not provide any treatment or services for residents, patients, tenants, or participants of the provider.

“*Employed in a program*” or “*employment within a program*” means all of the following, if the provider is regulated by the state or receives any federal or state funding:

1. An employee of an assisted living program certified under Iowa Code chapter 231C, if the employee provides direct services to consumers;
2. An employee of an elder group home certified under Iowa Code chapter 231B, if the employee provides direct services to consumers;
3. An employee of an adult day services program certified under Iowa Code chapter 231D, if the employee provides direct services to consumers.

“*Employee*” means any individual who is paid, either by the program or any other entity (i.e., temporary agency, private duty, Medicare/Medicaid or independent contractors).

“*Evaluation*” means review by the department of health and human services (HHS) to determine whether a founded child abuse, dependent adult abuse or criminal conviction warrants the person’s being prohibited from employment in a program.

“*Indirect services*” means services provided without person-to-person contact such as those provided by administration, dietary, laundry, and maintenance.

“*Program,*” for purposes of this rule, means the following, if the provider is regulated by the state or receives any federal or state funding:

1. An assisted living program certified under Iowa Code chapter 231C;
2. An elder group home certified under Iowa Code chapter 231B;
3. An adult day services program certified under Iowa Code chapter 231D.

**67.18(2) Explanation of “crime.”** For purposes of this rule, the term “crime” does not include offenses under Iowa Code chapter 321 classified as simple misdemeanor or equivalent simple misdemeanor offenses from another jurisdiction.

**67.18(3) Requirements for employer prior to employing an individual.** Prior to employment of a person in a program, the program shall complete the background check requirements set forth below.

*a. Informing the prospective employee.* A program will ask each person seeking employment by the program, “Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under Iowa Code chapter 321 or equivalent provisions in this state or any other state?” The person will be informed that a background check will be conducted and sign an acknowledgment.

*b. Conducting a background check.* The program will either request that the department of public safety perform a criminal history check and that HHS perform child and dependent adult abuse record checks of the person in this state or access the single contact repository (SING) to perform the required background check. If SING is used, the program will submit the person’s maiden name, if applicable, with the background check request.

*c. If a person considered for employment has been convicted of a crime under the law of any state.* The program will request that HHS perform an evaluation to determine whether the crime warrants prohibition of the person’s employment in the program.

*d. If a person considered for employment has a record of founded child abuse or dependent adult abuse under the laws of any state.* The program will request that HHS perform an evaluation to

determine whether the founded child or dependent adult abuse warrants prohibition of employment in the program.

*e. Employment pending evaluation.* The program may provisionally employ a person prior to completion of the required record check and evaluation by HHS, as applicable, subject to all of the following:

(1) The program shall have accessed SING to perform the required record check and be awaiting results from SING or awaiting evaluation by HHS, as applicable;

(2) If applicable, the program shall request an evaluation by HHS in accordance with paragraph 67.18(3)“c” or “d” within 30 days of receipt of SING record check results;

(3) The program shall have utilized an approved third-party vendor to perform a comprehensive preliminary background check;

(4) If the comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, the crime does not constitute a felony as defined in Iowa Code section 701.7 and is not a crime specified pursuant to Iowa Code chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712 or pursuant to Iowa Code section 726.3, 726.7, or 726.8;

(5) The comprehensive preliminary background check shall have determined that the person being considered for employment does not have a record of founded child abuse or dependent adult abuse, or if the comprehensive preliminary background check determines the person being considered for employment does have a record of founded child abuse or dependent adult abuse, subrule 67.18(8) is applicable;

(6) The provisional employment may continue until such time as the required record check through SING and evaluation by HHS, as applicable, are completed.

**67.18(4) *Validity of background check results.*** The results of a background check conducted pursuant to this rule shall be valid for a period of 30 calendar days from the date the results of the background check are received by the program.

**67.18(5) *Employment prohibition.*** Except as provided in paragraph 67.18(3)“e,” a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a program unless an evaluation has been performed by HHS.

**67.18(6) *Transfer of an employee to another program owned or operated by the same person without a lapse in employment.*** The program is not required to request additional criminal and child and dependent adult abuse record checks of that employee.

**67.18(7) *Transfer of ownership of a program.*** At the time of transfer of ownership of a program, the background check required by this rule will be performed for each employee for whom there is no documentation that such background check has been performed. The program may continue to employ such employee pending the performance of the background check and any related evaluation.

**67.18(8) *Change of employment—person with criminal or abuse record—exception to record check evaluation requirements.*** A person with a criminal or abuse record who is or was employed by a certified program and is hired by another certified program shall be subject to the background check.

*a.* A reevaluation of the latest record check is not required, and the person may commence employment with the other certified program if the following requirements are met:

(1) HHS previously performed an evaluation concerning the person’s criminal or abuse record and concluded the record did not warrant prohibition of the person’s employment;

(2) The latest background check does not indicate a crime was committed or founded abuse record was entered subsequent to the prior evaluation;

(3) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed;

(4) Any restrictions placed on the person’s employment in the previous evaluation by HHS and still applicable remain applicable in the person’s subsequent employment;

(5) The person subject to the background check has maintained a copy of the previous evaluation and provided it to the subsequent employer, or the previous employer provides the previous evaluation from the person’s personnel file pursuant to the person’s authorization. If a physical copy of the

previous evaluation is not provided to the subsequent employer, a current record check evaluation will be performed.

*b.* For purposes of this subrule, a position is “substantially the same or has the same job responsibilities” if the position requires the same certification, licensure, or advanced training. For example, a licensed nurse has substantially the same or the same job responsibilities as a director of nursing; a certified nurse aide does not have substantially the same or the same job responsibilities as a licensed nurse.

*c.* The subsequent employer must maintain the previous evaluation in the employee’s personnel file for verification of the exception to the requirement for a record check evaluation.

*d.* The subsequent employer may request a reevaluation of the background check and may employ the person while the reevaluation is being performed, even though an exemption under paragraph 67.18(8)“*a*” may be authorized.

**67.18(9)** *Employee notification of criminal convictions or founded abuse after employment.* If a person employed by an employer that is subject to this rule is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person’s employment application date, the person shall inform the employer of such information within 48 hours of the criminal conviction or entry of the record of founded child or dependent adult abuse.

*a.* The employer shall act to verify the information within seven calendar days of notification. “Verify,” for purposes of this subrule, means to access SING to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from HHS, to conduct an online search through the Iowa Courts Online website, or to contact the county clerk of court office and obtain a copy of relevant court documents.

*b.* If the information is verified, the program shall follow the requirements of paragraphs 67.18(3)“*c*” and “*d.*”

*c.* The employer may continue to employ the person pending the performance of an evaluation by HHS.

*d.* A person who is required by this subrule to inform the person’s employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor under Iowa Code section 135C.33.

*e.* The employer may notify the county attorney for the county where the employer is located of any violation or failure by an employee to notify the employer of a criminal conviction or entry of an abuse record within the period required under this subrule.

**67.18(10)** *Program receipt of credible information that an employee has been convicted of a crime or founded for abuse.* If the program receives credible information, as determined by the program, from someone other than the employee, that the employee has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment, and the employee has not informed the employer of the information within the time required by subrule 67.18(9), the program shall take the following actions:

*a.* The program will act to verify credible information within seven calendar days of receipt. “Verify,” for purposes of this subrule, means to access SING to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from HHS, to conduct an online search through the Iowa Courts Online website, or to contact the county clerk of court office and obtain a copy of relevant court documents.

*b.* If the information is verified, the program shall follow the requirements of paragraphs 67.18(3)“*c*” and “*d.*”

**67.18(11)** *Proof of background checks for temporary employment agencies and contractors.* Proof of background checks may be kept in the files maintained by temporary employment agencies and contractors. Facilities may require temporary employment agencies and contractors to provide a copy of the result of the background checks. Copies of such results shall be made available to the department upon request.

**481—67.19(17A,231C,231D) Emergency removal of tenants.** If the department determines that the health or safety of tenants is in jeopardy and the tenants need to be removed from the program, the department will use the following procedures to ensure a safe and orderly transfer.

**67.19(1)** The department will notify HHS, the tenant advocate, the appropriate area agency on aging, and other agencies as necessary and appropriate:

- a. To alert them to the need to transfer tenants from a program;
- b. To request assistance in identifying alternative programs or other appropriate settings;
- c. To contact the tenants and their legal representatives or family members, if applicable, and others as appropriate, including health care professionals.

**67.19(2)** The department will notify the program of the immediate need to transfer tenants and of any assistance available, in coordination with the appropriate parties under subrule 67.19(1).

**481—67.20(231C) Nursing assistant work credit.**

**67.20(1)** A program may add an employee to the direct care worker registry by calling 515.281.4077 or by registering through the website at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov).

**67.20(2)** A program shall complete and submit to the department a direct care worker registry application for each certified nursing assistant who works in the program. A registered nurse employed by the program shall supervise the nursing assistant. The application may be obtained by telephone at 515.281.4077 or via the website at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov).

**67.20(3)** A program shall complete and submit to the department a direct care worker registry quarterly employment report whenever a change in the employment of a certified nursing assistant occurs. The report form may be obtained by telephone at 515.281.4077 or via the website at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov).

**481—67.21(231B,231C,231D) Public or confidential information.**

**67.21(1) Public information.**

a. *Public disclosure of findings.* The program shall provide copies of the final report resulting from a monitoring in a prominent public place. Copies are available upon request from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50323; by telephone at 515.281.6325; or via the website at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov).

- b. *Open records.* The following records are open records available for inspection:
- (1) Certification applications, certification status, and accompanying materials;
  - (2) Final findings of state monitorings, including a monitoring that results from a complaint or program-reported incident;
  - (3) Reports from the fire safety bureau;
  - (4) Plans of correction submitted by a program;
  - (5) Official notices of certification sanctions, including enforcement actions;
  - (6) Findings of fact, conclusions of law, decisions and orders issued pursuant to rules 481—67.10(17A,231B,231C,231D) and 481—67.12(17A,231B,231C,231D,85GA,HF2365);
  - (7) Waivers, including the department's approval and denial letter and any letter requesting the waiver.

**67.21(2) Confidential information.** Confidential information includes the following:

- a. Information that does not comprise a final report resulting from a monitoring, complaint investigation, or program-reported incident investigation. Information that does not comprise a final report may be made public in a legal proceeding concerning a denial, suspension or revocation of certification;
- b. Names of all complainants;
- c. Names of tenants of a program, identifying medical information, copies of documentation appointing a legal representative, and the address of anyone other than an owner or operator;
- d. Social security numbers or employer identification numbers (EIN).

**67.21(3)** *Redaction of confidential information.* If a record normally open for inspection contains confidential information, the confidential information shall be redacted before the records are provided for inspection.

These rules are intended to implement Iowa Code chapters 231B, 231C, and 231D.

[Filed 1/14/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0064D**

## **INSPECTIONS AND APPEALS DEPARTMENT[481]**

### **Adopted and Filed**

#### **Rulemaking related to elder group homes**

The Department of Inspections, Appeals, and Licensing hereby rescinds Chapter 68, "Elder Group Homes," Iowa Administrative Code, and adopts a new Chapter 68 with the same title.

#### *Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 231B.2.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 231B.2.

#### *Purpose and Summary*

The rulemaking repromulgates Chapter 68 and implements Iowa Code section 231B.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 231B.2 requires the Department to establish minimum standards for certification and monitoring of elder group homes.

The rulemaking implements the above Iowa Code section by setting forth the certification and recertification process. The rulemaking describes the evaluation needed for tenants and lists the occupancy agreement terms as well as the criteria for admission and retention of tenants and necessary tenant documents. The rules list how to involuntarily transfer a tenant from the program. The rulemaking sets staffing requirements, structural standards, and life safety protocols.

#### *Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9782C**. A public hearing was held on the following date(s):

- December 30, 2025
- December 31, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rulemaking*

This rulemaking was adopted by the Department on January 14, 2026.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 481—Chapter 68 and adopt the following **new** chapter in lieu thereof:

CHAPTER 68  
ELDER GROUP HOMES

**481—68.1(231B) Definitions.** In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231B, the following definitions apply:

*“Applicable requirements”* means the requirements in Iowa Code chapter 231B, this chapter and 481—Chapter 67 and any other applicable administrative rules and provisions of the Iowa Code.

*“Household occupant”* means a tenant and all others who reside in an elder group home (EGH).

*“Maximal assistance with activities of daily living”* means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

*“Medically unstable”* means that a tenant has a condition or conditions:

1. Indicating physiological frailty as determined by the program's staff in consultation with a physician or physician extender;
2. Resulting in two or more significant hospitalizations within a consecutive three-month period for more than observation; and
3. Requiring supervision by a registered nurse more than once a week of the tenant for more than 21 days.

*“On-site manager”* means the person on duty responsible for direct supervision or provision of tenant care. The on-site manager may be any household occupant over 18 years of age, except a tenant, who is qualified to perform the necessary duties.

*“Personal care provider”* means an individual who, in return for remuneration, assists with the essential activities of daily living that the tenant can perform personally only with difficulty.

*“Program”* means an elder group home.

*“Unmanageable incontinence”* means a condition that requires staff provision of total care for an incontinent tenant who lacks the ability to assist in bladder or bowel continence care.

*“Usable floor space”* means open floor space that is not under fixtures, furniture or other barriers and is available for walking or wheelchair use.

**481—68.2(231B) Program certification and posting requirements.**

**68.2(1) Certification.** A program may obtain certification by meeting all applicable requirements.

**68.2(2) Posting requirements.** A program's current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report,

and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

**481—68.3(231B) Certification—application process.**

**68.3(1)** The applicant shall complete an application packet obtained from the department health facilities division website at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov); by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

**68.3(2)** The applicant shall submit one copy of the completed application and all supporting documentation to the department at least 30 calendar days prior to the expected date of beginning operation.

**481—68.4(231B) Certification—application content.** An application for certification or recertification of an EGH shall include the following:

**68.4(1)** The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

- a. The real estate owner or lessor;
- b. The lessee;
- c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

**68.4(2)** A statement disclosing whether the individuals listed in subrule 68.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

**68.4(3)** A statement disclosing whether any of the individuals listed in subrule 68.4(1) meet the criteria set out in Iowa Code section 231B.10(1)“g,” including for a licensed health care facility as defined in Iowa Code section 135C.1 or licensed hospital as defined in Iowa Code section 135B.1.

**68.4(4)** Reserved.

**68.4(5)** The tenant occupancy agreement and all attachments.

**68.4(6)** If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity’s current license or certification.

**68.4(7)** A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

**68.4(8)** The fee set forth in Iowa Code section 231B.17.

**481—68.5(231B) Initial certification process.**

**68.5(1)** Upon receipt of all completed documentation, including fire safety bureau approval and structural and evacuation review approval, the department will determine whether or not the proposed program meets applicable requirements.

**68.5(2)** If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept tenants.

**68.5(3)** Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program’s compliance with applicable requirements.

**68.5(4)** If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

**68.5(5)** The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

**68.5(6)** The department will notify the program of a final certification decision within ten working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

**68.5(7)** If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

**481—68.6(231B) Expiration of program certification.** Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

**481—68.7(231B) Recertification process.** To obtain recertification, a program shall:

**68.7(1)** Submit one copy of the completed application, including the information from rule 481—68.4(231B), associated documentation, and the recertification fee as listed in Iowa Code section 231B.17 to the department at the address stated in subrule 68.3(1) at least 90 calendar days prior to the expiration of the program's certification.

**68.7(2)** Submit additional documentation that each of the following has been inspected and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system; and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

**481—68.8(231B) Notification of recertification.**

**68.8(1)** The department will review the application and associated documentation and fees. If the application is incomplete, the department will contact the program to request the additional information. After all finalized documentation is received, including fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

**68.8(2)** If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

**68.8(3)** If the decision is to deny recertification, the department shall issue a notice of denial and provide the program the opportunity for a hearing pursuant to rule 481—67.14(17A,231B,231C,231D).

**481—68.9(231B) Listing of all certified programs.** The department will maintain a list of all certified programs, which is available online at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov).

**481—68.10(231B) Change of ownership—notification to the department.**

**68.10(1)** Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

**68.10(2)** In order to transfer certification, the applicant must:

*a.* Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231B and 481—Chapter 67 and this chapter;

*b.* At least 30 days prior to the change of ownership of the program, provide application and supporting documents to the department.

**68.10(3)** The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

**481—68.11(231B) Cessation of program operation that includes seeking decertification.**

**68.11(1)** The program shall provide, at least 90 days in advance of cessation, unless there is some type of emergency, written notification to the department and the tenant advocate of the date on which the program will cease operation.

**68.11(2)** At the time a program decides to cease operation, the program shall submit a plan to the department and make arrangements for the safe and orderly transfer or transition of all tenants within the 90-day period specified by subrule 68.11(1).

**68.11(3)** The department may conduct a monitoring during the 90-day period to ensure the safety of tenants during the transfer process or transition process.

**68.11(4)** When a program ceases operation, tenant advocates shall be allowed by the program to privately meet with tenants to provide education and service options.

**481—68.12(231B) Occupancy agreement.**

**68.12(1)** The occupancy agreement shall be in 12-point type or larger and written in plain language using commonly understood terms that are easy for the tenant or the tenant's legal representative to understand.

**68.12(2)** In addition to the requirements of Iowa Code section 231B.5, the written occupancy agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

- a. The telephone number for filing a complaint with the department.
- b. The telephone number for the office of the tenant advocate.
- c. The telephone number for reporting dependent adult abuse.
- d. A copy of the program's statement on tenants' rights.
- e. A statement that the program will notify the tenant at least 90 days in advance of any planned program cessation, except in cases of emergency.
- f. A copy of the program's admission and transfer criteria.

**68.12(3)** The occupancy agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

**68.12(4)** A copy of the occupancy agreement shall be provided to the tenant or the tenant's legal representative, if any, and a copy kept by the program.

**68.12(5)** A copy of the most current occupancy agreement shall be made available to the general public upon request.

**481—68.13(231B) Evaluation of tenant.**

**68.13(1)** *Evaluation prior to occupancy.* A program shall evaluate each prospective tenant's functional, cognitive and health status prior to the tenant's signing the occupancy agreement and becoming a household occupant to determine the tenant's eligibility for the program, including whether the services needed are available. The cognitive evaluation shall utilize a scored, objective tool. When the score from the cognitive evaluation indicates moderate cognitive decline and risk, the Global Deterioration Scale shall be used at all subsequent intervals, if applicable. If the tenant subsequently returns to the tenant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, human service professional, or a licensed practical nurse via nurse delegation.

**68.13(2)** *Evaluation within 30 days of occupancy and with significant change.* A program shall evaluate each tenant's functional, cognitive and health status within 30 days of occupancy. A program shall evaluate each tenant's functional, cognitive and health status as needed with significant change, but not less than annually, to determine the tenant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, human service professional, or a licensed practical nurse via nurse delegation.

**481—68.14(231B) Criteria for admission and retention of tenants.**

**68.14(1)** *Persons who may not be admitted or retained.* A program shall not knowingly admit or retain a tenant who:

- a. Is bed-bound; or
- b. Requires routine, one-person assistance with standing, transfer or evacuation; or
- c. Is dangerous to self or other tenants or staff, including but not limited to a tenant who:
  - (1) Despite intervention chronically elopes, is sexually, verbally or physically aggressive or abusive; or
  - (2) Displays behavior that places another tenant at risk; or
- d. Is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; or
- e. Is under the age of 18; or
- f. Requires more than part-time or intermittent health-related care; or

- g. Has unmanageable incontinence on a routine basis despite an individualized toileting program;
- or
- h. Is medically unstable; or
  - i. Requires maximal assistance with activities of daily living; or
  - j. Is physically or mentally unable to immediately and without aid of another travel a normal path to safety, including the ascent and descent of stairs from the tenant's bedroom or bathroom.

**68.14(2)** *Disclosure of additional occupancy and transfer criteria.* A program may have additional occupancy or transfer criteria if the criteria are disclosed in the written occupancy agreement prior to the tenant's occupancy.

**68.14(3)** *Assistance with transfer from the program.* A program shall assist a tenant and the tenant's legal representative, if applicable, to ensure a safe and orderly transfer from the program when the tenant exceeds the program's criteria for admission and retention.

**481—68.15(231B) Involuntary transfer from the program.**

**68.15(1)** *Program initiation of transfer.* The program shall comply with Iowa Code section 231B.6 and provide notification to the tenant advocate by certified mail and the tenant's treating physician, if any.

**68.15(2)** *Transfer pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more tenants are identified as exceeding the admission and retention criteria for tenants and transferred as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply:

a. *Notification of the program.* Within 20 working days of the monitoring or complaint or program-reported incident investigation, the department will notify the program, in writing, of the identification of any tenant who exceeds admission and retention criteria.

b. *Notification of others.* Each identified tenant, the tenant's legal representative, if applicable, and other providers of services to the tenant will be notified of their opportunity to provide responses within ten days of receipt of the notice, including: specific input, written comment, information, and documentation directly addressing any agreement or disagreement with the identification.

c. *Program agreement with the department's finding.* If the program agrees with the department's finding and the program begins involuntary transfer proceedings, the program's internal appeal process in subrule 68.15(1) will be utilized for appeals.

d. *Program disagreement with the department's finding.* If the program does not agree with the department's finding that the tenant exceeds admission and retention criteria, the program may collect and submit all responses to the department, within ten working days of the receipt of the notice, including those from other interested parties. In the program's response, the program will identify the tenant, list the known responses from others, and note the program's agreement or disagreement with the responses from others. Submission of a response does not eliminate the applicable requirements including submission of a plan of correction under 481—subrule 67.13(3). Other persons may also submit information directly to the department.

(1) *Consideration of response.* Within ten working days of receipt of the program's response for each identified tenant, the department will make a final finding regarding the continued retention of a tenant.

(2) *Amending the regulatory insufficiency.* If the department's determination is to amend the regulatory insufficiency based on the response, the department will modify the report of findings.

(3) *Retaining regulatory insufficiency.* If the department retains the regulatory insufficiency, the department will review the plan of correction in accordance with this chapter and 481—Chapter 67. The department will notify the program of the opportunity to appeal the report findings as they relate to the admission and retention decision. The department will provide to the tenant or the tenant's legal representative the contact information for the tenant advocate. A copy of the final report will be sent to the tenant advocate.

(4) *Effect of the filing of an appeal.* If an appeal is filed, the tenant who exceeds admission and retention criteria will be allowed to continue living in the EGH until all administrative appeals have

been exhausted. Appeals filed that relate to the tenant's exceeding admission and retention criteria will be heard within 30 days of receipt, and appropriate services to meet the tenant's needs will be provided during that period of time.

(5) Request for waiver of criteria for retention of a tenant in a program. To allow a tenant to remain in the program, the program may request a waiver of criteria for retention of a tenant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

#### **481—68.16(231B) Tenant documents.**

**68.16(1)** Documentation for each tenant shall be maintained by the program and include:

*a.* An occupancy record including the tenant's name, birth date, and home address; identification numbers; date of beginning participation; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;

*b.* Application forms;

*c.* The initial evaluations and updates;

*d.* A nutritional assessment as necessary;

*e.* The initial individual service plan and updates;

*f.* Signed authorizations for permission to release medical information, photographs, or other media information as necessary;

*g.* A signed authorization for the tenant to receive emergency medical care as necessary;

*h.* A signed managed risk policy and signed managed risk consensus agreements, if any;

*i.* When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;

*j.* Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2) "d";

*k.* Advance health care directives as applicable;

*l.* A complete copy of the tenant's occupancy agreement, including any updates;

*m.* A written acknowledgment that the tenant or the tenant's legal representative, if applicable, has been fully informed of the tenant's rights;

*n.* A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;

*o.* Incident reports involving the tenant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the tenant's medical record);

*p.* A copy of waivers of admission or retention criteria, if any;

*q.* When the tenant is unable to advocate on the tenant's own behalf or the tenant has multiple service providers, including hospice care providers, accurate documentation of the completion of routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);

*r.* Authorizations for the release of information, if any.

**68.16(2)** The program records relating to a tenant shall be retained for a minimum of three years after termination of service.

**68.16(3)** All records shall be protected from loss, damage and unauthorized use.

#### **481—68.17(231B) Service plans.**

**68.17(1)** A service plan shall be developed for each tenant based on the evaluations conducted in accordance with subrules 68.13(1) and 68.13(2) and be designed to meet the specific needs of the individual tenant.

**68.17(2)** Prior to the tenant's signing the occupancy agreement and becoming a household occupant, a preliminary service plan shall be developed by a health care professional or human service professional in consultation with the tenant and, at the tenant's request, with other individuals identified

by the tenant, and, if applicable, with the tenant's legal representative. All persons who develop the plan and the tenant or the tenant's legal representative shall sign the plan.

**68.17(3)** When a tenant needs personal care or health-related care, the service plan shall be updated within 30 days of the tenant's occupancy and as needed with significant change, but not less than annually. The service plan will be signed by all parties.

*a.* If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

*b.* If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained. For example, with chronic exacerbation of a urinary tract infection, nurse review is adequate to institute the previously written evaluation and service plan.

**68.17(4)** The service plan shall be individualized and indicate:

- a.* The tenant's identified needs and preferences for assistance;
- b.* Any services and care to be provided pursuant to the occupancy agreement;
- c.* The service provider(s), if other than the program;
- d.* Preferences, if any, of the tenant or the tenant's legal representative for nursing facility care, if the need for nursing facility care presents itself during the elder group home occupancy.

**481—68.18(231B) Nurse review.** If a tenant does not receive personal or health-related care, but an observed significant change in the tenant's condition occurs, a nurse review shall be conducted. If a tenant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

**68.18(1)** To monitor, at least every 90 days, or after a significant change in the tenant's condition, any tenant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

**68.18(2)** To ensure that health care professionals' orders are current for tenants who receive professional-directed health care from the program;

**68.18(3)** To assess and document the health status of each tenant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the tenant's health status;

**68.18(4)** To provide the program with written documentation of the activities under the service plan, as set forth in rule 481—68.17(231B), showing the time, date and signature.

**481—68.19(231B) Staffing.** In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs:

**68.19(1)** The program will be staffed by an on-site manager 24 hours per day, seven days per week.

**68.19(2)** Personal care providers will have completed a home care aide training program that meets the requirements and criteria established in 441—Chapter 81.

**68.19(3)** The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and target population.

**68.19(4)** Personal care providers and nursing staff may be employed by the program or obtained through a contract with a home health agency or other service provider. Regardless of the source, the staff must meet all applicable requirements.

**68.19(5)** The program will notify the department in writing within ten business days of a change in the program's manager.

**481—68.20(231B) Managed risk policy and managed risk consensus agreements.** The program shall have a managed risk policy that will be provided to the tenant along with the occupancy agreement and include:

**68.20(1)** An acknowledgment of the shared responsibility for identifying and meeting the needs of the tenant and the process for managing risk and for upholding tenant autonomy when tenant decision making results in poor outcomes for the tenant or others;

**68.20(2)** A consensus-based process to address specific risk situations. Program staff and the tenant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the tenant and all others who participated in the process and be included in the tenant's file.

**481—68.21(231B) Transportation.** When transportation services are provided directly or under contract with the program the following shall apply:

**68.21(1)** The vehicle will be accessible and appropriate to the tenants who use it, with consideration for any physical disabilities and impairments.

**68.21(2)** Every tenant transported will have a seat in the vehicle, except for a tenant who remains in a wheelchair during transport.

**68.21(3)** Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

**68.21(4)** Wheelchairs will be secured when the vehicle is in motion.

**68.21(5)** During loading and unloading of a tenant, the driver will be in the proximate area of the tenants in a vehicle.

**68.21(6)** The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

**481—68.22(231B) Identification of veteran's benefit eligibility.**

**68.22(1)** Within 30 days of a tenant's participation in an elder group home that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the tenant or the tenant's personal representative whether the tenant is a veteran or whether the tenant is the spouse, widow, or dependent of a veteran and document the response.

**68.22(2)** If the tenant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the tenant's name along with the name of the veteran, if applicable, and the name of the contact person for this information, to the Iowa department of veterans affairs. The program may report such information to the Iowa department of health and human services.

**68.22(3)** If a tenant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

**481—68.23** Reserved.

**481—68.24(231B) Life safety—emergency policies and procedures and structural safety requirements.**

**68.24(1)** The program shall submit to the department and follow written emergency policies and procedures, including the following:

- a.* An emergency plan, with procedures for natural disasters that is located for easy reference;
- b.* Fire safety procedures;
- c.* Other general or personal emergency procedures, including head injury protocols;
- d.* Provisions for amending or revising the emergency plan;
- e.* Provisions for periodic training of all employees;
- f.* Procedures for fire drills;
- g.* Regulations regarding smoking;
- h.* Procedures for monitoring and testing of smoke-control systems;
- i.* Tenant evacuation procedures;
- j.* Procedures for reporting and documentation;

k. Procedures for extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

**68.24(2)** The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for elder group homes in administrative rules promulgated by the building code bureau and fire safety bureau. Approval of the bureaus indicating that the building complies with these requirements is necessary for certification of a program.

**68.24(3)** The program shall have the means to control the maximum temperature of water at sources accessible by a tenant to prevent scalding and control the maximum water temperature for tenants with cognitive impairment or dementia or at a tenant's request.

**481—68.25(231B) Structural standards.**

**68.25(1)** The EGH shall be safe, sanitary, well-ventilated, and properly lighted, heated, and cooled; and comply with all applicable state and local housing ordinances for family residences and with fire safety rules promulgated by the fire safety bureau.

**68.25(2)** In addition to meeting the requirements in subrule 68.25(1), the EGH shall meet the following standards:

*a. General.*

(1) The home, furnishings and fixtures will be clean, in good repair and appropriate for the tenants.

(2) Stairways will have handrails of a circumference, length, texture, strength and stability that can reasonably be expected to provide tenant support.

(3) A functioning light will be provided in each room, stairway and exit; all light bulbs will be protected from breakage or removal with appropriate covers.

(4) The yard, fire exits and exterior steps will be kept free of obstructions and accessible and appropriate to the condition of the tenants.

(5) There will be at least 150 square feet of common living space and sufficient furniture in the home to accommodate the recreational and socialization needs of all the tenants at one time; common space will not be located in the basement or garage, unless such space was constructed for that purpose. Additional common living space may be required if wheelchairs, walkers or other durable medical equipment is to be accommodated. For an EGH constructed or remodeled after July 1, 2005, there will be 300 square feet of usable floor space.

(6) Interior and exterior doorways used by tenants will be wide enough to accommodate wheelchairs and walkers if tenants with impaired mobility are in residence.

(7) Hot and cold water at each tub, shower, and sink will be in sufficient supply to meet the needs of the tenants and staff.

(8) Grab bars will be present for each toilet, tub and shower. Access to toilet and bathing facilities will be barrier-free and provide individual privacy.

(9) A telephone will be available and accessible for tenants' use in a manner that allows for privacy.

*b. Safety.*

(1) All combustion appliances will be used and maintained properly and inspected annually by a qualified technician for carbon monoxide emissions and any other hazards to health and safety;

(2) Extension cord wiring will not be used in place of permanent electrical fixtures or outlets.

*c. Sanitation requirements.*

(1) A public water supply will be utilized if available. If a nonmunicipal water source is used, the owner or on-site manager will show documentation from the state laboratory that the water supply is potable and is tested as required by the rules of the environmental protection commission of the department of natural resources.

(2) Septic tanks or other nonmunicipal wastewater disposal systems will be in good working order and comply with state and local regulations for wastewater treatment.

(3) Garbage and refuse will be suitably stored and disposed of by a sanitation company providing service in the area.

(4) If laundry service is provided, soiled linens and clothing will be stored in containers in an area separate from food storage, kitchen and dining areas.

(5) Sanitation for household pets and other domestic animals will be adequate to prevent health and safety hazards.

(6) There will be adequate control of insects and rodents.

(7) Reasonable and prudent precautions for infection control will be taken, including washing hands and exposed portions of arms with soap and hot water immediately before engaging in food preparation and meal service and before and after providing personal care.

(8) There will be at least one toilet and one sink for every four household occupants. A minimum of one sink and toilet is required on each floor occupied by tenants. A sink will be located near each toilet. For an EGH constructed or remodeled after July 1, 2005, there will be at least one toilet and one sink for every two household occupants, with a minimum of one toilet and one sink on each floor occupied by tenants.

(9) At least one tub or shower is required for each six household occupants. For an EGH constructed or remodeled after July 1, 2005, there will be at least one tub or one shower for every four household occupants.

*d. Bedroom requirements.*

(1) Each tenant bedroom will:

1. Have a door that opens directly to a hallway or common use area without passage through another bedroom or common bathroom;

2. Be adequately ventilated, heated, cooled and lighted;

3. Have at least 70 square feet of usable floor space, excluding any area where a sloped ceiling does not allow a person to stand upright. For an EGH constructed or remodeled after July 1, 2005, each tenant bedroom will have at least 100 square feet of usable floor space;

4. Provide individual privacy and be occupied by one tenant, unless an alternative arrangement is agreed to in the occupancy agreement by the tenant or the tenant's legal representative;

5. Be on ground level for tenants with impaired mobility;

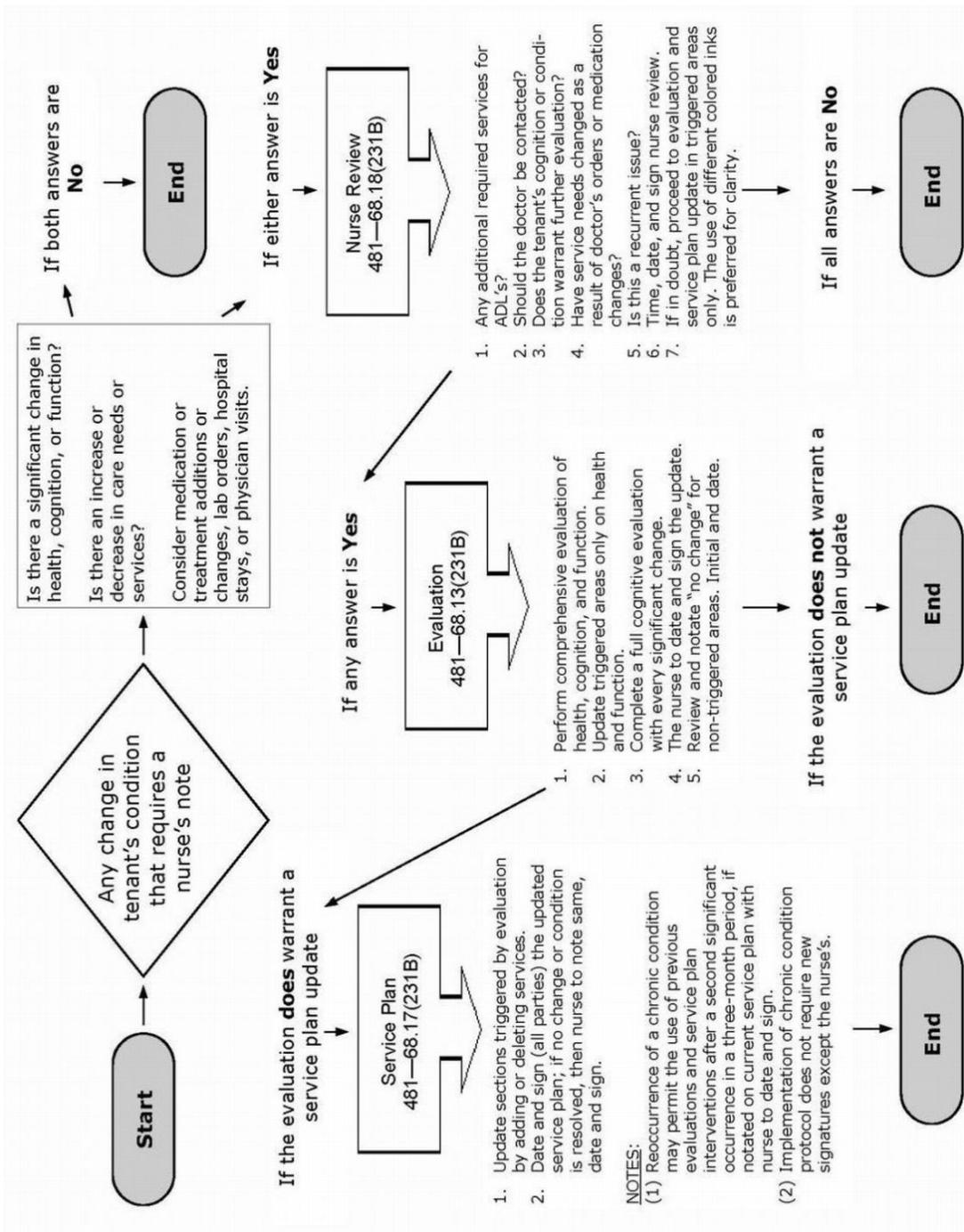
6. Be in sufficiently close proximity to the on-site manager to ensure that tenants are able to alert the on-site manager to nighttime needs or emergencies, or be equipped with a call system.

(2) Owners, operators, on-site managers, their family members, and personal care providers will not use as bedrooms areas that are designated as living areas or as tenant bedrooms;

(3) Common living space and tenant bedrooms will not be used for storage areas.

These rules are intended to implement Iowa Code chapter 231B.

Table A



[Filed 1/14/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0065D****INSPECTIONS AND APPEALS DEPARTMENT[481]****Adopted and Filed****Rulemaking related to assisted living programs**

The Department of Inspections, Appeals, and Licensing hereby rescinds Chapter 69, "Assisted Living Programs," Iowa Administrative Code, and adopts a new Chapter 69 with the same title.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 231C.3.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 231C.3.

*Purpose and Summary*

The rulemaking repromulgates Chapter 69 and implements Iowa Code section 231C.3 in accordance with the goals and directives of Executive Order 10. Iowa Code section 231C.3 states that the Department must establish minimum standards for certification and monitoring of assisted living programs.

The rulemaking implements the above Iowa Code section by setting forth the various certification and recertification processes. The rulemaking describes the evaluation needed for tenants and lists the occupancy agreement terms, as well as the criteria for admission and retention of tenants and necessary tenant documents. The rules list how to involuntarily transfer a tenant from the program. The rulemaking sets staffing requirements along with structural standards and life safety protocols.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9783C**. A public hearing was held on the following date(s):

- December 30, 2025
- December 31, 2025

No one attended the public hearings.

A public comment was received from the Iowa Academy of Nutrition and Dietetics regarding subrule 69.28(4). The Academy requested that licensed dietitians authorized by a qualified medical provider be allowed to order a therapeutic diet.

After review of the requested change, including supporting documentation provided by the Academy, one change from the Notice has been made to make the requested revision.

*Adoption of Rulemaking*

This rulemaking was adopted by the Department on January 14, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 481—Chapter 69 and adopt the following **new** chapter in lieu thereof:

CHAPTER 69  
ASSISTED LIVING PROGRAMS

**481—69.1(231C) Definitions.** In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231C, the following definitions apply:

*“Applicable requirements”* means the requirements in Iowa Code chapter 231C, this chapter, and 481—Chapter 67 and includes any other applicable administrative rules and provisions of the Iowa Code.

*“CARF”* means the Commission on Accreditation of Rehabilitation Facilities.

*“Cognitive disorder”* means a disorder characterized by cognitive dysfunction presumed to be the result of illness that does not meet the criteria for dementia, delirium, or amnesic disorder.

*“Dementia-specific assisted living program”* means an assisted living program certified under this chapter that:

1. Serves fewer than 55 tenants and has 5 or more tenants who have dementia between Stages 4 and 7 on the Global Deterioration Scale (GDS), or
2. Serves 55 or more tenants and 10 percent or more of the tenants have dementia between Stages 4 and 7 on the GDS, or
3. Holds itself out as providing specialized care for persons with dementia, such as Alzheimer's disease, in a dedicated setting.

*“Dwelling unit”* means a single unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping and sanitation, and that may include permanent provisions for eating and cooking. “Sanitation” for purposes of this definition means bathroom fixtures as required by this chapter.

*“Maximal assistance with activities of daily living”* means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

*“Medically unstable”* means that a tenant has a condition or conditions:

1. Indicating physiological frailty as determined by the program's staff in consultation with a physician or physician extender;
2. Resulting in three or more significant hospitalizations within a consecutive three-month period for more than observation; and
3. Requiring frequent supervision of the tenant for more than 21 days by a registered nurse. For example, a tenant who has a condition such as congestive heart failure that results in three or more

significant hospitalizations during a quarter and that requires that the tenant receive frequent supervision may be considered medically unstable.

“*Unmanageable incontinence*” means a condition that requires staff provision of total care for an incontinent tenant who lacks the ability to assist in bladder or bowel continence care.

**481—69.2(231C) Program certification.** A program may obtain certification by meeting all applicable requirements or may be voluntarily accredited by a recognized accreditation entity.

**69.2(1) Posting requirements.** A program’s current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report, and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

**69.2(2) Dementia-specific programs.** If a program meets the definition of a dementia-specific assisted living program during two sequential certification monitorings, the program shall meet all requirements for a dementia-specific program, including the requirements set forth in rule 481—69.30(231C); subrules 69.29(2), 69.29(4), 69.32(2), and 69.32(3); and paragraph 69.35(1)“d,” within 90 days of receiving the final report from the second sequential certification monitoring. If the number of tenants served who have dementia between Stages 4 and 7 on the GDS goes below that which is required by the definition of dementia-specific program at any time after the program has been deemed dementia-specific by definition and the program is not holding itself out as providing dementia care in a specialized setting, the program will no longer be considered dementia-specific.

**481—69.3(231C) Certification of a nonaccredited program—application process.**

**69.3(1)** The applicant shall complete an application packet obtained from the department’s health facilities division website at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov); by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.381.7272.

**69.3(2)** The applicant shall submit one copy of the completed application and all supporting documentation to the department at least 90 calendar days prior to the expected date of beginning operation.

**481—69.4(231C) Nonaccredited program—application content.** An application for certification or recertification of a nonaccredited program shall include the following:

**69.4(1)** The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

- a. The real estate owner or lessor;
- b. The lessee;
- c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

**69.4(2)** A statement disclosing whether the individuals listed in subrule 69.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

**69.4(3)** A statement disclosing whether any of the individuals listed in subrule 69.4(1) meet the criteria set out in Iowa Code section 231C.10(1)“g,” including for licensed health care facility as defined in Iowa Code section 135C.1 or licensed hospital as defined in Iowa Code section 135B.1.

**69.4(4)** The tenant occupancy agreement and all attachments.

**69.4(5)** If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity’s current license or certification.

**69.4(6)** A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

**69.4(7)** The fee set forth in Iowa Code section 231C.18.

**481—69.5(231C) Initial certification process for a nonaccredited program.**

**69.5(1)** Upon receipt of all completed documentation, including building code and fire safety bureau approval and structural and evacuation review approval, the department will determine whether the proposed program meets applicable requirements.

**69.5(2)** If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept tenants.

**69.5(3)** Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program's compliance with applicable requirements.

**69.5(4)** If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

**69.5(5)** The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

**69.5(6)** The department will notify the program of a final certification decision within ten working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

**69.5(7)** If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

**481—69.6(231C) Expiration of the certification of a nonaccredited program.** Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

**481—69.7(231C) Recertification process for a nonaccredited program.** To obtain recertification, a program shall:

**69.7(1)** Submit one copy of the completed application, associated documentation, and the recertification fee as listed in Iowa Code section 231C.18 to the department at least 30 calendar days prior to the expiration of the program's certification.

**69.7(2)** Submit additional documentation that each of the following has been inspected by a qualified professional and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

**481—69.8(231C) Notification of recertification for a nonaccredited program.**

**69.8(1)** The department will review the application and associated documentation and fees. After all finalized documentation is received, including building code and fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

**69.8(2)** If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

**481—69.9(231C) Certification or recertification of an accredited program—application process.**

An applicant for certification or recertification of a program accredited by a recognized accrediting entity shall:

**69.9(1)** Submit a completed application packet obtained from the department health facilities division website at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov); by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

**69.9(2)** Submit a copy of the current accreditation outcome from the recognized accrediting entity.

**69.9(3)** Maintain compliance with the building code and fire safety bureau's requirements.

**69.9(4)** Submit the appropriate fees as set forth in Iowa Code section 231C.18.

**481—69.10(231C) Certification or recertification of an accredited program—application content.**

An application for certification or recertification of an accredited program shall comply with rule 481—69.3(231C) and include a copy of the current accreditation outcome from the recognized accrediting entity.

**481—69.11(231C) Initial certification process for an accredited program.**

**69.11(1)** Within 20 working days of receiving all finalized documentation, including building code and fire safety bureau approval, the department will notify the accredited program whether the program meets applicable requirements and whether certification will be issued.

**69.11(2)** If the decision is to certify, a certification will be issued for the term of the accreditation not to exceed three years unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

**69.11(3)** If the decision is to deny certification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.13(17A,231B,231C,231D).

**69.11(4)** Unless conditionally issued, suspended or revoked, certification for a program will expire at the end of the time period specified on the certificate.

**481—69.12(231C) Recertification process for an accredited program.**

**69.12(1)** To obtain recertification, an accredited program shall comply with rule 481—69.9(231C) at least 30 calendar days prior to the expiration of the program's certification.

**69.12(2)** If the facility is in good standing, a full certification will be issued for the term of the accreditation not to exceed three years unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

**69.12(3)** If the decision is to deny recertification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.14(17A,231B,231C,231D).

**481—69.13(231C) Listing of all certified programs.** The department will maintain a list of all certified programs, which is available online at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov).

**481—69.14(231C) Recognized accrediting entity.**

**69.14(1)** The department designates CARF as a recognized accrediting entity for programs.

**69.14(2)** To apply for designation by the department as a recognized accrediting entity for programs, an entity shall submit a letter of request, and its standards shall meet the applicable requirements for programs.

**69.14(3)** The designation will remain in effect for as long as the accreditation standards meet the applicable requirements for programs.

**69.14(4)** An accrediting entity shall provide annually to the department, at no cost, a current edition of the applicable standards manual and survey preparation guide, and training thereon, within 120 working days after the publications are released.

**481—69.15(231C) Requirements for an accredited program.** Each accredited program that is certified by the department shall:

**69.15(1)** Provide the department a copy of all survey reports, including outcomes, quality improvement plans and annual conformance to quality reports generated or received, as applicable, within ten working days of receipt of the reports.

**69.15(2)** Notify the department by the most expeditious means possible of all credible reports of alleged improper or inappropriate conduct or conditions within the program and any actions taken by the accrediting entity with respect thereto.

**69.15(3)** Notify the department immediately of the expiration, suspension, revocation or other loss of the program's accreditation.

**481—69.16(231C) Maintenance of program accreditation.**

**69.16(1)** An accredited program will continue to be recognized for certification by the department if both of the following requirements are met:

- a.* The program complies with the requirements outlined in rule 481—69.15(231C).
- b.* The program maintains its voluntary accreditation status for the duration of the time-limited certification period.

**69.16(2)** A program that does not maintain its voluntary accreditation status must become certified by the department prior to any lapse in accreditation or cease operation as a program.

**481—69.17(231C) Change of ownership—notification to the department.**

**69.17(1)** Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

**69.17(2)** In order to transfer certification, the applicant must:

- a.* Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231C and 481—Chapter 67 and this chapter;
- b.* At least 30 days prior to the change of ownership of the program, provide application and supporting documentation to the department.

**69.17(3)** The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

**481—69.18(231C) Plan reviews of a building for a new program.**

**69.18(1)** Before a building is constructed or remodeled for use in a new program, the state building code and fire safety bureau of the department shall review the construction documents and do fire inspections for compliance with requirements pursuant to this chapter. Construction or remodeling includes new construction, remodeling of any part of an existing building, addition of a new wing or floor to an existing building, or conversion of an existing building.

**69.18(2)** A program applicant shall submit construction documents to the building code bureau's online portal at [dial.iowa.gov/licenses/building/plan-review](http://dial.iowa.gov/licenses/building/plan-review).

**69.18(3)** The plan review fee must be paid before construction documents are uploaded to the project folder.

**69.18(4)** The building code bureau of the department will notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

**69.18(5)** The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau regarding how any noncompliance will be resolved.

**69.18(6)** Upon final notification by the building code bureau that the construction documents meet the bureau's requirements, construction or remodeling of the building may commence.

**69.18(7)** The fire safety bureau will schedule an on-site visit of the building site with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the construction or remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for certification.

**481—69.19(231C) Plan review prior to the remodeling of a building for a certified program.**

**69.19(1)** Before a building for a certified program is remodeled as defined in subrule 69.18(1), the building code bureau will review the construction documents for compliance with requirements set forth in rule 481—69.35(231C).

**69.19(2)** A certified program shall submit construction documents to the building code bureau's online portal at [dial.iowa.gov/licenses/building/plan-review](http://dial.iowa.gov/licenses/building/plan-review).

**69.19(3)** The plan review fee must be paid before construction documents are uploaded to the project folder.

**69.19(4)** Upon final notification by the building code bureau that the construction documents meet structural and life safety requirements, remodeling of the building may commence.

**69.19(5)** The building code and fire safety bureaus shall schedule an on-site visit of the building with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for continued certification or recertification of the program.

**481—69.20(231C) Cessation of program operation that includes seeking decertification.**

**69.20(1)** At least 90 days in advance of cessation, the program shall provide to the department and the office of long-term care ombudsman written notification of the date on which the program will cease operation or decertify.

**69.20(2)** At the time a program decides to cease operation, the program shall submit a plan to the department and make arrangements for the safe and orderly transfer or transition of all tenants within the 90-day period specified by subrule 69.20(1).

**69.20(3)** The department may conduct a monitoring during the 90-day period to ensure the safety of tenants during the transfer process or transition process.

**69.20(4)** When a program ceases operation, representatives from the office of long-term care ombudsman shall be allowed by the program to privately meet with tenants to provide education and service options.

**481—69.21(231C) Occupancy agreement.**

**69.21(1)** The occupancy agreement shall be in 12-point type or larger, written in plain language using commonly understood terms and be easy for the tenant or the tenant's legal representative to understand.

**69.21(2)** In addition to the requirements of Iowa Code section 231C.5, the written occupancy agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

- a. The telephone number for filing a complaint with the department.
- b. The telephone number for the office of long-term care ombudsman.
- c. The telephone number for reporting dependent adult abuse.
- d. A copy of the program's statement on tenants' rights.
- e. A statement that the tenant landlord law applies to assisted living programs.
- f. A statement that the program will notify the tenant at least 90 days in advance of any planned program cessation, except in cases of emergency.

**69.21(3)** The occupancy agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

**69.21(4)** A copy of the occupancy agreement shall be provided to the tenant or the tenant's legal representative, if any, and a copy kept by the program.

**69.21(5)** A copy of the most current occupancy agreement shall be made available to the general public upon request.

**481—69.22(231C) Evaluation of tenant.**

**69.22(1)** *Evaluation prior to occupancy.* A program shall evaluate each prospective tenant's functional, cognitive and health status prior to the tenant's signing the occupancy agreement and taking occupancy of a dwelling unit in order to determine the tenant's eligibility for the program, including whether the services needed are available. The cognitive evaluation shall utilize a scored, objective tool. When the score from the cognitive evaluation indicates moderate cognitive decline and risk, the GDS shall be used at all subsequent intervals, if applicable. If the tenant subsequently returns to the tenant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

**69.22(2)** *Evaluation within 30 days of occupancy.* A program shall evaluate each tenant's functional, cognitive and health status within 30 days of occupancy. The evaluation shall be conducted

by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

**69.22(3)** *Evaluation annually and with significant change.* A program shall evaluate each tenant's functional, cognitive and health status as needed with significant change, but not less than annually, to determine the tenant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

**481—69.23(231C) Criteria for admission and retention of tenants.**

**69.23(1)** *Persons who may not be admitted or retained.* A program shall not knowingly admit or retain a tenant who:

- a. Is bed-bound; or
- b. Requires routine, two-person assistance with standing, transfer or evacuation; or
- c. Is dangerous to self or other tenants or staff, including but not limited to a tenant who:
  - (1) Despite intervention, chronically elopes or is sexually, verbally, or physically aggressive or abusive; or
  - (2) Displays behavior that places another tenant at risk; or
- d. Is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; or
- e. Is under the age of 18; or
- f. Requires more than part-time or intermittent health-related care; or
- g. Has unmanageable incontinence on a routine basis despite an individualized toileting program; or
- h. Is medically unstable; or
- i. Requires maximal assistance with activities of daily living; or
- j. Despite intervention, chronically urinates or defecates in places that are not considered acceptable according to societal norms.

**69.23(2)** *Disclosure of additional occupancy and transfer criteria.* A program may have additional occupancy or transfer criteria if the criteria are disclosed in the written occupancy agreement prior to the tenant's occupancy.

**69.23(3)** *Assistance with transfer from the program.* A program shall assist a tenant and the tenant's legal representative, if applicable, to ensure a safe and orderly transfer from the program when the tenant exceeds the program's criteria for admission and retention.

**481—69.24(231C) Involuntary transfer from the program.**

**69.24(1)** *Program initiation of transfer.* The program shall comply with Iowa Code section 231C.6 and the following:

- a. The program will provide the tenant, or the tenant's legal representative, the contact information for the office of long-term care ombudsman.
- b. The program will immediately provide to the office of long-term care ombudsman, by mail or email, a copy of the notification and notify the tenant's treating physician, if any.
- c. Pursuant to statute, the office of long-term care ombudsman will offer the notified tenant or tenant's legal representative assistance with the program's internal appeal process.

**69.24(2)** *Transfer pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more tenants are identified as exceeding the admission and retention criteria for tenants and need to be transferred as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply.

- a. *Program agreement with the department's finding.* If the program agrees with the department's finding and the program begins involuntary transfer proceedings, the program's internal appeal process in subrule 69.24(1) will be utilized for appeals.
- b. *Program disagreement with the department's finding.* If the program does not agree with the department's finding that the tenant exceeds admission and retention criteria, the program may appeal

the department's final report as provided in rule 481—67.14(17A,231B,231C,231D,85GA,HF2365). If an appeal is filed, the tenant who exceeds admission and retention criteria will be allowed to continue living at the program until all administrative appeals have been exhausted. Appeals filed that relate to the tenant's exceeding admission and retention criteria will be heard within 30 days of receipt, and appropriate services to meet the tenant's needs will be provided during that period of time.

*c. Request for waiver of criteria for retention of a tenant in a program.* To allow a tenant to remain in the program, the program may request a waiver of criteria for retention of a tenant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

#### **481—69.25(231C) Tenant documents.**

**69.25(1)** Documentation for each tenant shall be maintained by the program and include:

*a.* An occupancy record, including the tenant's name, birth date, and home address; identification numbers; date of occupancy; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;

*b.* Application forms;

*c.* The initial evaluations and updates;

*d.* A nutritional assessment as necessary;

*e.* The initial individual service plan and updates;

*f.* Signed authorizations for permission to release medical information, photographs, or other media information as necessary;

*g.* A signed authorization for the tenant to receive emergency medical care as necessary;

*h.* A signed managed risk policy and signed managed risk consensus agreements, if any;

*i.* When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;

*j.* Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2) "d";

*k.* Advance health care directives as applicable;

*l.* A complete copy of the tenant's occupancy agreement, including any updates;

*m.* A written acknowledgment that the tenant or the tenant's legal representative, if applicable, has been fully informed of the tenant's rights;

*n.* A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;

*o.* Incident reports involving the tenant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the tenant's medical record);

*p.* A copy of waivers of admission or retention criteria, if any;

*q.* When the tenant is unable to advocate on the tenant's own behalf or the tenant has multiple service providers, including hospice care providers, accurate documentation of the completion of routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);

*r.* Authorizations for the release of information, if any.

**69.25(2)** The program records relating to a tenant shall be retained for a minimum of three years after termination of services.

**69.25(3)** All records shall be protected from loss, damage and unauthorized use.

#### **481—69.26(231C) Service plans.**

**69.26(1)** A service plan shall be developed for each tenant based on the evaluations conducted in accordance with rule 481—69.22(231C) and be designed to meet the specific needs of the individual tenant.

**69.26(2)** Prior to the tenant's signing the occupancy agreement and taking occupancy of a dwelling unit, a preliminary service plan shall be developed by a health care professional or human service

professional in consultation with the tenant and, at the tenant's request, with other individuals identified by the tenant, and, if applicable, with the tenant's legal representative. All persons who develop the plan and the tenant or the tenant's legal representative shall sign the plan.

**69.26(3)** When a tenant needs personal care or health-related care, the service plan shall be updated within 30 days of the tenant's occupancy and as needed with significant change, but not less than annually. The service plan shall be signed by all parties, including the tenant or tenant's legal representative.

*a.* If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

*b.* If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained.

**69.26(4)** The service plan shall be individualized and indicate:

- a.* The tenant's identified needs and preferences for assistance;
- b.* Any services and care to be provided pursuant to the occupancy agreement;
- c.* The service provider(s), if other than the program;
- d.* For tenants who are unable to plan their own activities, including tenants with dementia, a list of person-centered planned and spontaneous activities based on the tenant's abilities and personal interests;
- e.* Preferences, if any, of the tenant or the tenant's legal representative for nursing facility care, if the need for nursing facility care presents itself during the assisted living program occupancy.

**481—69.27(231C) Nurse review.**

**69.27(1)** If a tenant does not receive personal or health-related care but an observed significant change in the tenant's condition occurs, a nurse review shall be conducted.

**69.27(2)** If a tenant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

*a.* To monitor, at least every 90 days, or after a significant change in the tenant's condition, any tenant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

*b.* To ensure that health care professionals' orders are current for tenants who receive professional-directed health care from the program;

*c.* To assess and document the health status of each tenant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the tenant's health status;

*d.* To provide the program with written documentation of the nurse review, showing the time, date and signature.

**481—69.28(231C) Food service.**

**69.28(1)** The program shall provide or coordinate with other community providers to provide a hot or other appropriate meal(s) at least once a day or arrange for the availability of meals.

**69.28(2)** Meals and snacks provided by the program but not prepared on site shall be obtained from or provided by an entity that meets the standards of state and local health laws and ordinances concerning the preparation and serving of food.

**69.28(3)** Menus shall be planned to provide the following percentage of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences based on the number of meals provided by the program:

- a.* A minimum of 33 $\frac{1}{3}$  percent if the program provides one meal per day;
- b.* A minimum of 66 $\frac{2}{3}$  percent if the program provides two meals per day; and
- c.* One hundred percent if the program provides three meals per day.

**69.28(4)** Therapeutic diets may be provided by a program. If therapeutic diets are provided, they shall be prescribed by a physician, physician assistant, advanced registered nurse practitioner or ordered by a licensed dietitian authorized by a qualified medical provider. A therapeutic diet provides food, fluids or nutrients by oral, enteral, or parenteral routes and is used in the treatment of a disease or clinical condition to modify, eliminate, decrease or increase specific macro- or micronutrients, or to provide mechanically altered food when medically indicated. The thirteenth edition of the Iowa Simplified Diet Manual published by the Iowa dietetic association shall be available and used in the planning and serving of therapeutic diets. A licensed dietitian shall be responsible for writing and approving the therapeutic menu and for reviewing procedures for food preparation and service for therapeutic diets.

**69.28(5)** Personnel who are employed by or contract with the program and who are responsible for food preparation or service, or both food preparation and service, shall have an orientation on sanitation and safe food handling prior to handling food and have annual in-service training on food protection.

*a.* In addition to the requirements above, a minimum of one person directly responsible for food preparation shall have successfully completed a state-approved food protection program by:

- (1) Obtaining certification as a dietary manager; or
- (2) Obtaining certification as a food protection professional; or
- (3) Successfully completing an ANSI-accredited certified food protection manager program meeting the requirements for a food protection program included in the Food Code adopted pursuant to Iowa Code chapter 137F. Another program may be substituted if the program's curriculum includes substantially similar competencies to a program that meets the requirements of the Food Code and the provider of the program files with the department a statement indicating that the program provides substantially similar instruction as it relates to sanitation and safe food handling.

*b.* If the person is in the process of completing a course or certification listed in paragraph 69.28(5) "a," the requirement relating to completion of a state-approved food protection program will be considered to have been met.

**69.28(6)** Programs engaged in the preparation and service of meals and snacks shall meet the standards of state and local health laws and ordinances pertaining to the preparation and service of food and be licensed pursuant to Iowa Code chapter 137F. The department will not require the program to be licensed as a food establishment if the program limits food activities to the following:

*a.* All main meals and planned menu items will be prepared offsite and transferred to the program kitchen for service to tenants.

*b.* Baked goods that do not require temperature control for safety and single-service juice or milk may be stored in the program's kitchen and provided as part of a continental breakfast.

*c.* Ingredients used for food-related activities with tenants may be stored in the program's kitchen. Tenant activities may include the preparation and cooking of food items in the program's kitchen if the activity occurs on an irregular or sporadic basis and the items prepared are not part of the program's menu.

*d.* Appropriately trained staff may prepare in the program's kitchen individual quantities of tenant-requested menu-substitution food items that require limited or no preparation, such as peanut butter or cheese sandwiches or a single-service can of soup. The food items necessary to prepare the menu substitution may be stored in the program's kitchen. These food items may not be cooked in the program's kitchen but may be reheated in a microwave. A two- or four-slice toaster may be used for tenant-requested menu-substitution items, but there will be no bare-hand contact.

*e.* Tenants may take food items left over from a meal back to their apartments, but no leftovers will be stored in the program's kitchen.

*f.* Warewashing may be done in the program's kitchen as long as the program utilizes a commercial dishwasher and documents daily testing of sanitizer chemical ppm and proper water temperatures. Verification by the department of these practices may be conducted during on-site visits.

**69.28(7)** All perishable or potentially hazardous food shall be cooked to recommended temperatures and held at safe temperatures of 41°F (5°C) or below, or 135°F (57°C) or above.

**481—69.29(231C) Staffing.** In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs.

**69.29(1)** Each tenant will have access to a 24-hour personal emergency response system that automatically identifies the tenant in distress and can be activated with one touch.

**69.29(2)** In lieu of providing access to a personal emergency response system, a program serving one or more tenants with cognitive disorder or dementia will follow a system, program, or written staff procedures that address how the program will respond to the emergency needs of the tenant(s).

**69.29(3)** The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and the target population.

**69.29(4)** A dementia-specific assisted living program will have one or more staff persons who monitor tenants as indicated in each tenant's service plan. The staff will be awake and on duty 24 hours a day on site and in the proximate area.

A non-dementia-specific assisted living program will have one or more staff persons who monitor tenants as indicated in each tenant's service plan, be able to respond to a call light or other emergent tenant needs, and be in the proximate area 24 hours a day on site.

**69.29(5)** All programs employing a new program manager after January 1, 2010, will require the manager within six months of hire to complete an assisted living management class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on assisted living programs. Managers who have completed a similar training prior to January 1, 2010, will not be required to complete additional training to meet this requirement.

**69.29(6)** All programs employing a new delegating nurse after January 1, 2010, will require the delegating nurse within six months of hire to complete an assisted living manager class or assisted living nursing class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on assisted living. A minimum of one delegating nurse from each program will complete the training. If there are multiple delegating nurses and only one delegating nurse completes the training, the delegating nurse who completes the training will train the other delegating nurses in the Iowa rules and laws on assisted living. As of January 1, 2011, all programs shall have a minimum of one delegating nurse who has completed the training described in this subrule.

**69.29(7)** The program will notify the department in writing within ten business days of a change in the program's manager.

**69.29(8)** The program must develop and implement policy and procedure for addressing sexual relationships between tenants and staff and between tenants with dementia greater than Stage 5 on the GDS.

**481—69.30(231C) Dementia-specific education for program personnel.**

**69.30(1)** All personnel employed by or contracting with a dementia-specific program shall receive a minimum of eight hours of dementia-specific education and training within 30 days of either employment or the beginning date of the contract, as applicable.

**69.30(2)** The dementia-specific education or training shall include:

- a. An explanation of dementia and related disorders;
- b. The program's specialized dementia care philosophy and program;
- c. Skills for communicating with persons with dementia;
- d. Skills for communicating with family and friends of persons with dementia;
- e. An explanation of family issues such as role reversal, grief and loss, guilt, relinquishing the care-giving role, and family dynamics;
- f. The importance of planned and spontaneous activities;
- g. Skills in assistance with instrumental activities of daily living;
- h. The importance of the service plan and social history information;
- i. Skills in working with challenging tenants;
- j. Techniques for simplifying, cueing, and redirecting;
- k. Staff support and stress reduction;

*l.* Medication management and nonpharmacological interventions.

**69.30(3)** Dementia-specific continuing education.

*a.* Except as otherwise provided in this subrule, all personnel employed by or contracting with a dementia-specific program shall receive a minimum of two hours of dementia-specific continuing education annually.

*b.* Direct-contact personnel employed by or contracting with a dementia-specific program or employed by a contracting agency providing staff to a dementia-specific program shall receive a minimum of eight hours of dementia-specific continuing education annually.

*c.* Contracted personnel who have no contact with tenants (e.g., persons providing lawn maintenance or snow removal) are not required to receive the two hours of training required in paragraph 69.30(3)“*a.*”

*d.* The contracting agency may provide the program with documentation of dementia-specific continuing education that meets the requirements of this subrule.

**69.30(4)** An employee or contractor who provides documentation of completion of a dementia-specific education or training program within the past 12 months will be exempt from the education and training requirement of subrule 69.30(1).

**69.30(5)** Dementia-specific training will include hands-on training and any of the following: classroom instruction, web-based training, and case studies of tenants in the program.

**481—69.31(231C) Managed risk policy and managed risk consensus agreements.** The program shall have a managed risk policy that will be provided to the tenant along with the occupancy agreement and include:

**69.31(1)** An acknowledgment of the shared responsibility for identifying and meeting the needs of the tenant and the process for managing risk and for upholding tenant autonomy when tenant decision making could result in poor outcomes for the tenant or others;

**69.31(2)** A consensus-based process to address specific risk situations. Program staff and the tenant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the tenant and all others who participated in the process and be included in the tenant’s file.

**481—69.32(231C) Life safety—emergency policies and procedures and structural safety requirements.**

**69.32(1)** The program shall submit to the department and follow written emergency policies and procedures, including:

- a.* An emergency plan with procedures for natural disasters that is located for easy reference;
- b.* Fire safety procedures;
- c.* Other general or personal emergency procedures, including head injury protocols;
- d.* Provisions for amending or revising the emergency plan;
- e.* Provisions for periodic training of all employees;
- f.* Procedures for fire drills;
- g.* Regulations regarding smoking;
- h.* Monitoring and testing of smoke-control systems;
- i.* Tenant evacuation procedures;
- j.* Procedures for reporting and documentation;
- k.* Extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

**69.32(2)** An operating alarm system shall be connected to each exit door in a dementia-specific program.

**69.32(3)** The program shall obtain approval from the fire safety bureau of the department before the installation of any specialized door locking systems.

**69.32(4)** A program serving a person(s) with cognitive disorder or dementia shall have written procedures regarding:

- a.* Alarm systems, if an alarm system is in place.

b. Appropriate staff response when a tenant's service plan indicates a risk of elopement or when a tenant exhibits wandering behavior.

c. Appropriate staff response if a tenant with cognitive disorder or dementia is missing.

**69.32(5)** The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for assisted living programs in administrative rules promulgated by the building code and fire safety bureaus. Approval of both bureaus indicating that the building complies with these requirements is necessary for certification of a program.

**69.32(6)** The program shall have the means to control the maximum temperature of water at sources accessible by a tenant to prevent scalding and control the maximum water temperature for tenants with cognitive impairment or dementia or at a tenant's request.

**481—69.33(231C) Transportation.** When transportation services are provided directly or under contract with the program, the following shall apply:

**69.33(1)** The vehicle will be accessible and appropriate to the tenants who use it, with consideration for any physical disabilities and impairments.

**69.33(2)** Every tenant transported will have a seat in the vehicle, except for a tenant who remains in a wheelchair during transport.

**69.33(3)** Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

**69.33(4)** Wheelchairs will be secured when the vehicle is in motion.

**69.33(5)** During loading and unloading of a tenant, the driver will be in the proximate area of the tenants in a vehicle.

**69.33(6)** The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

**69.33(7)** Each vehicle will have a first-aid kit, fire extinguisher, safety triangles and a device for two-way communication.

**481—69.34(231C) Activities.** The program shall have a policy related to activities, including the following:

**69.34(1)** The program will provide appropriate activities for each tenant reflecting individual differences in age, health status, sensory deficits, lifestyle, ethnic and cultural beliefs, religious beliefs, values, experiences, needs, interests, abilities and skills by providing opportunities for a variety of types and levels of involvement.

**69.34(2)** Activities will be planned to support the tenant's service plan consistent with occupancy policies.

**69.34(3)** A written schedule of activities will be developed at least monthly and made available to tenants and their legal representatives.

**69.34(4)** Tenants will be given the opportunity to choose their levels of participation in all activities offered in the program.

**481—69.35(231C) Structural requirements.**

**69.35(1) General requirements.**

a. The structure of the program will be designed and operated to meet the needs of the tenants.

b. The buildings and grounds will be well-maintained, clean, safe and sanitary.

c. Programs will have private dwelling units with a single-action, lockable entrance door.

d. A program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or remove the lock on an entrance door and disable or remove the lock if its presence presents a danger to the health and safety of the tenant.

e. The structure in which a program is housed shall comply with the administrative rules promulgated by the building code and fire safety bureaus.

*f.* Programs may have individual cooking facilities within the private dwelling units. Any program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or easily remove appliances and disable or remove them if their presence presents a danger to the health and safety of the tenant or others.

**69.35(2)** *Programs certified prior to July 4, 2001.* Facilities for programs certified prior to July 4, 2001, shall meet the following requirements:

- a.* Each dwelling unit will have at least one room that will have not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.
- b.* Each dwelling unit will have not less than 190 square feet of floor area, excluding bathrooms.
- c.* A dwelling unit used for double occupancy will have not less than 290 square feet of floor area, excluding bathrooms.
- d.* The program will have a minimum of 15 square feet of common area per tenant.

**69.35(3)** *New construction built on or after July 4, 2001.* Programs operated in new construction built on or after July 4, 2001, shall meet the following requirements:

- a.* Each dwelling unit will have at least one room that will have not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.
- b.* Each dwelling unit used for single occupancy will have a total square footage of not less than 240 square feet of floor area, excluding bathrooms and door swing.
- c.* A dwelling unit used for double occupancy will have a total square footage of not less than 340 square feet of floor area, excluding bathrooms and door swing.
- d.* Each dwelling unit will contain a bathroom, including a toilet, sink and bathing facilities. A program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or remove the sink or bathing facility water control and will disable or remove the water control if its presence presents a danger to the health and safety of the tenant.

*e.* Self-closing doors are not required for individual dwelling units, whether in a general or dementia-specific setting, unless the authority with jurisdiction determines that the level of hazard has increased to require the installation of closure hardware (for example, presence of a stove, range or oven).

**69.35(4)** *Structure being converted to or remodeled for use by a program on or after July 4, 2001.* A program operating in a structure that was converted or remodeled for use for a program on or after July 4, 2001, shall meet the following requirements:

- a.* Each dwelling unit will have at least one room that has not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.
- b.* Each dwelling unit used for single occupancy will have a total square footage of not less than 190 square feet of floor area, excluding bathrooms and door swing.
- c.* A dwelling unit used for double occupancy will have a total square footage of not less than 290 square feet of floor area, excluding bathrooms and door swing.
- d.* Each dwelling unit will have a bathroom, including a toilet, sink and bathing facility.

**481—69.36(231C) Dwelling units in dementia-specific programs.** Dementia-specific programs are exempt from the requirements in subrules 69.35(2) through 69.35(4) as follows:

**69.36(1)** For a program built in a family or neighborhood design:

- a.* Each dwelling unit used for single occupancy will have a total square footage of not less than 150 square feet of floor area, excluding a bathroom; and
- b.* Each dwelling unit used for double occupancy will have a total square footage of not less than 250 square feet of floor area, excluding a bathroom.

**69.36(2)** Dementia-specific programs may choose not to provide bathing facilities in the dwelling units.

**481—69.37** Reserved.

**481—69.38(83GA,SF203) Identification of veteran’s benefit eligibility.**

**69.38(1)** Within 30 days of a tenant’s admission to an assisted living program that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the tenant or the tenant’s personal representative whether the tenant is a veteran or whether the tenant is the spouse, widow, or dependent of a veteran and document the response.

**69.38(2)** If the tenant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the tenant’s name along with the name of the veteran, if applicable, as well as the name of the contact person for this information, to the department of veterans affairs. The program may report such information to the department of health and human services.

**69.38(3)** If a tenant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

**481—69.39(231C) Respite care services.** “Respite care services” means an organized program of temporary supportive care provided for 24 hours or more to a person in order to relieve the usual caregiver of the person from providing continual care to the person, or on request of the tenant as a trial of the program. An assisted living program that chooses to provide respite care services must meet the following requirements related to respite care services and be certified as an assisted living program.

**69.39(1) Length of stay.** Respite care services will be provided for no more than 30 consecutive days and for a total of no more than 60 days in a consecutive 12-month period beginning on the first day the individual stays in the program.

**69.39(2) No separate certificate.** An assisted living program that chooses to provide respite care services is not required to obtain a separate certificate or pay a certification fee.

**69.39(3) Assessment.** The program nurse will assess the individual prior to the individual’s stay and will document:

- a. Safety and supervision needs;
- b. Medical needs;
- c. Dietary needs;
- d. Bowel and bladder function.

**69.39(4) Written direction to staff.** The program nurse will document the care needs of the individual based on the assessment conducted pursuant to subrule 69.39(3) and provide the documentation to staff.

**69.39(5) Involuntary termination of respite care services.** The program may terminate the respite care services for the individual. Rule 481—69.24(231C) will not apply. The program will make proper arrangements for the welfare of the individual prior to involuntary termination of respite care services, including notification of the individual’s family or legal representative.

**69.39(6) Contract.** The program will have a contract with each individual, including:

- a. The time period during which the individual will be considered to be receiving respite care services, not to exceed 30 consecutive days.
- b. A description of all fees, charges, and rates for respite care services, and any additional and optional services and their related costs.
- c. A statement that respite care services may be involuntarily terminated. Rule 481—69.24(231C) will not apply.
- d. Identification of the party responsible for payment of fees and identification of the respite care individual’s legal representative, if any.
- e. Identification of emergency contacts, including but not limited to the individual’s family member(s) and physician.
- f. A statement that all individual information will be maintained in a confidential manner to the extent required under state and federal law.
- g. The refund policy, if applicable.
- h. A statement regarding billing and payment procedures.

**69.39(7) Admission to program.**

- a.* Individuals receiving respite care will not be considered an admission to the program.
- b.* Individuals receiving respite care will be included in the program's census.
- c.* The program will not enter into multiple 30-day contracts with an individual receiving respite care in order to lengthen the individual's stay in the program.

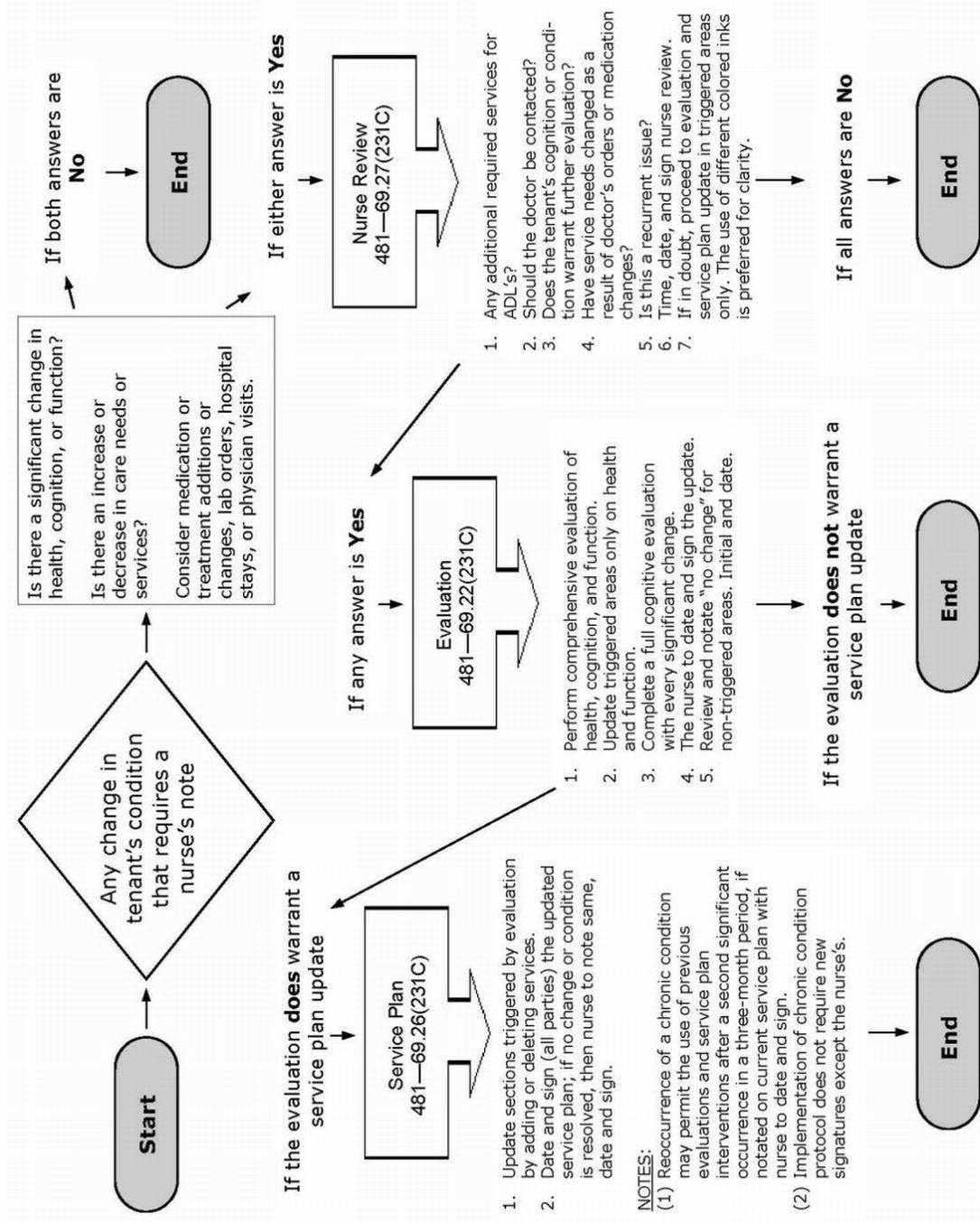
*d.* If an individual receiving respite care remains in the program beyond 30 consecutive days and is eligible for admission, the department will consider the individual a tenant in the program. The program will follow all requirements for admission to the program.

**69.39(8)** *Level of care criteria.* Individuals receiving respite care must meet the criteria found in subrule 69.23(1) for admission and retention of tenants. Respite care services will not be provided by an assisted living program to persons requiring a level of care that is higher than the level of care the program is certified to provide.

**69.39(9)** *Accessibility by the department.* The department shall have the same access to respite care services records as provided in 481—subrule 67.10(2).

These rules are intended to implement Iowa Code chapter 231C.

Table A



[Filed 1/14/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0066D****INSPECTIONS AND APPEALS DEPARTMENT[481]****Adopted and Filed****Rulemaking related to adult day services**

The Department of Inspections, Appeals, and Licensing hereby rescinds Chapter 70, “Adult Day Services,” Iowa Administrative Code, and adopts a new Chapter 70 with the same title.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code section 231D.2.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 231D.2.

*Purpose and Summary*

The rulemaking repromulgates Chapter 70 and implements Iowa Code section 231D.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 231D.2 indicates that the Department is to establish a program for certification and monitoring of complaint investigations related to adult day services.

The rulemaking implements the above Iowa Code section by setting forth the various certification and recertification processes. The rulemaking describes the evaluation needed for participants and lists the occupancy agreement terms as well as the criteria for admission and retention of participants and necessary participant documents. The rules list how to involuntarily discharge a participant from the program. The rulemaking sets staffing requirements along with structural standards and life safety protocols.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9784C**. A public hearing was held on the following date(s):

- December 30, 2025
- December 31, 2025

No one attended the public hearings.

A public comment was received from the Iowa Academy of Nutrition and Dietetics regarding subrule 70.28(4). The Academy requested that licensed dietitians authorized by a qualified medical provider be allowed to order a therapeutic diet.

After review of the requested change, including supporting documentation provided by the Academy, one change from the Notice has been made to make the requested revision.

*Adoption of Rulemaking*

This rulemaking was adopted by the Department on January 14, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on March 11, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 481—Chapter 70 and adopt the following **new** chapter in lieu thereof:

CHAPTER 70  
ADULT DAY SERVICES

**481—70.1(231D) Definitions.** In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231D, the following definitions apply:

*“Applicable requirements”* means the requirements in Iowa Code chapter 231D, this chapter, 481—Chapter 67 and includes any other applicable administrative rules and provisions of the Iowa Code.

*“CARF”* means the Commission on Accreditation of Rehabilitation Facilities.

*“Cognitive disorder”* means a disorder characterized by cognitive dysfunction presumed to be the result of illness that does not meet criteria for dementia, delirium, or amnesic disorder.

*“Dementia-specific adult day services program”* means an adult day services program certified under this chapter that:

1. Serves fewer than 55 participants and has 5 or more participants who have dementia between Stages 4 and 7 on the Global Deterioration Scale, or
2. Serves 55 or more participants and 10 percent or more of the participants have dementia between Stages 4 and 7 on the Global Deterioration Scale, or
3. Holds itself out as providing specialized care for persons with dementia, such as Alzheimer's disease, in a dedicated setting.

*“Maximal assistance with activities of daily living”* means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

*“Medically unstable”* means that a participant has a condition or conditions:

1. Indicating physiological frailty as determined by the program's staff in consultation with a physician or physician extender;
2. Resulting in three or more significant hospitalizations within a consecutive three-month period for more than observation; and
3. Requiring frequent supervision of the participant for more than 21 days by a registered nurse.

For example, a participant who has a condition such as congestive heart failure that results in three or more significant hospitalizations during a quarter and that requires that the participant receive frequent supervision may be considered medically unstable.

*“Unmanageable incontinence”* means a condition that requires staff provision of total care for an incontinent participant who lacks the ability to assist in bladder or bowel continence care.

“*Visiting day(s)*” means up to 16 hours in a two-day period during which a person may visit a program prior to admission for the purpose of assessing eligibility for the program and personal satisfaction.

**481—70.2(231D) Program certification.** A program may obtain certification by meeting all applicable requirements or being voluntarily accredited by a recognized accreditation entity.

**70.2(1) Posting requirements.** A program’s current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report, and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

**70.2(2) Dementia-specific programs.** If a program meets the definition of a dementia-specific adult day services program during two sequential certification monitorings, the program shall meet all requirements for a dementia-specific program, including the requirements set forth in rule 481—70.30(231D) and in subrule 70.32(2).

**481—70.3(231D) Certification of a nonaccredited program—application process.**

**70.3(1)** The applicant shall complete an application packet obtained from the department health facilities division website at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov); by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

**70.3(2)** The applicant shall submit one copy of the completed application and all supporting documentation to the department at the above address at least 90 calendar days prior to the expected date of beginning operation.

**481—70.4(231D) Nonaccredited program—application content.** An application for certification or recertification of a nonaccredited program shall include the following:

**70.4(1)** The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

- a. The real estate owner or lessor;
- b. The lessee;
- c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

**70.4(2)** A statement disclosing whether the individuals listed in subrule 70.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

**70.4(3)** A statement disclosing whether any of the individuals listed in subrule 70.4(1) fall under the provisions in Iowa Code section 231D.5, including for a licensed health care facility as defined in Iowa Code section 135C.1 or a licensed hospital as defined in Iowa Code section 135B.1.

**70.4(4)** The contractual agreement and all attachments.

**70.4(5)** If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity’s current license or certification.

**70.4(6)** A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

**70.4(7)** The fee set forth in Iowa Code section 231D.4.

**481—70.5(231D) Initial certification process for a nonaccredited program.**

**70.5(1)** Upon receipt of all completed documentation, including building code and fire safety bureau approval and structural and evacuation review approval, the department will determine whether the proposed program meets applicable requirements.

**70.5(2)** If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept participants.

**70.5(3)** Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program's compliance with applicable requirements.

**70.5(4)** If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

**70.5(5)** The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

**70.5(6)** The department will notify the program of a final certification decision within ten working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

**70.5(7)** If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

**481—70.6(231D) Expiration of the certification of a nonaccredited program.** Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

**481—70.7(231D) Recertification process for a nonaccredited program.** To obtain recertification, a program shall:

**70.7(1)** Submit one copy of the completed application, associated documentation, and the recertification fee as listed in Iowa Code section 231D.4 to the department at the address stated in subrule 70.3(1) at least 30 calendar days prior to the expiration of the program's certification.

**70.7(2)** Submit additional documentation that each of the following has been inspected by a qualified professional and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system; and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

**481—70.8(231D) Notification of recertification for a nonaccredited program.**

**70.8(1)** The department will review the application, associated documentation and fees. After all finalized documentation is received, including building code and fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

**70.8(2)** If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

**481—70.9(231D) Certification or recertification of an accredited program—application process.**

An applicant for certification or recertification of a program accredited by a recognized accrediting entity shall:

**70.9(1)** Submit a completed application packet obtained from the department health facilities division website at [dia-hfd.iowa.gov](http://dia-hfd.iowa.gov); by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

**70.9(2)** Submit a copy of the current accreditation outcome from the recognized accrediting entity.

**70.9(3)** Maintain compliance with the requirements of the building code and fire safety bureau of the department pursuant to this chapter.

**70.9(4)** Submit the appropriate fees as set forth in Iowa Code section 231D.4.

**481—70.10(231D) Certification or recertification of an accredited program—application content.**

An application for certification or recertification of an accredited program shall comply with rule 481—70.4(231D) and include a copy of the current accreditation outcome from the recognized accrediting entity.

**481—70.11(231D) Initial certification process for an accredited program.**

**70.11(1)** Within 20 working days of receiving all finalized documentation, including building code and fire safety bureau approval, the department will notify the accredited program whether the accredited program meets applicable requirements and whether certification will be issued.

**70.11(2)** If the decision is to certify, a certification will be issued for the term of the accreditation not to exceed three years, unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

**70.11(3)** If the decision is to deny certification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.13(17A,231B,231C,231D).

**481—70.12(231D) Recertification process for an accredited program.**

**70.12(1)** To obtain recertification, an accredited program shall comply with rule 481—70.9(231D) at least 30 calendar days prior to the expiration of the program's certification.

**70.12(2)** If the facility is in good standing, a full certification shall be issued for the term of the accreditation not to exceed three years, unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity. If the decision is to deny recertification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.14(17A,231B,231C,231D).

**481—70.13(231D) Listing of all certified programs.** The department will maintain a list of all certified programs, which is available online at [dia-hfd.iowa.gov/DIA\\_HFD/Home.do](http://dia-hfd.iowa.gov/DIA_HFD/Home.do).

**481—70.14(231D) Recognized accrediting entity.**

**70.14(1)** The department designates CARF as a recognized accrediting entity for programs.

**70.14(2)** To apply for designation by the department as a recognized accrediting entity for programs, an accrediting entity shall submit a letter of request and its standards shall meet the applicable requirements for programs.

**70.14(3)** The designation will remain in effect for as long as the accreditation standards meet the applicable requirements for programs.

**70.14(4)** An accrediting entity shall provide annually to the department, at no cost, a current edition of the applicable standards manual and survey preparation guide, and training thereon, within 120 working days after the publications are released.

**481—70.15(231D) Requirements for an accredited program.** Each accredited program that is certified by the department shall:

**70.15(1)** Provide the department a copy of all survey reports including outcomes, quality improvement plans and annual conformance to quality reports generated or received, as applicable, within ten working days of receipt of the reports.

**70.15(2)** Notify the department by the most expeditious means possible of all credible reports of alleged improper or inappropriate conduct or conditions within the program and any actions taken by the accrediting entity with respect thereto.

**70.15(3)** Notify the department immediately of the expiration, suspension, revocation or other loss of the program's accreditation.

**481—70.16(231D) Maintenance of program accreditation.**

**70.16(1)** An accredited program will continue to be recognized for certification by the department if both of the following requirements are met:

*a.* The program complies with the requirements outlined in rule 481—70.15(231D).

*b.* The program maintains its voluntary accreditation status for the duration of the time-limited certification period.

**70.16(2)** A program that does not maintain its voluntary accreditation status must become certified by the department prior to any lapse in accreditation or cease operation as a program.

**481—70.17(231D) Change of ownership—notification to the department.**

**70.17(1)** Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

**70.17(2)** In order to transfer certification, the applicant must:

- a. Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231D and 481—Chapter 67 and this chapter;
- b. At least 30 days prior to the change of ownership of the program, provide application and supporting documentation to the department.

**70.17(3)** The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

**481—70.18(231D) Plan reviews of a building for a new program.**

**70.18(1)** Before a building is constructed or remodeled for use in a new program, the state building code bureau shall review the blueprints for compliance with requirements pursuant to this chapter. Construction or remodeling includes new construction, remodeling of any part of an existing building, addition of a new wing or floor to an existing building, or conversion of an existing building.

**70.18(2)** A program applicant shall submit construction documents to the building code bureau's online portal at [dial.iowa.gov/licenses/building/plan-review](http://dial.iowa.gov/licenses/building/plan-review).

**70.18(3)** The plan review fee must be paid before construction documents are uploaded to the project folder.

**70.18(4)** The building code bureau will notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

**70.18(5)** The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau regarding how any noncompliance will be resolved.

**70.18(6)** Upon final notification by the building code bureau that the construction documents meet requirements, construction or remodeling of the building may commence.

**70.18(7)** The building code and fire safety bureaus will schedule an on-site visit of the building site with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the construction or remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for certification.

**481—70.19(231D) Plan review prior to the remodeling of a building for a certified program.**

**70.19(1)** Before a building for a certified program is remodeled as defined in subrule 70.18(1), the building code bureau shall review the construction documents for compliance with requirements set forth in rule 481—70.35(231D).

**70.19(2)** A certified program shall submit construction documents to the building code bureau's online portal at [dial.iowa.gov/licenses/building/plan-review](http://dial.iowa.gov/licenses/building/plan-review).

**70.19(3)** The documents won't be reviewed until the fee is received.

**70.19(4)** The building code bureau will review the documents within 35 working days of receipt and notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

**70.19(5)** The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau in 20 working days to state how any noncompliance will be resolved.

**70.19(6)** Upon final notification by the building code bureau that the construction documents meet structural and life safety requirements, remodeling of the building may commence.

**70.19(7)** The building code and fire safety bureaus will schedule an on-site visit of the building with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for continued certification or recertification of the program.

**481—70.20(231D) Cessation of program operation that includes seeking decertification.**

**70.20(1)** The program shall provide, at least 90 days in advance of cessation, unless there is some type of emergency, written notification to the department of the date on which the program will cease operation.

**70.20(2)** At the time a program decides to cease operation, the program shall submit a plan to the department and make arrangements for the safe and orderly discharge or transition of all participants within the 90-day period specified by subrule 70.20(1).

**70.20(3)** The department may conduct a monitoring during the 90-day period to ensure the safety of participants during the discharge process or transition process.

**481—70.21(231D) Contractual agreement.**

**70.21(1)** The contractual agreement shall be in 12-point type or larger, written in plain language using commonly understood terms and easy for the participant or the participant's legal representative to understand.

**70.21(2)** In addition to the requirements of Iowa Code section 231D.17, the written contractual agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

- a. The telephone number for filing a complaint with the department.
- b. The telephone number for reporting dependent adult abuse.
- c. A copy of the program's statement on participants' rights.
- d. A statement that the program will notify the participant at least 90 days in advance of any planned program cessation, except in cases of emergency.
- e. A copy of the program's admission criteria.

**70.21(3)** The contractual agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

**70.21(4)** A copy of the contractual agreement shall be provided to the participant or the participant's legal representative, if any, and a copy shall be kept by the program.

**70.21(5)** A copy of the most current contractual agreement shall be made available to the general public upon request.

**481—70.22(231D) Evaluation of participant.**

**70.22(1)** *Evaluation prior to participation.* A program shall evaluate each prospective participant's functional, cognitive and health status prior to the participant's signing the contractual agreement and participating in the program, with the exception of visiting day(s), to determine the participant's eligibility for the program, including whether the services needed are available. The cognitive evaluation shall be appropriate to the population served. When the cognitive evaluation indicates moderate cognitive decline and risk, the Global Deterioration Scale shall be used at all subsequent intervals, if applicable. If the participant subsequently returns to the participant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, human service professional, or licensed practical nurse via nurse delegation.

**70.22(2)** *Evaluation within 30 days of participation and with significant change.* A program shall evaluate each participant's functional, cognitive and health status within 30 days of the participant's beginning participation in the program. A program shall evaluate each participant's functional, cognitive and health status as needed with significant change, but not less than annually, to determine the participant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, human service professional, or licensed practical nurse via nurse delegation.

**70.22(3)** *Requirements for visiting day(s).* Evaluation of the participant is not required during visiting day(s), but the program shall provide the participant or the participant's legal representative with a written explanation of the expectations for the visiting day(s).

**481—70.23(231D) Criteria for admission and retention of participants.**

**70.23(1)** *Persons who may not be admitted or retained.* Criteria are set forth in Iowa Code section 231D.19.

**70.23(2)** *Disclosure of additional participation and discharge criteria.* A program may have additional participation or discharge criteria if the criteria are disclosed in the written contractual agreement prior to the participant's participation in the program.

**70.23(3)** *Assistance with discharge from the program.* A program shall assist a participant and the participant's legal representative, if applicable, to ensure a safe and orderly discharge from the program when the participant exceeds the program's criteria for admission and retention.

**481—70.24(231D) Involuntary discharge from the program.**

**70.24(1)** *Program initiation of discharge.* If a program initiates the involuntary discharge of a participant and the action is not the result of a monitoring, including a complaint investigation or program-reported incident investigation, by the department and if the participant or participant's legal representative contests the discharge, the procedures in Iowa Code section 231D.18 shall apply.

**70.24(2)** *Discharge pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more participants are identified as exceeding the admission and retention criteria for participants and need to be discharged as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply.

*a. Notification of the program.* Within 20 working days of the monitoring or complaint or program-reported incident investigation, the department will notify the program, in writing, of the identification of any participant who exceeds admission and retention criteria.

*b. Notification of others.* Each identified participant, the participant's legal representative, if applicable, and other providers of services to the participant will be notified of their opportunity to provide responses within ten days of receipt of the notice, including specific input, written comment, information, and documentation directly addressing any agreement or disagreement with the identification.

*c. Program agreement with the department's finding.* If the program agrees with the department's finding and the program begins involuntary discharge proceedings, the program's internal appeal process in subrule 70.24(1) shall be utilized for appeals.

*d. Program disagreement with the department's finding.* If the program does not agree with the department's finding that the participant exceeds admission and retention criteria, the program may collect and submit all responses to the department, including those from other interested parties, within ten working days of receipt of the notice. In the program's response, the program will identify the participant, list the known responses from others, and note the program's agreement or disagreement with the responses from others. Submission of a response does not eliminate the applicable requirements, including submission of a plan of correction under 481—subrule 67.13(3). Other persons may also submit information directly to the department.

(1) Consideration of response. Within ten working days of receipt of the program's response for each identified participant, the department will consider the response and make a final finding regarding the continued retention of a participant.

(2) Amending the regulatory insufficiency. If the department's determination is to amend the regulatory insufficiency based on the response, the department will modify the report of findings.

(3) Retaining regulatory insufficiency. If the department retains the regulatory insufficiency, the department will review the plan of correction in accordance with this chapter and 481—Chapter 67. The department will notify the program of the opportunity to appeal the report findings as they relate to the admission and retention decision.

(4) Effect of the filing of an appeal. If an appeal is filed, the participant who exceeds admission and retention criteria will be allowed to continue to participate in the program until all administrative appeals have been exhausted. Appeals filed that relate to the participant's exceeding admission and retention

criteria will be heard within 30 days of receipt, and appropriate services to meet the participant's needs will be provided during that period of time.

(5) Request for waiver of criteria for retention of a participant in a program. To allow a participant to continue to participate in the program, the program may request a waiver of criteria for retention of a participant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

**481—70.25(231D) Participant documents.**

**70.25(1)** Documentation for each participant shall be maintained by the program and include:

*a.* A participation record including the participant's name, birth date, and home address; identification numbers; date of beginning participation; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;

*b.* Application forms;

*c.* The initial evaluations and updates;

*d.* A nutritional assessment as necessary;

*e.* The initial individual service plan and updates;

*f.* Signed authorizations for permission to release medical information, photographs, or other media information as necessary;

*g.* A signed authorization for the participant to receive emergency medical care as necessary;

*h.* A signed managed risk policy and signed managed risk consensus agreements, if any;

*i.* When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;

*j.* Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2) "d";

*k.* Advance health care directives as applicable;

*l.* A complete copy of the participant's contractual agreement, including any updates;

*m.* A written acknowledgment that the participant or the participant's legal representative, if applicable, has been fully informed of the participant's rights;

*n.* A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;

*o.* Incident reports involving the participant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the participant's medical record);

*p.* A copy of waivers of admission or retention criteria, if any;

*q.* When the participant is unable to advocate on the participant's own behalf or the participant has multiple service providers, including hospice care providers, accurate documentation of the completion of routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);

*r.* Authorizations for the release of information, if any.

**70.25(2)** The program records relating to a participant shall be retained for a minimum of three years after termination of service.

**70.25(3)** All records shall be protected from loss, damage and unauthorized use.

**481—70.26(231D) Service plans.**

**70.26(1)** A service plan shall be developed for each participant based on the evaluations conducted in accordance with rule 481—70.22(231D) and designed to meet the specific service needs of the individual participant.

**70.26(2)** Prior to the participant's signing the contractual agreement and participating in the program, a preliminary service plan shall be developed by a health care professional or human service professional in consultation with the participant and, at the participant's request, with other individuals

identified by the participant, and, if applicable, with the participant's legal representative. All persons who develop the plan and the participant or the participant's legal representative shall sign the plan.

**70.26(3)** When a participant needs personal care or health-related care, the service plan shall be updated within 30 days of the participant's participation and as needed with significant change, but not less than annually. The updated service plan shall be signed and dated by all parties.

*a.* If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

*b.* If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained.

**70.26(4)** The service plan shall be individualized and indicate:

*a.* The participant's identified needs and preferences for assistance;

*b.* Any services and care to be provided pursuant to the contractual agreement;

*c.* The service provider(s), if other than the program;

*d.* For participants who are unable to plan their own activities, including participants with dementia, planned and spontaneous activities based on the participant's abilities and personal interests.

**481—70.27(231D) Nurse review.** If a participant does not receive personal or health-related care, but an observed significant change in the participant's condition occurs, a nurse review shall be conducted. If a participant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

**70.27(1)** To monitor, at least every 90 days, or after a significant change in the participant's condition, any participant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

**70.27(2)** To ensure that health care professionals' orders are current for participants who receive health care professional-directed care from the program;

**70.27(3)** To assess and document the health status of each participant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the participant's health status;

**70.27(4)** To provide the program with written documentation of the activities under the service plan, as set forth in rule 481—70.26(231D), showing the time, date and signature.

**481—70.28(231D) Food service.**

**70.28(1)** The program shall provide or coordinate with other community providers to provide a hot or other appropriate meal(s) at least once a day or arrange for the availability of meals, unless otherwise noted in the contractual agreement.

**70.28(2)** Meals and snacks provided by the program but not prepared on site shall be obtained from or provided by an entity that meets the standards of state and local health laws and ordinances concerning the preparation and serving of food.

**70.28(3)** Menus shall be planned to provide the following percentage of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences based on the number of meals provided by the program:

*a.* A minimum of 33 $\frac{1}{3}$  percent if the program provides one meal per day;

*b.* A minimum of 66 $\frac{2}{3}$  percent if the program provides two meals per day; and

*c.* One hundred percent if the program provides three meals per day.

**70.28(4)** Therapeutic diets may be provided by a program. If therapeutic diets are provided, they shall be prescribed by a physician, physician assistant, or advanced registered nurse practitioner, or ordered by a licensed dietitian authorized by a qualified medical provider. A therapeutic diet provides food, fluids, or nutrients by oral, enteral, or parenteral routes and is used in the treatment of a disease or clinical condition to modify, eliminate, decrease, or increase specific macro- or micronutrients, or

to provide mechanically altered food when medically indicated. A copy of the Iowa Simplified Diet Manual, Thirteenth Edition, published by the Iowa Academy of Nutrition and Dietetics shall be available and used in the planning and serving of therapeutic diets. A licensed dietitian shall be responsible for writing and approving the therapeutic menu and for reviewing procedures for food preparation and service for therapeutic diets.

**70.28(5)** Personnel who are employed by or contract with the program and who are responsible for food preparation or service, or both food preparation and service, shall have an orientation on sanitation and safe food handling prior to handling food and shall have annual in-service training on food protection.

*a.* In addition to the requirements above, a minimum of one person directly responsible for food preparation shall have successfully completed a state-approved food protection program by:

- (1) Obtaining certification as a dietary manager; or
- (2) Obtaining certification as a food protection professional; or
- (3) Successfully completing an ANSI-accredited certified food protection manager program meeting the requirements for a food protection program included in the Food Code adopted pursuant to Iowa Code chapter 137F. Another program may be substituted if the program's curriculum includes substantially similar competencies to a program that meets the requirements of the Food Code and the provider of the program files with the department a statement indicating that the program provides substantially similar instruction as it relates to sanitation and safe food handling.

*b.* If the person is in the process of completing a course or certification listed in paragraph 70.28(5) "a," the requirement relating to completion of a state-approved food protection program will be considered to have been met.

**70.28(6)** Programs engaged in the preparation and service of meals and snacks shall meet the standards of state and local health laws and ordinances pertaining to the preparation and service of food and be licensed pursuant to Iowa Code chapter 137F. The department will not require the program to be licensed as a food establishment if the program limits food activities to the following:

*a.* All main meals and planned menu items will be prepared offsite and transferred to the program kitchen for service to participants.

*b.* Baked goods that do not require temperature control for safety and single-service juice or milk may be stored in the program's kitchen and provided as part of a continental breakfast.

*c.* Ingredients used for food-related activities with participants may be stored in the program's kitchen. Participant activities may include the preparation and cooking of food items in the program's kitchen if the activity occurs on an irregular or sporadic basis and the items prepared are not part of the program's menu.

*d.* Appropriately trained staff may prepare in the program's kitchen individual quantities of participant-requested menu-substitution food items that require limited or no preparation, such as peanut butter or cheese sandwiches or a single-service can of soup. The food items necessary to prepare the menu substitution may be stored in the program's kitchen. These food items may not be cooked in the program's kitchen but may be reheated in a microwave. A two- or four-slice toaster may be used for participant-requested menu-substitution items, but no bare-hand contact.

*e.* Warewashing may be done in the program's kitchen as long as the program utilizes a commercial dishwasher and documents daily testing of sanitizer chemical ppm and proper water temperatures. Verification by the department of these practices may be conducted during on-site visits.

**481—70.29(231D) Staffing.** In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs.

**70.29(1)** No fewer than two staff persons who monitor participants will be awake and on duty during all hours of operation when two or more participants are participating in the program.

**70.29(2)** The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and target population.

**70.29(3)** A program that serves one or more participants with cognitive disorders or dementia will follow written procedures that address how the program will respond to the emergency needs of the participants.

**70.29(4)** The program will notify the department in writing within ten business days of a change in the program's manager.

**481—70.30(231D) Dementia-specific education for program personnel.**

**70.30(1)** All personnel employed by or contracting with a dementia-specific program shall receive a minimum of eight hours of dementia-specific education and training within 30 days of either employment or the beginning date of the contract, as applicable.

**70.30(2)** The dementia-specific education or training shall include the following:

- a. An explanation of Alzheimer's disease and related disorders;
- b. The program's specialized dementia care philosophy and program;
- c. Skills for communicating with persons with dementia;
- d. Skills for communicating with family and friends of persons with dementia;
- e. An explanation of family issues such as role reversal, grief and loss, guilt, relinquishing the care-giving role, and family dynamics;
- f. The importance of planned and spontaneous activities;
- g. Skills in assistance with instrumental activities of daily living;
- h. The importance of the service plan and social history information;
- i. Skills in working with challenging participants;
- j. Techniques for simplifying, cueing, and redirecting;
- k. Staff support and stress reduction;
- l. Medication management and nonpharmacological interventions.

**70.30(3)** All personnel employed by or contracting with a dementia-specific program shall receive a minimum of two hours of dementia-specific continuing education annually. Direct-contact personnel shall receive a minimum of eight hours of dementia-specific continuing education annually.

**70.30(4)** An employee or contractor who provides documentation of completion of a dementia-specific education or training program within the past 12 months will be exempt from the education and training requirement of subrule 70.30(1).

**70.30(5)** Dementia-specific training will include hands-on training and include: classroom instruction, web-based training, and case studies of participants in the program.

**481—70.31(231D) Managed risk policy and managed risk consensus agreements.** The program shall have a managed risk policy that will be provided to the participant along with the contractual agreement and include:

**70.31(1)** An acknowledgment of the shared responsibility for identifying and meeting the needs of the participant and the process for managing risk and for upholding participant autonomy when participant decision making results in poor outcomes for the participant or others;

**70.31(2)** A consensus-based process to address specific risk situations. Program staff and the participant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the participant and the signatures of all others who participated in the process and be included in the participant's file.

**481—70.32(231D) Life safety—emergency policies and procedures and structural safety requirements.**

**70.32(1)** The program shall submit to the department and follow written emergency policies and procedures, including:

- a. An emergency plan, with procedures for natural disasters that is located for easy reference;
- b. Fire safety procedures;
- c. Other general or personal emergency procedures, including head injury protocols;
- d. Provisions for amending or revising the emergency plan;
- e. Provisions for periodic training of all employees;

- f.* Procedures for fire drills;
- g.* Regulations regarding smoking;
- h.* Monitoring and testing of smoke-control systems;
- i.* Participant evacuation procedures;
- j.* Procedures for reporting and documentation;
- k.* Extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

**70.32(2)** An operating alarm system shall be connected to each exit door in a dementia-specific program. A program serving a person(s) with cognitive disorder or dementia, whether in a general or dementia-specific setting, shall have written procedures regarding:

- a.* Alarm systems and appropriate staff response when a participant's service plan indicates a risk of elopement or a participant exhibits wandering behavior.
- b.* Appropriate staff response if a participant with cognitive disorder or dementia is missing.

The program shall obtain approval from the fire safety bureau before the installation of any specialized door locking systems.

**70.32(3)** The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for adult day services programs in administrative rules promulgated by the building code and fire safety bureaus. Approval of both bureaus indicating that the building complies with these requirements is necessary for certification of a program.

**70.32(4)** The program shall have the means to control the maximum temperature of water at sources accessible by a participant to prevent scalding and control the maximum water temperature for participants with cognitive impairment or dementia or at a participant's request.

**481—70.33(231D) Transportation.** When transportation services are provided directly or under contract with the program the following shall apply:

**70.33(1)** The vehicle will be accessible and appropriate to the participants who use it, with consideration for any physical disabilities and impairments.

**70.33(2)** Every participant transported will have a seat in the vehicle, except for a participant who remains in a wheelchair during transport.

**70.33(3)** Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

**70.33(4)** Wheelchairs will be secured when the vehicle is in motion.

**70.33(5)** During loading and unloading of a participant, the driver will be in the proximate area of the participants in a vehicle.

**70.33(6)** The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

**70.33(7)** Each vehicle will have a first-aid kit, fire extinguisher, safety triangles and a device for two-way communication.

**481—70.34(231D) Activities.**

**70.34(1)** The program shall provide appropriate activities for each participant reflecting individual differences in age, health status, sensory deficits, lifestyle, ethnic and cultural beliefs, religious beliefs, values, experiences, needs, interests, abilities and skills by providing opportunities for a variety of types and levels of involvement.

**70.34(2)** Activities shall be planned to support the participant's service plan and be consistent with the program statement and participation policies.

**70.34(3)** A written schedule of activities shall be developed at least monthly and made available to participants and their legal representatives.

**70.34(4)** Participants shall be given the opportunity to choose their levels of participation in all activities offered in the program.

**481—70.35(231D) Structural requirements.**

**70.35(1)** The structure, equipment and physical environment of the program will be designed and operated to meet the needs of the participants. The building, grounds and equipment will be well-maintained, clean, safe and sanitary.

**70.35(2)** There will be at least one toilet for every ten participants and staff members.

**70.35(3)** Toilets and bathing and toileting appliances will be equipped for use by participants with multiple disabilities.

**70.35(4)** There will be a ratio of at least one hand-washing sink for every two toilets. The sink(s) will be proximate to the toilets. Hand-washing facilities will be readily accessible to participants and staff.

**70.35(5)** Shower and tub areas, if provided, will be equipped with grab bars and slip-resistant surfaces.

**70.35(6)** Signaling emergency call devices will be installed or placed in all bathroom areas, restroom stalls and showers.

**70.35(7)** A telephone will be available to participants to make and receive calls in a private manner and for emergency purposes.

**70.35(8)** A storage area(s) will be provided for storage of program supplies and participants' possessions, which will be stored in such a manner that, when not in use, will prevent personal injury to participants and staff.

**70.35(9)** The program will provide a separate area to permit privacy for evaluations and to isolate participants who become ill.

**70.35(10)** The program will meet other building and public safety codes, including rules pertaining to accessibility contained in the state building code and provisions of the state building code relating to persons with disabilities.

**70.35(11)** The program will meet the requirements in subrule 70.32(4).

**481—70.36(231D) Identification of veteran's benefit eligibility.**

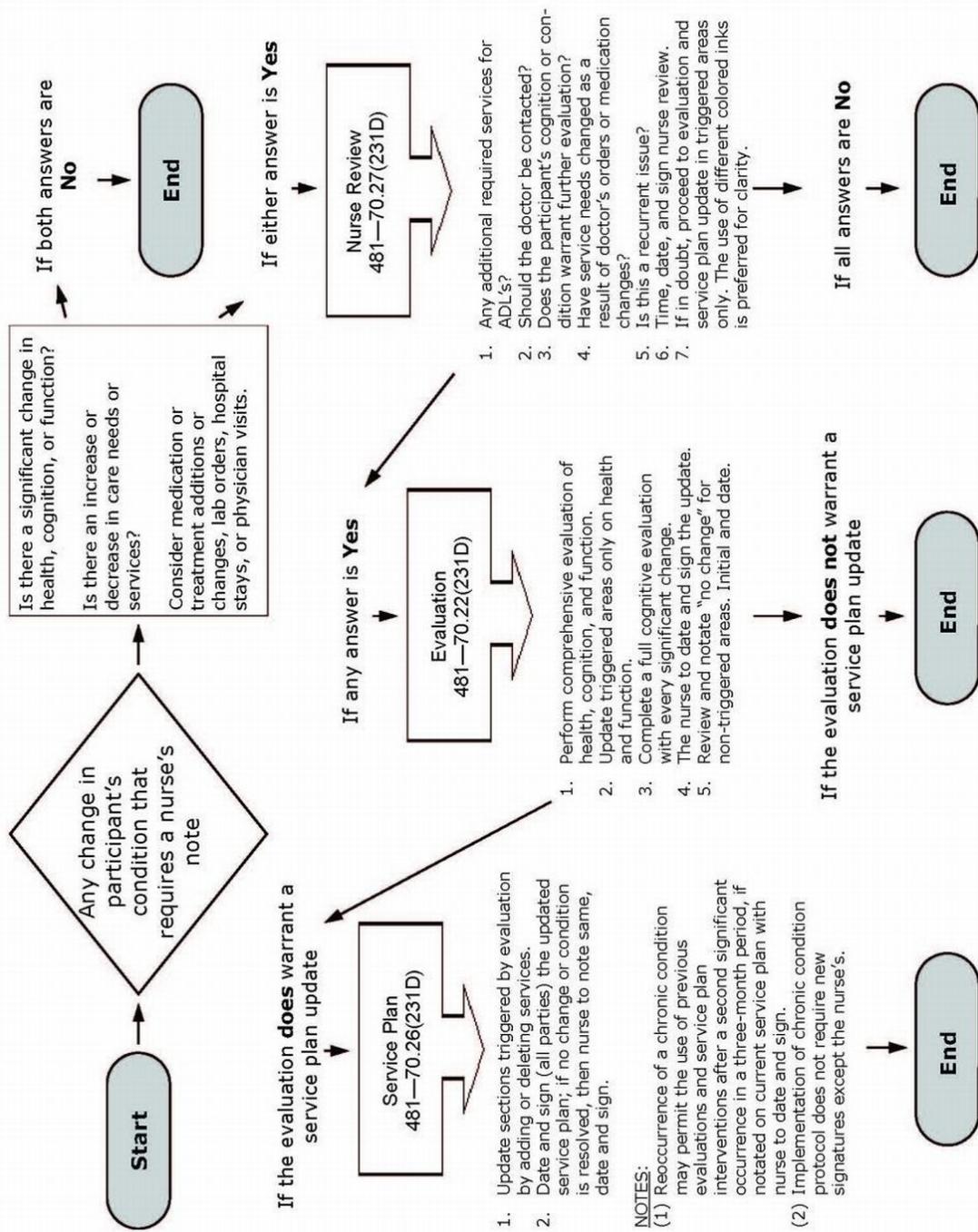
**70.36(1)** Within 30 days of a participant's participation in an adult day services program that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the participant or the participant's personal representative whether the participant is a veteran or whether the participant is the spouse, widow or dependent of a veteran and document the response.

**70.36(2)** If the participant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the participant's name along with the name of the veteran, if applicable, as well as the name of the contact person for this information, to the Iowa department of veterans affairs. The program may also report such information to the Iowa department of health and human services.

**70.36(3)** If a participant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

These rules are intended to implement Iowa Code chapter 231D.

Table A



[Filed 1/14/26, effective 3/11/26]

[Published 2/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.

**ARC 0067D****VOLUNTEER SERVICE, IOWA COMMISSION ON[817]****Adopted and Filed****Rulemaking related to sex and gender identity**

The Iowa Commission on Volunteer Service hereby amends Chapter 8, “Iowa Youth Mentoring Program Certification,” and Chapter 13, “Future Ready Iowa Volunteer Mentor Program,” Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in 2025 Iowa Acts, Senate File 418.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 418.

*Purpose and Summary*

The purpose of this rulemaking is to update language in agency [817] chapters to conform to changes made in 2025 Iowa Acts, Senate File 418.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 12, 2025, as **ARC 9661C**. Public hearings were held on the following date:

- December 2, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Department of Health and Human Services on January 6, 2026.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

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

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

*Review by Administrative Rules Review Committee*

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

*Effective Date*

This rulemaking will become effective on April 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend paragraph **8.4(4)“d”** as follows:

*d.* Suitability criteria that relate to the program’s statement of purpose and needs of the target population. Criteria may include some or all of the following: personality profile, skills identification, ~~gender~~ sex, age, language, racial requirements, level of education, career interests, motivation for volunteering, and academic standing.

ITEM 2. Amend paragraph **8.4(6)“c”** as follows:

*c.* Appropriate criteria for matches, including some or all of the following: ~~gender~~ sex, age, language requirements, availability, needs, interests, preferences of volunteer and participant, life experience, and temperament.

ITEM 3. Amend rule 817—13.3(15H) as follows:

**817—13.3(15H) Program standards, guidelines, and expectations.** The commission will maintain on its website standards, guidelines, and expectations for a productive and appropriate relationship between volunteer mentors and student mentees. Standards, guidelines, and expectations are aimed at helping students meet the last-dollar scholarship or grant program requirements, identify work-based learning opportunities, and make career-related connections that are advantageous to participants in the program through a healthy mentor-mentee relationship. Failure to adhere to the program standards may result in ineligibility to participate in the program. To the extent possible, volunteer mentors and student mentees will be matched based on ~~gender~~ sex, career aspirations, geography and mentor-to-mentee ratio.

[Filed 1/15/26, effective 4/1/26]

[Published 2/4/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/4/26.