



IOWA ADMINISTRATIVE BULLETIN

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March 5, 2025

NUMBER 18
Pages 9601 to 9773

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PREFACE

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

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

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

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

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CITATION of Administrative Rules

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

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

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

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

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

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

Schedule for Rulemaking—2025

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

PLEASE NOTE:

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

If the filing deadline falls on a legal holiday, submissions made on the following 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.**

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

COLLEGE STUDENT AID COMMISSION[283]

Iowa national guard service scholarship program; Iowa national guard master's degree scholarship program, adopt ch 20; rescind ch 29
IAB 2/19/25
Regulatory Analysis

State Board Room
Grimes State Office Building
Des Moines, Iowa

March 26, 2025
4 p.m.

Teach Iowa scholar program, ch 28; Iowa national guard student loan repayment program, rescind ch 30
IAB 2/19/25
Regulatory Analyses

Room B50
Grimes State Office Building
Des Moines, Iowa

March 11, 2025
4 p.m.

ECONOMIC DEVELOPMENT AUTHORITY[261]

Variance procedures for tax increment financing (TIF) housing projects, ch 26
IAB 2/19/25 **ARC 8925C**

1963 Bell Avenue
Des Moines, Iowa
Registration information for online participation may be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

March 11, 2025
10 to 10:15 a.m.
March 13, 2025
1 to 1:15 p.m.

Rural housing needs assessment grant program, ch 28; rural innovation grant program, ch 29; empower rural Iowa program, ch 30
IAB 2/19/25 **ARCs 8927C through 8929C**

1963 Bell Avenue
Des Moines, Iowa
Registration information for online participation may be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

March 11, 2025
10:15 to 10:30 a.m.
March 13, 2025
1:15 to 1:30 p.m.

Regional sports authority districts, ch 38
IAB 2/19/25 **ARC 8926C**

1963 Bell Avenue
Des Moines, Iowa
Registration information for online participation may be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

March 11, 2025
10:30 to 10:45 a.m.
March 13, 2025
1:30 to 1:45 p.m.

Iowa tourism grant program, ch 42
IAB 2/19/25 **ARC 8930C**

1963 Bell Avenue
Des Moines, Iowa
Registration information for online participation may be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

March 11, 2025
10:45 to 11 a.m.
March 13, 2025
1:45 to 2 p.m.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Administration, ch 1
IAB 3/5/25 **ARC 9001C**

6200 Park Avenue
Des Moines, Iowa

March 25, 2025
10:30 to 11 a.m.
March 26, 2025
10 to 10:30 a.m.

Uniform waiver standards, ch 6
IAB 3/5/25
Regulatory Analysis

6200 Park Avenue, Suite 100
Des Moines, Iowa

March 25, 2025
10:30 a.m.

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

| | | |
|---|--|--|
| Dependent adult abuse in facilities and programs, ch 52 IAB 2/19/25 ARC 8905C | 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 25, 2025 10 to 10:30 a.m. March 26, 2025 10 to 10:30 a.m. |
| Bingo, ch 103 IAB 2/19/25 ARC 8849C | Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 11, 2025 10:30 to 11 a.m. March 13, 2025 8:30 to 9 a.m. |
| Continuing ed. for podiatrists, orthotists, prosthetists, and pedorthists, 702.2(1), 705.2(4) IAB 2/19/25 ARCs 8874C, 8881C | Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 11, 2025 9:30 to 10 a.m. |
| Speech pathologists and audiologists— hearing aid dispensing, continuing ed., 741.2, 742.2 IAB 2/19/25 ARCs 8950C, 8952C | 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 11, 2025 2 to 2:20 p.m. |
| Continuing ed. for optometrists, 761.2(1) IAB 2/19/25 ARC 8951C | 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 11, 2025 11 to 11:20 a.m. |
| Licensure of physician assistants, ch 780 IAB 3/5/25 Regulatory Analysis | 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 25, 2025 8:30 a.m. |
| Continuing ed. for physician assistants, 782.2(1) IAB 2/19/25 ARC 8957C | Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa Via videoconference call: us02web.zoom.us/j/84473453569?pwd=o1mwNiyCBmaIvM2fVrechzJsIHAAVp.1 | March 11, 2025 12 noon to 12:30 p.m. |
| Continuing ed. for physical therapists and physical therapist assistants, 803.2(3) IAB 2/19/25 ARC 8862C | Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa Via videoconference call: us02web.zoom.us/j/83307206230?pwd=ApbCK3Sky3WTlJNQguXKxEEia8mtur.1 Meeting ID: 833 0720 6230 | March 11, 2025 12:30 to 1 p.m. |
| Continuing ed. for occupational therapists and occupational therapy assistants, 805.2(3) IAB 2/19/25 ARC 8863C | Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa Via videoconference call: us02web.zoom.us/j/87844989258?pwd=T0t816lCbRMPnoFTiWnIwehUdYA3jA.1 Meeting ID: 878 4498 9258 | March 11, 2025 1 to 1:30 p.m. |

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

| | | |
|--|---|---|
| Continuing ed. for chiropractic physicians, 844.2(4) IAB 2/19/25 ARC 8956C | 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 11, 2025 11:30 a.m. to 12 noon |
| Behavioral health professionals licensing; continuing ed.—marital and family therapists, mental health counselors, social workers, psychologists; discipline—marital and family therapists, mental health counselors, behavior analysts, psychologists, social workers; prescribing psychologists, practice—social workers, psychologists, marriage and family therapists, mental health counselors, adopt chs 880 to 884; rescind chs 885 to 889, 891 to 893, 895 to 898 IAB 2/19/25 ARCs 8875C, 8876C, 8877C, 8878C, 8880C | Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 11, 2025 9 to 9:30 a.m. |
| Sign language interpreters and transliterators—continuing ed., employer licensure, 962.2; ch 965 IAB 2/19/25 ARCs 8954C, 8955C | 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 11, 2025 2:40 to 3 p.m. |
| Nursing home administrators—provisional license or appointment; continuing ed. for nursing home administration, 980.5, 981.2(1) IAB 2/19/25 ARCs 8948C, 8949C | 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 11, 2025 2:20 to 2:40 p.m. |
| Hearing aid specialists—licensure, continuing ed., ch 2060, 2061.2(1) IAB 3/5/25 ARCs 8975C, 8977C | 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 25, 2025 9 to 9:20 a.m. |
| Discipline for marital and family therapists, mental health counselors, behavior analysts, psychologists, and social workers, adopt ch 882; rescind chs 887, 893, 898 IAB 2/19/25 ARC 8875C | 6200 Park Avenue, Suite 100 Des Moines, Iowa | March 11, 2025 9 to 9:30 a.m. |
| IOWA FINANCE AUTHORITY[265] | | |
| Contested cases, ch 7 IAB 2/19/25 Regulatory Analysis | 1963 Bell Avenue Des Moines, Iowa Registration information: opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review | March 11, 2025 11:15 to 11:30 a.m. |
| Purchasing, ch 15 IAB 2/19/25 Regulatory Analysis | 1963 Bell Avenue Des Moines, Iowa Registration information: opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review | March 11, 2025 11:30 to 11:45 a.m. |

IOWA FINANCE AUTHORITY[265](cont'd)

Petition for declaratory order, ch 16
IAB 2/19/25 **ARC 8904C**

1963 Bell Avenue
Des Moines, Iowa
Registration information: [opportunityiowa.gov/
about/iowa-finance-authority/ifa-red-tape-review](https://opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review)

March 11, 2025
11 to 11:15 a.m.

March 13, 2025
2 to 2:15 p.m.

Shelter assistance fund, ch 41
IAB 2/19/25
Regulatory Analysis

1963 Bell Avenue
Des Moines, Iowa
Registration information: [opportunityiowa.gov/
about/iowa-finance-authority/ifa-red-tape-review](https://opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review)

March 11, 2025
11:45 a.m. to 12 noon

Emergency solutions grant program, ch 42
IAB 2/19/25
Regulatory Analysis

1963 Bell Avenue
Des Moines, Iowa
Registration information for online participation may be found at [opportunityiowa.gov/about/
iowa-finance-authority/ifa-red-tape-review](https://opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review)

March 11, 2025
12 noon to 12:15 p.m.

LABOR SERVICES DIVISION[875]

Federal occupational safety and health standards—civil penalties, 3.11(1)
IAB 2/19/25
Regulatory Analysis

Lake Conference Room
6200 Park Avenue, Suite 100
Des Moines, Iowa

March 11, 2025
9 to 9:15 a.m.

Federal occupational safety and health standards for personal protective equipment in construction—adoption by reference, 26.1
IAB 3/5/25 **ARC 8980C**

Lake Conference Room
6200 Park Avenue, Suite 100
Des Moines, Iowa

April 1, 2025
9 to 9:15 a.m.
April 2, 2025
2 to 2:15 p.m.

PUBLIC SAFETY DEPARTMENT[661]

Flammable or combustible liquids; aboveground flammable or combustible liquid storage tanks, adopt ch 221; rescind ch 224
IAB 3/5/25 **ARC 8976C**

Ledges Conference Room
6200 Park Avenue, Suite 100
Des Moines, Iowa

March 25, 2025
1 p.m.
March 26, 2025
11 a.m.

REAL ESTATE COMMISSION[193E]

Definitions; continuing ed.—broker, salesperson; offices and management; brokerage agreements—closing a real estate business, disclosure of relationships, prelicense and continuing ed., civil penalty; compensation negotiation; advertising; unlawful practices; wholesaling of residential property, 2.1, 3.4, 4.4, ch 7, 8.1(3), 10.1, 11.1 to 11.56, 12.2 to 12.4, 12.5(4)“b,” 12.6, 12.7(1), ch 16, 18.14(5), 21.2, ch 22
IAB 2/19/25 **ARC 8850C** through **ARC 8859C**

6200 Park Avenue, Suite 100
Des Moines, Iowa
Via videoconference call:
meet.google.com/zqb-qnex-nyz
Or dial: 510.766.1166
PIN: 607867062

March 11, 2025
1:30 to 2 p.m.

REVENUE DEPARTMENT[701]

Inheritance tax; Iowa estate tax;
generation skipping transfer tax, adopt
ch 900; rescind chs 901, 902
IAB 2/19/25

Regulatory Analysis

Via videoconference call
meet.google.com/scy-rkwg-fup

March 12, 2025
2 to 3 p.m.

TRANSPORTATION DEPARTMENT[761]

Application for license, ch 601
IAB 2/19/25

Regulatory Analysis

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 639 996 349

March 13, 2025
1 to 1:30 p.m.

Classes of driver's licenses, ch 602
IAB 2/19/25

Regulatory Analysis

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 750 530 221

March 14, 2025
1 to 1:30 p.m.

Commercial driver licensing, ch 607
IAB 2/19/25

Regulatory Analysis

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 909 649 929

March 14, 2025
2 to 2:30 p.m.

Driver's licenses for undercover law
enforcement officers, ch 625
IAB 2/19/25

Regulatory Analysis

[Microsoft Teams link](#)
Or dial: 515.817.6093
Conference ID: 940 294 593

March 14, 2025
3 to 3:30 p.m.

UTILITIES COMMISSION[199]

Intrastate gas pipelines and underground
gas storage, ch 10
IAB 2/19/25 **ARC 8866C**

Commission Hearing Room
1375 East Court Avenue
Des Moines, Iowa
Also [via Zoom](#)

March 17, 2025
2 to 4 p.m.

Commission Hearing Room
1375 East Court Avenue
Des Moines, Iowa
Also [via Zoom](#)

March 31, 2025
2 to 4 p.m.

Cogeneration and small power
production, ch 15
IAB 1/22/25 **ARC 8797C**

Commission Hearing Room
1375 East Court Avenue
Des Moines, Iowa
Also [via Zoom](#)

March 18, 2025
2 to 4 p.m.

Accounting, ch 16
IAB 2/19/25 **ARC 8931C**

Commission Hearing Room
1375 East Court Avenue
Des Moines, Iowa
Also [via Zoom](#)

April 1, 2025
9 to 11 a.m.

Commission Hearing Room
1375 East Court Avenue
Des Moines, Iowa
Also [via Zoom](#)

April 14, 2025
9 to 11 a.m.

UTILITIES COMMISSION[199](cont'd)

| | | |
|--|--|------------------------------------|
| Service supplied by rate-regulated electric utilities, ch 20 IAB 2/19/25 ARC 8879C | Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa Also via Zoom | March 11, 2025 9 to 11 a.m. |
| | Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa Also via Zoom | March 25, 2025 9 to 11 a.m. |
| Electric interconnection of distributed generation facilities, ch 45 IAB 1/22/25 ARC 8798C | Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa Also via Zoom | March 6, 2025 9 to 11 a.m. |
| | Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa Also via Zoom | March 20, 2025 9 to 11 a.m. |
| VOLUNTEER SERVICE, IOWA COMMISSION ON[817] | | |
| Retired and senior volunteer program (RSVP), rescind ch 7 IAB 2/19/25 ARC 8577C | Microsoft Teams Meeting ID: 268 409 030 879 Passcode: GC7mn6SU | March 11, 2025 10:30 to 11 a.m. |
| | Microsoft Teams Meeting ID: 296 518 166 153 Passcode: C8Ux6zU3 | March 11, 2025 2:30 to 3 p.m. |

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 SERVICES DEPARTMENT[11]
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INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 6
“Uniform Waiver Standards”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.104 and 17A.9A
State or federal law(s) implemented by the rulemaking: Iowa Code section 17A.9A, Iowa Code chapter 10A, and Executive Order 10

Public Hearing

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

March 25, 2025
10:30 a.m.

6200 Park Avenue, Suite 100
Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing’s website prior to the hearing.

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:

Ashleigh Hackel
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.250.3746
Email: ashleigh.hackel@dia.iowa.gov

Purpose and Summary

This proposed rulemaking repromulgates Chapter 6, updating this chapter in accordance with the goals and directives of Executive Order 10. The proposed revisions also account for structural changes emanating from the government realignment enacted by 2023 Iowa Acts, Senate File 514. Iowa Code section 17A.9A permits agencies to establish “by rule an application, evaluation, and issuance procedure permitting waivers” and prescribe criteria for consideration in association therewith. These proposed rules are intended to provide standard procedures for the public to petition the Department, including any division, board, or commission within the Department that has its own rulemaking authority, for a waiver from the requirements of a rule.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

Individuals interested in petitioning the Department for a waiver from the requirements of a rule will bear the costs.

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

Individuals interested in petitioning the Department for a waiver from the requirements of a rule, as well as departmental personnel involved in accepting and considering such requests, will benefit.

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:**

There are minimal costs to an individual who petitions the Department for a waiver. Such costs include preparing a written communication to the Department concerning the request and providing any follow-up information requested by the Department necessary to consider the unique, individual circumstances of the petitioner and the statutory criterion.

• **Qualitative description of impact:**

These rules provide clarity and standardization as to the form and process for petitions for waiver and consideration and disposition by the Department. The process set forth in the repromulgated rules has not significantly changed from the current process but does expressly provide for greater flexibility as to the form of the petition for waiver submitted and provides greater clarity as to submission of a petition for waiver in association with contested case proceedings.

3. Costs to the State:

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

There are no specific enforcement costs borne by the Department emanating from these rules. Administrative procedures contained in this proposed chapter are a part of the Department's standard business operations attributable to the Department's underlying duty to administer the programs under its statutory authority and are absorbed in the general cost of administering the work of the Department.

• **Anticipated effect on state revenues:**

None.

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

There are no specific costs associated with the proposed rulemaking. The benefits include clear and consistent implementation of Iowa Code section 17A.9A.

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

The Department believes that it is taking a minimally restrictive path in implementing the statutory waiver allowance set forth in Iowa Code section 17A.9A. The Department is expressly permitting flexibility in the form of a petition for waiver submission, requiring only information necessary to evaluate the statutory criteria set forth in Iowa Code section 17A.9A. Notably, this chapter has been updated in a manner that easily allows any division, board, or commission under the administrative authority of the Department to rely on this chapter rather than promulgating its own administrative chapter to implement Iowa Code section 17A.9A, thereby creating efficiencies for both the Department and the public and reducing the overburdening text of the Iowa Administrative Code.

6. Alternative methods considered by the agency:

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

No alternative methods have been identified.

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

No alternative methods have been identified.

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 rulemaking is not believed to have any negative impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
UNIFORM WAIVER STANDARDS

481—6.1(10A,17A) Waivers.

6.1(1) Scope and applicability. Pursuant to Iowa Code section 17A.9A, this chapter outlines generally applicable standards and procedures for the waiver of rules adopted by the department. The intent of this chapter is to allow persons to seek exceptions to the application of rules issued by the department. The department may only grant a waiver from a rule if the department has jurisdiction over the rule and the waiver is consistent with applicable statutes, constitutional provisions, or other law. The department cannot waive requirements created or duties imposed by statute. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision is applicable. To the extent a division, board, or commission under the administrative authority of the department pursuant to Iowa Code chapter 10A has independent rulemaking authority but has not adopted rules governing petitions for rulemaking, the standards and procedures of this chapter are applicable to the division, board, or commission with rulemaking and waiver authority.

6.1(2) Definitions.

“Department” means the department of inspections, appeals, and licensing authorized by Iowa Code chapter 10A or, for purposes of this chapter, a division, board, or commission under the administrative authority of the department pursuant to Iowa Code chapter 10A that has rulemaking and waiver authority to whom this chapter is applicable.

“Director” means the director of the department, the director's designee, or a division, board, or commission under the administrative authority of the department pursuant to Iowa Code chapter 10A that has rulemaking and waiver authority or its designee.

“Person” means an individual, corporation, limited liability company, government or governmental subdivision or association, or any legal entity.

6.1(3) Criteria for waiver. At the sole discretion of the department, an order waiving the requirements of a rule, in whole or in part, may be issued in response to a petition completed pursuant to subrules 6.1(4) and 6.1(5), if the department finds, based on clear and convincing evidence, all of the following:

- a. Application of the rule to the petitioner would pose an undue hardship on the person or class of persons for whom the waiver is requested;
- b. Waiver from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person;
- c. Provisions of a rule subject to a petition for a waiver are not specifically mandated by statute or another provision of law; and

d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

6.1(4) *Filing of petition.* A petition for a waiver must be submitted in writing to the department. The submission may be sent to the department's physical address at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321; submitted through an applicable online portal at dial.iowa.gov; or emailed to pertinent program personnel. If the petition relates to a pending contested case, the petition shall also be filed in the contested case proceeding.

6.1(5) *Content of petition.* A petition for waiver should include the following information as applicable to the request and known to the requester:

a. The name, address, and telephone number of the entity or person for whom a waiver is being requested and the case number of any related contested case.

b. A description and citation of the specific rule from which a waiver is requested.

c. The specific waiver requested, including the precise scope and duration.

d. The relevant facts that the petitioner believes would justify a waiver under each of the criteria described in subrule 6.1(3). The petitioner shall include a signed statement attesting to the accuracy of the facts and justification provided in the petition.

e. A history of any prior contacts between the department and the petitioner relating to the regulated activity, license, appeal, hearing, audit, investigation, inspection, representation or other assigned function of the department that would be affected by the proposed waiver, including a description of any related notices of violation, contested case hearings, or investigative reports within the last five years.

f. Any information known to the requester regarding the department's action in similar circumstances.

g. The name, address, and telephone number of any public agency or political subdivision that also regulates the activity in question or that might be affected by the granting of a waiver.

h. The name, address, and telephone number of any person or entity that may be adversely affected by the granting of a petition.

i. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

j. Signed releases of information authorizing persons with knowledge regarding the request to furnish the department with information relevant to the waiver.

6.1(6) *Additional information.* Prior to issuing an order granting or denying a waiver, the department may request additional information from the petitioner relative to the petition and surrounding circumstances. The department may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the director or the director's designee.

6.1(7) *Notice.* The department will acknowledge a petition upon receipt. Except where otherwise provided by law, a petition shall be served by the petitioner upon any party of record of a contested case proceeding and on all other persons identified in the petition for waiver as affected by the petition, simultaneously with the filing. The petitioner shall serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the department attesting that notice has been provided. In addition, the department may give notice to other persons.

6.1(8) *Ruling.* An order granting or denying a waiver shall be in writing and 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 duration of the waiver if one is issued.

a. Department discretion. The final decision on whether the circumstances justify the granting of a waiver is at the discretion of the department upon consideration of all relevant factors. Each petition for a waiver will be evaluated by the department based on the unique, individual circumstances set out in the petition.

b. Burden of persuasion. The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the department should exercise its discretion to grant a waiver from a department rule.

c. Special waiver rules not precluded. This chapter does not preclude the department from granting waivers in other contexts or on the basis of other standards if a statute authorizes the department to do so and the department deems it appropriate to do so. The department may identify different or additional information for a petitioner to provide for specified rules.

d. Administrative deadlines. When the rule from which a waiver is sought establishes administrative deadlines, the department will balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all persons similarly situated.

e. Conditions. The department may condition the granting of the waiver on such conditions as appropriate to protect the public health, safety, and welfare.

f. Narrow tailoring. A waiver, if granted, will provide the narrowest exception possible to the provisions of the rule and be applied to the circumstances of a specified person or a specific and narrowly drawn class of persons.

g. Duration. A permanent waiver should not be permitted 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 department, a waiver may be renewed if the department finds that all of the factors set out in subrule 6.1(3) remain valid.

h. Time for ruling. The department 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 department may wait until the contested case is resolved before ruling on the petition for waiver. Failure of the department to grant or deny a petition within the required time period is deemed a denial of that petition by the department.

i. Service of order. Within seven days of its issuance, any order issued under this chapter shall 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.

6.1(9) Reconsideration. A person who objects to a denial of a waiver may make a request for reconsideration or informal appearance before the director, or the director's designee, to request reconsideration.

6.1(10) Public availability. All orders granting or denying a waiver petition shall be indexed, filed, and available for public inspection as provided in Iowa Code section 17A.3. Within 60 days of granting or denying a waiver, the department shall also submit to the internet site maintained by the administrative code editor and administrative rules coordinator the information described in Iowa Code section 17A.9A. Petitions for a waiver and orders granting or denying a waiver petition are generally public records under Iowa Code chapter 22, although some petitions or orders may contain information the department is authorized or required to keep confidential. The department may redact confidential information from petitions or orders prior to public inspection.

6.1(11) Voiding or cancellation. A waiver is void if the material facts upon which the request is based are not true or if material facts have been withheld. The department may at any time cancel a waiver upon appropriate notice and opportunity for hearing if the department finds that the facts as stated in the request are not true, material facts have been withheld, the alternative means for ensuring that the public health, safety, and welfare would be adequately protected after issuance of the waiver order have been insufficient, or the requester has failed to comply with the conditions of the order.

6.1(12) Violations. Violation of a condition in the waiver approval is the equivalent of violation of the particular rule for which the waiver is granted and is subject to the same remedies or penalties.

6.1(13) Defense. After the department 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.

6.1(14) Judicial review. To the extent judicial review of the department's decision to grant or deny a waiver petition is available, the procedures set forth in Iowa Code chapter 17A are applicable.

481—6.2(10A,17A) Sample petition for waiver. A petition for waiver filed in accordance with rule 481—6.1(10A,17A) shall contain all information specified therein. Unless the department provides a particular form or online portal for the submission of a petition for waiver, the petition is not required to conform to a particular format. The following form is provided as an example:

BEFORE THE DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING

| | | |
|---|---|---------------------|
| Petition by (insert the name of petitioner) for the waiver of (insert rule citation) relating to (insert the subject matter). | } | PETITION FOR WAIVER |
|---|---|---------------------|

- (Include the following information in the petition for waiver where applicable and known:)
1. Provide the petitioner’s name, address and telephone number and the case number of any related contested case.
 2. Describe and cite the specific rule from which a waiver is requested.
 3. Describe the specific waiver requested, including the precise scope and duration.
 4. Explain the relevant facts and reasons the petitioner believes justify the waiver. Include:
 - Why applying the rule would result in undue hardship to the petitioner;
 - Why waiving the rule would not prejudice the substantial legal rights of any person;
 - Whether the provisions of the rule subject to the waiver are specifically mandated by statute or another provision of law; and
 - How substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.
 5. Provide a history of any prior contacts between the department and the petitioner relating to the regulated activity, license, appeal, hearing, audit, investigation, inspection, representation or other assigned function of the department that would be affected by the proposed waiver, including a description of any related notices of violation, contested case hearings, or investigative reports relating within the last five years.
 6. Provide information known to the petitioner regarding the department’s treatment of similar circumstances.
 7. Provide the name, address and telephone number of any public agency or political subdivision that also regulates the activity in question or that might be affected by the granting of a waiver.
 8. Provide the name, address and telephone number of any person or entity that would be adversely affected or disadvantaged by the granting of the waiver.
 9. Provide signed releases of information authorizing persons with knowledge regarding the request to furnish the department with information relevant to the waiver.
- I hereby attest to the accuracy and truthfulness of the above information.

| | | |
|---------------------------------|--|---------------|
| _____ Petitioner’s signature | | _____ Date |
|---------------------------------|--|---------------|

These rules are intended to implement Iowa Code section 17A.9A and chapter 10A.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 780
“Licensure of Physician Assistants”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 147.36, 147.76, 148C.3, 148C.5, 272C.3, and 272C.4

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 147, 148C, and 272C

Public Hearing

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

March 25, 2025
8:30 a.m.

6200 Park Avenue
Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing’s website prior to the hearing.

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 March 25, 2025. Comments should be directed to:

Emily DeRonde
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.249.7038
Email: emily.deronde@dia.iowa.gov

Purpose and Summary

These proposed rules set minimum standards for licensure as a physician assistant in Iowa. Iowa residents, licensees, and employers benefit from the rules since the rules articulate the processes by which individuals apply for licensure as directed in statute. This includes the process for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that any individual entering the profession has minimum competency.

The rules also incorporate provisions directed by 2023 Iowa Acts, House File 424, now codified as Iowa Code section 148C.3(2), which includes the joint rulemaking with the Iowa Board of Medicine for rules on the independent practice of physician assistants.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

The licensee bears the costs of the proposed rulemaking through the application fees, renewal fees and education and examination requirements. The Board did a comparative analysis of surrounding states during the 2023 Red Tape Review pursuant to Executive Order 10. During that analysis, the Board found that Iowa’s \$120 application fee was comparable to the surrounding states. For instance, Nebraska’s application fee is \$150 and Minnesota’s application fee is \$280.50. There is generally no cost to the public for this rulemaking.

The licensee would also have costs related to educational requirements and examination requirements. The Board has not identified an exact cost of education for this field since it varies depending on the school the licensee chooses to attend to meet those requirements.

The cost to the Board to implement and enforce these rules include staff time to process the applications, answer questions about the process and gather the necessary documents from licensees. Staff salaries are paid from the Licensing and Regulation Fund established in 2024 Iowa Acts, Senate File 557. Licensing fees go into the fund to cover the costs of the Board's regulations.

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

The public and professionals benefit from the proposed rules. Establishing minimum licensing requirements ensures that practitioners are competent to practice. Without having an established threshold for entry into the profession, individuals who are not appropriately trained could cause serious harm to the public during their practice. Physician assistants are medical providers who require certain skills and training to effectively help and treat their patients.

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:**

Educational institutions provide the academic training for physician assistants to obtain their license in the state of Iowa. Additional private industries and educational institutions provide examinations and materials for preparation for the examination. Because the cost of education is so variable depending on the institution the person attends, the Board is unable to put an exact cost on the cost of education or examination preparation.

Licensing fees are \$120 for an initial license and \$120 for each biannual renewal period.

- **Qualitative description of impact:**

Establishing minimum requirements for licensure ensures safety for the licensee and consumer. The cost of inaction would increase the potential for injury to the public by a licensee who is not qualified to perform the work in the field.

3. Costs to the State:

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

Costs to the agency are the staff time needed to manage Board activities, which include managing applications for initial licenses, renewals and reinstatements. Staff salaries to support the work of the Board are covered by the fund established in Senate File 557. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- **Anticipated effect on state revenues:**

Costs associated with implementing these rules are paid by individual licensees or establishments, not the State. There is no anticipated impact from these rules on state revenues.

Staff salaries to support the work of the Board are covered by the fund established in Senate File 557. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

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

The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario. In addition, the rules provide consistency related to the licensure of physician assistants in other states, which makes obtaining licensure in multiple states simpler for applicants.

The proposed joint rulemaking allows for the independent practice of physician assistants in a safe and collaborative manner thereby ensuring the safety and well-being of Iowans.

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

The Board has not identified a more cost-effective alternative to the licensure of physician assistants. The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession; however, the Board would be concerned about the public safety of Iowans in that scenario. Doing so would also place Iowa out of line with the rest of the country. The regulation and licensure of physician assistants is consistent across the country.

Due to state government realignment, this Board is now part of the Department of Inspections, Appeals, and Licensing. The DIAL-Licensing Division continues to assess and implement opportunities to increase efficiencies and standardize board processes across all professional licensing boards. These proposed rules support this effort. The Department is actively pursuing a single licensing platform to assist in standardizing licensing.

6. Alternative methods considered by the agency:

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

The Board has not identified a more cost-effective alternative to the licensure of physician assistants. The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession; however, the Board would be concerned about the public safety of Iowans in that scenario. Doing so would also place Iowa out of line with the rest of the country. The regulation and licensure of physician assistants is consistent across the country.

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

The Board has not identified a more cost-effective alternative to the licensure of physician assistants. The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession; however, the Board would be concerned about the public safety of Iowans in that scenario. Doing so would also place Iowa out of line with the rest of the country. The regulation and licensure of physician assistants is consistent across the country.

Due to state government realignment, this Board is now part of the Department. The DIAL-Licensing Division continues to assess and implement opportunities to increase efficiencies and standardize board processes across all professional licensing boards. These rules support this effort. The Department is actively pursuing a single licensing platform to assist in standardizing licensing.

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 rules relate to high-stakes public safety concerns that are present whether the business is a small business or a large organization. The rules are meant to ensure public safety in terms of licensing requirements for physician assistants. While some physician assistants may be running a small business of their own, some also work for large corporations and hospitals. To exempt a small business from adhering to these rules would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

If the individual licensee finds a rule to be overly burdensome where the goals of which could be achieved in a manner that results in less impact on the small business, the licensee may utilize the Department's established waiver process.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 780 and adopt the following new chapter in lieu thereof:

CHAPTER 780
LICENSURE OF PHYSICIAN ASSISTANTS

481—780.1(148C) Definitions. In addition to the definitions herein, and unless otherwise stated, the board adopts by reference the definitions found in Iowa Code section 148C.1.

“Active license” means a license that is current and has not expired.

“Approved program” means a program for the education of physician assistants that has been accredited by the Accreditation Review Commission on Education for the Physician Assistant, or its successor, or, if accredited prior to 2001, either by the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs.

“CME” means continuing medical education.

“Collaboration” means consultation with or referral to the appropriate physician or other health care professional by a physician assistant as indicated by the patient's condition; the education, competencies, and experience of the physician assistant; and the best practice guidelines.

“Direction” means authoritative policy or procedural guidance for the accomplishment of a function or activity.

“Grace period” means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“HIPAA” means the Health Insurance Portability and Accountability Act of 1996, PL 104-191, August 21, 1996, 110 Stat 1936.

“Inactive license” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“Licensee” means a person licensed by the board as a physician assistant to provide medical services.

“Licensure by endorsement” means the issuance of an Iowa license to practice as a physician assistant to an applicant who is or has been licensed in another state.

“Locum tenens” means the temporary substitution of one licensed physician assistant for another.

“Mandatory training” means training on identifying and reporting child abuse or dependent adult abuse required of physician assistants who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

“NCCPA” means the National Commission on Certification of Physician Assistants.

“*Opioid*” means a drug that produces an agonist effect on opioid receptors and is indicated or used for the treatment of pain or opioid use disorder.

“*Other health care provider*” means a person licensed as a physician assistant under Iowa Code chapter 148C or an advanced registered nurse practitioner licensed under Iowa Code chapter 152.

“*Physician*” means a person who is currently licensed in Iowa to practice medicine and surgery or osteopathic medicine and surgery. A physician supervising a physician assistant practicing in a federal facility or under federal authority will not be required to obtain licensure beyond licensure requirements mandated by the federal government for supervising physicians.

“*Prescription monitoring program database*” or “*PMP database*” means the Iowa prescription monitoring program database administered by the board of pharmacy pursuant to Iowa Code chapter 124, subchapter VI, and 657—Chapter 37.

“*Reactivate*” or “*reactivation*” means the process as outlined in rule 481—780.9(17A,147,272C) by which an inactive license is restored to active status.

“*Reinstatement*” means the process as outlined in rule 481—506.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

“*Supervising physician*” means a physician who supervises the medical services provided by the physician assistant engaged in independent practice consistent with the physician assistant’s education, training, or experience. Supervision shall not be construed as a requirement to be applied to those physician assistants who (1) are not engaged in an independent practice arrangement, (2) have already met the requirements to practice independently, or (3) are not required by law to be supervised. Supervision shall not be construed as requiring the personal presence of a supervising physician at the place where such services are rendered, except insofar as the personal presence is expressly required by these rules or by Iowa Code chapter 148C.

“*Supply prescription drugs*” means to deliver to a patient or the patient’s representative a quantity of prescription drugs or devices that are properly packaged and labeled.

481—780.2(148C) Initial licensure.

780.2(1) The following criteria shall apply to the initial licensure of physician assistants:

a. The applicant for licensure will complete an online application packet and pay the nonrefundable application fee.

b. The applicant for licensure will successfully pass the certifying examination conducted by the NCCPA or a successor examination approved by the board. The applicant will request the NCCPA, or its successor agency, to send a copy of the initial certification to the board office.

c. The applicant for licensure will request the approved program for education of physician assistants to submit official copies of the applicant’s transcript to the board office.

EXCEPTION: An applicant who is not a graduate of an approved program but who passed the NCCPA initial certification examination prior to 1986 is exempt from the graduation requirement.

d. In lieu of paragraphs 780.2(1)“b” and “c,” an applicant for licensure may provide documentation from the Federation Credentials Verification Service (FCVS) of the Federation of State Medical Boards as primary source verification for identity, education and national certification information.

780.2(2) If licensed in another jurisdiction, an applicant for licensure will:

a. Complete the licensure by endorsement application;

b. Submit a license verification document that discloses any disciplinary action taken in all jurisdictions where the applicant was previously licensed; and

c. Submit proof of completion of 100 CME hours for each biennium since the licensee was initially certified.

780.2(3) An applicant for licensure who is licensed in another jurisdiction who cannot satisfy the requirements of licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 481—501.1(272C).

780.2(4) An application not completed according to guidelines will not be reviewed by the board.

780.2(5) Incomplete applications that have been on file in the board office for more than two years will be:

- a. Considered invalid and destroyed; or
- b. Maintained upon written request from the applicant for licensure.

481—780.3(148C) Temporary licensure.

780.3(1) A temporary license may be issued for an applicant for licensure who has not taken the NCCPA initial certification examination or successor agency examination or is waiting for the results of the examination.

780.3(2) An applicant for licensure must comply with subrule 780.2(1), with the exception of paragraphs 780.2(1) “b” and “c.”

780.3(3) A temporary license will be valid for one year from the date of issuance.

780.3(4) The temporary license will be renewed only once upon an applicant for licensure’s showing proof that, through no fault of the applicant, the applicant was unable to take the certification examination recognized by the board. Proof of inability to take the certification examination will be submitted to the board office with written request for renewal of a temporary license, accompanied by the temporary license renewal fee.

780.3(5) If the temporary licensee fails the certification examination, the temporary licensee must cease practice immediately and surrender the temporary license by the next business day.

780.3(6) There is no additional fee for converting temporary licensure to permanent licensure.

780.3(7) An applicant for licensure will ensure that certification of completion is sent to the board directly from an approved program for the education of physician assistants. The certification of completion must be signed by a designee from the approved program.

481—780.4(148C) Physician supervision not required. A physician assistant is not required to be supervised by a physician when:

780.4(1) The physician assistant is licensed in the state of Iowa or eligible to become licensed in the state of Iowa; and

780.4(2) The physician assistant has previously practiced under a supervising physician or in collaboration with an Iowa-licensed physician or other licensed health care professional for a period of at least two years; or

780.4(3) The physician assistant is not practicing in an independent practice arrangement as defined in Iowa Code section 148C.1(5).

481—780.5(148C) Physician supervision required.

780.5(1) A physician assistant is required to be supervised by a physician when the physician assistant is practicing in an independent practice arrangement as defined in Iowa Code section 148C.1(5) and the physician assistant has not previously practiced under a supervising physician or in collaboration with the appropriate physician or other health care professional for a period of at least two years.

780.5(2) Requirements for a physician assistant and supervising physician.

a. A physician assistant will use the jointly approved board forms to notify the board of the identity of the physician assistant’s supervising physician prior to beginning practice in Iowa. The physician assistant will notify the board of the identity of each of the physician assistant’s supervising physicians and of any change in the status of the supervisory relationships during the physician assistant’s required supervisory biennium.

b. A physician assistant and a supervising physician will utilize the board form to show a mutual understanding of the physician assistant's scope of practice, identified medical procedures and the areas of medicine performed.

c. A physician assistant will maintain documentation of current supervising physicians, which will be made available to the board upon request.

d. It shall be the joint responsibility of a physician assistant and a supervising physician to ensure the physician assistant is adequately supervised. Upon agreeing to supervise the physician assistant, the supervising physician will be advised that the physician's name will be listed with the board as a supervising physician. The physician assistant and the supervising physician are each responsible for knowing and complying with the supervision provisions of these rules.

e. Patient care provided by a physician assistant will be reviewed with a supervising physician determined at the practice level, ensuring each patient has received the appropriate medical care.

f. Patient care provided by a physician assistant may be reviewed with a supervising physician in person, by telephone or by other means of telecommunication and determined at the practice level.

481—780.6(148C) Physician eligibility to supervise physician assistants. Information on physician eligibility to supervise physician assistants is contained in 653—subrules 21.1(1) through 21.1(4).

481—780.7(148C) Collaborative practice.

780.7(1) After the conclusion of two years of practice under a supervising physician as required by rule 481—780.5(148C), a physician assistant will continue collaboration with a physician or other health care provider as defined in rule 481—780.1(148C), which will be determined at the practice level. This rule shall not be construed to apply to physician assistants in independent practice who did not previously meet the criteria of rule 481—780.5(148C).

780.7(2) A collaborating physician or other health care provider defined in rule 481—780.1(148C) and a physician assistant should follow best practice guidelines and discuss cases as determined at the practice level. If there are any deficiencies in care noted, the collaborating health care provider will educate the physician assistant on best practice guidelines.

780.7(3) The scope of practice for a physician assistant shall be limited to medical care that is within the physician assistant's education, training, and experience.

780.7(4) Documentation of the collaboration between a physician assistant and a physician or other health care provider shall be kept by the physician assistant and provided to the board upon request.

780.7(5) Eligibility of other health care provider for collaboration. During the two-year period of collaboration, the other health care provider as defined in rule 481—780.1(148C) shall be a provider who has been in practice for a minimum of five years and is not subject to discipline by the provider's respective licensing authority.

481—780.8(148C) License renewal.

780.8(1) The license renewal period for a license to practice will begin on October 1 and end on September 30 two years later. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

780.8(2) An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal date two years later.

780.8(3) A licensee applying for renewal will:

a. Meet the continuing education requirements of 481—Chapter 782 and the mandatory reporting requirements of subrule 780.8(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

b. Complete the online renewal application, pay the fee, and attach certificate of completion of continuing education hours before the expiration date.

780.8(4) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa will indicate on the renewal application completion of training in child abuse identification and reporting as required by Iowa Code section 232.69(3)"*b*" in the previous three years or condition(s) for waiver of this requirement as identified in paragraph 780.8(4)"*e*."

b. A licensee who, in the course of employment responsibilities, examines, attends, counsels or treats adults in Iowa will indicate on the renewal application completion of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5)"*b*" in the previous three years or condition(s) for waiver of this requirement as identified in paragraph 780.8(4)"*e*."

c. The course(s) will be the curriculum provided by the department of health and human services.

d. The licensee will maintain written documentation for three years after mandatory training as identified in paragraphs 780.8(4)"*a*" through "*c*," including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse will be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements.

f. The board may select licensees for audit of compliance with the requirements in paragraphs 780.8(4)"*a*" through "*e*."

780.8(5) Upon receiving the information required by this rule and the required fee, a two-year license will be issued. In the event the board receives adverse information on the renewal application, the board will issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

780.8(6) A person licensed to practice as a physician assistant will keep the license certificate and renewal displayed in a conspicuous public place at the primary site of practice.

780.8(7) Late renewal. The license will become late when the license has not been renewed by the expiration date on the renewal. A licensee will be assessed a late fee as specified in 481—subrule 507.14(4). To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

780.8(8) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa but may not practice as a physician assistant in Iowa until the license is reactivated. A licensee who practices as a physician assistant in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

481—780.9(17A,147,272C) Requirements for reactivation. To apply for reactivation, a licensee will:

780.9(1) Complete an online reactivation application and pay the nonrefundable reactivation fee.

780.9(2) Provide verification of current competence to practice as a physician assistant by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must:

(1) Submit a license verification document that discloses if disciplinary action was taken in the jurisdiction where the applicant was most recently licensed.

(2) Submit proof of completing 100 hours of continuing education within two years of application for reactivation or NCCPA or successor agency certification.

b. If the license has been on inactive status for more than five years, an applicant must:

(1) Submit a license verification document that discloses if disciplinary action was taken against the applicant from every jurisdiction in which the applicant has been licensed.

(2) Submit proof of completing 200 hours of continuing education within two years of application for reactivation, of which at least 40 percent of the hours completed will be in Category I, or NCCPA or successor agency certification.

481—780.10(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with rule 481—506.31(272C) and must apply for and be granted reactivation of the license in accordance with rule 481—780.9(17A,147,272C) prior to practicing as a physician assistant in this state.

481—780.11(148C) Use of title. A physician assistant licensed under Iowa Code chapter 148C may use the words “physician assistant” after the person’s name or signify the same by the use of the letters “PA.” A person who meets the qualifications for licensure under Iowa Code chapter 148C but does not possess a current license may use the title “PA” or “physician assistant” but may not act or practice as a physician assistant unless licensed under Iowa Code chapter 148C.

481—780.12(148C) Address change. A physician assistant will notify the board of any change in permanent address within 30 days of its occurrence.

481—780.13(148C) Student physician assistant.

780.13(1) Any person who is enrolled as a student in an approved program will comply with the rules set forth in this chapter. A student is exempted from licensure requirements.

780.13(2) Notwithstanding any other provisions of these rules, a student may perform medical services when the medical services are rendered within the scope of an approved program.

These rules are intended to implement Iowa Code chapters 17A, 147, 148C and 272C.

ARC 9001C**INSPECTIONS AND APPEALS DEPARTMENT[481]****Notice of Intended Action****Proposing rulemaking related to administration and providing an opportunity for public comment**

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 1, “Administration,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 10A.104.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 10A and 68B and section 17A.13; 2023 Iowa Acts, Senate File 514; and Executive Order 10.

Purpose and Summary

This proposed rulemaking repromulgates Chapter 1 and updates the chapter to account for structural changes emanating from the government realignment enacted by 2023 Iowa Acts, Senate File 514. The proposed revisions to the chapter also further the goals and directives of Executive Order 10 by streamlining the information provided therein.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 22, 2025. A public hearing was held on the following date(s):

- February 12, 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 Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on March 26, 2025. Comments should be directed to:

Ashleigh Hackel
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: ashleigh.hackel@dia.iowa.gov

Public Hearing

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

| | |
|------------------|------------------|
| March 25, 2025 | 6200 Park Avenue |
| 10:30 to 11 a.m. | Des Moines, Iowa |
| March 26, 2025 | 6200 Park Avenue |
| 10 to 10:30 a.m. | Des Moines, Iowa |

Virtual participation information will be made available on the Department's website prior to the public hearings.

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.

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 481—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ADMINISTRATION

481—1.1(10A) Definitions. For purposes of this chapter, the definitions set forth in Iowa Code section 10A.101 are incorporated herein.

481—1.2(10A) Organization.

1.2(1) Overview of the department. The department of inspections, appeals, and licensing is established by Iowa Code section 10A.102 and was created for the purpose of coordinating and conducting various audits, appeals, hearings, inspections, investigations, and licensing activities related to the operations of the executive branch of state government and administering the laws relating to employment safety, labor standards, and workers' compensation. The department's mission is to achieve compliance through education, regulation, and due process for a safe and healthy Iowa.

1.2(2) Director and delegation of director authority. The director of the department is appointed in accordance with Iowa Code section 10A.102. The director may designate employee(s) to administer the department in the director's absence. The director may also delegate the director's authority to administer the department to other employees as determined necessary for efficient and effective department operations. Delegations of the director's authority will be documented by the department.

1.2(3) Divisions. The department is comprised of divisions as described in Iowa Code section 10A.106 and on the department's website. The director may, from time to time, reorganize the department into administrative divisions to most efficiently and effectively carry out the department's responsibilities, as permitted by law. Reorganization may include creating new divisions, eliminating existing divisions, or combining divisions as the director deems necessary. Nothing herein prevents flexibility in interdepartmental operations or forbids divisional allocations of duties in the discretion of the director.

1.2(4) Attached units. The state public defender, racing and gaming commission, Iowa office of civil rights, and employment appeal board operate as attached units to the department for administrative support in accordance with Iowa Code chapter 10A and their authorizing statutes.

481—1.3(10A) Information. The general public may obtain information about the department by contacting the department at its offices located at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321; by telephone at 515.281.3425; or through its website at dial.iowa.gov. The department maintains additional contact information for divisions and programs on its website.

481—1.4(10A,17A) Subpoenas.

1.4(1) Issuance of subpoenas. The director, or designee of the director, is authorized to issue subpoenas in accordance with the provisions of Iowa Code sections 10A.104(6), 10A.209, and 17A.13. In connection with audits, appeals, investigations, inspections, hearings, and any other permissible matters conducted by the department, the director, or designee of the director, may, upon written request or the director's own initiative, issue the following:

- a. Subpoenas duces tecum for the production and delivery of books, papers, records, and other real evidence; and
- b. Subpoenas for the appearance of persons to provide statements, statements under oath, and depositions.

1.4(2) Contents of subpoenas. Each subpoena shall contain the following:

- a. The name and address of the person to whom the subpoena is directed;
- b. The date, time, and location for the appearance of the person;
- c. A description of the books, papers, records, or other real evidence requested;
- d. The date, time, and location for production, inspections, or copying of the books, papers, records, or other real evidence;
- e. The signature and address of the director or designee;
- f. The name, address, and telephone number of a department employee who can be contacted for purposes of providing clarification or assistance in compliance with the subpoena;
- g. The date of issuance; and
- h. A return of service.

1.4(3) Motions to quash or modify subpoena. A person who desires to challenge a subpoena directed to that person must, within ten days after service of the subpoena, or before the time specified for compliance, if such time is less than ten days, file with the director a motion to quash or modify the subpoena. Upon receipt of a timely motion to quash or modify a subpoena, the director or the director's designee may issue a decision or request an administrative law judge to issue a decision. Oral argument may be scheduled and conducted at the discretion of the director, the director's designee, or the administrative law judge. The director, the director's designee, or the administrative law judge may quash or modify the subpoena, deny the motion, or issue other appropriate orders. A person who is aggrieved by a ruling of an administrative law judge and who desires to challenge that ruling must appeal the ruling to the director by serving the director, either in person or by certified mail, a notice of appeal within ten days after service of the decision of the administrative law judge. The decision of the director or the director's designee is final for purposes of judicial review.

1.4(4) Failure to comply with subpoena. If the person to whom the subpoena is directed refuses or fails to obey the subpoena, the director, or the director's designee, may cause a petition to be filed in the Iowa district court seeking an order for the person's compliance.

481—1.5(10A,68B) Consent for the sale of goods and services. An official or employee of the department shall not directly or indirectly sell or lease any goods, real estate, or services to individuals, associations, or corporations subject to the regulatory authority of the official's or employee's agency except as provided by Iowa Code section 68B.4 and rule 351—6.11(68B).

These rules are intended to implement Iowa Code chapters 10A, 17A, and 68B.

ARC 8978C**INSPECTIONS AND APPEALS DEPARTMENT[481]****Amended Notice of Intended Action****Proposing rulemaking related to practice of pharmacy
and providing an opportunity for public comment**

The Department of Inspections, Appeals, and Licensing hereby proposes to adopt new Chapter 552, “Standards—Practice of Pharmacy,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 155A and sections 124.303 and 147.76 and 2024 Iowa Acts, House File 555.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 155A and sections 124.302 and 147.76 and 2024 Iowa Acts, House File 555.

Purpose and Summary

The purpose of the proposed rulemaking is to establish the minimum requirements for the practice of pharmacy regardless of the practice setting. The rules provide the minimum standards for a pharmacy relating to facilities, security, personnel, patient care services, prescription handling and processing, technology, quality improvement, and records.

Reason for Amendment of Notice of Intended Action

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 27, 2024, as **ARC 8417C**. The Board of Pharmacy received public comments that resulted in changes that warrant a second public notice period. Modifications include updates to prescription labeling requirements, including those related to the pharmacy’s telephone number and the medication’s beyond-use date; an exclusion from certain compounding requirements for compounded nonsterile preparations under certain conditions; and the retention of compounding records.

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 Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 25, 2025. Comments should be directed to:

Sue Mears
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: sue.mears@dia.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).

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 481—Chapter 552:

CHAPTER 552 STANDARDS—PRACTICE OF PHARMACY

481—552.1(124,155A) Definitions. The definitions found in 481—Chapter 550 are incorporated by reference into these rules.

481—552.2(155A) Pharmacy department.

552.2(1) Standards. Each pharmacy will maintain:

- a. Adequate drug storage areas to ensure that drug products are maintained under sanitary conditions and in accordance with package labeling standards.
- b. References and drug information as needed to meet the needs of the patients served.
- c. Policies and procedures for all aspects of the pharmacy’s operation that ensure that all drugs and patient records are secure from unauthorized access, maintain accountability and protect patient confidentiality.
- d. Equipment as needed to meet the needs of the patients served that is maintained in accordance with manufacturer recommendations.
- e. Drug storage and handling areas in compliance with USP General Chapter 800 (2019) for hazardous drug handling.
- f. When open to the public and a pharmacist is working on site, the current pharmacist license certificate posted within view of the public.

552.2(2) Notice of remodel. A pharmacy will provide written notice to the board at least 30 days prior to any remodel involving a change to or addition of a primary engineering device or cleanroom suite.

481—552.3(155A) Security.

552.3(1) Physical security. Each pharmacy will maintain adequate security to ensure the confidentiality of patient information and to prevent theft of, diversion of, or unauthorized access to prescription drugs or records, including when prescription drugs or records are stored outside the pharmacy department pursuant to federal law or regulation or these rules. Pharmacy staff personal items allowed in the pharmacy will be stored away from drug storage areas and monitored. Security will

include a basic alarm system and video surveillance system unless the pharmacy is located within a facility that provides equivalent monitoring.

552.3(2) *Processing systems security.* Each pharmacy will maintain adequate security of any electronic device or system that is used to maintain or process patient, practitioner, drug, or prescription records to prevent and detect unauthorized access, modification, or manipulation of such records. Authentication credentials will be securely maintained by the individual to whom the credentials are issued and cannot be shared with or disclosed to any other individual.

552.3(3) *Access when pharmacy department is closed.* When the pharmacist is absent from the facility, the pharmacy department will be closed and secured to prevent unauthorized access. Policies and procedures will identify individuals, by title or designation, who are authorized to access the pharmacy department and the specific activities that are authorized.

481—552.4(155A) Pharmacy personnel standards.

552.4(1) *Pharmacy personnel.* Each pharmacy will employ personnel who:

- a. Are licensed or registered pursuant to 481—Chapter 551.
- b. Have documented training or education for the activities within their scope of practice.

552.4(2) *Identification.* When the pharmacy is open to the public, pharmacy personnel will wear visible identification to provide the individual's first name and title.

552.4(3) *Telepharmacy certified pharmacy technicians.* Prior to working in a telepharmacy under remote pharmacist supervision, a certified pharmacy technician will have:

- a. Worked at least 1,000 hours in an Iowa-licensed pharmacy.
- b. Completed at least 160 hours of training in a managing pharmacy, at another pharmacy using the same audiovisual technology system, or at the telepharmacy site under the direct supervision of an on-site pharmacist.

481—552.5(155A) Standard of care. Each licensee and registrant will provide the accepted standard of care within the individual's scope of practice that would be provided in a similar setting by a reasonable and prudent licensee or registrant with similar education, training and experience.

481—552.6(155A) Patient confidentiality. In the absence of express consent from the patient or an order or direction of a court, except where the best interests of the patient require, pharmacy personnel will not divulge or reveal to any person other than the patient or the patient's authorized representative, the prescriber or other licensed practitioner then caring for the patient, a licensed pharmacist, or a person duly authorized by law to receive such information any information contained in a patient's record relating to any prescription for, medical information about, or pharmacy service provided to the patient.

481—552.7(155A) Pharmacist-interns. An internship will include no fewer than 1,500 hours of pharmacy practice experience that, at a minimum, includes community, institutional and clinical pharmacy practice settings that are licensed in the state in which they are located. A student who has been awarded a pharmacy degree from an ACPE-accredited college of pharmacy located in the United States is deemed to have satisfied this requirement.

481—552.8(155A) Supervision of nonpharmacist personnel.

552.8(1) *Temporary absence of pharmacist.*

a. *Pharmacist is not on site.* Pharmacy policies and procedures may designate pharmacy personnel who may be present in the pharmacy department to perform delegated functions in accordance with subrule 552.3(3), with the exception of dispensing filled prescriptions, when the pharmacy is closed and, excluding institutional practice settings, when a pharmacist is not on site for a period of time not to exceed two hours.

b. *Pharmacist is on site and absent from the pharmacy department.* Pharmacy policies and procedures may designate pharmacy personnel who may be present in the pharmacy department to perform delegated functions.

552.8(2) Remote supervision. Pharmacist supervision of certified pharmacy technicians performing delegated functions at a location other than the licensed location will ensure that:

- a. Patient information is secure and confidential.
- b. The pharmacist has real-time access to the system used or record processed.
- c. The technician has real-time access to the pharmacist.

552.8(3) Telepharmacy. Notwithstanding subrules 552.8(1) and 552.8(2), a pharmacist may provide remote supervision of pharmacy personnel in a licensed telepharmacy.

481—552.9(155A) Delegation of functions.

552.9(1) Technicians and pharmacy support persons. A supervising pharmacist may delegate any nonclinical function to a pharmacy technician or pharmacy support person in accordance with the individual's registration, training, and education.

552.9(2) Pharmacist-interns. A preceptor or supervising pharmacist is responsible for the professional oversight of a pharmacist-intern and may delegate any task in accordance with the education and training of the pharmacist-intern.

481—552.10(155A) Technician product verification. A pharmacy may establish a technician product verification program in accordance with this rule for the purpose of redirecting pharmacist time to clinical services.

552.10(1) Policies and procedures. A pharmacy will establish policies and procedures prior to initiation of a program that will include but not be limited to:

- a. Utilization of barcode scanning and prohibition of technician overrides,
- b. Training of checking technicians and pharmacists,
- c. Authorization of checking technicians,
- d. Exclusion of certain medications from the program, and
- e. Documentation of each technician involved in filling or verifying prescriptions in the program.

552.10(2) Quality assurance. A pharmacy utilizing a technician product verification program will establish and utilize a quality assurance program to ensure ongoing compliance with its policies and procedures.

481—552.11(155A) Unprofessional conduct. Acts or practices that constitute unprofessional conduct contrary to public interest include but are not limited to:

552.11(1) Unethical conduct that includes but is not limited to fraud, misrepresentation, negligence, concealment, negating the patient's freedom of choice for pharmacy services, or breaching the public trust with respect to the practice of pharmacy.

552.11(2) Discrimination against a patient or group of patients.

552.11(3) Unprofessional behavior that includes but is not limited to verbal abuse, coercion, intimidation, harassment, sexual advances, threats, degradation of character, indecent or obscene conduct, theft, or refusal to provide reasonable information or answer reasonable questions for the benefit of a patient.

481—552.12(155A) Manner of issuance of prescriptions.

552.12(1) Legitimate purpose. Prescriptions will be valid when issued for a legitimate medical purpose by a prescriber acting in the usual course of the prescriber's professional practice to a patient within an established prescriber/patient relationship, except when issued in accordance with Iowa Code section 135.185, 135.190, 139A.41, 147A.18, or 280.16A.

552.12(2) Security paper. A prescription for a noncontrolled substance that is authenticated with an electronic signature and printed will be printed on security paper that ensures the prescription information is not obscured or rendered illegible during fax transmission or scanning into an electronic record system.

552.12(3) Inaccessibility of prescriber.

a. Once the prescriber/patient relationship is broken and the prescriber is no longer available to treat the patient or oversee the patient's use of the medication, a prescription loses its validity. Upon

becoming aware of the situation, the pharmacist will cancel the prescription and any remaining refills but may exercise prudent judgment in individual circumstances to ensure sufficient patient access to continued treatment until the patient can reasonably obtain the service of another prescriber.

b. In the event that a pharmacist is unable to obtain a response from a prescriber after reasonable attempts, the pharmacist may refill a patient's prescription, excluding controlled substances, when, in the pharmacist's judgment, the patient may experience undue harm due to the lapse in therapy.

552.12(4) Therapeutic substitution.

a. The patient record will include the originally prescribed medication as well as the therapeutic substitution made by the pharmacist.

b. For noninstitutionalized patients, the pharmacist will obtain patient consent prior to substitution and notify the prescriber of the therapeutic substitution within three business days following dispensing.

c. For institutionalized patients, the pharmacist will follow institutional policies and procedures for therapeutic substitution and documentation.

481—552.13(124,155A) Electronic transmission mandate—exemptions and petition.

552.13(1) Exemptions. In addition to the exemptions identified in Iowa Code sections 124.308 and 155A.27, the following prescriptions will be exempt from the electronic transmission requirement:

a. A prescription issued pursuant to Iowa Code section 280.16A.

b. A prescription issued in an emergency to meet the immediate care need of a patient when a prescriber is unable to access electronic prescribing capabilities. Such prescription will be limited to a quantity sufficient to meet the acute need of the patient with no authorized refills.

552.13(2) Form. An exemption from the electronic transmission mandate provided in Iowa Code sections 124.308 and 155A.27 may be requested on a form provided by the board.

552.13(3) Criteria for board consideration. Except for petitions citing the exceptional circumstances listed herein, which will be administratively reviewed for approval, each petition will be reviewed on a case-by-case basis.

a. A free or low-income clinic where health care is provided at no cost or at a reduced cost to the patient without reimbursement from a third-party payer that requests an exemption for noncontrolled substances only.

b. A licensed prescriber who issues no more than 50 noncontrolled substance prescriptions per year who requests an exemption for noncontrolled substances only.

c. The department of veterans affairs for prescriptions that are not filled at a veterans affairs pharmacy.

d. A prescriber at a student health center based at a college or university, for noncontrolled substances only.

e. A dentist seeking an exemption for prescriptions limited to toothpastes and mouthwashes.

f. A compounding pharmacy that dispenses no more than 50 prescriptions for commercially available prescription medications per year that requests an exemption for noncontrolled substances only.

481—552.14(155A) Manner of issuance of medication orders.

552.14(1) Required elements. Each medication order for a hospital patient or for a noncontrolled substance for a care facility or correctional facility patient will include:

a. Patient name.

b. Drug name, strength, and dosage form.

c. Instructions for use.

d. Date of authorization.

e. Prescriber name and signature.

552.14(2) Pharmacist verification. Except as provided in facility policies, a pharmacist will review the entry of a new medication order completed by a nonpharmacist prior to the administration of the medication.

481—552.15(155A) Prospective drug use review.

552.15(1) *Prior to dispensing.* Except for prescriptions issued in accordance with Iowa Code section 135.185, 135.190, 139A.41, 147A.18, or 280.16A, a pharmacist will perform a drug utilization review for each prescription dispensed.

552.15(2) *Prior to second administration from stock or emergency supply.* A pharmacist will perform a drug utilization review prior to the administration of a second dose of a new medication order when administered from a stock or emergency supply for an institutional patient.

481—552.16(155A) Transfer of prescriptions. Transfers of prescriptions will be at the request of the patient or the patient's caregiver. Individuals authorized to transfer prescriptions include a pharmacist and, except for transfers of controlled substance prescriptions, a certified pharmacy technician and a pharmacist-intern.

552.16(1) *Limitations.* Transfers of controlled substance prescriptions are limited in accordance with 21 CFR Part 1306 as amended on August 28, 2023.

552.16(2) *Documentation.*

a. Controlled substances for initial filling. Documentation of transfers of electronic controlled substance prescriptions for initial filling will be in accordance with 21 CFR 1306.08 as amended on August 28, 2023.

b. Controlled substances for refilling. Documentation of transfers of controlled substance prescriptions for refilling will be in accordance with 21 CFR 1306.25 as amended on August 28, 2023.

c. Noncontrolled substances. Documentation of transfers of noncontrolled substance prescriptions will include the required elements identified in 21 CFR 1306.25 as amended on August 28, 2023, except for the date of original dispensing, location(s) of previous refill(s), and DEA registration numbers of the pharmacies party to the transfer.

481—552.17(155A) Contract pharmacy services. A pharmacy may, via an executed agreement between the entities or through common ownership, utilize the services of another Iowa-licensed pharmacy for prescription processing, filling, or dispensing when:

552.17(1) The entities involved have real-time electronic access to the prescription in process that is secure from unauthorized access and maintains patient confidentiality.

552.17(2) Any prescription processing system utilized documents the identification of each individual involved in each step or function of prescription processing, filling or dispensing.

552.17(3) Patient counseling is provided by a pharmacist or pharmacist-intern in a professional setting that can maintain patient privacy.

552.17(4) The pharmacy that maintains the original prescription record maintains ultimate responsibility to ensure compliance with all laws and rules.

481—552.18(155A) Telepharmacy.

552.18(1) *Managing pharmacy requirement.* Only an Iowa-licensed and Iowa-located pharmacy can serve as a managing pharmacy for a telepharmacy site located in Iowa.

552.18(2) *Agreement.* An agreement between a telepharmacy and a managing pharmacy will include:

a. The services to be provided by the managing pharmacy, including adequate on-site pharmacist presence to meet the needs of the pharmacy that is no less than 16 hours per month.

b. The conditions under which the telepharmacy may be operational.

552.18(3) *Requirements.* Notwithstanding other rules of the board, a telepharmacy site will:

a. Maintain a perpetual inventory system in accordance with 481—subrule 553.6(1) for all controlled substances at the telepharmacy site.

b. Maintain documentation of a monthly inspection at the telepharmacy site conducted by an on-site pharmacist in accordance with subrule 552.18(4).

552.18(4) *Monthly inspection.* The monthly inspection will include:

a. Audit and reconciliation of controlled substance perpetual and physical inventories.

b. Verification that the video recording system is functioning properly and that the recordings are available for at least 60 days beyond the recording date.

c. Compilation of data from the previous month to include the number of prescriptions filled, the number of on-site pharmacist hours, and the number of hours the telepharmacy site was open for business.

552.18(5) Conversion to general pharmacy. If the average number of prescriptions dispensed per day, calculated as the average number of prescriptions dispensed per day over the previous 90-day period, exceeds 150 prescriptions, the telepharmacy site will provide on-site pharmacist staffing 100 percent of the time the telepharmacy is open for business and will, within 30 days, submit an application for licensure as a general pharmacy.

481—552.19(155A) Packaging. Medications will be packaged to ensure that:

552.19(1) The packaging is appropriate for the medication.

552.19(2) The packaging can be appropriately labeled in accordance with rule 481—552.21(155A).

552.19(3) An assigned beyond-use date is appropriate for the medication and packaging used.

552.19(4) Medications that were comingled with other medications or any medication for which storage conditions and product integrity cannot be verified, as described in pharmacy policies and procedures, will not be returned to pharmacy stock.

481—552.20(155A) AMDS.

552.20(1) Stocking AMDS. Drug products will be loaded into an AMDS or component via barcode scanning by pharmacy personnel, except pharmacy support persons, as delegated by the supervising pharmacist.

552.20(2) Pharmacist verification of AMDS-dispensed drugs.

a. Prepackaged medications that were verified by a pharmacist prior to being stocked in the AMDS and that are not further manipulated will not require additional verification prior to dispensing to a patient.

b. Except as provided in paragraph 552.20(3) “b,” a pharmacist will document final verification of any medication manipulated by the AMDS (such as counting or packaging) prior to dispensing to a patient.

552.20(3) Placement of AMDS.

a. Except as provided in paragraph 552.20(3) “b,” an AMDS may only be placed outside a pharmacist’s direct supervision when utilized in an approved telepharmacy or when the AMDS dispenses pharmacist-verified packages in compliance with paragraph 552.20(2) “a.”

b. A pharmacy may place and maintain an AMDS in an Iowa-licensed institution for administration to institution patients pursuant to policies and procedures.

481—552.21(155A) Labeling.

552.21(1) Ambulatory prescription labeling. The required labeling elements for a prescription dispensed for an ambulatory patient include:

a. Patient name, except as provided by the Iowa Code.

b. Prescriber name.

c. Pharmacy name, address, and telephone number.

d. Product name, strength, dosage form, and quantity.

e. Instructions for use.

f. Dispense date.

g. Unique serial number.

h. Manufacturer name or NDC.

552.21(2) Institutional patient-specific prescription labeling. The required labeling elements for a patient-specific supply of prescription medication dispensed for an institutional patient include:

a. On the immediate container:

(1) Patient name.

(2) Drug name, strength, and dosage form.

- b.* On outer packaging, if not present on the immediate container:
- (1) Instructions for use.
 - (2) Pharmacy name, address, and telephone number unless the pharmacy is located within the institutional facility.
 - (3) Dispense date.
 - (4) Unique serial number.
 - (5) Beyond-use date.

552.21(3) *Non-patient-specific drug labeling.* The required labeling elements for a non-patient-specific supply of prescription medication include:

- a.* Drug name, strength, and dosage form.
- b.* Drug manufacturer or NDC.
- c.* Expiration or beyond-use date.

552.21(4) *Compounded patient-specific preparation labeling.* In addition to the required labeling identified in subrule 552.21(1) or 552.21(2), as applicable, a label for a compounded preparation will also include:

- a.* The name and concentration of each active ingredient.
- b.* The date that the preparation was compounded.
- c.* Special storage and handling instructions, if applicable.
- d.* Except in institutional settings, the statement “THIS IS A COMPOUNDED DRUG” or a similar statement identifying the product as a compounded preparation, including the term “STERILE” when applicable.
- e.* The batch identification or control number from which the preparation was dispensed, if applicable.
- f.* Beyond-use date.

552.21(5) *Compounded non-patient-specific preparation labeling—batch compounding or veterinary office supply.* The required labeling elements for a non-patient-specific supply of a compounded preparation include:

- a.* Preparation name, strength, dosage form, and quantity.
- b.* Name and concentration of each active ingredient.
- c.* Pharmacy name, address, and telephone number, except when batch compounding.
- d.* Preparation date.
- e.* Beyond-use date.
- f.* Storage and handling instructions.
- g.* Lot or batch identification or control number, if applicable.
- h.* The statement “THIS IS A COMPOUNDED DRUG” or a similar statement identifying the product as a compounded preparation, including the term “STERILE” when applicable, except for use within an institutional setting.
- i.* The statement “NOT FOR REDISTRIBUTION” or a similar statement to ensure that use of the compounded preparation is limited to direct patient administration or dispensing pursuant to a patient-specific prescription.

481—552.22(155A) Compounding.

552.22(1) *USP standards—pharmacies.* Preparations compounded pursuant to 21 U.S.C. §353a (Food, Drug, and Cosmetic Act §503A) as amended November 27, 2013, will be prepared in accordance with the standards of USP General Chapter 795 (2023) for nonsterile compounds and USP General Chapter 797 (2023) for sterile compounds.

552.22(2) *Compounding copies of an approved drug.*

a. The compounding of a preparation that is essentially a copy of an FDA-approved drug is prohibited unless:

- (1) The compounded preparation is changed to produce for an individual patient a clinically significant difference to meet a medical need as documented by the prescriber, or

(2) The FDA-approved product is identified as currently in shortage on the FDA drug shortages database.

b. The factors that indicate that a compounded preparation is essentially a copy of an approved drug include:

(1) The compounded preparation has the same active pharmaceutical ingredient(s) as the commercially available drug product;

(2) The active pharmaceutical ingredients have the same, a similar, or an easily substitutable dosage strength; and

(3) The commercially available drug product can be used by the same route of administration as prescribed for the compounded preparation.

c. A prescription issued for a compounded preparation that is essentially a copy of an approved drug will clearly document the relevant change and the significant clinical difference produced for the patient.

552.22(3) *Compounding for veterinary office use.* A pharmacy may compound preparations for distribution to a veterinarian for office use, which may include direct patient administration or dispensing pursuant to a patient-specific prescription.

552.22(4) *Reporting.* Annually, prior to April 1, each licensed pharmacy located in Iowa that dispensed compounded preparations for human use interstate in the previous calendar year will report compounding data to the NABP information-sharing network.

552.22(5) *Exemptions.* The combining of commercially manufactured, ready-to-use products is exempt from USP General Chapter 795 (2023) compounding standards under the following conditions:

a. No more than four commercially manufactured, ready-to-use products (that have not been manipulated) are used.

b. Compounding is not done in anticipation of medication orders.

c. Preparations are assigned beyond-use dates in accordance with USP General Chapter 795 (2023).

d. The use of commercially manufactured, ready-to-use flavoring agents does not exceed 5 percent of the total volume of the drug to which the flavoring agents are added.

e. The prescription label will comply with USP General Chapter 795 (2023) and subrule 552.21(4).

552.22(6) *Records.* A record for each compounded preparation will be prepared and maintained and will include:

a. All ingredients used in the preparation, including manufacturer or NDC, lot number, and expiration date.

b. The compounding steps involved in the preparation.

c. All personnel involved in compounding and reviewing the preparation.

481—552.23(155A) Patient counseling.

552.23(1) *Counseling required.* Except for institutionalized patients, prior to dispensing a prescription that is a new or changed therapy, a pharmacist or pharmacist-intern will counsel the patient or the patient's caregiver on matters that, in the pharmacist's professional judgment, will enhance or optimize drug therapy. An offer to counsel will not satisfy this requirement.

552.23(2) *Counseling area.* Each pharmacy located in Iowa will maintain an area for patient counseling that is accessible to patients and the pharmacist, prevents patient access to prescription drugs, and ensures the confidentiality and privacy of the pharmacist/patient communication.

552.23(3) *Alternative methods.* If, in the pharmacist's professional judgment or following reasonable attempts, oral counseling is not practicable, the pharmacist may utilize an alternative method for providing prescription educational materials to the patient or the patient's caregiver, including a toll-free mechanism for the patient to contact the pharmacist. "Not practicable" does not include issues relating to pharmacy staffing, prescription volume, or manner of dispensing (by mail or courier).

552.23(4) *Refusal of counseling.* A patient's refusal for counseling will be documented by the pharmacist.

481—552.24(155A) Provision of emergency kits. A pharmacy may provide one or more emergency kits to facilities licensed and authorized to administer medications to patients pursuant to established policies and procedures, ensuring that the drugs are stored in a location that is secure from unauthorized access and maintains product integrity. Each emergency kit will be labeled with the name, strength, and quantity of drugs contained in the kit. A pharmacy will maintain documentation of the contents of each kit provided to an authorized facility as well as the expiration dates of all drugs contained in each kit.

481—552.25(155A) Continuous quality improvement program. Each pharmacy will utilize a continuous quality improvement or similar program to timely detect, identify, evaluate and prevent medication errors.

552.25(1) Reportable program events. Medication errors resulting in the incorrect dispensing of a prescribed drug received by or administered to a patient that require documentation include but are not limited to:

- a. An incorrect drug strength or dosage form.
- b. A drug received by the wrong patient.
- c. Inadequate or incorrect packaging, labeling or directions.
- d. Any error that results in or has the potential to result in serious patient harm.

552.25(2) Documentation. Events will be documented, with the program record to be initiated within three days following the discovery of the event, and the documentation will include:

- a. A description of the event.
- b. The dates of the event and its discovery.
- c. The names of individuals involved in the event, the discovery, and the event review.
- d. The root cause of and contributing factors to the event.
- e. Remediation to prevent similar future events.
- f. Review of events with all pharmacy personnel.

481—552.26(155A) Statewide protocols. To the extent authorized in Iowa Code section 155A.46, a pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of health and human services and available on the board's website at dial.iowa.gov, order and dispense medications pursuant to the requirements identified in the statewide protocols. For the purpose of this rule, an order constitutes a prescription.

481—552.27(155A) Collaborative pharmacy practice.

552.27(1) Agreement. A pharmacist or pharmacy may engage in collaborative pharmacy practice under a collaborative pharmacy practice agreement with one or more practitioners who are authorized to independently prescribe, or as established by a health system pharmacy and therapeutics committee, to provide patient care and drug therapy management services to one or more patients.

552.27(2) Standards.

a. A collaborative pharmacy practice agreement will be reviewed and updated as necessary by all parties every two years and will include:

(1) The identification of the parties to the agreement, including the name(s) or category of the pharmacist(s), including registered pharmacist-intern(s) under the supervision of a pharmacist, who are authorized to perform delegated activities under the agreement and the name(s) or category of the practitioner(s) who are delegating activities under the agreement;

(2) The establishment of the delegating practitioner's scope of practice authorized in the agreement and a description of the permitted activities and decisions to be performed by the pharmacist(s);

(3) The protocol, formulary, or clinical guidelines that describe or limit the pharmacist's authority to perform the patient care or drug therapy management services and, as applicable, the drug name, class or category provided under drug therapy management;

(4) A description of the process to monitor compliance with the agreement and clinical outcomes of patients;

(5) The effective date;

(6) A provision addressing termination of the agreement; and

(7) The signatures of the parties to the agreement and dates of signing unless established by a health system pharmacy and therapeutics committee.

b. Any agreement will be maintained by the pharmacist(s) or pharmacy and be available upon request or inspection.

c. Prior to engaging in activities provided by the agreement, each pharmacist will document attestation that the pharmacist has read and understands the agreement.

481—552.28(155A) Pharmacy pilot or demonstration research projects. In accordance with Iowa Code section 155A.47, a pharmacy may submit a pilot or demonstration research project (“pilot project”) to the board for approval.

552.28(1) Petition. A petition for a pilot project, including for renewal of a previously approved project, will include:

a. The name, email address, and pharmacist license number of each pharmacist responsible for overseeing the project.

b. The name, address, and telephone number of each specific location, including the pharmacy license number if the location is a pharmacy where the project will be conducted.

c. A detailed summary of the pilot project that includes:

(1) The goals, hypothesis, and objective(s) of the pilot project.

(2) An explanation of the project, including background information or a literature review to support the project, and how it will be conducted.

(3) The time frame for the project, including the start date and study length.

(4) The rule(s) to be waived for the project and a petition for waiver of the rule(s).

(5) Procedures to be used during the project to ensure that public health and safety are not compromised.

552.28(2) Board decision. Upon review of a petition for a pilot project, the board may approve or deny a petition. Project approval:

a. Will be specific for the project requested.

b. Will identify a time period for the project.

c. May include conditions to be satisfied.

552.28(3) Final project report. A final project report will include a written summary of the result(s) of the project and the conclusion(s) drawn from the result(s), which will be submitted to the board within three months of the conclusion or termination of the project.

481—552.29(155A) Nuclear pharmacy.

552.29(1) Personnel and training.

a. An authorized nuclear pharmacist will meet all applicable requirements of the United States Nuclear Regulatory Commission pursuant to 10 CFR (2023).

b. Notwithstanding rule 481—552.9(155A), pharmacy personnel registered as a pharmacy support person trained in nuclear pharmacy operations may engage in technical functions as delegated by an authorized nuclear pharmacist.

552.29(2) Supervision. An authorized nuclear pharmacist is responsible for all operations of the pharmacy and, except in emergency situations, will be on site during the pharmacy’s hours of operation.

552.29(3) Preparation standards. Radiopharmaceuticals will be prepared in accordance with the standards identified in USP General Chapter 825 (2020). Compounded radiopharmaceuticals will be prepared in accordance with the standards identified in USP Chapter 795 (2023) for nonsterile preparations or USP Chapter 797 (2023) for sterile preparations, as applicable.

481—552.30(155A) Records.

552.30(1) Types of records. Each pharmacy will maintain the following records, if applicable to the pharmacy’s operation:

a. Patient records, including demographic information, prescription or medication order information and all information needed to conduct drug utilization review pursuant to rule 481—552.15(155A).

- b. Prescriber records, including demographic and prescription information.
- c. Prescription or medication order records, including the unique identification number assigned, information about each fill including product NDC, and identification of the individual(s) responsible for prescription preparation and product verification.
- d. Prescription drug inventory records, including transaction records for the receipt and distribution of prescription drugs.
- e. Documentation of the current license or registration of each pharmacy staff member working in the pharmacy.
- f. Documentation of the initials or unique credentials used in pharmacy records and systems for each pharmacy employee.
- g. Documentation of temporary pharmacy staffing, including the individual's name, license or registration number, and unique credentials used in pharmacy records and systems; the date worked; and the shift worked.
- h. Documentation of pharmacy personnel training for delegated functions within the individual's scope of practice.

552.30(2) *Retention of records.*

- a. *Security.* Records will be maintained in a secure fashion, ensuring that the records protect patient confidentiality and prevent unauthorized access.
- b. *Duration.* All records will be retained for at least two years from the date of the last activity on the record.
- c. *Method.* When not prohibited by federal law or regulation, records may be maintained as follows:
 - (1) At an alternate site in compliance with paragraph 552.30(2)“a” if a legible electronic copy is immediately available for inspection and copying by the board or its authorized agent.
 - (2) Via legible electronic copy if immediately available for inspection and copying by the board or its authorized agent.

552.30(3) *Provision of records.* Records will be provided to the board or its authorized agent within three business days of a request.

These rules are intended to implement Iowa Code sections 124.302 and 147.76 and chapter 155A.

ARC 8979C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Amended Notice of Intended Action

Proposing rulemaking related to Iowa prescription monitoring program and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to adopt new Chapter 556, “Iowa Prescription Monitoring Program,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 124.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 124.

Purpose and Summary

The purpose of this proposed rulemaking is to establish the functional requirements for the Iowa Prescription Monitoring Program (PMP) Advisory Committee (Committee), requirements for practitioners to register for the PMP, reporting requirements, PMP security, and requirements for access to and reporting of PMP information.

Reason for Amendment of Notice of Intended Action

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 27, 2024, as **ARC 8423C**. No public comments were received.

While the Board of Pharmacy did not receive any public comments relating to this rulemaking, modifications were made to provide clarity and eliminate potential confusion since the rulemaking relates to the qualification of practitioner delegates seeking PMP registration and access to patient prescription history. One additional change was made to remove a reference to 2024 Iowa Acts, Senate File 2385, since that legislation has been codified in the 2025 Iowa Code.

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 Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 25, 2025. Comments should be directed to:

Sue Mears
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: sue.mears@dia.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).

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 481—Chapter 556:

CHAPTER 556
IOWA PRESCRIPTION MONITORING PROGRAM

481—556.1(124,155A) Definitions. The definitions found in 481—Chapter 550 are incorporated by reference into these rules.

481—556.2(124) PMP advisory committee.

556.2(1) Membership. The members of the PMP advisory committee will include prescribing practitioners as identified in Iowa Code section 124.555(1) and may include a multidisciplinary coalition of authorized users who routinely interact with the PMP and one member of the public who is not eligible to register with the PMP.

556.2(2) Term of appointment. Committee members will be appointed by the board for a three-year term and may be reappointed by the board for no more than two additional terms. Each term will expire on June 30 of the third year of the term.

556.2(3) Quorum. A quorum will be a majority of the appointed members.

556.2(4) Termination of appointment. A committee member who is no longer eligible or able to serve on the committee will submit a written resignation to the board. A committee member who fails to attend three consecutive regular committee meetings is deemed to have resigned.

481—556.3(124) Registration.

556.3(1) Registration. Authorized access to PMP information pursuant to Iowa Code section 124.553 will be available only to registered users, except as provided herein.

556.3(2) Registration not needed. Individuals seeking their own individual prescription records need not register with the PMP.

556.3(3) Practitioner's delegates. A practitioner may authorize an adequate number of credentialed health care professionals, not exceeding 30, who are directly involved in the care of the patient to access PMP information. The practitioner is responsible for the PMP information access of the delegates.

481—556.4(124) Reporting requirements.

556.4(1) Reportable data. The following will be reported to the PMP in accordance with Iowa Code sections 124.551, 124.552, and 124.554(1) "g":

- a. Controlled substances dispensed to a patient for self-administration.
- b. Opioid antagonists dispensed or administered by a practitioner, including:
 - (1) To an emergency department patient, and
 - (2) To a patient upon discharge from a hospital, correctional facility or care facility.
- c. If the pharmacy did not dispense or administer any reportable prescriptions during a reporting period, a zero report.

556.4(2) Required data elements.

a. In addition to the information required in Iowa Code section 124.552(1), the following elements will be reported:

- (1) Form of transmission of prescription origin.
- (2) Refill number.
- (3) Number of refills authorized.

b. In an exceptional circumstance, a practitioner may request an extension of time for transmitting program information.

556.4(3) Exemptions—practitioners. The following are exempt from reporting controlled substances:

- a. A licensed veterinarian in the normal course of professional practice.
- b. A DEA-registered narcotic treatment program that is subject to the recordkeeping provisions of 21 CFR 1304.24 as amended on June 28, 2021.

556.4(4) Board notification. A pharmacy that does not engage in any reportable dispensing or administration will notify the board at the time of licensure.

556.4(5) Submission format. Data will be transmitted via the PMP's current version of data upload or electronic submission.

556.4(6) Submission errors. Upon notification of a potential error in program information, the reporting practitioner will promptly correct the error.

481—556.5(124) Security.

556.5(1) Board. The board will collect, store, and disseminate program information using technology that utilizes encryption as defined in Iowa Code section 715C.1.

556.5(2) Integrated systems. A practitioner, pharmacy, or health care system utilizing an integrated system to connect its electronic health record or data processing system with the PMP will:

- a. Ensure the maintenance of user access logs for four years from the date of access, including the identification of the practitioner for which a delegate accessed program information.
- b. Ensure the maintenance of adequate security to prevent unauthorized access, disclosure, or theft of program information.
- c. Notify the board within 72 hours of any breach in the electronic health record or data processing system that may have included program information.

481—556.6(124) Access to and reporting of PMP information.

556.6(1) Patient requests. An individual patient or a patient's authorized representative may request the patient's own prescription history report via submission of a completed PMP patient request form via personal, mail, or commercial delivery. A patient's authorized representative includes an individual with medical power of attorney for the patient, the patient's attorney, an executor of the patient's estate, or the patient's next of kin as defined in Iowa Code section 523A.102.

556.6(2) Authorized user requests. An individual authorized to receive program information may request program information pursuant to and in accordance with Iowa Code section 124.553 via the program platform, which request will include verification of the requestor's authorization to receive the information.

556.6(3) Statistical data. The board or its designee may provide summary, statistical, or aggregate data to public or private entities for statistical, public research, public policy, or educational purposes.

556.6(4) Prescriber activity reports. At least annually, the board will electronically issue to each prescriber whose prescribed controlled substances were reported to the program during the preceding reporting period an activity report in accordance with Iowa Code section 124.554(3) "a."

556.6(5) Proactive notifications. When a patient meets or exceeds the criteria and thresholds determined by the board and the advisory committee, the board will issue a notification to a practitioner that the patient may be at risk of abusing or misusing a controlled substance and suggest review of the patient's program information.

These rules are intended to implement Iowa Code chapter 124, subchapter VI.

ARC 8977C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to licensure and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to adopt Chapter 2060, "Licensure of Hearing Aid Specialists," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 147.36, 272C.3, 272C.4 and 272C.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 154A and 272C.

Purpose and Summary

These proposed rules comply with 2024 Iowa Acts, Senate File 2385, which eliminated the Board of Hearing Aid Specialists and changed that terminology to refer to the Department. Senate File 2385 also extended the temporary permit from one year to two years, allowing licensees additional training time under the supervision of a licensed hearing aid specialist. These proposed rules also make a correction to the number of continuing education hours listed under reactivation since they decreased during the 2023 Red Tape Review, and that change was missed in previous rulemakings.

These rules set minimum standards for entry into the hearing aid specialist profession. Iowa residents, licensees and employers benefit from the rules since the rules articulate the processes by which individuals apply for licensure as a hearing aid specialist in the state of Iowa as directed in statute. This includes the processes for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that any individual entering the profession has minimum competency. Requirements include the application process and examination requirements.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 30, 2024. A public hearing was held on the following date(s):

- November 20, 2024

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.

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 March 25, 2025. Comments should be directed to:

Jessica O'Brien
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.281.6352
Fax: 515.281.7969
Email: jessica.o'brien@dia.iowa.gov

Public Hearing

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

| | |
|----------------|-----------------------------|
| March 25, 2025 | 6200 Park Avenue, Suite 100 |
| 9 to 9:20 a.m. | Des Moines, Iowa |

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

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. Adopt the following **new** 481—Chapter 2060:

HEARING AID SPECIALISTS

CHAPTER 2060

LICENSURE OF HEARING AID SPECIALISTS

481—2060.1(154A) Definitions. For purposes of these rules, the following definitions apply:

“Active license” means a license that is current and has not expired.

“Department” means the department of inspections, appeals, and licensing.

“Dispense” or *“sell”* means a transfer of title or of the right to use by lease, bailment, or any other means, but excludes a wholesale transaction with a distributor or hearing aid specialist, and excludes the temporary, charitable loan or educational loan of a hearing aid without remuneration.

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

“Hearing aid specialist” means any person engaged in the fitting, dispensing and sale of hearing aids and providing hearing aid services or maintenance by means of procedures stipulated by Iowa Code chapter 154A or the department. These rules are not intended to regulate unlicensed people who sell, dispense, market, use, distribute, or provide customer support to over-the-counter hearing aids as regulated by the U.S. Food and Drug Administration.

“Inactive license” means a license that has expired because it was not renewed by the end of the grace period.

“License” means a license issued by the state to a hearing aid specialist.

“Licensee” means any person licensed to practice as a hearing aid specialist in the state of Iowa.

“Licensure by endorsement” means the issuance of an Iowa license to practice as a hearing aid specialist to an applicant who is or has been licensed in another state.

“National examination” means the standardized licensing examination of the International Hearing Society (IHS) or its successor organization.

“Reactivate” or *“reactivation”* means the process as outlined in rule 481—2060.8(17A,147,272C) by which an inactive license is restored to active status.

“Reinstatement” means the process as outlined in rule 481—506.31(272C). Once the license is reinstated, the licensee may apply for active status.

“Temporary permit” means a permit issued while the applicant is in training to become a licensed hearing aid specialist.

“Trainee” means the holder of a temporary permit.

481—2060.2(154A) Temporary permits.

2060.2(1) The applicant will submit a completed online application and pay the nonrefundable licensure fee specified in rule 481—507.7(147,154A). The application will be accompanied by a statement from the employer, which includes the following information:

- a. The type of supervision to be provided to the trainee;
- b. A list of the subjects to be covered;

- c. The books and other training materials to be used for training; and
- d. An outline of the training program to prepare the trainee for examination.

2060.2(2) A temporary permit is valid for two years and shall not be renewable.

2060.2(3) The department reserves the right to deny an application for a temporary permit or rescind a temporary permit once issued.

481—2060.3(154A) Supervision requirements.

2060.3(1) The supervisor(s) of temporary permit holders will:

- a. Have a current hearing aid specialist license valid for the preceding 24 months;
- b. Have two years of actual experience in testing, fitting, and dispensing of hearing aids;
- c. Supervise no more than three trainees at the same time;
- d. Be responsible for training the temporary permit holder;
- e. For the first 90 days, provide a minimum of 20 hours of direct supervision;
- f. Provide direct supervision for any client activity that would require dispensing of hearing aids, including evaluation, selection, fitting or selling of hearing aids in the first 90 days;
- g. Evaluate the audiograms and determine which hearing aid and ear mold will best compensate for hearing loss;
- h. Cosign all audiometric evaluations and contracts processed by the trainee for the duration of the temporary permit;
- i. Submit, on a department-approved form, a supervision report for trainees prior to taking the department-approved examination. A supervision report is required each time the temporary permit holder submits a request to take the examination; and
- j. Notify the department within 15 days of the termination of the holder of a temporary permit.

2060.3(2) A trainee with a temporary permit will notify the department in writing within ten days of an interruption of training due to loss of supervision and, within 30 days, obtain a replacement supervisor for continuance of the training period. A statement will be signed by each supervisor.

2060.3(3) If a statement by the replacement supervisor is not submitted, the trainee will revert to new trainee status.

481—2060.4(154A) Requirements for initial licensure. The following criteria apply to licensure:

2060.4(1) The applicant will submit a completed online application and pay the nonrefundable licensure fee specified in rule 481—507.7(147,154A).

2060.4(2) The applicant will provide verification of passing one of the following examinations:

- a. The national examination through IHS. The applicant may not take the national examination through IHS more than six times without department approval.
- b. The Praxis Examination in audiology through the Educational Testing Service.

2060.4(3) Applicants who hold a temporary permit are required to submit a supervisory report in accordance with paragraph 2060.3(1)“i.”

2060.4(4) An applicant who has been licensed in another state will provide verification of license from the jurisdiction in which the applicant has most recently been licensed, sent directly from the jurisdiction to the department. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification directly from the jurisdiction’s board office if the verification provides:

- a. Licensee’s name;
- b. Date of initial licensure;
- c. Current licensure status; and
- d. Any disciplinary action taken against the license.

2060.4(5) An applicant who has relocated to Iowa from a state that did not require licensure to practice the profession may submit proof of work experience in lieu of educational and training requirements, if eligible, in accordance with rule 481—501.2(272C).

2060.4(6) Incomplete applications that have been on file in the department for more than two years will be considered invalid and destroyed unless requested in writing by the candidate.

481—2060.5(154A) Licensure by endorsement.

2060.5(1) Applicants who have been a licensed hearing aid specialist under the laws of another jurisdiction may apply for licensure by endorsement by submitting the following:

- a. Verification the applicant meets the requirements of rule 481—2060.4(154A);
 - b. Evidence of licensure requirements that are similar to those required in Iowa;
 - c. Official verification of one of the following:
 - (1) A passing score on the national examination determined by IHS;
 - (2) A passing score on an examination that the department determines is equivalent to the national examination; or
 - (3) Current certification from the National Board for Certification in Hearing Instrument Sciences;
- and
- d. Evidence of:
 - (1) Completing a minimum of 24 continuing education hours within the 24 months prior to application; or
 - (2) Continuing education certificates that verify that the minimum hours of continuing education required by a state(s) in which the licensee is currently licensed have been met.

2060.5(2) A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 481—501.1(272C).

481—2060.6(154A) Display of license. Hearing aid specialists will display their original licenses in a conspicuous public place at the primary site of practice.

481—2060.7(154A) License renewal.

2060.7(1) The biennial license renewal period for a hearing aid specialist license will begin on January 1 of each odd-numbered year and end on December 31 of the next even-numbered year. The licensee is responsible for renewing the license prior to its expiration.

2060.7(2) A licensee applying for renewal will:

a. Meet the continuing education requirements of rule 481—2061.2(154A) and the mandatory reporting requirements of subrule 2060.7(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

b. Submit the completed renewal application and renewal fee before the license expiration date.

An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the next renewal two years later.

2060.7(3) Late renewal. The license will become late when the license has not been renewed by the expiration date on the renewal. The licensee will be assessed a late fee as specified in 481—subrule 507.7(4). To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

2060.7(4) Mandatory reporter training requirements.

a. A licensee who examines, attends, counsels, or treats children, dependent adults or both in the scope of the licensee's professional practice will complete the applicable department of health and human services training relating to the identification reporting of child abuse, dependent adult abuse, or both. Written documentation of training completion should be maintained for three years. The training is not required if the licensee is engaged in active duty military service or holds a waiver demonstrating a hardship in complying with these training requirements.

b. The department may select licensees for audit of compliance with the requirements in rule 481—2061.2(154A).

2060.7(5) A two-year license will be issued after the requirements of the rule are met. If the department receives adverse information on the renewal application, the department will issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

2060.7(6) Inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice until the license is reactivated.

481—2060.8(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee will:

2060.8(1) Submit a completed online reactivation application and payment of the nonrefundable application fee.

2060.8(2) Provide verification of current competence to practice as a hearing aid specialist by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant will provide the following:

(1) Verification of the license(s) from the jurisdiction in which the applicant has most recently been licensed showing the licensee’s name, date of initial licensure, current licensure status and any disciplinary action taken against the license; and

(2) Verification of completion of 24 hours of continuing education within two years of application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from the jurisdiction in which the applicant has most recently been licensed showing the licensee’s name, date of initial licensure, current licensure status and any disciplinary action taken against the license; and

(2) Verification of completion of 48 hours of continuing education within two years of application for reactivation.

481—2060.9(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive department-approved reinstatement of the license and must apply for and be granted reactivation of the license prior to practicing as a hearing aid specialist in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 154A and 272C.

ARC 8975C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to continuing education and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 2061, “Continuing Education for Hearing Aid Specialists,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 154A and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 154A and section 272C.2.

Purpose and Summary

This proposed rulemaking implements Iowa Code chapter 154A and section 272C.2 as amended by 2024 Iowa Acts, House File 2686. The rulemaking sets forth continuing education and training requirements for hearing aid specialists. The intended benefit of this rulemaking is to ensure that licensees maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans.

The Board of Hearing Aid Specialists reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. The subrule is being amended to comply with the statutory changes from 2024 Iowa Acts, House File 2686, allowing a licensee to carry over up to 50 percent of excess completed continuing education hours from the previous renewal cycle. This rulemaking would grant hearing aid specialists the ability to carry over up to 12 hours of continuing education earned in excess of the 24 hours required every two years.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 30, 2024. A public hearing was held on the following date(s):

- November 20, 2024

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 Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

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 March 25, 2025. Comments should be directed to:

Jessica O'Brien
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.281.6352
Fax: 515.281.7969
Email: jessica.o'brien@dia.iowa.gov

Public Hearing

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

| | |
|----------------|-----------------------------|
| March 25, 2025 | 6200 Park Avenue, Suite 100 |
| 9 to 9:20 a.m. | Des Moines, Iowa |

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

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. Amend subrule 2061.2(1) as follows:

2061.2(1) The biennial continuing education compliance period extends for a two-year period beginning on January 1 of each odd-numbered year and ending on December 31 of the next even-numbered year. Each biennium, each person who is licensed to practice as a hearing aid specialist in this state is required to complete a minimum of 24 hours of continuing education. A minimum of two hours will be in the content areas of Iowa hearing aid specialist law and rules, or ethics. ~~Continuing education hours cannot be carried over to the next biennium.~~ Licenses who complete continuing education hours in excess of the requirements for renewal may apply up to 50 percent of the required hours to the following renewal period. Licensees may apply a maximum of 12 hours from the previous renewal period.

ARC 8980C

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Proposing rulemaking related to construction safety and health rules and providing an opportunity for public comment

The Labor Services Division hereby proposes to amend Chapter 26, "Construction Safety and Health Rules," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 88.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 29 CFR 1926.

Purpose and Summary

This rulemaking proposes an amendment that adopts by reference a mandatory federal rule relating to personal protective equipment in construction. The federal rule requires that all personal protective equipment properly fit.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 22, 2025. A public hearing was held on the following date(s):

- February 11, 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 Division 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 Division no later than 4:30 p.m. on March 25, 2025. Comments should be directed to:

Mitchell Mahan
Labor Services Division
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.443.1051
Email: mitchell.mahan@dia.iowa.gov

Public Hearing

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

| | |
|---------------------------------|---|
| April 1, 2025 9 to 9:15 a.m. | Lake Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa |
| April 2, 2025 2 to 2:15 p.m. | Lake Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa |

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 Division and advise of specific needs.

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. Amend rule 875—26.1(88) as follows:

875—26.1(88) Adoption by reference. Federal Safety and Health Regulations for Construction beginning at 29 CFR 1926.16 and continuing through 29 CFR, Chapter XVII, Part 1926, are hereby adopted by reference for implementation of Iowa Code chapter 88. These federal rules shall apply and be interpreted to apply to the Iowa Occupational Safety and Health Act, Iowa Code chapter 88, not the Contract Work Hours and Safety Standards Act, and shall apply and be interpreted to apply to enforcement by the Iowa labor commissioner, not the United States Secretary of Labor or the Federal Occupational Safety and Health Administration. The amendments to 29 CFR 1926 are adopted as published at:

38 Fed. Reg. 16856 (June 27, 1973)

38 Fed. Reg. 27594 (October 5, 1973)

38 Fed. Reg. 33397 (December 4, 1973)
39 Fed. Reg. 19470 (June 3, 1974)
39 Fed. Reg. 24361 (July 2, 1974)
40 Fed. Reg. 23072 (May 28, 1975)
41 Fed. Reg. 55703 (December 21, 1976)
42 Fed. Reg. 2956 (January 14, 1977)
42 Fed. Reg. 37668 (July 22, 1977)
43 Fed. Reg. 56894 (December 5, 1978)
45 Fed. Reg. 75626 (November 14, 1980)
51 Fed. Reg. 22733 (June 20, 1986)
51 Fed. Reg. 25318 (July 11, 1986)
52 Fed. Reg. 17753 (May 12, 1987)
52 Fed. Reg. 36381 (September 28, 1987)
52 Fed. Reg. 46291 (December 4, 1987)
53 Fed. Reg. 22643 (June 16, 1988)
53 Fed. Reg. 27346 (July 20, 1988)
53 Fed. Reg. 29139 (August 2, 1988)
53 Fed. Reg. 35627 (September 14, 1988)
53 Fed. Reg. 35953 (September 15, 1988)
53 Fed. Reg. 36009 (September 16, 1988)
53 Fed. Reg. 37080 (September 23, 1988)
54 Fed. Reg. 15405 (April 18, 1989)
54 Fed. Reg. 23850 (June 2, 1989)
54 Fed. Reg. 30705 (July 21, 1989)
54 Fed. Reg. 41088 (October 5, 1989)
54 Fed. Reg. 45894 (October 31, 1989)
54 Fed. Reg. 49279 (November 30, 1989)
54 Fed. Reg. 52024 (December 20, 1989)
54 Fed. Reg. 53055 (December 27, 1989)
55 Fed. Reg. 3732 (February 5, 1990)
55 Fed. Reg. 42328 (October 18, 1990)
55 Fed. Reg. 47687 (November 14, 1990)
55 Fed. Reg. 50687 (December 10, 1990)
56 Fed. Reg. 2585 (January 23, 1991)
56 Fed. Reg. 5061 (February 7, 1991)
56 Fed. Reg. 41794 (August 23, 1991)
56 Fed. Reg. 43700 (September 4, 1991)
57 Fed. Reg. 7878 (March 5, 1992)
57 Fed. Reg. 24330 (June 8, 1992)
57 Fed. Reg. 29119 (June 30, 1992)
57 Fed. Reg. 35681 (August 10, 1992)
57 Fed. Reg. 42452 (September 14, 1992)
58 Fed. Reg. 21778 (April 23, 1993)
58 Fed. Reg. 26627 (May 4, 1993)
58 Fed. Reg. 35077 (June 30, 1993)
58 Fed. Reg. 35310 (June 30, 1993)
58 Fed. Reg. 40468 (July 28, 1993)
59 Fed. Reg. 215 (January 3, 1994)
59 Fed. Reg. 6170 (February 9, 1994)
59 Fed. Reg. 36699 (July 19, 1994)
59 Fed. Reg. 40729 (August 9, 1994)
59 Fed. Reg. 41131 (August 10, 1994)

59 Fed. Reg. 43275 (August 22, 1994)
59 Fed. Reg. 65948 (December 22, 1994)
60 Fed. Reg. 9625 (February 21, 1995)
60 Fed. Reg. 11194 (March 1, 1995)
60 Fed. Reg. 33345 (June 28, 1995)
60 Fed. Reg. 34001 (June 29, 1995)
60 Fed. Reg. 36044 (July 13, 1995)
60 Fed. Reg. 39255 (August 2, 1995)
60 Fed. Reg. 50412 (September 29, 1995)
61 Fed. Reg. 5509 (February 13, 1996)
61 Fed. Reg. 9248 (March 7, 1996)
61 Fed. Reg. 31431 (June 20, 1996)
61 Fed. Reg. 41738 (August 12, 1996)
61 Fed. Reg. 43458 (August 23, 1996)
61 Fed. Reg. 46104 (August 30, 1996)
61 Fed. Reg. 56856 (November 4, 1996)
61 Fed. Reg. 59831 (November 25, 1996)
62 Fed. Reg. 1619 (January 10, 1997)
63 Fed. Reg. 1295 (January 8, 1998)
63 Fed. Reg. 1919 (January 13, 1998)
63 Fed. Reg. 3814 (January 27, 1998)
63 Fed. Reg. 13340 (March 19, 1998)
63 Fed. Reg. 17094 (April 8, 1998)
63 Fed. Reg. 20099 (April 23, 1998)
63 Fed. Reg. 33468 (June 18, 1998)
63 Fed. Reg. 35138 (June 29, 1998)
63 Fed. Reg. 66274 (December 1, 1998)
64 Fed. Reg. 22552 (April 27, 1999)
66 Fed. Reg. 5265 (January 18, 2001)
66 Fed. Reg. 37137 (July 17, 2001)
67 Fed. Reg. 57736 (September 12, 2002)
69 Fed. Reg. 31881 (June 8, 2004)
70 Fed. Reg. 1143 (January 5, 2005)
71 Fed. Reg. 2885 (January 18, 2006)
70 Fed. Reg. 76985 (December 29, 2005)
71 Fed. Reg. 10381 (February 28, 2006)
71 Fed. Reg. 36008 (June 23, 2006)
71 Fed. Reg. 76985 (August 24, 2006)
72 Fed. Reg. 64428 (November 15, 2007)
73 Fed. Reg. 75583 (December 12, 2008)
75 Fed. Reg. 12685 (March 17, 2010)
75 Fed. Reg. 27429 (May 17, 2010)
75 Fed. Reg. 48130 (August 9, 2010)
76 Fed. Reg. 33606 (June 8, 2011)
77 Fed. Reg. 17764 (March 26, 2012)
76 Fed. Reg. 80738 (December 27, 2011)
77 Fed. Reg. 23118 (April 18, 2012)
77 Fed. Reg. 37598 (June 22, 2012)
77 Fed. Reg. 42988 (July 23, 2012)
77 Fed. Reg. 46949 (August 7, 2012)
78 Fed. Reg. 23841 (April 23, 2013)
78 Fed. Reg. 32116 (May 29, 2013)

79 Fed. Reg. 20629 (April 11, 2014)
 79 Fed. Reg. 56960 (September 24, 2014)
 79 Fed. Reg. 57798 (September 26, 2014)
 80 Fed. Reg. 25518 (May 4, 2015)
 80 Fed. Reg. 60039 (October 5, 2015)
 81 Fed. Reg. 16092 (March 25, 2016)
 81 Fed. Reg. 16875 (March 25, 2016)
 83 Fed. Reg. 56244 (November 9, 2018)
 84 Fed. Reg. 21574 (May 14, 2019)
 85 Fed. Reg. 8735 (February 18, 2020)
 85 Fed. Reg. 53997 (August 31, 2020)
 85 Fed. Reg. 57122 (September 15, 2020)
 89 Fed. Reg. 100321 (December 12, 2024)

This rule is intended to implement Iowa Code sections 84A.1, 84A.2, 88.2 and 88.5.

ARC 8976C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to flammable or combustible liquids and aboveground flammable or combustible liquid storage tanks and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 221, “Flammable or Combustible Liquids”; to adopt a new Chapter 221, “Flammable or Combustible Liquids”; and to rescind Chapter 224, “Aboveground Flammable or Combustible Liquid Storage Tanks,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 10A.511 and 101.1.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 10A.511 and 101.1 and Executive Order 10 (January 10, 2023).

Purpose and Summary

This rulemaking proposes the repromulgation of the content of existing Chapters 221 and 224 in a streamlined and combined new Chapter 221. This proposed rulemaking implements Iowa Code sections 10A.511 and 101.1 in accordance with the goals and directives of Executive Order 10. Iowa Code section 10A.511 provides that the Director of the Department of Inspections, Appeals, and Licensing shall promulgate fire safety rules in consultation with the State Fire Marshal. Iowa Code section 101.1 provides that the Director is empowered to formulate and adopt or revise reasonable rules for the safe transportation, storage, handling, and use of flammable and combustible liquids. The rules shall be adopted pursuant to Iowa Code chapter 17A.

This rulemaking implements the aforementioned Iowa Code sections by adopting a more recent edition of the International Code Council (ICC) International Fire Code (IFC) and National Fire Protection Association (NFPA) 30 and 30A. The proposed rulemaking explains the process and requirements for plan review, inspections, registration requirements and fees, violations, civil penalties, and appeals.

Regulatory Analysis

A Regulatory Analysis related to this rulemaking was published in the Iowa Administrative Bulletin on January 8, 2025. A public hearing was held on the following date(s):

- January 28, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa in an amount requiring a fiscal impact statement pursuant to Iowa Code section 17A.4(4).

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.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on March 26, 2025. Comments should be directed to:

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: amy.oetken@dia.iowa.gov

Public Hearing

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

| | |
|---------------------------|---|
| March 25, 2025 1 p.m. | Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa |
| March 26, 2025 11 a.m. | Ledges Conference Room 6200 Park Avenue, Suite 100 Des Moines, Iowa |

Virtual participation information will be made available on the Department's website prior to the public hearings.

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 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.

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 661—Chapter 221 and adopt the following **new** chapter in lieu thereof:

CHAPTER 221
FLAMMABLE OR COMBUSTIBLE LIQUIDS

661—221.1(101) Scope and definitions.

221.1(1) This chapter provides the rules of the department for safe transportation, storage, handling, and use of flammable or combustible liquids. The flammable or combustible liquids program is part of the aboveground flammable or combustible liquid storage tanks program and may be contacted as provided in 481—Chapter 1 and on the department’s website: dial.iowa.gov.

221.1(2) The definitions set forth in Iowa Code chapter 101 are incorporated by reference herein. The following definitions also apply to this chapter. These definitions are adopted in addition to those that appear in the International Fire Code, 2024 edition; NFPA 30, Flammable and Combustible Liquids Code, 2024 edition; and NFPA 30A, Code for Motor Fuel Dispensing and Repair Garages, 2024 edition. If a definition adopted in this rule conflicts with a definition included in a code or standard adopted by reference in this chapter, the definition found in this rule will apply.

“*Approved by the department*” means a laboratory has requested and received recognition by the department to test equipment whose use or installation is required by rules of the department. A laboratory that seeks approval of the department will contact the department and provide information required by the department. Approval or disapproval will be granted only by a letter from the department to the laboratory making the request, although advance notice of the decision of the department regarding whether approval is to be granted may be provided by electronic mail.

“*Department*” means the department of inspections, appeals, and licensing.

“*Diesel fuel*” means a liquid, other than gasoline, that is suitable for use as a fuel in a diesel fuel-powered engine and that meets the applicable standards established in Iowa Code section 214A.2. A blend of “diesel fuel” that meets these standards and contains 6 percent biodiesel or more is “biodiesel fuel.” Diesel fuel blends that meet these standards and contain less than 6 percent biodiesel are diesel fuel and not biodiesel fuel.

“*ICC*” means the International Code Council, 200 Massachusetts Avenue, NW, Suite 250, Washington, D.C., 20001; website iccsafe.org.

“*IFC*” means the International Fire Code, published by the ICC. “IFC” will be followed by a year (e.g., IFC, 2006), which indicates the specific edition of the IFC to which reference is made.

“*Independent testing laboratory*” means a laboratory recognized by the federal Occupational Safety and Health Administration as a nationally recognized testing laboratory or a laboratory approved by the department.

“*Listed*” means listed or approved by an independent testing laboratory for a specific use. A product is considered to be listed if it is of a model that has been listed for the use to which it is being put, whether it was manufactured prior to or after the date on which the listing became effective.

“*Mobile air-conditioning system*” means mechanical vapor compression equipment that is used to cool the driver or passenger compartment of any motor vehicle.

“*NFPA*” means the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471; website nfpa.org. References to the form “NFPA xx,” where “xx” is a number, refer to the NFPA standard or pamphlet of the corresponding number.

“*SPCC plan*” means a spill prevention, control, and countermeasure plan, as defined in 40 CFR 112, published July 22, 2024.

“*Under-dispenser containment*” or “*UDC*” means containment underneath a dispenser that will prevent leaks from the dispenser from reaching soil or groundwater.

661—221.3(101) Compliance. Any tank subject to the provisions of this chapter shall comply with this chapter and Iowa Code chapter 101 at all times.

661—221.4(101) Flammable or combustible liquids. The IFC, 2024 edition, published by the ICC, Chapter 34 and references contained therein, and NFPA 30, Flammable and Combustible Liquids Code, 2024 edition, and references contained therein, subject to amendments that follow, are adopted by reference as the rules for transportation, storage, handling, and use of flammable or combustible liquids. In any case in which a provision of the IFC conflicts with a provision of NFPA 30, the NFPA provision controls. Any refinery shall comply with the provisions of this rule.

221.4(1) Amendments to the IFC, 2024 edition, are as follows:

a. The category of combustible liquids does not include compressed gases or cryogenic fluids.

b. Delete the definition of refinery and insert in lieu thereof the following:

REFINERY. A plant in which flammable or combustible liquids are produced on a commercial scale from crude petroleum, natural gasoline or other sources.

c. Add the following new sections:

5703.6.12 Each connection to an aboveground tank through which liquid can normally flow shall be provided with an external control valve that is located as close as practical to the shell of the tank as well as an emergency internal check valve at each pipe connection to any tank opening below normal liquid level effectively located inside the tank shell and operable both manually and by an effective heat-activated device that, in case of fire, will automatically close the valve to prevent the flow of liquid from the tank even though the pipelines from the tank are broken.

5703.6.13 Any device dispensing Class I or Class II flammable liquids shall not be constructed or installed less than 100 feet from any existing dwelling unit.

d. Delete section 5704.2.9.2.2.1, introductory paragraph, and insert in lieu thereof the following:

5704.2.9.2.2.1 Foam fire protection shall:

a. If required, be provided in accordance with NFPA 11, 2024 edition, and be of a type or types and amount appropriate to suppress fires involving types and amounts of flammable or combustible liquids found on the premises.

b. Where the flammable or combustible liquid contains more than 10 percent alcohol, be alcohol-resistant and stored separately from any area in which flammable or combustible liquids are stored and, in an area, or areas that will be readily accessible to fire fighters responding to a fire at the facility.

e. Amend the exception to section 5704.2.9.2.2.1 by adding the following new numbered paragraphs:

6. The premises are not a refinery.

7. The premises do not include bulk storage of flammable or combustible liquids.

8. The premises do not contain total storage capacity to store one million gallons or more of flammable or combustible liquids.

f. Delete section 5704.3.1.1 and insert in lieu thereof the following:

5704.3.1.1 Approved containers. Only approved containers and portable tanks shall be used, and no flammable or combustible liquid be placed into, stored in, or carried in any container other than one which is metal or hard plastic or be placed into, stored in, or carried in any temporary or disposable container.

221.4(2) Amend NFPA 30, section 22.11.4, by adding the following new paragraphs:

(11) Each secondary containment tank shall have top-only openings and be either a steel double-walled tank or a steel inner tank with an outer containment tank wall constructed in accordance with nationally accepted industry standards, such as those codified by the American Petroleum Institute, the Steel Tank Institute and the American Concrete Institute. Each tank will be listed by an independent testing laboratory.

(12) Each fill opening in a secondary containment tank shall be provided with a spill container that will hold at least 5 gallons.

(13) For any secondary containment tank, interstitial tank space shall be monitored by an approved, continuous, automatic detection system that is capable of detecting liquids, including water. An automatic detection system may be either electronically or mechanically operated.

661—221.5(101) Motor fuel dispensing facilities and repair garages. The IFC, 2024 edition, published by the ICC, and references contained therein, and NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages, 2024 edition and references contained therein, are adopted by reference as the rules for motor fuel dispensing facilities and repair garages. If any provision of the IFC adopted herein is in conflict with any provision of NFPA 30A, the IFC provision will apply. The IFC, 2024 edition, Chapter 23, is adopted with the following amendments:

221.5(1) Amend Table 2306.2.3 so that:

Each tank with a capacity of not more than 6,000 gallons for motor vehicle fuel dispensing systems and storing a Class I liquid, or with a capacity of not more than 12,000 gallons and storing a Class II or Class III liquid, that is located at a commercial, industrial, governmental, or manufacturing establishment, and that is intended for fueling vehicles used in connection with the establishment, is required to be located at least:

a. 40 feet away from the nearest important building on the same property;

Exception: Tanks may be located closer than 40 feet to a building of noncombustible construction.

b. 40 feet away from any property that is or may be built upon, including the opposite side of a public way;

Exception: No minimum separation will be required for any tank that complies with NFPA 30A, section 4.3.2.6.

c. 100 feet away from any residence or place of assembly.

221.5(2) Add the following new sections:

2206.7.1.1 Dispensing of blended biofuels.

2206.7.1.1.1 Definitions.

“*B-blend*” means biodiesel blended fuel as defined in Iowa Code section 214A.1 with the blend including between 6 and 20 percent biodiesel, as defined in Iowa Code section 214A.1.

Note: For purposes of the rules contained in this chapter and other chapters of rules of the department, diesel fuel may contain biodiesel provided that the concentration of biodiesel is less than 6 percent in accordance with rule 21—85.20(214A,208A), which adopts by reference standards for the content of motor fuels established by ASTM International (formerly known as the American Society for Testing and Materials).

“*E-10*” means a blend of petroleum and ethanol including no more than 16 percent ethanol intended for use as a motor vehicle fuel.

“*E-blend*” means a blend of petroleum and ethanol including more than 16 percent ethanol intended for use as a motor vehicle fuel.

“*Existing E-blend dispenser*” means a dispenser installed on or before October 24, 2010, for use in dispensing E-blend.

2206.7.1.1.2 E-blend may be dispensed only if the dispenser is listed by an independent testing laboratory for use with E-blend or E-85.

2206.7.1.1.3 B-blend may be dispensed only if (1) and either (2), (3), (4), or (5) apply:

(1) Only a dispenser listed by an independent testing laboratory as compatible with diesel fuel shall be used to dispense B-blend.

(2) The owner or operator shall visually inspect the dispenser and the dispenser sump daily for leaks and equipment failure and maintain a record of such inspection for at least one year after the inspection and located on the premises of the owner or operator and made available to the department of natural resources or the department upon request. If a leak is detected, the department of natural resources will be notified pursuant to Iowa Code section 455B.386.

(3) The dispenser’s manufacturer has submitted the dispenser to an independent testing laboratory to be listed as compatible for use with B-blend, and the owner or operator has installed an under-dispenser containment system with electronic monitoring.

(4) Information published or provided by the manufacturer of the dispenser is available stating that the dispenser is compatible with B-blend.

(5) The owner or operator of the dispenser has in force insurance for environmental liability in a minimum amount of \$500,000, which would cover damage resulting from the operation of the dispenser

and the owner or operator is able to produce documentation of the insurance coverage upon request from the department or the department of natural resources.

Note: If option (2), (4), or (5) is used, under-dispenser containment will be provided if otherwise required by the rules in this chapter, rules of the department of natural resources, or any other applicable provision of law.

This subrule is intended to implement Iowa Code sections 101.1 and 455G.31.

221.5(3) Add the following new section:

2206.7.10 Under-dispenser containment (UDC). When installing a new motor fuel dispenser or replacing a motor fuel dispenser, UDC shall be installed whenever any of the following occurs:

(1) UDC is required by a rule adopted by the environmental protection commission.

Note: See 567—subrule 135.3(9);

(2) A motor fuel dispenser is installed at a location where there previously was no dispenser; or

(3) An existing motor fuel dispenser is removed and replaced with another dispenser. UDC is not required when only the emergency shutoff, shear valves or check valves are replaced.

UDC shall:

- Be intact and liquid tight on its sides and bottom and at any penetrations;
- Be compatible with the substance conveyed by the piping; and
- Allow for visual inspection and monitoring and access to the components in the containment system.

Exception: UDC will not be required for a dispenser which sits directly upon a solid concrete apron.

661—221.6(101) Temporary storage in disaster emergencies. Notwithstanding any provision to the contrary found in this chapter or the IFC or NFPA 30A as adopted by reference herein, aboveground flammable or combustible liquid storage tanks may be used to store flammable or combustible liquids in motor fuel dispensing operations, provided that all of the following apply:

221.6(1) The facility is in an area covered by a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6 or, if not in such an area, the facility has applied to the department and has been approved for storage of flammable or combustible liquids in compliance with this subrule.

221.6(2) The facility has suffered damage that has rendered the storage tanks normally used by the facility for flammable or combustible liquids inoperable. Storage of flammable or combustible liquids in compliance with this subrule may continue only for as long as the normal storage tanks are inoperable and for more than 90 days.

Exception: In extraordinary circumstances, storage of flammable or combustible liquids in compliance with this subrule may continue for more than 90 days if the facility has sought and received specific written approval from the department for such storage.

221.6(3) The facility has written confirmation from the facility's insurance provider that insurance coverage will apply while storage of flammable or combustible liquids in compliance with this subrule is occurring.

221.6(4) Any aboveground flammable or combustible liquid storage tank used pursuant to this subrule shall be rated or listed by an independent testing laboratory for aboveground storage of flammable or combustible liquids.

221.6(5) Any aboveground flammable or combustible liquid storage tank used pursuant to this subrule shall be of no more than 1,000 gallons capacity.

Exception: A storage tank larger than 1,000 gallons capacity may be used pursuant to this subrule if the facility has received specific written approval from the department for its use. In reviewing such a request, the department will consider but is not limited to considering the following factors:

- a. Volume of throughput of the facility.
- b. Ability to meet setback requirements appropriate to the size of the tanks used.

221.6(6) All electrical service proximate to the storage area will comply with applicable provisions of NFPA 70, National Electrical Code, as adopted in 661—Chapter 550. An emergency shutoff control

or electrical disconnect shall be installed no less than 20 feet nor more than 100 feet from any fuel-dispensing device at the facility and be clearly marked “Emergency Shutoff.”

221.6(7) A 20-pound fire extinguisher with a minimum B:C rating of 40 shall be located no more than 50 feet from the location of any storage tank being used in compliance with this subrule.

221.6(8) Precautions shall be taken to prevent the ignition of flammable or combustible liquids, including the conspicuous posting of warning signs saying, “NO SMOKING” and “NO OPEN FLAME.”

221.6(9) Aboveground flammable or combustible liquid storage tanks used pursuant to this subrule will be plumbed into existing dispensers, if practical. If this is impractical, all fueling at the facility shall be by attendant only; no self-service dispensing will be allowed at the facility.

221.6(10) Any aboveground flammable or combustible liquid storage tank used in compliance with this subrule shall be located so as to be protected from prospective damage from vehicle collisions and located with due regard to vehicular traffic patterns and the location of property lines and significant buildings, particularly those that are frequently occupied by humans.

661—221.7(101) Aircraft fueling. The IFC, 2024 edition, published by the ICC, sections 2006 through 2006.21.1 and references contained therein, and NFPA 407, Standard for Aircraft Fuel Servicing, 2022 edition and references contained therein, are adopted by reference as the rules for aircraft fueling facilities. If any provision of the IFC adopted herein conflicts with any provision of NFPA 407, 2022 edition, the NFPA provision controls.

661—221.8(101) Helicopter fueling. The IFC, 2024 edition, published by the ICC, sections 2007 through 2007.8 and references contained therein, is adopted by reference as the rules for helicopter fueling facilities.

661—221.9(101) Fuel-fired appliances. The IFC, 2024 edition, published by the ICC, sections 605 through 605.8 and references contained therein, is adopted by reference as the rules for fuel-fired appliances, except for LP-gas fired appliances, which are subject to the provisions of 661—Chapter 226.

661—221.10(101) Stationary combustion engines and gas turbines. The IFC, 2024 edition, Chapter 6 and references contained therein, and NFPA 37, “Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines,” 2024 edition, are adopted by reference as the rules governing the installation and use of stationary combustion engines and gas turbines. If any provision of the IFC, 2024 edition, Chapter 6, adopted herein is in conflict with any provision of NFPA 37, 2024 edition, the IFC provision controls.

661—221.11(101) Plans and plan review fees.

221.11(1) The owner of any premises on which flammable or combustible liquids are or will be stored or used is required to submit construction plans to the department, online or by mail, prior to commencing initial construction of the facility or prior to commencing any construction at an existing facility that includes the addition or replacement of an aboveground flammable or combustible liquid storage tank. The construction plans will be sealed by a licensed professional engineer if the facility at which the construction will occur is or will be a refinery or if preparation of the plans by a licensed professional engineer is required by another provision of Iowa law. Construction for which plans are required to be submitted for review will not commence until approval of the plan has been received from the department.

Exception 1: Submission of construction plans is not required if the total flammable or combustible liquid storage capacity on the premises is or will be 1,100 gallons or less.

Exception 2: If an SPCC plan has been prepared pursuant to 40 CFR 112 for a facility other than a refinery, a copy of the SPCC plan may be submitted to the department in lieu of submission of separate construction plans, provided that the SPCC plan includes all of the elements required to be included in construction plans for the specific facility in this subrule. If the department agrees, copies of portions of the SPCC plan may be submitted in lieu of a copy of the complete plan provided that all elements of

construction plans that are required by this subrule for the specific facility are included. If an SPCC plan or portions thereof are submitted to the department, the person making the submission will provide any additional information required by the department to evaluate compliance with the provisions of this chapter and Iowa Code chapter 101. The copy of the SPCC plan or portions thereof submitted to the department will clearly identify the licensed professional engineer who prepared the plan or will be accompanied by a letter making this identification.

221.11(2) Minimum requirements for plans submitted for review shall include the following:

a. Drawings showing the name of the person, firm, or corporation proposing the installation, the location, and the adjacent streets or highways.

b. In the case of refineries or bulk plants, drawings showing, in addition to any applicable features required under paragraphs 221.11(2)“*d*” and “*e*,” the plot of ground to be utilized and its immediate surroundings on all sides and a complete layout of buildings, tanks, loading and unloading docks, and heating devices, if any.

c. In the case of service stations, drawings showing, in addition to any applicable features required under paragraphs 221.11(2)“*d*,” “*e*,” and “*f*,” the plot of ground to be utilized; the complete layout of buildings, drives, dispensing equipment, and greasing or washing stalls; and the type and location of any heating device.

d. In the case of aboveground storage, drawings showing the location and capacity of each tank; dimensions of each tank whose capacity exceeds 50,000 gallons, the class of liquid to be stored in each tank, the type of tank supports, the clearances, the type of venting and pressure relief relied upon and the combined capacity of all venting and pressure relief valves on each tank, and the tank control valves and the location of pumps and other facilities by which liquid is filled into or withdrawn from the tanks.

e. In the case of underground storage, drawings showing the location and capacity of each tank; the class of liquids to be stored; and the location of fill, gauge, vent pipes, openings, and clearances.

f. In the case of an installation for storage, handling, or use of flammable or combustible liquids within buildings or enclosures at any establishment or occupancy covered in this chapter, a drawing in detail sufficient to show whether applicable requirements are to be met.

221.11(3) Fees for plan reviews apply as follows:

a. \$100 plus \$25 for each new or replacement tank included in the plan, for any site or facility at which flammable or combustible liquids are or will be stored, except for new construction of a refinery.

b. \$500 for review of the initial construction plans of a refinery if the projected construction costs are \$100,000,000 or less and \$1,000 for the initial construction plans for a refinery if the projected construction costs are greater than \$100,000,000.

221.11(4) The owner will submit payment of plan review fees electronically or in the form of a check, money order, or warrant payable to the department. Payment will not be made in cash.

661—221.12(101) Approval of plans. A registration tag for a new aboveground storage tank will not be issued prior to approval by the department of plans for the installation of the tank and payment of the required plan review and registration fee. The department may require inspection of the tank and payment of an inspection fee prior to use of the tank.

661—221.13(101) Inspections. Any facility at which flammable or combustible liquids are stored is subject to inspection by an employee of the department during the regular business hours of the facility or within four hours of notifying the owner of intent to inspect the facility. Inspections may be initiated by the department or designee at random or on any other basis; may be conducted at the request of the owner, operator, or manager of a facility; or may be conducted to investigate allegations made in a complaint. Complaints should be in writing and submitted to the department and specify the location and nature of the alleged violations.

661—221.14(101) Registration of existing and new tanks—fees. All existing, new, replacement, and out-of-service aboveground tanks of 1,101-gallon capacity or greater shall be registered with the department as follows: aboveground tanks used to store flammable or combustible liquids, as defined in Iowa Code section 455B.471, including but not limited to crude oil, heating oil offered for resale, motor

fuels and oils such as gasoline, diesel fuels and motor oil; and tanks and are used, or planned for use, to store blended fuels, which include either gasoline or diesel.

221.14(1) *Registration form.* Registration forms for aboveground storage tanks may be obtained from the department. A completed registration form shall be submitted to the department, online or by mail by the date on which it is due, and accompanied by the applicable fee, including any applicable late charges.

221.14(2) *Fees.* Registration fees and late fees are set forth in Iowa Code section 101.22.

221.14(3) *Registration deadline.* Each tank shall be registered annually by October 1 of each year.

Exception: A tank may be registered for the first time on any date without penalty, provided that it has not previously been in use to store flammable or combustible liquids. A tank that is registered for the first time shall not be used to store flammable or combustible liquid until the registration has been completed and the registration tag has been attached to the tank.

221.14(4) *Payment.* The registration fee, and any applicable late fee, may be submitted electronically or by draft, check, or money order payable to the department. Payment cannot be made in cash.

661—221.15(101) Inspections and orders.

221.15(1) *Inspections.* Any tank is subject to inspection at any time by the department, an employee of the department, a local fire chief, or any member of the local fire department designated by the local fire chief. Any of the persons listed who seeks to inspect a tank pursuant to this rule shall, upon request, be allowed access to any facility in which a tank or tanks are located as follows:

a. At any time such a facility is attended, immediate access to the facility to the person who requests access to the facility in order to conduct an inspection;

b. If a facility is unattended, the person who seeks to conduct the inspection will notify the owner or operator of the facility. During regular business hours, or between 8 a.m. and 4 p.m. Monday through Friday, access shall be allowed within one hour of notification. If access is sought other than during regular business hours, access will be provided at 8 a.m. on the next weekday other than a holiday;

c. If the person who seeks access to the facility indicates that access is being sought to investigate an emergency or potential emergency, the owner of the facility will provide access within one hour of receiving the request, regardless of the time of day or day of the week when the request is received.

221.15(2) *Orders.* If the person who conducts an inspection pursuant to this chapter finds that a tank is in violation of any applicable provision of this chapter or Iowa Code chapter 101, the person may issue an order for correction. The order will specify the violation or violations, corrective actions to be taken, and the time allowed for completion of the corrective actions.

221.15(3) *Suspension of use.* If any corrective action ordered pursuant to subrule 221.15(2) is not completed in the time specified therein, the department may order that the tank be placed out of service until the corrective action or actions have been completed. If a tank is ordered to be placed out of service pursuant to this subrule, the tank will have a sticker prominently affixed to it that states that the tank is out of service by order of the department and that it is a violation of law to transfer any flammable or combustible liquid into the tank.

221.15(4) *Emergency order.* If the department finds that a violation identified during an inspection conducted pursuant to subrule 221.15(1) creates an imminent threat to public safety or public health, or if the department finds, after consultation with the department of natural resources, that such a violation creates an imminent threat of environmental damage, the department will order that the tank be placed out of service immediately and may order that the tank be evacuated of liquid and purged of vapors. If a tank is ordered to be placed out of service pursuant to this subrule, the tank will have a sticker prominently affixed to it that states that the tank is out of service by order of the department and that it is a violation of law to transfer any flammable or combustible liquid into the tank.

221.15(5) *Notice.* Notice of any order issued pursuant to this rule will be given to the owner or operator of a tank subject to the order. Notice of an emergency order issued pursuant to subrule 221.15(4) will be given by personal service. Notice of any other order issued pursuant to this rule may be given by regular mail, electronic mail, or personal service.

Exception: If the owner of a tank subject to an order issued pursuant to this rule is unknown or cannot be located, notice will be considered to have been given if the notice is served personally to any person at the location of the tank or, if no person is present, by affixing the notice to the tank. Alternatively, notice may be given by mailing the notice to the address at which the tank is located, with a return receipt requested. Notification from the United States Postal Service that delivery was attempted unsuccessfully or that delivery was refused will serve as proof that notice was given.

661—221.16(101) Leaks, spills, or damage. Any leak from, spill from, or damage to a storage tank shall:

221.16(1) Be reported to the local fire department and, if required by law, to the department of natural resources.

221.16(2) Be placed out of service until the leak or damage has been repaired.

221.16(3) Have a sign placed prominently on the tank stating that the tank is out of service and that no flammable or combustible liquid shall be placed into the tank until required repairs have been completed.

661—221.17(101) Civil penalty. The department may impose a civil penalty in accordance with Iowa Code section 101.26 upon the owner of a storage tank for any of the following:

221.17(1) Failure to register a storage tank currently being used to store a flammable or combustible liquid if the registration is more than 30 days late.

221.17(2) Allowing any flammable or combustible liquid to be placed into a tank that has been ordered to be placed out of service and for which the order has not been rescinded or allowing any flammable or combustible liquid to be placed into any tank that has been damaged or is leaking, if the damage or leak has not been repaired.

661—221.18(17A,101) Appeals. Any order or civil penalty issued pursuant to this chapter may be appealed by submitting a request for a contested case hearing to the department, in writing, within 30 days of receipt or service of the order or civil penalty. Contested cases are governed by 481—Chapter 9 (contested cases) and 481—Chapter 10 (rules of practice and procedure before the administrative hearings division). Any order or civil penalty appealed pursuant to this rule will be stayed until the issuance of a final agency decision.

Exception: An emergency order issued pursuant to subrule 221.15(4) will not be stayed and will take effect immediately upon notification of the order to the owner of the tank.

These rules are intended to implement Iowa Code chapter 101.

ITEM 2. Rescind and reserve **661—Chapter 224.**

REVENUE DEPARTMENT

Notice of Electric Delivery Tax Rate Change—Addendum

Pursuant to the authority of Iowa Code section 437A.4, the Director of Revenue hereby gives notice of the change to the electric delivery tax rate in the below competitive service area. This rate will be used in conjunction with the number of kilowatt hours of electricity delivered to consumers in calendar year 2024 by each taxpayer in this competitive service area for replacement taxes payable in the 2025-2026 fiscal year.

This publication serves as an addendum to the Department of Revenue's December 11, 2024, publication entitled "Notice of Electric and Natural Gas Delivery Tax Rates and Municipal Electric and Natural Gas Transfer Replacement Tax Rates for Each Competitive Service Area." The rate listed

below replaces the rate for the applicable competitive service area from the December 11, 2024, publication.

2024 ELECTRIC DELIVERY TAX RATE BY SERVICE AREA

| CO. # | MUNICIPAL ELECTRICS | DELIVERY TAX RATE |
|--------------|--------------------------------|------------------------------|
| 3337 | Villisca Municipal Power Plant | 0.00024861 |

ARC 8981C

DENTAL BOARD[650]**Adopted and Filed****Rulemaking related to agency realignment**

The Dental Board hereby rescinds Chapter 1, “Administration,” Chapter 6, “Public Records and Fair Information Practices,” Chapter 7, “Rules,” Chapter 8, “Sale of Goods and Services,” Chapter 9, “Declaratory Orders,” Chapter 10, “General Requirements,” Chapter 11, “Licensure and Registration,” Chapter 12, “Dental and Dental Hygiene Examinations,” Chapter 13, “Special Licenses,” Chapter 14, “Renewal and Reinstatement,” Chapter 15, “Fees,” Chapter 16, “Prescribing, Administering, and Dispensing Drugs,” Chapter 20, “Dental Assistants,” Chapter 21, “Dental Laboratory Technician,” Chapter 22, “Dental Assistant Radiography Qualification,” Chapter 23, “Expanded Functions,” Chapter 25, “Continuing Education,” Chapter 26, “Advertising,” Chapter 27, “Standards of Practice and Principles of Professional Ethics,” Chapter 29, “Sedation and Nitrous Oxide,” Chapter 30, “Discipline,” Chapter 31, “Complaints and Investigations,” Chapter 32, “Mediation of Disputes,” Chapter 33, “Child Support Noncompliance,” Chapter 35, “Iowa Practitioner Review Committee,” Chapter 36, “Nonpayment of State Debt,” Chapter 50, “Use of Criminal Convictions in Eligibility Determinations and Initial Licensing Decisions,” Chapter 51, “Contested Cases,” and Chapter 52, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 17A.3, 17A.7, 17A.9, 17A.22, 22.11(1), 68B.4, 147.76, 153.33(1), 153.33, 272C.3, 272C.4 and 272C.12A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 10A, 17A, 68B, 147, 153, 252J, 272C, and 272D and Executive Order 10.

Purpose and Summary

The Dental Board is rescinding the following chapters and has repromulgated such rules, as identified, under the Department of Inspections, Appeals, and Licensing’s (DIAL’s) agency number, [481]. All substantive analysis related to the repromulgation of said chapters is contained within the rulemakings either adopting or proposing to adopt each repromulgated chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8493C**. Public hearings were held on the following date(s):

- January 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 Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

- ITEM 1. Rescind and reserve **650—Chapter 1.**
- ITEM 2. Rescind and reserve **650—Chapter 6.**
- ITEM 3. Rescind and reserve **650—Chapter 7.**
- ITEM 4. Rescind and reserve **650—Chapter 8.**
- ITEM 5. Rescind and reserve **650—Chapter 9.**
- ITEM 6. Rescind and reserve **650—Chapter 10.**
- ITEM 7. Rescind and reserve **650—Chapter 11.**
- ITEM 8. Rescind and reserve **650—Chapter 12.**
- ITEM 9. Rescind and reserve **650—Chapter 13.**
- ITEM 10. Rescind and reserve **650—Chapter 14.**
- ITEM 11. Rescind and reserve **650—Chapter 15.**
- ITEM 12. Rescind and reserve **650—Chapter 16.**
- ITEM 13. Rescind and reserve **650—Chapter 20.**
- ITEM 14. Rescind and reserve **650—Chapter 21.**
- ITEM 15. Rescind and reserve **650—Chapter 22.**
- ITEM 16. Rescind and reserve **650—Chapter 23.**
- ITEM 17. Rescind and reserve **650—Chapter 25.**
- ITEM 18. Rescind and reserve **650—Chapter 26.**
- ITEM 19. Rescind and reserve **650—Chapter 27.**
- ITEM 20. Rescind and reserve **650—Chapter 29.**
- ITEM 21. Rescind and reserve **650—Chapter 30.**
- ITEM 22. Rescind and reserve **650—Chapter 31.**

- ITEM 23. Rescind and reserve **650—Chapter 32.**
ITEM 24. Rescind and reserve **650—Chapter 33.**
ITEM 25. Rescind and reserve **650—Chapter 35.**
ITEM 26. Rescind and reserve **650—Chapter 36.**
ITEM 27. Rescind and reserve **650—Chapter 50.**
ITEM 28. Rescind and reserve **650—Chapter 51.**
ITEM 29. Rescind and reserve **650—Chapter 52.**

[Filed 2/13/25, effective 4/9/25]

[Published 3/5/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8982C

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 256.7(5).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 256 and 279.

Purpose and Summary

This rulemaking implements the provisions of 2023 Iowa Acts, Senate File 496, that have not already been implemented. This rulemaking addresses parental rights in education and age-appropriate library programs.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8506C**. A public hearing was held on the following date(s):

- December 31, 2024

No one attended the public hearing. Three individuals submitted written comments. Nearly all of the comments at the Regulatory Analysis stage or the Notice of Intended Action stage were critiques of the public policy expressed in the underlying statute. For that reason, those comments are not actionable by the State Board.

One public comment from an advocacy organization, provided at the Regulatory Analysis stage, requested additional regulatory text to explain that library books that are otherwise age-appropriate under paragraph 12.3(10)“b” do not violate subrule 12.3(15)’s prohibition on “promotion” or “instruction.” No action is necessary because the plain language of both provisions will not result in the concern identified by the commenter.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on February 6, 2025.

Fiscal Impact

No fiscal impact to the State has been found. No appreciable fiscal impact on school districts has been found (Legislative Services Agency analysis—August 2024 Administrative Rules Review Committee meeting).

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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Amend paragraph **12.3(10)“b”** as follows:

b. Each school district shall establish a kindergarten through grade 12 library program that is consistent with Iowa Code section 280.6 and with the educational standards established in this chapter, that contains only age-appropriate materials, and that supports the student achievement goals of the total school curriculum. In complying with the requirements in Iowa Code section 279.77(3), the district, if it does not make available a comprehensive list of all books available to all students in libraries offered by the district on its website in real time, must post an updated list at least two times per calendar year.

ITEM 2. Adopt the following **new** paragraph **12.3(10)“c”**:

c. Support, monitoring, and enforcement.

(1) If, after investigation, the department determines that a school district or an employee of a school district has violated the provisions of this subrule related to library programs containing only age-appropriate materials, beginning January 1, 2024, the school district or employee of the school district, as applicable, shall be subject to the following:

1. For the first violation of this subrule, the department shall issue a written warning to the board of directors of the school district or the employee, as applicable.

2. For a second or subsequent violation of this subrule, if the department finds that a school district knowingly violated this subrule, the superintendent of the school district shall be subject to a hearing conducted by the board of educational examiners that may result in disciplinary action.

3. For a second or subsequent violation of this subrule, if the department finds that an employee of the school district who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners knowingly violated this subrule, the employee shall be subject to a hearing conducted by the board of educational examiners that may result in disciplinary action.

(2) This paragraph relates solely to library programs operated by the district, which means library programs over which the district exercises administrative control.

(3) Concerning enforcement provisions relating to library books containing only age-appropriate materials, the department may exercise enforcement discretion if any violation is voluntarily and permanently corrected prior to the department making a determination of a violation.

(4) For library collections that serve multiple grade ranges, the district will exercise reasonable physical, administrative, and technological controls to ensure that students have access to age-appropriate materials based on the students' ages and grades.

ITEM 3. Adopt the following **new** subrule 12.3(15):

12.3(15) *Compliance with Iowa Code section 279.80.*

a. A school district shall not provide any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation to students in kindergarten through grade six.

b. "Gender identity" and "sexual orientation" have the same meanings as those given in Iowa Code section 216.2.

c. In monitoring and enforcing this subrule, the department will not conclude that a neutral statement regarding sexual orientation or gender identity violates Iowa Code section 279.80 or this subrule.

[Filed 2/7/25, effective 4/9/25]

[Published 3/5/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8983C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to private instruction and dual enrollment

The State Board of Education hereby amends Chapter 31, "Private Instruction and Dual Enrollment," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 299A.

Purpose and Summary

This rulemaking clarifies limits on dual enrollment into public school coursework. The Department of Education received feedback that the recently adopted revision of Chapter 31 was unclear and confusing on this point.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8505C**. A public hearing was held on the following date(s):

- December 31, 2024

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on February 6, 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 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind subrule 31.5(4) and adopt the following **new** subrule in lieu thereof:
31.5(4) A parent may not use dual enrollment to enroll a child in all courses but one.

[Filed 2/7/25, effective 4/9/25]

[Published 3/5/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8984C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to dental board administration

The Department of Inspections, Appeals, and Licensing (DIAL) hereby adopts new Chapter 570, "Dental Board Administration," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 153, and 272C and section 147.76.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 17A.3, 147.14, 147.22 and 153.33.

Purpose and Summary

This rulemaking promulgates Chapter 570 and implements Iowa Code chapters 147 and 153 in accordance with the goals and directives of Executive Order 10. Iowa Code sections 147.76 and 153.33 provide rulemaking authority.

This rulemaking implements the aforementioned Iowa Code sections by publicly outlining administrative processes of the Dental Board within DIAL's Licensing Division. This includes providing an explanation regarding the purpose of the Board, the organization of the Board and Dental Hygiene Committee, requests for information, and public meetings. All Board definitions have also been combined in this one chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8504C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

Association representatives and a licensee were present. No public comments were received other than those in support of the rulemaking. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 570:

CHAPTER 570
DENTAL BOARD ADMINISTRATION

481—570.1(153) Definitions. As used in these rules:

“ACC” means the anesthesia credentials committee of the board.

“Accredited school” means a dental, dental hygiene, or dental assisting education program accredited by the American Dental Association Commission on Dental Accreditation.

“Active patient” means a person whom the licensee has examined, treated, cared for, or otherwise consulted with during the previous two years.

“ASA” refers to the American Society of Anesthesiologists Patient Physical Status Classification System. Category I means normal healthy patients, and category II means patients with mild systemic disease. Category III means patients with severe systemic disease, and category IV means patients with severe systemic disease that is a constant threat to life.

“Authorized delegate” means a licensed or registered health care professional who has obtained prescription monitoring program (PMP) log-in credentials. A dental assistant trainee cannot serve as an authorized delegate.

“Board” means the dental board.

“Capnography” means the monitoring of the concentration of exhaled carbon dioxide in order to assess physiologic status or determine the adequacy of ventilation during anesthesia.

“Chapter” means Iowa Code chapter 153.

“Clinical training” means training that includes patient experiences.

“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.

“Continuing dental education” consists of education activities designed to review and update concepts, techniques, and knowledge on advances in dental and medical sciences. The objective of continuing dental education is to improve the knowledge, skills, and ability of the individual to deliver the highest quality of service to the public and professions. Continuing dental education programs should make it possible for practitioners to adapt dental practice to new knowledge as it becomes available. All continuing dental education should strengthen judgment and professional technique.

“Controlled substance” means a drug, substance, or immediate precursor in schedules I through V listed in subchapter II of Iowa Code chapter 124.

“Coronal polish” means an adjunctive procedure that must also include removal of any calculus, if present, by a dentist or dental hygienist. Coronal polishing of teeth using only a rotary instrument and a rubber cup or brush for such purpose, when performed at the direction of and under the supervision of a licensed dentist, is deemed not to be the giving of prophylactic treatment.

“DAANCE” means the dental anesthesia assistant national certification examination as offered by the American Association of Oral and Maxillofacial Surgeons (AAOMS).

“Deep sedation” means drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

“Dental assistant” means any person who, under the supervision of a dentist, performs any extraoral services including infection control or the use of hazardous materials or performs any intraoral services on patients. The term “dental assistant” does not include persons otherwise actively licensed in Iowa to practice dental hygiene or nursing who are engaged in the practice of said profession.

“Dental assistant trainee” means any person who is engaging in on-the-job training to meet the requirements for registration in accordance with Iowa Code section 153.39 and who is practicing in accordance with 481—Chapter 575.

“Dental hygiene committee” means the same as described in Iowa Code section 153.33A.

“Dental laboratory technician” as used in these rules includes a person other than a licensed dentist, dental hygienist or registered dental assistant who fabricates, constructs, makes, or repairs oral prosthetic appliances solely and exclusively for a licensed dentist and under a dentist’s supervision or direction. A dental laboratory technician who performs any of the duties of a dental assistant, as defined in this chapter, must be registered with the board as a dental assistant.

“Dental public health” is the science and system of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice in which

the community serves as the patient rather than the individual. It is concerned with the dental health education of the public, applied dental research, the administration of group dental care programs, and the prevention and control of dental diseases.

“Dental radiography” means the application of X-radiation to human teeth and supporting structures for diagnostic purposes only.

“Department” means the department of inspections, appeals, and licensing.

“Deposition” means the testimony of a person pursuant to subpoena or at the request of the state of Iowa taken in a setting other than a hearing.

“Didactic training” means educational instruction.

“Direct supervision” means that the dentist is present in the treatment facility, but it is not required that the dentist be physically present in the treatment room, or the dentist is not present in the treatment facility but is able to appear using live video upon request with a response time similar to what would be expected if the dentist were present in the treatment facility.

“Expenses” means costs incurred by persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa in a hearing or other official proceeding. Mileage shall be reimbursed in accordance with Iowa Code section 70A.9 or, if commercial air or ground transportation is used, the actual cost of transportation to and from the proceeding. Also included are actual costs incurred for meals and necessary lodging.

“Fabrication” means the construction or creation of an impression, occlusal registration, provisional restoration or denture, as defined in this chapter.

“Facility” means any dental office or clinic where sedation is used in the practice of dentistry. The term “facility” does not include a hospital.

“Fee” means the amount charged for the services described in this chapter.

“General anesthesia” means a drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

“General supervision” means that a dentist has examined the patient, prior-prescribed in the patient record, and delegated the services to be provided because the dentist will be neither present in the facility nor available by live video. Patients or their legal guardians must be informed prior to the appointment that no dentist will be present and therefore no examination will be conducted at that appointment. The dental assistant or dental hygienist must consent to the arrangement and be capable of implementing basic emergency procedures, which have been established.

“Hour of continuing education” means one unit of credit granted for each hour of instruction.

“Issuance” means, for the purposes of contested cases, the date of mailing of a decision or order or date of delivery if service is by other means unless another date is specified in the order.

“Knowledge” means any information or evidence acquired from personal observation, from a reliable or authoritative source, or under circumstances that cause the licensee or registrant to believe that there exists a substantial likelihood that an act or omission may have occurred.

“Laboratory training” means training that is hands-on, that may include simulation, and that prepares a dental hygienist or dental assistant for patient experiences. Laboratory training can be done with an approved training provider or with a supervising dentist as part of an approved course.

“Lapsed license,” “lapsed permit,” or *“lapsed registration”* means a license, permit, or registration that a person has failed to renew as required or the license, permit, or registration of a person who failed to meet stated obligations for renewal within a stated time. A person whose license, permit, or registration has lapsed continues to hold the privilege of licensure or registration in Iowa but may not practice dentistry, dental hygiene, or dental assisting until the license, permit, or registration is reinstated.

“License” means a certificate issued to a person to practice as a dentist or dental hygienist under the laws of this state.

“Licensed sedation provider” means a physician anesthesiologist currently licensed by the board of medicine or a certified registered nurse anesthetist (CRNA) currently licensed by the board of nursing.

“Licensee” means a person who has been issued a certificate to practice as a dentist or dental hygienist under the laws of this state.

“Medical examination fees” means actual costs incurred by the board in a physical, mental, chemical abuse, or other impairment-related examination or evaluation of a licensee when the examination or evaluation is conducted pursuant to an order of the board.

“Minimal sedation” means a minimally depressed level of consciousness produced by a pharmacological method that retains the patient’s ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected. A patient whose only response reflex is withdrawal from repeated painful stimuli is not considered to be in a state of minimal sedation.

“Moderate sedation” means a drug-induced depression of consciousness, either by enteral or parenteral means, during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained. A patient whose only response reflex is withdrawal from a painful stimulus is not considered to be in a state of moderate sedation.

“Monitoring nitrous oxide inhalation analgesia” means continually observing the patient receiving nitrous oxide and recognizing and notifying the dentist of any adverse reactions or complications.

“MRD” means the manufacturer’s maximum recommended dose of a drug as printed in FDA-approved labeling.

“Nitrous oxide inhalation analgesia” refers to the administration by inhalation of a combination of nitrous oxide and oxygen producing an altered level of consciousness that retains the patient’s ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command.

“Observational supervision” is intended for expanded function training purposes only and means that the dentist is physically present in the treatment room to oversee and direct all services being provided as part of clinical training.

“Opioid” means a drug that produces an agonist effect on opioid receptors and is indicated or used for the treatment of pain.

“Overpayment” means payment in excess of the required fee. Overpayment shall result in the return of the original request and payment, prior to processing, with a clarification of the total amount due.

“Party” means the state or the respondent for the purposes of contested cases.

“Patient experiences” are procedures that are performed on a patient during the course of clinical training. For the purposes of expanded function training, patient experiences will be completed under the observational supervision of a dentist.

“Patient monitor” means a dental assistant, dental hygienist, nurse or dentist whose primary responsibility is to continuously monitor a patient receiving moderate sedation, deep sedation or general anesthesia until the patient meets the criteria to be discharged to the recovery area.

“Pediatric” means patients aged 12 or under.

“Peer review” is defined in Iowa Code section 272C.1(7).

“Permit holder” means an Iowa licensed dentist who has been issued a moderate sedation or general anesthesia permit by the board.

“Personal supervision” means a licensee or registrant is physically present in the room to oversee and instruct all services of the dental assistant trainee as delegated by a licensed dentist.

“Practice of dentistry,” as defined in Iowa Code section 153.13, includes persons who publicly claim to be dentists, dental surgeons, or skilled in the science of dentistry and are deemed to be practicing dentistry. Performance of, or assistance with, any of the following also constitutes the practice of dentistry: examination, diagnosis, treatment, or attempted correction of any disease, condition, disorder, lesion, injury, deformity, or defect of the oral cavity and maxillofacial area, or any phase of any operation incident to tooth whitening, including the instruction or application of tooth whitening

materials or procedures. “Tooth whitening” is any process to whiten or lighten the appearance of human teeth by the application of chemicals, whether or not in conjunction with a light source.

“*Prescription drug*” means a drug, as classified by the United States Food and Drug Administration, that is required to be prescribed or administered to a patient by a practitioner prior to dispensation.

“*Prescription monitoring program*” or “*PMP*” means the program administered by the board of pharmacy for the collection and provision of information related to drug prescribing and dispensing.

“*Presiding officer*” means the dental board or a panel of the board. In a contested case proceeding, the board may request that an administrative law judge make initial rulings on prehearing matters and assist and advise the board in presiding at the disciplinary contested case hearing. Pursuant to Iowa Code section 272C.6, the board may delegate the hearing of contested cases to an administrative law judge.

“*Proposed decision*” means recommended findings of fact, conclusions of law, decision, and order in a contested case issued by an administrative law judge or hearing panel and for which the full board did not preside.

“*Prosthetic*” means, for the purposes of expanded function training, any provisional or permanent restoration intended to replace a tooth or teeth.

“*Provisional restoration*” means, for the purposes of expanded function training, a restoration or appliance that is formed or preformed for temporary purposes, used over a limited period of time.

“*Public health settings*” means schools; Head Start programs; programs affiliated with the early childhood Iowa (ECI) initiative authorized by Iowa Code chapter 256I; child care centers (excluding home-based child care centers); federally qualified health centers; public health dental vans; free clinics; nonprofit community health centers; nursing facilities; the armed forces; and federal, state, or local public health programs.

“*Public health supervision*” means that a licensed dentist has entered into a written supervision agreement with a licensed dental hygienist or registered dental assistant and authorized and delegated the services to be provided in a public health setting. Services provided under public health supervision may be rendered without the patient’s first being examined by a licensed dentist. Additionally, the supervising dentist is not required to provide future dental treatment to patients served under public health supervision.

“*Radiography qualification*” means authorization to engage in dental radiography issued by the board.

“*Registered dental assistant*” means any person who has met the requirements for registration and has been issued a certificate of registration.

“*Registrant*” means a person who has been issued a certificate to practice as a dental assistant under the laws of this state.

“*Registration*” means a certificate issued to a person to practice as a dental assistant under the laws of this state.

“*Reportable act or omission*” means any conduct that may constitute a basis for disciplinary action under the rules or statutory provisions governing the practice of dentistry, dental hygiene, or dental assisting in Iowa.

“*Self-study activities*” means, for the purposes of continuing education, the study of something by oneself, without direct supervision or attendance in a class. Self-study activities include Internet-based coursework, video programs, correspondence work, research, or programs that are interactive and require participation and decision making on the part of the viewer. Webinars that include instruction in real time and allow for real-time communication with the instructor are not construed to be self-study activities.

“*Service charge*” means the amount charged for making a service available online and is in addition to the actual fee for a service itself.

“*Sponsor*” means a person, educational institution, or organization sponsoring continuing education activities. All continuing education activities of such person or organization are deemed approved provided the content complies with the requirements of 481—Chapter 573.

“*Time-oriented anesthesia record*” means documentation at appropriate time intervals of drugs, doses and physiologic data obtained during patient monitoring.

“*Trainee status expiration date*” means 12 months from the date of employment as a dental assistant trainee.

“*Transcript*” means a printed verbatim reproduction of everything said on the record during a hearing or other official proceeding.

“*Witness fees*” means compensation paid by the board to persons appearing pursuant to subpoena or at the request of the state of Iowa for purposes of providing testimony on the part of the state of Iowa. For the purposes of this rule, compensation shall be the same as outlined in Iowa Code section 622.69 or 622.72, as the case may be.

This rule is intended to implement Iowa Code chapters 147, 153, and 272C.

481—570.2(17A,147,153,272C) Purpose of the board. The purpose of the board is to protect public health, safety, and welfare by administering, interpreting, and enforcing the provisions of law that relate to the practice of dentistry, dental hygiene, and dental assisting. In pursuit of this mission, the board performs these primary functions:

570.2(1) Administers examinations for the testing of dentists, dental hygienists, and dental assistants;

570.2(2) Issues licenses, registrations, certificates, and permits to qualified practitioners;

570.2(3) Sets standards for license, registration, and permit renewal and continuing education;

570.2(4) Enforces Iowa laws regulating the practice of dentistry, dental hygiene, and dental assisting;

570.2(5) Investigates complaints concerning violations of the dental practice Act and rules;

570.2(6) Conducts disciplinary hearings and monitors the compliance of licensees or registrants with board orders; and

570.2(7) Adopts rules and establishes standards for practitioners pursuant to its authority under the Iowa Code and administrative rules.

481—570.3(17A,147,153) Organization of the board.

570.3(1) The board shall be composed in accordance with Iowa Code sections 147.14(1)“c” and 147.19.

570.3(2) A simple majority of the members of the board shall constitute a quorum for the purpose of conducting business.

570.3(3) The board and dental hygiene committee shall elect chairpersons. The board shall also elect officers and should consist of a chairperson, vice chairperson, and other officers as deemed appropriate. Officers will assume their duties immediately following their election.

481—570.4(153) Organization of the dental hygiene committee.

570.4(1) The dental hygiene committee is composed in accordance with Iowa Code sections 147.14(1)“c” and 153.33A. A simple majority of the members of the committee constitutes a quorum for the purpose of conducting business.

570.4(2) Pursuant to Iowa Code section 153.33A, the committee:

a. Has authority to and may adopt recommendations in regard to matters pertaining to the practice, discipline, education, examination, and licensure of dental hygienists and shall carry out other duties as assigned by the board. Recommendations by the committee will be reported to the board. The board shall review and ratify all committee recommendations unless the board makes a specific finding that the recommendation exceeds the jurisdiction of the committee, expands the scope of the committee beyond the authority granted in subrule 1.4(4), creates an undue financial impact, or is not supported by the record. The board may not amend a committee recommendation without the concurrence of the majority of the members of the committee; and

b. Does not have regulatory or disciplinary authority with regard to dentists, dental assistants, dental lab technicians, or other auxiliary dental personnel.

570.4(3) Pursuant to Iowa Code section 153.33A, this rule will not be construed as impacting or changing the scope of practice of the profession of dental hygiene or authorizing the independent practice of dental hygiene.

This rule is intended to implement Iowa Code sections 147.14, 153.33 and 153.33A.

481—570.5(153) Committees of the board.

570.5(1) Pursuant to Iowa Code chapter 272C and section 153.33, the board may establish and utilize ad hoc advisory committees to conduct business. The board chairperson may appoint committee members and chairpersons.

a. The board should annually review its committees to determine ongoing needs and compliance with the following:

- (1) The committees may not constitute a quorum of the board; and
- (2) Appointments to a standing committee of the board specified in subrule 1.5(2) are subject to board approval.

b. Committee appointments will be for 12 months unless specified otherwise at the time of appointment. Pursuant to Iowa Code section 153.33(1)“f,” committee members may be reimbursed for actual expenses.

c. Committees may hold meetings as needed to conduct the duties authorized by the board.

570.5(2) The standing committees of the board may include the executive committee, anesthesia credentials committee, and licensure and registration committee.

a. The executive committee may include up to four members of the board. The committee should be composed of the chairperson, vice-chairperson and other members as elected by the board.

b. The anesthesia credentials committee should include but not be limited to a dentist member of the board, two members who hold a moderate sedation permit, and two members who hold a general anesthesia permit issued in accordance with 481—Chapter 579. The committee may perform the following duties:

- (1) Review and take action on all applications for moderate sedation or general anesthesia permits;
- (2) Review and take action on requests for approval of courses that provide training in the administration of moderate sedation, deep sedation, general anesthesia, or a combination thereof for the purposes of qualifying a licensee for a sedation permit in accordance with 481—Chapter 579;
- (3) Perform peer reviews or evaluations as deemed necessary and report to the board; and
- (4) Other duties authorized by the board.

c. The license registration committee should include three members of the board, two of which are dentists.

(1) The license registration committee may review applications for licensure, registration and permit and take action as authorized by the board; and

(2) Perform other duties authorized by the board.

481—570.6(17A,21,147,153) Meetings.

570.6(1) The board and dental hygiene committee may hold meetings as needed or as requested by the chairperson, the vice chairperson, or a majority of the board or committee.

570.6(2) Written notices stating the time and place of the meetings shall be provided consistent with Iowa Code chapter 21. Except as otherwise provided by statute, all board meetings shall be open and the public shall be permitted to attend.

570.6(3) Dates and locations of board and committee meetings may be obtained from the department’s website.

481—570.7(17A,272C) Adoption of uniform and model rules. The board hereby adopts by reference the following:

570.7(1) Uniform Rules on Agency Procedure, 481—Chapter 2, 481—Chapter 3, 481—Chapter 4, 481—Chapter 5, 481—Chapter 6.

570.7(2) Military Service, Veteran Reciprocity, and Spouses of Active-Duty Service Members, 481—Chapter 7.

570.7(3) Licensing and Child Support Noncompliance, Student Loan Repayment Noncompliance, and Nonpayment of State Debt, 481—Chapter 8.

570.7(4) Model Rules for Use of Criminal Convictions in Eligibility Determinations and Initial Licensing Decisions, 481—Chapter 502.

570.7(5) Model Rules for Contested Cases Before Licensing Boards, 481—Chapter 506.

570.7(6) Model Rules for Licensee Review Committee, 481—Chapter 505.

These rules are intended to implement Iowa Code chapter 21 and sections 17A.3, 147.14(1) “c,” 147.22, and 153.33A(1).

[Filed 2/13/25, effective 4/9/25]

[Published 3/5/25]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8985C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to dental board fees

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 571, “Dental Board Fees,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 153, and 272C and section 147.76.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 147.10, 147.80, and 153.22.

Purpose and Summary

This rulemaking promulgates Chapter 571 and implements Iowa Code chapters 147 and 153 in accordance with the goals and directives of Executive Order 10. Iowa Code sections 147.76 and 153.33 provide rulemaking authority.

This rulemaking implements the aforementioned Iowa Code sections by establishing fees for dentists, dental hygienists, and dental assistants. This chapter also establishes fees for public record requests and data or mailing lists.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8476C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

Association representatives and a licensee were present. No public comments were received other than those in support of the rulemaking. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Dental Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 571:

CHAPTER 571
DENTAL BOARD FEES

481—571.1(147,153) Establishment of fees. The board is self-supporting through the collection of fees and does not receive an appropriation from the general fund. Pursuant to Iowa Code section 147.80, the department is required to annually prepare an estimate of projected revenues and expenses to ensure that there are sufficient funds to cover projected expenses. The department shall establish fees by rule in accordance with Iowa Code section 147.80.

571.1(1) In addition to the fees specified in this rule, an applicant shall incur a service charge for submitting payments online.

571.1(2) All fees are nonrefundable.

481—571.2(153) Application fees.

571.2(1) Dental licensure. The fees for a dental license are as follows:

- a. The application fee for a dental license on the basis of examination is \$200.
- b. The application fee for a dental license on the basis of credentials is \$550.
- c. The application fee for a dental license on the basis of verification is \$550.

571.2(2) Dental hygiene licensure. The fees for a dental hygiene license are as follows:

- a. The application fee for a dental hygiene license on the basis of examination is \$100.
- b. The application fee for a dental hygiene license on the basis of credentials is \$200.
- c. The application fee for a dental hygiene license on the basis of verification is \$200.

571.2(3) Resident license. The application fee for a resident license is \$120.

571.2(4) Faculty permit. The application fee for a faculty permit is \$200.

571.2(5) Fingerprint packet and criminal history check. The fee for evaluation of a fingerprint packet and criminal history background check is \$46.

571.2(6) Dental assistant registration and radiography qualification. The fees for registration and qualification are as follows:

- a. The application fee for a registered dental assistant is \$40.
- b. The fee for a combined application as a registered dental assistant with a radiography qualification is \$60.

c. The application fee for a radiography qualification is \$40.

571.2(7) *Anesthesia and sedation permits.* The fees for an anesthesia or sedation permit are as follows:

- a. The application fee for a local anesthesia permit is \$70.
- b. The application fee for a moderate sedation permit is \$500.
- c. The application fee for a general anesthesia permit is \$500.

571.2(8) *Temporary permit—urgent need or educational services.* The fee for an application for a temporary permit to serve an urgent need or provide educational services is \$100.

481—571.3(153) Renewal fees. Biennial renewal fees are as follows:

571.3(1) *Dental license.* The renewal fee for a dental license is \$315.

571.3(2) *Dental hygiene license.* The renewal fee for a dental hygiene license is \$150.

571.3(3) *General anesthesia permit.* The renewal fee for a general anesthesia permit is \$125.

571.3(4) *Moderate sedation permit.* The renewal fee for a moderate sedation permit is \$125.

571.3(5) *Local anesthesia permit.* The renewal fee for a local anesthesia permit is \$25.

571.3(6) *Dental assistant registration.* The renewal fee for registration as a registered dental assistant is \$75.

571.3(7) *Combined dental assistant registration and qualification in radiography.* The renewal fee for both a registration as a registered dental assistant and a radiography qualification is \$115.

571.3(8) *Dental assistant qualification in radiography.* The renewal fee for a qualification in dental radiography is \$40.

571.3(9) *Faculty permit.* The renewal fees for a faculty permit are as follows:

- a. The renewal fee for a dental faculty permit is \$315.
- b. The renewal fee for a dental hygiene faculty permit is \$150.

571.3(10) *Resident license extension.* The fee for extension of a resident license is \$40.

481—571.4(153) Late renewal fees. A licensee, registrant or permit holder who fails to renew a license, registration or permit by the expiration date is subject to late renewal fees as described in this rule.

571.4(1) *Dental or dental hygiene license or faculty permit.*

a. Renewals completed between September 1 and September 30 are subject to a late fee of \$100, in addition to the renewal fee.

b. Renewals completed between October 1 and October 31 are subject to a late fee of \$150, in addition to the renewal fee.

571.4(2) *Dental assistant registration or dental radiography qualification.*

a. Renewals completed between September 1 and September 30 are subject to a late fee of \$20, in addition to the renewal fee.

b. Renewals completed between October 1 and October 31 are subject to a late fee of \$40, in addition to the renewal fee.

481—571.5(147,153) Reinstatement fees. Licensees, registrants or permit holders who make an application for reinstatement are subject to fees as described in this rule.

571.5(1) *Reinstatement application fees.* The application fees for reinstatement are as follows:

- a. The reinstatement application fee for a dental license is \$150.
- b. The reinstatement application fee for a dental hygiene license is \$100.
- c. The reinstatement application fee for a dental assistant registration is \$50.
- d. The reinstatement application fee for a qualification in dental radiography without registration is \$40.

571.5(2) *Past due renewal fees.* In addition to the application fee for reinstatement specified in this rule, the applicant must pay the additional fees as follows:

- a. The past due renewal fee for a dental license is \$315.
- b. The past due renewal fee for a dental hygiene license is \$150.
- c. The past due renewal fee for a dental assistant registration is \$75.

d. The past due renewal fee for a dental assistant registration and qualification in dental radiography without registration is \$115.

e. The past due renewal fee for a qualification in dental radiography without registration is \$40.

481—571.6(153) Miscellaneous fees. Fees for additional requests are as follows:

571.6(1) Duplicates. The fee for issuance of a hard-copy duplicate license, permit or registration certificate or current renewal is \$25. Electronic copies are provided at no cost.

571.6(2) Certification or verification. The fee for a written certification or written verification of an Iowa license, permit or registration is \$25. Results of an online licensee search are available at no cost.

571.6(3) Iowa practitioner review committee (IPRC) monitoring. The monitoring fee for compliance with an IPRC agreement is \$100 per quarter, unless otherwise stated in the health practitioner contract entered into pursuant to 481—Chapter 505.

571.6(4) Monitoring for compliance with board orders. The monitoring fee for compliance with a board order is \$300 per quarter, unless otherwise stated in the board order.

481—571.7(153) Contested case hearings—fees and costs. The board may request reimbursement of certain costs associated with contested case hearings.

571.7(1) Hearing fee. The board may charge a fee not to exceed \$75 for conducting a contested case hearing that results in action being taken against the licensee or registrant.

571.7(2) Procedure and personnel costs. The board may recover from the licensee or registrant costs for the following:

a. Court reporter and transcript.

b. Witness fees and expenses. The parties in a contested case shall be responsible for any witness fees and expenses incurred by witnesses appearing at the contested case hearing and may also include witness fees and expenses incurred by witnesses called to testify on behalf of the state of Iowa.

c. Depositions. Deposition costs, for the purposes of allocating costs against a licensee, include only those deposition costs incurred by the state of Iowa. The licensee or registrant is directly responsible for the payment of deposition costs incurred by the licensee or registrant.

d. Medical examination fees incurred relating to a person licensed under Iowa Code chapter 147. All costs of physical or mental examinations, substance abuse evaluations or drug screening, or clinical competency evaluations ordered by the board pursuant to Iowa Code section 272C.9(1) as part of an investigation or pending complaint or as a sanction following a contested case shall be paid directly by the licensee or registrant.

571.7(3) Certification of reimbursable costs. The executive director or designee shall calculate and certify any reimbursable costs incurred by the board.

571.7(4) Assessment of fees and costs. A final decision of the board imposing action against a licensee or registrant shall include the amount of any contested case hearing fee assessed pursuant to 481—Chapter 11. If the board also assesses reimbursable costs against the licensee or registrant, the board shall file a certification of reimbursable costs that includes a statement of costs delineating each category of costs and the amount assessed. Fees and costs that cannot be calculated at the time of the issuance of the board's final order may be invoiced at a later time, provided the board's final order states that the fees and costs will be invoiced at a later date. The board order will specify the time period in which the fees and costs must be paid.

571.7(5) Failure to pay assessed fees, costs. Failure of a licensee or registrant to pay the fees and costs assessed herein within the time period specified in the board's final order shall constitute a violation of an order of the board and may be grounds for disciplinary action.

481—571.8(153) Facility inspection fee. The actual costs for an on-site evaluation of a dental facility at which moderate sedation, deep sedation, or general anesthesia is authorized pursuant to 481—Chapter 579 will not exceed \$500 per facility per inspection.

481—571.9(22,147,153) Public records. Public records are available according to 481—Chapter 5. The department will release the records upon receipt of payment.

571.9(1) Copies of public records will be calculated at \$0.25 per page plus labor.

571.9(2) A \$16 per hour fee may be charged for labor in excess of one-half hour for searching, retrieving, and copying documents.

571.9(3) No additional fee will be charged for delivery of the records.

571.9(4) The department will not require payment when the fees for the request would be less than \$5 total.

481—571.10(22,147,153) Data or mailing lists.

571.10(1) The department will provide data and mailing lists in electronic format following receipt of payment.

a. The standard mailing list includes active licensees, registrants, and resident licensees and faculty permit holders when applicable.

b. The standard data list includes the mailing address, license, registration or permit number, status, original issue date, expiration date, specialty (if applicable), and whether disciplinary action has been taken. The standard data list includes active licensees, registrants, and resident licensees and faculty permit holders when applicable.

571.10(2) Data and mailing list fees.

a. The fee for a standard mailing list is \$35 per profession requested.

b. The fee for a standard data list is \$45 per profession requested.

c. Additional data elements, programming or sorting increases the fees by \$25 per profession.

481—571.11(147,153) Returned checks. The department shall charge a fee of \$39 for a check returned for any reason. The department will request payment by certified check or money order. If the fees are not paid within two weeks of notification of the returned check by certified mail, the licensee or registrant may be subject to disciplinary action for noncompliance with board rules.

481—571.12(147,153,272C) Copies of the laws and rules. Copies of laws and rules pertaining to the practice of dentistry, dental hygiene, or dental assisting are available as follows:

1. Iowa Code and Iowa Administrative Code access, no fee, available at www.legis.iowa.gov/law/administrativeRules/agencies.

2. Printed copies of the Iowa Code chapters that pertain to the practice of dentistry, \$10.

3. Printed copies of dental board rules in the Iowa Administrative Code, \$15.

481—571.13(17A,147,153,272C) Waiver prohibited. Rules in this chapter are not subject to waiver pursuant to 481—Chapter 6 or any other provision of law.

These rules are intended to implement Iowa Code sections 147.10, 147.80 and 153.22.

[Filed 2/13/25, effective 4/9/25]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8986C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to dental licensure, registration, renewal, reactivation and reinstatement

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 572, "Dental Licensure Registration, Renewal, Reactivation and Reinstatement," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 147, 153 and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 147, 153 and 252J and sections 136C.3, 147.2, 147.10, 147.11, 147.34, 153.19, 153.22, 153.23, 153.31, 153.37, 153.39, 272C.2, 272C.12, and 272C.12A.

Purpose and Summary

These rules set minimum standards for entry into the dental profession for dentists, dental hygienists, dental assistants, and those who are applying for a local anesthesia permit. These rules also articulate minimum standards for those applying for a resident license, faculty permit, retired volunteer license, or temporary permit. The process for initial licensure by examination, credentials, or verification and for those who are foreign trained is articulated in these rules. Requirements for licensure include the application process, minimum educational qualifications, a passing score on all required examinations, and remediation as necessary.

These rules also include information relevant to renewal and reinstatement for these licensees. Iowa residents, licensees, and employers benefit from the chapter because it articulates the processes and pathways by which individuals apply for licensure in the state of Iowa, as directed in statute. These requirements ensure public safety by ensuring that any individual entering the profession has minimum competency.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8487C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

No public comments were received other than those in support of the rulemaking.

Changes from the Notice have been made to language regarding reinstatement and reactivation to be in compliance with Iowa Code section 147.11. Language was also added regarding administratively approving moderate sedation and general anesthesia permits that have lapsed within six months for the Dental Board.

Adoption of Rulemaking

This rulemaking was adopted by the Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 572:

CHAPTER 572
DENTAL LICENSURE, REGISTRATION,
RENEWAL, REACTIVATION AND REINSTATEMENT

481—572.1(147,153) Applicant responsibilities. Applicants for licensure, permit, registration or qualification, including applicants for renewal, reactivation and reinstatement, bear full responsibility for complying with the provisions of this rule.

572.1(1) Applicants will make application on forms provided by the department and submit the required information and documentation, which includes the following:

- a.* Paying all applicable fees required by this chapter pursuant to 481—Chapter 571, which may also include fees charged by other agencies, organizations, or institutions to provide the information required to complete an application;
- b.* Providing evidence of current certification in cardiopulmonary resuscitation (CPR) that included a hands-on component unless exempted by rule;
- c.* Providing a detailed statement disclosing and explaining any disciplinary actions, investigations, complaints, malpractice claims, judgments, settlements, or criminal charges;
- d.* Providing accurate, up-to-date, and truthful information, including but not limited to prior professional experience, education, training, examination scores, and disciplinary history; and
- e.* Signing and verifying the application as to the truth of the statements contained therein.

572.1(2) An application for a dental or dental hygiene license or faculty permit, including reactivation of a license, may be considered complete prior to completion of the criminal history background check on the applicant conducted by the division of criminal investigation (DCI) or Federal Bureau of Investigation (FBI) for purposes of review and consideration by the executive director, the committee, or the board. However, an applicant is required to submit an additional completed fingerprint packet and fee within 30 days of a request by the department if an earlier fingerprint submission has been determined to be unacceptable by the DCI or FBI.

572.1(3) If an applicant for license, permit, registration, or qualification applies within four months of the date of expiration, the applicant may pay the renewal fee in addition to the applicable application fees specified in 481—Chapter 571. Payment of the renewal fee at the time of application will result in the renewal of the license, permit, registration or qualification upon issuance.

572.1(4) Applicants must ensure that an application for initial license, permit, registration or qualification, or for reinstatement or reactivation of the same, is completed within 180 days from the date the application is received.

- a.* For purposes of establishing timely filing, the postmark on a paper submittal will be used, and for applications submitted online, the electronic timestamp of the date of payment will be deemed the date of filing. If the applicant does not submit all required materials within this time period, or if the applicant does not meet the requirements for the license, permit, registration, reinstatement or reactivation, the application will be considered incomplete.

b. If an application is considered incomplete, the applicant will need to submit a new application and pay all applicable fees for further consideration.

This rule is intended to implement Iowa Code sections 147.2, 147.11, 272C.12 and 272C.12A and chapter 153.

481—572.2(147,153) Review of applications.

572.2(1) Upon receipt of a completed application, the executive director as authorized by the board has discretion to:

a. Require additional information relating to the character, education, and experience of the applicant.

b. Authorize the issuance of the license, permit, or registration.

c. Refer the application to the committee for review and consideration for matters including but not limited to prior criminal history pursuant to Iowa Code section 272C.15, chemical dependence, competency, physical or psychological illness, malpractice claims or settlements, or professional disciplinary history that are relevant in determining the applicant's qualifications.

572.2(2) Following review and consideration of an application referred by the executive director, the committee may:

a. Authorize the executive director to issue the license, permit, registration, or qualification.

b. Forward the application to the board for further review and consideration.

572.2(3) Following board review and consideration of an application, the board will:

a. Authorize the issuance of the license, permit, registration or qualification; or

b. Initiate other action in accordance with rule 481—572.22(147,153,272C).

572.2(4) The committee or board may require an applicant to appear for an interview as part of the application process.

572.2(5) The committee or board may defer final decision making on an application if there is a pending investigation or disciplinary action against an applicant who may otherwise meet the requirements for license, permit, registration or qualification, until such time as the matter has been resolved.

This rule is intended to implement Iowa Code chapters 147, 153 and 272C.

481—572.3(147,153) Licensure.

572.3(1) Applicants for licensure to practice dentistry or dental hygiene in this state who meet the requirements of this rule may be eligible for a license on the basis of examination or credentials.

a. Applicants who have held a license issued in another state, district or territory for one year or longer must apply for licensure by credentials.

b. Applicants who are licensed in another jurisdiction and who are unable to satisfy the requirements for licensure by examination or credentials may be eligible for licensure by verification pursuant to rule 481—572.7(272C).

572.3(2) Applications for licensure on the basis of examination or credentials must include the following:

a. Satisfactory evidence of graduation from an accredited dental or dental hygiene school.

(1) Applicants for dental license must have been issued a doctor of dental surgery (DDS) or doctor of medicine in dentistry (DMD) degree.

(2) Graduates of foreign dental schools who have not obtained a DDS or DMD degree from an accredited dental school shall also satisfy the requirements of rule 481—572.4(153).

b. Certification by an authorized representative of the school that the applicant was a student in good standing while attending that school.

c. Evidence of successful passage of the examination administered by the Joint Commission on National Dental Examinations (JCNDE). Applicants who have lawfully practiced dentistry or dental hygiene in another state, district or territory for five or more years are exempt from presenting this evidence.

d. Evidence of successful passage of a board-approved clinical examination pursuant to rule 481—572.14(147,153) and a statement of all other clinical examinations taken by the applicant with an indication of pass/fail for each.

(1) Applicants on the basis of examination must have successfully completed the clinical examination within five years of the date of application.

(2) Applicants who have lawfully practiced dentistry or dental hygiene in another state, district or territory for five or more years may be exempt from presenting this evidence.

e. Certification of all licenses issued to the applicant. The certification should include, at a minimum, the name, license number, status, expiration date, and an indication of whether the applicant has been subject to disciplinary action.

f. The applicable application fees, including the background check fee, as specified in 481—Chapter 571.

g. A completed packet to facilitate a criminal history background check by the DCI and FBI.

h. Evidence of successful completion of a jurisprudence examination pursuant to rule 481—572.15(147,153).

572.3(3) Applicants on the basis of credentials must also submit the following:

a. Pursuant to Iowa Code section 153.21, evidence that the applicant has met at least one of the following:

(1) Holds a license in another state, district, or territory under requirements substantially similar to those of this state, and has three consecutive years of lawful practice immediately prior to the date of application; or

(2) Has less than three consecutive years of practice immediately prior to the filing of the application and evidence of successful passage within the previous five-year period of a board-approved clinical examination pursuant to rule 481—572.14(147,153).

b. Results of a self-query of the National Practitioner Data Bank (NPDB).

572.3(4) The board or committee may also require such examinations as may be necessary to evaluate the applicant for licensure by credentials.

This rule is intended to implement Iowa Code section 272C.12 and chapters 147 and 153.

481—572.4(153) Graduates of foreign dental schools. If a graduate of a foreign dental school does not meet the educational requirements for a license by examination or credentials, and does not qualify for licensure by verification pursuant to Iowa Code section 272C.12, the applicant must meet the requirements of this rule in addition to meeting the other requirements for licensure specified in rule 481—572.3(147,153).

572.4(1) Applications for licensure of graduates of foreign dental schools shall include the following:

a. Evidence of successful completion of dental education that is substantially equivalent to a DDS or DMD degree issued by an accredited school. The applicant may demonstrate this by meeting one of the following requirements:

(1) Successful completion of an undergraduate supplemental dental education program of at least two academic years at an accredited dental school and receipt of a dental diploma, degree or certificate substantially equivalent to a DDS or DMD degree;

(2) Successful completion of a postgraduate general practice residency program of at least one academic year at an accredited dental college; or

(3) Results of a formal evaluation of the applicant's foreign dental education by a board-approved professional credentialing organization. The results of the evaluation must indicate that the nonaccredited dental education completed was substantially equivalent to that of an accredited dental school.

b. A final, official transcript verifying graduation from the foreign dental school at which the applicant originally obtained a dental degree. If the transcript is written in a language other than English, an original, official translation will also be submitted.

c. Verification, when applicable, from the appropriate governmental authority that the applicant was licensed or otherwise authorized by law to practice dentistry in another country and that no adverse action was taken against the license.

d. The applicant will demonstrate to the satisfaction of the board an ability to read, write, speak, understand, and be understood in the English language. The applicant may demonstrate English proficiency by achieving a score sufficient to be rated in the highest level of ability on each section of the Test of English as a Foreign Language (TOEFL) as administered by the Educational Testing Service (ETS), or other evidence approved by the board.

572.4(2) An applicant for licensure who is a graduate of a foreign dental school shall comply with one of the following:

a. Has practiced dentistry in another state, district, territory or country within three years of the date of application; or

b. Has successfully completed a clinical examination or assessment within three years of the date of application to demonstrate ongoing clinical competency.

This rule is intended to implement Iowa Code section 272C.12 and chapters 147 and 153.

481—572.5(153) Dental assistant registration.

572.5(1) Applications for dental assistant registration must include the following:

a. Evidence of board-approved education and training. Education and clinical training may be satisfied by meeting one of the following:

(1) Clinical experience as a dental assistant trainee until competency is achieved as determined by the supervising dentist;

(2) Clinical experience as a dental assistant in another state, district or territory within five years prior to the date of application and competency is verified by the supervising dentist; or

(3) Graduation from an accredited dental assisting program.

b. The application fee as specified in 481—Chapter 571.

c. Evidence of successful completion of board-approved examination in the areas of infection control, hazardous materials, and jurisprudence as specified in rules 481—572.15(147,153) and 481—572.16(147,153), and dental radiography, if the applicant is also applying for a qualification in dental radiography.

d. Evidence of meeting the requirements of rule 481—572.6(136C,153) if the applicant intends to engage in dental radiography.

572.5(2) A dental assistant who is licensed or registered in another jurisdiction but who is unable to satisfy the requirements for registration in this rule may be eligible to apply for registration by verification pursuant to rule 481—572.7(272C).

This rule is intended to implement Iowa Code sections 147.34, 153.39 and 272C.12.

481—572.6(136C,153) Dental radiography qualification.

572.6(1) Applicants for a radiography qualification must also be registered as a dental assistant or hold an active license issued by the board of nursing.

572.6(2) Applications for dental radiography qualification must include the following:

a. Evidence of successful completion, within the previous five years, of education and clinical training in the area of dental radiography. The education and clinical training may be satisfied by meeting one of the following:

(1) Completion of on-the-job training in dental radiography until competency is achieved as determined by the supervising dentist;

(2) Practice as a dental assistant in another state that included clinical experience taking dental radiographs within the previous five years;

(3) Graduation from an accredited dental assisting program; or

(4) Certification from the Dental Assisting National Board (DANB) that includes dental radiography and was issued within five years of the date of application.

b. The application fee as specified in 481—Chapter 571.

c. Evidence of successful completion a board-approved examination in the area of dental radiography in accordance with rule 481—572.16(147,153).

This rule is intended to implement Iowa Code sections 136C.3 and 153.39.

481—572.7(272C) Licensure or registration by verification. Applicants may be eligible for licensure or registration by verification pursuant to Iowa Code section 272C.12. Applicants are required to hold a current license or registration in the same profession in at least one other jurisdiction that has a scope or practice that is substantially similar to that of Iowa.

572.7(1) Applications must include the following:

a. The applicable application fees, including the background check fee for applicants of a dental or dental hygiene license, as specified in 481—Chapter 571.

b. For dental or dental hygiene applicants, a completed packet to facilitate a criminal history background check.

c. A verification form, completed by the licensing authority in the jurisdiction that issued the applicant's license or registration, verifying that the applicant's license or registration in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form must be sent directly from the licensing authority to the board.

d. Evidence of successful completion of a board-approved jurisprudence examination, pursuant to rule 481—572.15(147,153).

e. Copies of a complete criminal record, if the applicant has a criminal history.

f. A copy of the relevant disciplinary documents, if another jurisdiction has taken disciplinary action against the applicant.

g. A written statement from the applicant detailing the scope of practice in the other state.

h. Copies of relevant laws setting forth the scope of practice in the other state.

572.7(2) If another jurisdiction has taken disciplinary action against an applicant, the board will determine whether the cause for the disciplinary action has been corrected and the matter has been resolved. If the board determines the disciplinary matter has not been resolved, the board will neither issue nor deny a license or registration until the matter is resolved. A person who has had a license or registration revoked, or voluntarily surrendered a license or registration, in another jurisdiction is ineligible for licensure or registration by verification.

572.7(3) If an applicant is currently the subject of a complaint, allegation, or investigation relating to unprofessional conduct pending before any regulating entity in another jurisdiction, the board will neither issue nor deny a license or registration until the complaint, allegation, or investigation is resolved.

572.7(4) Applicants who satisfy all requirements for a license or registration under this rule except for passing the jurisprudence examination may be issued a temporary license or registration in accordance with the following:

a. A temporary license or registration is valid for a period of three months.

b. A temporary license or registration may be renewed once for an additional period of three months if the applicant has not failed the jurisprudence examination.

c. A temporary licensee or registrant shall display the board-issued license or registration renewal card that indicates the license or registration is temporary, which will satisfy the requirements in rule 481—574.2(147,153).

d. The temporary licensee or registrant must submit proof of passing the jurisprudence examination before the temporary license or registration expires. When the temporary licensee or registrant submits proof of passing the jurisprudence examination, the temporary license or registration will convert to a standard license or registration and be assigned an expiration date consistent with standard licenses or registrations.

e. If the temporary licensee or registrant does not submit proof of passing the jurisprudence examination prior to the expiration of the temporary license or registration, the temporary licensee or registrant must cease practice until a standard license or registration is issued.

This rule is intended to implement Iowa Code section 272C.12.

481—572.8(153) Resident license.

572.8(1) A dentist or dental hygienist seeking permission to practice as a resident, intern or graduate student at an accredited teaching or educational institution offering advanced education courses may apply for a resident license in lieu of a permanent license.

572.8(2) Applicants for a resident license are exempt from providing evidence of current CPR certification. Applications for resident license must include the following:

a. Evidence from the dean or designated administrative officer of the accredited school confirming enrollment as a resident, intern or graduate student.

b. A signed written statement that includes the anticipated date of completion of the program from a dentist who holds an active Iowa license or faculty permit, who proposes to exercise supervision and direction over said applicant.

c. Satisfactory evidence of graduation from an accredited school of dentistry, dental hygiene, or other school approved by the board or license registration committee as authorized by the board.

d. The appropriate fee as specified in 481—Chapter 571.

e. Clinical experience or assessment as evidenced by one of the following:

(1) The applicant has practiced clinically in another state, district, territory or country within three years of the date of application; or

(2) The applicant has successfully completed a clinical examination or assessment within three years of the date of application to demonstrate ongoing clinical competency.

572.8(3) If approved, a resident license shall allow the licensee to serve as a resident, intern, or graduate student under the supervision of a licensed or permitted faculty member at an accredited school or program approved by the board.

a. A resident license will expire on the expected date of completion of the resident training program as reported on the application.

b. If a licensee leaves the institution during the anticipated term of the resident license, the license shall be considered null and void. The director of the resident training program should notify the board within 30 days of the licensee's terminating from the program.

c. A resident license may be extended past the original expected completion date of the training program at the discretion of the board or the license and registration committee as authorized by the board. A licensee who wishes to extend the expiration date of the license shall submit an extension application that includes the following:

(1) A statement explaining the need for an extension;

(2) The fee in the amount specified in 481—Chapter 571; and

(3) A statement from the director of the resident training program attesting to the progress of the resident; the new expected date of completion; and whether any warnings have been issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action.

d. The director of the resident training program should report any warnings that have been issued, investigations conducted or disciplinary actions taken, whether by voluntary agreement or formal action.

e. A resident licensee who changes resident training programs, including the pursuit of another postgraduate degree, shall apply for a new resident license and include a statement from the program director documenting the applicant's progress.

572.8(4) No examination or continuing education will be required for this license.

This rule is intended to implement Iowa Code section 153.22.

481—572.9(153) Dental college and dental hygiene program faculty permits.

572.9(1) The board may issue a faculty permit entitling the holder to practice dentistry or dental hygiene as a faculty member within an accredited school or program and affiliated teaching facilities in lieu of a permanent license.

572.9(2) Applications for a faculty permit shall include the following:

a. Evidence from the dean or designated administrative officer of the accredited school confirming the employment of the applicant as faculty member who is not licensed to practice dentistry or dental hygiene in Iowa.

b. The nonrefundable application fees, including the fingerprint packet and background check fee as specified in 481—Chapter 571.

c. Information regarding the professional qualifications and background of the applicant, including evidence of having graduated from an accredited school or other program approved by the board or the license and registration committee as authorized by the board.

d. A completed packet to facilitate the criminal history background check by the DCI and FBI.

e. If the applicant is licensed by another jurisdiction, the applicant shall furnish evidence from the licensing board of that jurisdiction that the applicant is licensed in good standing and has not been the subject of final or pending disciplinary action.

f. The results of a self-query of the NPDB.

g. Evidence of successful completion of a jurisprudence examination pursuant to rule 481—572.15(147,153).

h. Clinical experience or assessment as evidenced by one of the following:

(1) The applicant has practiced clinically in another state, district, territory or country within three years of the date of application; or

(2) The applicant has successfully completed a clinical examination or assessment within three years of the date of application to demonstrate ongoing clinical competency.

572.9(3) A faculty permit shall expire on August 31 of every even-numbered year and may be renewed on a biennial basis. The faculty permit will be valid so long as the holder remains a faculty member at an accredited school in Iowa.

572.9(4) A faculty permit may be renewed in accordance with rule 481—572.20(147,153,272C) and 481—Chapter 573.

This rule is intended to implement Iowa Code section 153.37.

481—572.10(147,153) Requirements for issuance and renewal of a local anesthesia permit. To administer local anesthesia, a dental hygienist shall hold a current permit pursuant to 481—Chapter 576.

572.10(1) Applicants for local anesthesia permits are exempt from providing evidence of current CPR certification. Applications for a local anesthesia permit must include the following:

a. The fee for a local anesthesia permit as specified in 481—Chapter 571; and

b. Evidence that the applicant meets one of the following requirements:

(1) Successful completion, within the previous 36 months, of formal training in the administration of local anesthesia that includes training in block and infiltration anesthesia at an accredited school or other training program approved by the dental hygiene committee;

(2) Successful completion, within the previous 36 months, of a clinical examination in the administration of local anesthesia by a testing center approved by the board in accordance with rule 481—572.14(147,153); or

(3) For applicants who completed training or examination more than 36 months prior to application, evidence of formal training in the administration of local anesthesia and a statement attesting to ongoing practice within the previous 36 months in the administration of local anesthesia in another state or jurisdiction that authorizes a dental hygienist to administer local anesthesia.

572.10(2) The permit shall expire on August 31 of every odd-numbered year. To renew the permit, the dental hygienist must submit a timely application for renewal with evidence of holding an active Iowa dental hygiene license and submit the renewal fee as specified in 481—Chapter 571.

572.10(3) Failure to meet the requirements for renewal prior to November 1 following the permit's expiration will cause the permit to lapse and become invalid.

572.10(4) A permit that has lapsed may be reactivated upon the permit holder's application for reactivation, payment of the reactivation fee as specified in 481—Chapter 571, and evidence of a current Iowa dental hygiene license. A permit that has been lapsed for more than 36 months may be reinstated if the applicant also submits evidence of satisfying the requirements of paragraph 572.12(1) "b."

This rule is intended to implement Iowa Code sections 147.10 and 147.80 and chapter 153.

481—572.11(153) Requirements for issuance or renewal of a moderate sedation or general anesthesia permit. Pursuant to 481—Chapter 579, dentists who wish to utilize moderate sedation, deep sedation, or general anesthesia in Iowa must possess a current permit issued by the board.

572.11(1) Applications for moderate sedation or general anesthesia permits must include the following:

a. The fee specified in 481—Chapter 571.

b. To qualify for a moderate sedation permit, evidence of having successfully completed approved education and training, which includes the following:

(1) A minimum of 60 hours of instruction and management of at least 20 patients, or an accredited residency program that includes formal training and clinical experience in moderate sedation;

(2) Rescuing patients from a deeper level of sedation than intended, including managing the airway, intravascular or intraosseous access, and reversal medications;

(3) For a dentist who intends to administer moderate sedation to pediatric or American Society of Anesthesiologists (ASA) III or IV patients, an accredited residency program that includes formal training in anesthesia and clinical experience in managing pediatric or ASA III or IV patients; and

(4) Current Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS) certification.

c. To qualify for a general anesthesia permit, evidence of having successfully completed the following education and training:

(1) An accredited advanced education program that provides training in moderate sedation, deep sedation and general anesthesia;

(2) A minimum of one year of advanced training in anesthesiology and related academic subjects beyond the undergraduate dental school level at an accredited advanced education program;

(3) Formal training in airway management; and

(4) Current ACLS certification.

572.11(2) Prior to issuance of a new permit, all facilities where the applicant intends to provide sedation services must have passed inspection by the board or designated agent pursuant to 481—Chapter 579.

572.11(3) The applicant may be required to complete a peer review evaluation or comply with any additional requirements deemed necessary to determine competency in the administration of moderate sedation, deep sedation, or general anesthesia, if requested by the board or the Anesthesia Credentials Committee (ACC), prior to issuance of a permit.

572.11(4) Applications for a moderate sedation or general anesthesia permit will be reviewed by the ACC or the board as deemed necessary to ensure compliance with this rule and 481—Chapter 579. Following review of an application, the ACC or the board may take action, in accordance with rule 481—572.22(147,153,272C).

572.11(5) Moderate sedation and general anesthesia permits will expire on August 31 of every even-numbered year. A permit may be renewed by submitting an application for renewal, maintaining an active Iowa dental license or faculty permit, and complying with the following:

a. Payment of the renewal fee as specified in 481—Chapter 571;

b. Evidence of current ACLS or PALS certification; and

c. Evidence of a minimum of six hours of continuing education in the area of sedation. These hours may also be applied toward the renewal of a dental license or faculty permit.

572.11(6) Failure to renew the permit prior to November 1 following its expiration will cause the permit to lapse and become invalid for practice. Permits that have lapsed may be reactivated upon submission of a new application in compliance with this rule. Applications for reactivation of a lapsed permit within six months may be administratively approved, so long as the application satisfies the requirements of this rule.

This rule is intended to implement Iowa Code sections 147.10, 147.11 and 272C.3 and chapter 153.

481—572.12(153) Temporary permit.

572.12(1) The board may issue a temporary permit authorizing the permit holder to practice dentistry or dental hygiene on a short-term basis in Iowa at a specific location or locations to fulfill an urgent need, serve an educational purpose, or provide volunteer services. A temporary permit is not meant as a way to practice before a permanent license is granted or as a means to practice because the applicant does not fulfill the requirements for permanent licensure. A temporary permit may be granted on a case-by-case basis.

- a.* The board may issue a temporary permit for a specified period up to six months.
- b.* A person may be issued no more than two temporary permits to fulfill an urgent need or serve an educational purpose unless the request is prior-approved by the board.
- c.* If the permit expires, the need changes or the permit holder wishes to continue in short-term assignments in other Iowa locations, the permit holder will be required to apply for a new temporary permit or seek permanent licensure, except when volunteering dental services in accordance with this rule.
- d.* A temporary permit to provide volunteer services is restricted to free clinics or dental clinics for nonprofit organizations as described under Section 501(c)(3) of the Internal Revenue Code. Temporary permit holders will not receive compensation for dental services provided.

572.12(2) Applications for a temporary permit to fulfill an urgent need or serve an educational purpose must include the following:

- a.* Satisfactory evidence of graduation with a DDS or DMD degree for applicants seeking a temporary permit to practice dentistry, or satisfactory evidence of graduation from an accredited dental hygiene school for applicants seeking a temporary permit to practice dental hygiene.
- b.* The fee for a temporary permit to fulfill an urgent need or serve an educational purpose as specified in 481—Chapter 571.
- c.* Certification from the state board of dentistry, or equivalent authority, from a state in which the applicant has been licensed and practicing for at least three years immediately preceding the date of application. Applicants who have been the subject of final or pending disciplinary action may not be eligible for a temporary permit.
- d.* Evidence that at least one license was issued on the basis of clinical examination.
- e.* A request from those individuals or organizations seeking the applicant's services that establishes, to the board's satisfaction, justification for the temporary permit, the dates the applicant's services are needed, and the location or locations where those services will be delivered.

572.12(3) Applications for temporary permits to provide volunteer services must include the following:

- a.* The name, address, and contact information of the applicant; the location of the free clinic or dental clinic for a nonprofit organization; and the dates on which the volunteer services will be provided.
- b.* A certification of license (or substantially similar document) from the appropriate licensing board of the applicant's primary jurisdiction.
- c.* A detailed statement disclosing any pending disciplinary actions or criminal charges against the applicant.
- d.* A statement from the applicant seeking the temporary permit that the applicant will practice only in a free dental clinic or dental clinic for a nonprofit organization and that the applicant will not receive compensation directly or indirectly for providing dental services.

This rule is intended to implement Iowa Code section 153.19.

481—572.13(153) Retired volunteer license.

572.13(1) Upon application and qualification, the board may issue a retired volunteer license to a dentist or dental hygienist who has retired from the practice of dentistry or dental hygiene to enable the dentist or dental hygienist to provide volunteer dental or dental hygiene services without remuneration. A person holding a retired volunteer license must comply with the following:

- a.* Cannot charge a fee or receive compensation in any form from any person or third-party payer, including but not limited to an insurance company, health plan, or state or federal benefit program.

- b. Cannot prescribe, administer, or dispense prescription drugs and all controlled substances.
- c. Comply with all rules and regulations governing the practice of dentistry or dental hygiene except those related to the payment of fees, license renewal, and continuing education.

572.13(2) Applicants for a retired volunteer license are exempted from providing evidence of current CPR certification. Applications for retired volunteer licenses must include the following:

- a. Satisfactory evidence that the applicant has retired from practice; and
- b. Satisfactory evidence demonstrating that:
 - (1) The applicant has held an active dental or dental hygiene license within the previous five years;or
 - (2) The applicant possesses sufficient knowledge and skill to practice safely and competently if the applicant has not held an active dental or dental hygiene license within the previous five years.

572.13(3) The board will not charge an application or licensing fee for issuance of a retired volunteer license.

572.13(4) An applicant who has surrendered, resigned, converted, or allowed a license to lapse or expire as the result of or in lieu of disciplinary action is not eligible for a retired volunteer license.

572.13(5) A retired volunteer license is valid for 12 months from the date of issuance, at which time it expires and becomes invalid. A retired volunteer license holder whose license has become invalid is prohibited from the practice of dentistry or dental hygiene until a new retired volunteer license is issued.

572.13(6) A retired volunteer license is not considered to be an active license to practice dentistry or dental hygiene and cannot be converted to any regular license type.

572.13(7) A person holding an inactive Iowa dental or dental hygiene license may also hold a retired volunteer license.

572.13(8) A person holding a retired volunteer license will notify the board of any change in name or home address within seven days of the change. A copy of a certified marriage license or copy of certified court documents is required for proof of a name change.

This rule is intended to implement Iowa Code section 153.23.

481—572.14(147,153) Clinical examination required for licensure.

572.14(1) Pursuant to Iowa Code section 147.34, the board and dental hygiene committee will approve examinations for the purposes of licensure. Applicants shall comply with the following:

- a. Examinees must meet the requirements for testing and follow procedures established by each respective testing agency. Examinees must take all parts offered by the respective testing agency, including the periodontal scaling component for dental examinees if offered by the testing agency.
- b. The examinee must attain a passing score on each clinical and written portion of the examination.

c. Applicants for licensure pursuant to rule 481—572.3(147,153) must provide evidence of successful completion of a board-approved clinical examination unless exempted by rule.

572.14(2) For the purposes of licensure, the board accepts patient-based and simulated clinical examinations administered by the testing agencies as follows:

- a. Central Regional Dental Testing Service, Inc. (CRDTS);
- b. CDCA-WREB-CITA, which was previously the Commission on Dental Competency Assessments (CDCA), the Western Regional Examining Board (WREB), and the Council of Interstate Testing Agencies, Inc. (CITA); and
- c. The States Resources for Testing and Assessments (SRTA), previously known as the Southern Regional Testing Agency, Inc.

572.14(3) The board on its own motion may monitor or review any clinical examinations already approved by the board. Upon evidence that a clinical examination fails to satisfactorily demonstrate clinical competency to practice dentistry or dental hygiene, the board may revoke the approval of a clinical examination.

572.14(4) For the purposes of counting examination failures, the board and dental hygiene committee may utilize policies adopted by each respective testing agency. An examinee will only need to

retake those parts of the examination that the examinee failed. However, an examinee who has not passed all parts of the examination within the time frame specified by the testing agency may be required to retake the entire examination at the discretion of the testing agency. The examinee should refer to the policies of the testing agency to determine applicable standards and time frames.

572.14(5) Following a second or subsequent failure, an examinee must complete additional formal education or clinical experience at an accredited school or other program approved by the board. Ongoing education and training completed by the examinee prior to graduation from an accredited school will be accepted for the purposes of remediation. The applicant will provide evidence of remediation upon request.

a. Prior to the third examination attempt, an examinee must complete additional formal education or clinical experience.

b. Prior to the fourth examination attempt, an examinee must successfully complete a minimum of 40 hours of formal education or clinical experience.

c. For subsequent examination attempts, an examinee must successfully complete a minimum of 40 hours of formal education or clinical experience following each failure.

572.14(6) If an examinee applies for an examination after having failed any other state or regional examination, the failure shall be counted for the purposes of retakes.

This rule is intended to implement Iowa Code sections 147.34, 147.36, 272C.3, 272C.9, and 272C.13 and chapter 153.

481—572.15(147,153) Jurisprudence examination.

572.15(1) An applicant for a dental or dental hygiene license, faculty permit, or registration as a dental assistant must successfully complete a board-approved examination in the area of Iowa jurisprudence with a minimum score of 75 percent. An examinee may be required to meet such other requirements as may be imposed by the board's approved testing locations.

572.15(2) The following examinations are approved for the purposes of this chapter:

- a.* Board-approved examinations;
- b.* Examinations administered by accredited schools or programs located in Iowa; and
- c.* Board-approved continuing education courses that include a posttest examination and that have been approved by the board.

This rule is intended to implement Iowa Code sections 147.34, 147.36, 272C.3, 272C.9 and 272C.13 and chapter 153.

481—572.16(147,153) Examinations for registration or qualification.

572.16(1) An applicant for dental assistant registration must successfully complete examinations as required pursuant to rule 481—572.5(153).

572.16(2) An application for radiography qualification must successfully complete the examination as required pursuant to rule 481—572.6(136C,153).

572.16(3) An applicant may complete a single comprehensive examination or complete separate board-approved examinations in the required areas.

a. The following examinations are approved for the purposes of this subrule:

- (1) Board-approved examinations;
- (2) The DANB's Infection Control Examination (ICE);
- (3) The DANB's Radiation Health and Safety (RHS) Examination;
- (4) Examinations administered by accredited schools' dental assisting programs; or
- (5) Board-approved continuing education courses that include posttest examination.

b. A score of 75 percent or better on the board-approved examinations will be considered successful completion of the examination. The board also accepts the passing standard established by the DANB for applicants who take the ICE or RHS examination.

c. An examinee may be required to meet such other requirements as may be imposed by the board's approved testing locations.

This rule is intended to implement Iowa Code sections 147.34, 147.36, 272C.3, 272C.9 and 272C.13 and chapter 153.

481—572.17(147,153,272C) Renewal of a license, permit, registration, or qualification.

572.17(1) To continue practicing in Iowa, a license, permit, registration, or qualification must be renewed prior to its expiration date.

a. Dental hygiene licenses, local anesthesia permits, dental assistant registrations, and dental radiography qualifications expire on August 31 of every odd-numbered year.

b. Dental licenses, faculty permits, moderate sedation permits, and general anesthesia permits expire August 31 of every even-numbered year.

572.17(2) The department will email a renewal notice to each licensee, registrant and permit holder at the most recent email address of record.

a. The licensee, registrant, or permit holder is responsible for successfully completing renewal prior to the license's, registration's or permit's expiration. Failure to receive the renewal notice does not eliminate the responsibility for submitting a timely-filed renewal in order to continue practicing in the state of Iowa.

b. Renewal applications are not considered timely and complete until received by the department and accompanied by all material required for renewal and all applicable fees. Incomplete applications will not be issued renewal.

572.17(3) Applications for renewal must include the following:

a. The appropriate fee, including a penalty for late renewal when applicable, as specified in 481—Chapter 571 must accompany the application for renewal.

b. Licensees, registrants, and permit holders are required to complete continuing education in accordance with 481—Chapter 573 unless claiming a permissible exemption.

572.17(4) Iowa-licensed nurses applying for renewal of a radiography qualification are exempt from providing evidence of current CPR certification.

This rule is intended to implement Iowa Code sections 147.10, 147.25 and 147.80 and chapters 136C, 153 and 272C.

481—572.18(147,153,272C) Grounds for nonrenewal. The board may refuse to renew a license, registration, permit or qualification on the following grounds:

572.18(1) After proper notice and hearing for a violation of these rules or Iowa Code chapter 147, 153 or 272C.

572.18(2) Failure to pay required fees.

572.18(3) Failure to obtain required continuing education.

572.18(4) Failure to maintain current certification in CPR that includes a hands-on component, or ACLS or PALS certification when required by rule.

572.18(5) Receipt of a certificate of noncompliance from the child support recovery unit of the department of health and human services in accordance with 481—Chapter 8.

This rule is intended to implement Iowa Code section 153.31 and chapters 147, 252J and 272C.

481—572.19(147,153,272C) Late renewal. Failure to renew a license, permit, registration or qualification prior to the expiration date will result in the assessment of a late fee in the amount specified in 481—Chapter 571 in addition to the renewal fee.

572.19(1) Failure to renew prior to September 1 following expiration will result in the assessment of a late fee in the amount specified in 481—Chapter 571 in addition to the renewal fee.

572.19(2) Failure to renew prior to October 1 following expiration will result in the assessment of a late fee in the amount specified in 481—Chapter 571 in addition to the renewal fee.

572.19(3) Failure to renew prior to November 1 following expiration will cause the license, permit, registration, or qualification to lapse and become invalid. A licensee, permit holder, or registrant whose license, permit, registration, or qualification has lapsed is prohibited from the practice of dentistry, dental hygiene, dental assisting or dental radiography until the license, permit, registration or qualification is reinstated in accordance with rule 481—571.20(147,153,272C).

This rule is intended to implement Iowa Code sections 147.10, 147.11 and 272C.2.

481—572.20(147,153,272C) Reinstatement or reactivation of a lapsed license, permit, registration or qualification.

572.20(1) A lapsed license, permit, registration or qualification may be reactivated at the discretion of the board. Applications for reactivation must include the following:

a. Payment of a reactivation application fee plus one past-due renewal fee as specified in 481—Chapter 571;

b. For reactivation of a lapsed dental or dental hygiene license, a completed criminal history background packet, including the fee as specified in 481—Chapter 571, to facilitate a criminal history background check by the DCI and the FBI;

c. Evidence of completion of continuing education required for renewal in accordance with 481—Chapter 573 that has not been previously reported to the board, or evidence of the full- or part-time practice of the profession in another state, district or territory for a minimum of two years within the previous five-year period;

d. If licensed or registered in another state, district or territory, certification by the licensing authority of the license or registration status and that the licensee or registrant has not been the subject of final or pending disciplinary action;

e. A detailed statement disclosing any disciplinary actions, investigations, claims, complaints, judgments, settlements or criminal charges.

f. Pursuant to Iowa Code section 147.11, applicants for reinstatement, following the revocation, suspension, or acceptance of a voluntary surrender by this board, must comply with any additional stipulations issued by the board prior to the reactivation of the license, registration, permit or qualification.

572.20(2) The board or dental hygiene committee may require a licensee or registrant who is applying for reactivation, and who has not actively practiced clinically within five years immediately preceding the date of application, to successfully complete a board-approved examination or assessment for the purpose of ensuring that the applicant possesses sufficient knowledge and skill to practice safely.

This rule is intended to implement Iowa Code sections 147.10, 147.11 and 272C.2.

481—572.21(136C,153) Reactivation of lapsed radiography qualification.

572.21(1) A registered dental assistant or licensed nurse whose radiography qualification has lapsed may have the radiography qualification reactivated at the discretion of the board. In addition to the application requirements specified in rule 481—572.20(147,153,272C), applicants for reactivation must also submit evidence of the following:

a. Evidence of current registration as a dental assistant or an Iowa nursing license; and

b. Evidence of one of the following:

(1) If the radiography qualification has been lapsed for less than five years, a minimum of two hours of continuing education in the subject area of dental radiography, taken within the previous two-year period;

(2) If the radiography qualification has been lapsed for more than five years, the applicant has retaken and successfully completed a board-approved examination in dental radiography; or

(3) Current radiography qualification issued by another state, district or territory, and a statement detailing the clinical practice in dental radiography in that jurisdiction for a minimum of two years in the previous five-year period.

572.21(2) Iowa-licensed nurses applying for reactivation of a radiography qualification are exempt from providing evidence of current CPR certification.

This rule is intended to implement Iowa Code sections 147.10, 147.25 and 147.80 and chapters 136C, 153 and 272C.

481—572.22(147,153,272C) Grounds for action against a license, permit, registration or qualification.

572.22(1) Following review of an application, including applications for reinstatement or reactivation, the board may take action against a license, permit, registration or qualification if the board finds that any of the following apply to the applicant:

- a.* Has been the subject of disciplinary action taken against a license or registration in another state, district, or territory, and the violations that resulted in such action would also be grounds for discipline in Iowa in accordance with 481—Chapter 581;
- b.* Failed to justify the need for a temporary permit;
- c.* Practiced outside the scope of practice as permitted by Iowa law; or
- d.* Found probable cause for any of the grounds for which licensure or registration may be subject to disciplinary action, including revocation or suspension, as specified in Iowa Code chapters 147, 153 and 272C and 481—Chapter 581.

572.22(2) The board may take action against an applicant for license, permit, registration or qualification as follows:

- a.* Impose applicable restrictions or sanctions pursuant to rule 481—581.1(147,153,272C) as a condition of licensure, permit, registration, qualification or reinstatement;
- b.* Issue a notice of intent to cancel a temporary permit or retired volunteer license;
- c.* Issue a notice of intent to deny issuance or reactivation of a license, permit, registration or qualification;
- d.* Initiate disciplinary action against the license, permit, registration or qualification; or
- e.* Initiate other confidential action as permitted by Iowa law.

572.22(3) If the board pursues formal action against an applicant pursuant to this rule, the board will promptly notify the applicant by certified mail at the applicant's last-known address or by personal service.

572.22(4) The provisions of 481—Chapter 506 shall govern a contested case proceeding.

572.22(5) The procedure for appealing a decision of the board in a contested case is set forth in 481—Chapter 506.

This rule is intended to implement Iowa Code chapters 147, 153 and 272C.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8987C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to dental continuing education

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 573, "Dental Continuing Education," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 153.33.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 272C and sections 147.10, 147.11, 153.15 and 153.39.

Purpose and Summary

This rulemaking promulgates Chapter 573 and implements Iowa Code chapter 153 in accordance with the goals and directives of Executive Order 10. Iowa Code section 153.33 provides that rulemaking authority.

This rulemaking implements Iowa Code sections 147.10, 147.11, 153.15A, and 153.39 and chapter 272C by providing Iowans, licensees, and their employers with information relevant to continuing education. This chapter provides general requirements such as the minimum number of hours of education overall, biennium renewal period, documentation, acceptable programs and activities, and extensions and exemptions. This chapter also provides requirements for mandatory reporter, cardiopulmonary resuscitation (CPR), infection control, jurisprudence, and opioid training. The intended benefit of continuing education is to ensure that licensees maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8495C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

Association representatives and a licensee were present. No public comments were received other than those in support of the rulemaking. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Dental Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 573:

CHAPTER 573 DENTAL CONTINUING EDUCATION

481—573.1(153) Continuing education requirements.

573.1(1) Prior to renewal, licensees and registrants are responsible for completing continuing education as follows unless claiming a permissible extension or exemption:

a. Each person who holds a license or faculty permit to practice dentistry: a minimum of 30 hours.
b. Each person who holds a license or faculty permit to practice dental hygiene: a minimum of 30 hours.

c. Each person registered to practice dental assisting: a minimum of 20 hours.

d. Each registrant or licensed nurse who holds a radiography qualification: a minimum of two hours in the area of dental radiography. These hours may also be applied toward the requirements as stipulated in paragraph 573.1(1)“*c.*”

e. Pursuant to Iowa Code chapters 232 and 235B, mandatory reporter training for child abuse and dependent adult abuse. Licensees and registrants who regularly provide or assist with dental services to patients in Iowa are responsible for completing mandatory reporter training within six months of employment or prior to the expiration of a current certificate.

(1) Licensees and registrants who regularly provide dental services to children shall complete training pertaining to identifying and reporting abuse in children. Completion of this component of the mandatory reporter training results in two hours of continuing education credit.

(2) Licensees and registrants who regularly provide dental services to adults shall complete training pertaining to identifying and reporting abuse in dependent adults. Completion of this component of the mandatory reporter training results in two hours of continuing education credit.

f. Pursuant to 481—Chapter 572, cardiopulmonary certification, which results in a maximum of three hours of continuing education credit. Certification in pediatric advanced life support (PALS) or advanced cardiac life support (ACLS) results in hour-for-hour credit.

g. A minimum of one hour of continuing education in the area of infection control. The course content should focus on infection control standards, as required by the U.S. Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services.

h. A minimum of one hour of continuing education in the area of Iowa jurisprudence related to the practice of dentistry, dental hygiene and dental assisting.

i. As a condition of license renewal, for a licensed dentist who has prescribed opioids to a patient during the biennium renewal period, a minimum of one hour of continuing education on opioids.

(1) This training shall include guidelines for prescribing opioids, including recommendations on limitations of dosages and the length of prescriptions, risk factors for abuse, and nonopioid and nonpharmacological therapy options. If the continuing education did not cover the U.S. Centers for Disease Control and Prevention guideline for prescribing opioids for chronic pain, the licensee shall read the guideline prior to license renewal.

(2) A licensed dentist who did not prescribe opioids during the biennium renewal period may attest that the dentist is not subject to this requirement due to the fact that the dentist did not prescribe opioids during the time period.

573.1(2) Licensees and registrants may apply completed continuing education hours that meet the requirements of paragraphs 573.1(1)“*d*” through “*h*” toward the requirements for renewal of the license or registration.

573.1(3) The continuing education compliance period shall be the 24-month period commencing September 1 and ending on August 31 of the renewal cycle, except when applying continuing education hours from the previous renewal period in accordance with this rule.

573.1(4) Licensees and registrants may obtain continuing education credit by attending and participating in continuing education activities that meet the requirements of this chapter.

573.1(5) Pursuant to Iowa Code section 272C.2(2)“*h*,” licensees and registrants who complete continuing education hours in excess of the requirements for renewal may apply up to 50 percent of the required hours to the following renewal period. Hours may be carried forward as follows:

a. Licensees and faculty permit holders may apply a maximum of 15 hours from the previous renewal period.

b. Registered dental assistants may apply a maximum of ten hours from the previous renewal period.

c. Licensees and registrants may not carry forward hours for courses in the areas of cardiopulmonary resuscitation (CPR), infection control, jurisprudence, dental radiography, or opioids completed during the previous renewal period.

481—573.2(153) Documentation of continuing education hours.

573.2(1) Licensees and registrants are responsible for obtaining evidence of successful completion for courses attended. The course sponsor should verify credit hours on the proof of attendance.

573.2(2) When applying for renewal, licensees and registrants will report the number of continuing education credit hours completed unless claiming an exemption pursuant to rule 481—573.5(153).

573.2(3) Every licensee and registrant should maintain a record of all courses attended by keeping evidence of continuing education for four years following renewal. The board reserves the right to audit the continuing education hours reported by any licensee or registrant. If selected for audit, the licensee or registrant is responsible for submitting copies of the certificates or other evidence.

481—573.3(153) Acceptable programs and activities.

573.3(1) A continuing education activity is deemed to be acceptable if it meets the following criteria:

a. It constitutes an organized program of learning that contributes directly to the professional competency of the licensee or registrant and is of value to dentistry, is applicable to oral health care, or otherwise pertains to patient care;

b. It pertains to common subjects or other subject matters that relate to the practice of dentistry, dental hygiene, or dental assisting and that are intended to review or update knowledge of new or existing concepts and techniques and enhance the dental health of the public; and

c. It is developed or conducted by individuals who have sufficient education, training and experience to be knowledgeable in the subject matter. Continuing education activities that are developed or approved for continuing education credit by a nationally recognized organization, such as the American Dental Association, the Academy of General Dentistry or another dental specialty organization, would meet these criteria.

573.3(2) Types of activities acceptable for continuing dental education credit include:

a. A dental science course that includes topics that address the clinical practice of dentistry, dental hygiene, dental assisting and dental public health.

b. Courses pertaining to the practice of dentistry that include areas such as recordkeeping, medical conditions that may have an effect on oral health, ergonomics related to clinical practice, the Health Insurance Portability and Accountability Act (HIPAA), risk management, sexual boundaries, communication with patients, Occupational Safety and Health Administration (OSHA) regulations, and the discontinuation of practice related to the transition of patient care and patient records.

c. Sessions attended at a convention-type meeting that includes a variety of concurrent educational experiences directly related to the practice of dentistry. Attendees at a multiday convention may receive a maximum of 1.5 hours of credit per day with the maximum of 6 hours of credit allowed per biennium.

(1) Attendance of table clinic sessions will result in two hours of credit as verified by the sponsor, provided the subject matter conforms to this chapter.

(2) Presentation of an original table clinic session will result in four hours of continuing education credit as verified by the sponsor, provided the subject matter conforms to this chapter.

d. Postgraduate study relating to health sciences, which will result in 15 hours of continuing education per semester.

e. Successful completion of a recognized specialty examination or the Dental Assisting National Board (DANB) examination, which will result in 15 hours of continuing education credit.

f. Self-study activities, which are permitted with a maximum of 12 hours of continuing credit per renewal period.

g. Original presentation of continuing dental education courses, which will result in credit double that which is awarded to participants. Additional credit will not be granted for the repeating of presentations within the renewal period.

h. Teaching. Licensees and registrants who serve as adjunct faculty at an accredited school may claim continuing education credit for teaching that is part of the normal academic duties. Licensees and registrants may apply a maximum of six hours of credit per renewal period.

i. Publication of scientific articles in professional journals related to dentistry, dental hygiene, or dental assisting, which will result in 5 hours of continuing education credit per article with a maximum of 20 hours allowed per renewal period.

j. Delivery of volunteer dental services without compensation through a free clinic, the purpose of which is the delivery of health care services to low-income or underserved individuals. Licensees and registrants may claim one hour of continuing education credit for every three hours of volunteer dental services.

(1) The volunteer hours must be verified by the free clinic or the organization sponsoring the event where the volunteer services are provided.

(2) Licensees and faculty permit holders may apply a maximum of six hours of credit per renewal period.

(3) Registrants may apply a maximum of four hours of credit per renewal period.

573.3(3) Credit may be given for other continuing education activities upon approval by the board.

573.3(4) Continuing education courses in the areas of expanded functions or sedation must receive prior approval from the board, or committee approval as authorized, pursuant to 481—Chapter 577 and 481—subrule 572.11(1).

481—573.4(153) Unacceptable programs and activities. Unacceptable subject matter and activity types for the purposes of renewal include but are not limited to personal development, business aspects of practice, business strategy, financial management, marketing, sales, practice growth, personnel management, insurance, and collective bargaining. While desirable, those subjects and activities are not applicable to dental skills, knowledge, and competence. Therefore, such courses will receive no credit toward renewal.

481—573.5(153) Extensions and exemptions.

573.5(1) The board may, in individual cases involving physical disability or illness, grant an extension of the time to meet, or an exemption from, the continuing education requirements. Requests for extension or exemption should include a statement from a licensed health care professional confirming the disability or illness that resulted in the need for such a request. The board may, as a condition of the exemption, require the applicant to make up a certain portion or all of the continuing education requirements.

573.5(2) Extensions of or exemptions for continuing education requirements will be considered by the board on an individual basis. Licensees or registrants are exempt from the continuing education requirements for:

- a.* Periods that the person serves honorably on active duty in the military services;
- b.* Periods that the person practices the person's profession in another state, district, or territory that has a continuing education requirement for which the licensee or registrant meets all requirements;
- c.* Periods that the person is a government employee working in the person's licensed or registered specialty and assigned to duty outside the United States;
- d.* Other periods of active practice and absence from the state approved by the board; or
- e.* The first renewal period, or portion thereof, following original issuance of the license, permit or registration.

481—573.6(153) Continuing education sponsors.

573.6(1) An organization or person that desires to offer continuing education courses or programs or other continuing education activities may do so provided that the sponsor complies with the

requirements of this chapter. The board may request a sponsor to provide information about continuing education activities it offers, including names and qualifications of instructors.

573.6(2) The person or organization sponsoring continuing education activities is responsible for keeping a written record of the Iowa licensees or registrants in attendance, maintain the written record for a minimum of five years, and submit the record to the board upon the request. The sponsor of the continuing education activity will also provide proof of attendance and the number of credit hours awarded to the licensee or registrant who participates in the continuing education activity.

573.6(3) Programs sponsored by individuals or institutions for commercial or proprietary purposes, especially programs in which the speaker advertises or urges the use of any particular dental product or appliance should notify attendees of such. Sponsors may offer noncredit courses provided the participants are informed that no credit will be awarded.

481—573.7(153) Review of programs or sponsors. The board reserves the right to monitor or review any continuing education program offered to Iowa licensees and registrants. Upon evidence of a failure to meet the requirements of this chapter, the board may deny credit for the purposes of renewal. The board may deny all or any part of the hours granted by the program. A provider that wishes to appeal the board's decision regarding continuing education credit may file an appeal within 30 days of the board's decision. A timely appeal initiates a contested case proceeding. The contested case will be conducted pursuant to Iowa Code chapter 17A and 481—Chapter 506. The written decision issued at the conclusion of a contested case hearing shall be considered final agency action.

481—573.8(153) Noncompliance with continuing dental education requirements. It is the licensee's or registrant's personal responsibility to comply with these rules. Failure to comply may result in disciplinary action by the board, including nonrenewal of the license or registration.

481—573.9(153) Dental hygiene continuing education. The dental hygiene committee, in its discretion, may make recommendations to the board for approval or denial of requests pertaining to dental hygiene education. The following items will be forwarded to the dental hygiene committee for review:

1. Requests by dental hygienists for waivers, extensions and exemptions of the continuing education requirements.

2. Appeals of denial of dental hygiene continuing education and conduct of hearings as necessary.

These rules are intended to implement Iowa Code sections 147.10, 147.11, 153.15A and 153.39 and chapter 272C.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8988C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to general requirements and standards of practice

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 574, "General Requirements and Standards of Practice," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 147, 153 and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 147, 153 and 272C and sections 232.69 and 235B.16.

Purpose and Summary

These rules provide requirements for licensees with regard to displaying a license, information regarding name or address changes, mandatory reporter training and reporting, and requirements for advertising. These rules set the standard for ethical practice around patient acceptance, consultation and referrals, discontinuation of practice, personnel use, recordkeeping, teledentistry, and representation of care and fees. Requirements for public health supervision, including minimum clinical experience, supervision agreements and reporting, and those duties that can be delegated to a dental hygienist in this setting, are also included in this chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8496C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

Association representatives and a licensee were present. No public comments were received other than those in support of the rulemaking. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Dental Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 574:

CHAPTER 574
GENERAL REQUIREMENTS AND STANDARDS OF PRACTICE

481—574.1(153) Licensed or registered personnel. In accordance with Iowa Code chapters 147 and 153, persons engaged in the practice of dentistry, dental hygiene or dental assisting in Iowa must be licensed by the board as a dentist or dental hygienist or registered as a dental assistant.

This rule is intended to implement Iowa Code chapters 147 and 153.

481—574.2(147,153) Display of current license, registration, permit or qualification. In accordance with Iowa Code section 147.7, the certificate of every license, permit, registration or qualification and evidence of current renewal must be prominently displayed at each permanent practice location.

574.2(1) Additional certificates may be obtained from the board. Evidence of renewal may be obtained from the board's online licensing database at no cost or by request to the board. The board may assess a fee for a replacement certificate or evidence of renewal pursuant to 481—Chapter 571.

574.2(2) Practice locations may display evidence of license, permit, registration or qualification by electronic means in conjunction with primary source verification.

This rule is intended to implement Iowa Code chapter 147.

481—574.3(147,153,272C) Change of name or address.

574.3(1) *Change of name.* Each person licensed or registered by the board must notify the board and submit evidence of a legal name change within 60 days of such change.

574.3(2) *Change of address.* Pursuant to Iowa Code section 147.9, each person licensed or registered by the board must notify the board within 60 days of changes in email for the purpose of electronic communications from the board, primary mailing address, and all full- and part-time practice locations.

481—574.4(147,153,272C) Other requirements.

574.4(1) *Child and dependent adult abuse training.* Licensees or registrants who regularly examine, attend, counsel or treat children or adults in Iowa must obtain mandatory training in child and dependent adult abuse identification and reporting in accordance with Iowa Code sections 232.69 and 235B.16 and 481—Chapter 573.

574.4(2) *Cardiopulmonary resuscitation.* Licensees and registrants may practice in Iowa if they obtain and maintain current certification in a cardiopulmonary resuscitation (CPR) course that included a hands-on component. The board reserves the right to request that licensees and registrants provide evidence of current certification.

This rule is intended to implement Iowa Code sections 232.69 and 235B.16 and chapter 153.

481—574.5(153) Use of personnel. Dentists are obligated to protect the health of their patients by assigning to qualified personnel only those duties that can be legally delegated. Dentists will supervise the work of all personnel working under their direction and control.

481—574.6(153,272C) Patient acceptance. Dentists, in serving the public, may exercise reasonable discretion in accepting patients; however, pursuant to state and federal law, dentists may not discriminate against legally protected classes by refusing to accept patients into their practice or denying dental service to patients for reasons such as race, creed, sex or national origin.

481—574.7(153) Emergency service. Emergency services in dentistry are deemed to be those services necessary for the relief of pain or to thwart infection and prevent its spread. When consulted in an emergency by patients, dentists shall make reasonable arrangements for emergency care.

481—574.8(153) Consultation and referral.

574.8(1) Dentists are responsible for meeting the minimum standard of care and should seek consultation or referral, if possible, whenever the welfare of patients will be safeguarded or advanced by utilizing those practitioners who have special skills, knowledge and experience.

574.8(2) The specialist or consulting dentist shall comply with the following:

a. Upon completion of the consultation or specialty treatment, return the patient, unless the patient expressly states a different preference, to the referring dentist or, if none, to the dentist of record for future care.

b. When there is no referring dentist, upon completion of the treatment, inform the patient when there is a need for further dental care.

574.8(3) A dentist who has a patient referred for a second opinion regarding a diagnosis or treatment plan should render the requested second opinion in accordance with these rules. In the interest of the patient being afforded quality care, the dentist rendering the second opinion should not have a vested interest in the ensuing recommendation.

481—574.9(153,272C) Patient records.

574.9(1) Patient records may be entered or retained electronically or by other means. Dentists must maintain patient records in a manner consistent with the protection of the welfare of the patient and comply with the following:

- a.* Preserve and maintain the confidentiality of patient records as required by state and federal law.
- b.* Ensure that all entries into patient records are permanent, timely, accurate, legible, and easily understandable.
- c.* Update and correct errors in the patient record electronically, or legibly in ink, with no erasures or white-outs. If incorrect information is placed in the record, cross out the error with a single nondeleting line and include the initials or other means of identification for the licensee or registrant who updated the record.
- d.* Safeguard the records from destructive elements.
- e.* Maintain a duplicate hard copy or use an unalterable record when electronic records are kept.

574.9(2) Dentists will create and maintain dental records for each patient that contain all of the following:

- a.* Patient information that includes the following:
 - (1) Name, date of birth, address, and, if a minor, name of parent or guardian.
 - (2) Name and telephone number of person to contact in case of emergency.
- b.* Dental and medical history information sufficient to support the recommended treatment plan from the patient or the patient's parent or guardian.
- c.* Patient's stated reasons related to oral health when a patient presents with a chief complaint.
- d.* Dental records shall include chronological entries, including dates and descriptions of the following:
 - (1) Clinical examination findings, tests conducted, and a summary of all pertinent diagnoses;
 - (2) Plan of intended treatment and treatment sequence;
 - (3) Services rendered and any treatment complications;
 - (4) All radiographs, study models, and periodontal charting, if applicable;
 - (5) Name, quantity, and strength of all drugs dispensed, administered, or prescribed; and
 - (6) Name of dentist, dental hygienist, or any other auxiliary, who performs any treatment or service or who may have contact with a patient regarding the patient's dental health.
- e.* Documentation, at a minimum, of informed consent that includes an overview of the discussion of proposed procedure(s), treatment options, potential complications and known risks, and patient's consent to proceed with treatment.

574.9(3) Transfer of records. Upon request of the patient or patient's legal guardian, the dentist shall furnish copies of the complete dental records, including copies of the radiographs that are of diagnostic quality.

- a.* The dentist may not refuse to transfer records for any reason, including but not limited to nonpayment of any fees.
- b.* The dentist may charge a nominal fee for duplication of records.

481—574.10(153) Teledentistry. Only dentists, dental hygienists, or dental assistants currently licensed or registered by the board may use teledentistry to provide dental care to patients located in Iowa. This rule establishes the standards of practice for teledentistry.

574.10(1) “Teledentistry” means a dentist is providing or supervising dental services using technology when the patient is in another location.

574.10(2) A dentist may not provide teledentistry services to a patient based solely on the responses to an electronic questionnaire consisting of a static set of questions.

574.10(3) The standard of dental care is the same whether a patient is seen in person or through a teledentistry encounter.

a. The use of teledentistry is not an expansion of the scope of practice for dental hygienists or dental assistants.

b. A dentist may only use teledentistry if utilizing evidence-based standards of practice and practice guidelines to ensure patient safety, quality of care, and positive outcomes.

574.10(4) When teledentistry will be utilized, a dentist, in addition to the requirements of rule 481—574.8(153), is responsible for ensuring informed consent covers the following:

a. A description of the types of dental care services provided via teledentistry, including limitations on services;

b. The identity, contact information, practice location, licensure, credentials, and qualifications of all licensees and registrants involved in the patient’s dental care, which should be publicly displayed on a website or provided in writing to the patient; and

c. Precautions for technological failures or emergency situations.

574.10(5) A dentist may only use teledentistry to conduct an examination for a new patient or for a new diagnosis if the examination is conducted in accordance with evidence-based standards of practice to sufficiently establish an informed diagnosis.

a. A dentist shall not conduct a dental examination using teledentistry if the standard of care necessitates an in-person dental examination.

b. Once an examination has been conducted, a dentist may delegate the services to be provided by a licensed dental hygienist or registered dental assistant. A dentist shall not delegate expanded functions when teledentistry is being utilized.

c. A dentist may only delegate services to licensees and registrants employing the levels of supervision as permitted in this chapter and 481—Chapters 570, 575, 576 and 577.

d. A supervising dentist may authorize the use of teledentistry in conjunction with public health supervision.

574.10(6) A dentist may only use teledentistry if the dentist has adequate knowledge of the nature and availability of local dental resources to provide appropriate follow-up care as needed. A dentist shall refer a patient to an acute care facility or an emergency department when necessary for the safety of the patient or in the case of emergency.

574.10(7) A teledentistry encounter shall be clearly characterized as such in a patient record.

574.10(8) All dentists, dental hygienists, and dental assistants shall ensure that the use of teledentistry complies with the privacy, breach and security requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 CFR Part 160, Part 162, and Part 164, and any amendments of as of August 30, 2024.

481—574.11(153) Public health supervision allowed. A dentist who meets the requirements of this rule may provide public health supervision to a dental hygienist or registered dental assistant if the dentist has an active Iowa license and the services are provided in public health settings as defined in rule 481—570.1(153).

574.11(1) *Minimum clinical practice required.* A licensed dental hygienist or registered dental assistant is eligible to practice under public health supervision and provide services if the hygienist or assistant has an active license or registration and a minimum of one year of clinical practice experience.

574.11(2) *Public health supervision agreements.* When working under a public health supervision relationship, a dental hygienist or dental assistant shall enter into a written agreement with a dentist that addresses and complies with the following items:

- a.* Specify the location or locations where the public health services will be provided.
- b.* Include the preferred method of contact for ongoing communication and consultation between the dental hygienist or dental assistant.
- c.* Have age- and procedure-specific standing orders for the performance of services. The standing orders should include consideration for medically compromised patients and medical conditions for which the standard of care would dictate that a dental evaluation occur prior to the provision of services.
- d.* Specify a period of time in which an examination by a dentist must occur prior to providing further services. This examination requirement does not apply to educational services, assessments, screenings, and fluoride if specified in the supervision agreement.
- e.* Specify whether the agreement permits the dental hygienists to apply silver diamine fluoride. The supervision agreement may include provisions for use of silver diamine fluoride if the dentist and the dental hygienist complete board-approved training and the provisions comply with board-approved protocols.
- f.* Specify a procedure for creating and maintaining dental records for the patients who are treated by the dental hygienist or dental assistant, including where these records are to be located.
- g.* Review the written agreement a minimum of once every two years, and maintain a copy of the agreement for reference.
- h.* File a copy of the agreement with dental and oral health program of the department of health and human services within 30 days of entering into or updating an agreement and provide a copy of the agreement to the board upon request.

574.11(3) *Dental hygiene and dental assistant services.* A dental hygienist or dental assistant may provide the services specified in the public health supervision agreement pursuant to the following:

- a.* A dental hygienist may provide services that fall within the scope of practice pursuant to 481—Chapter 576, except for the administration of local anesthesia or nitrous oxide inhalation analgesia.
- b.* A registered dental assistant providing services under public health supervision may perform all extraoral duties, take dental radiographs, assist with intraoral suctioning, use a curing light and take images using an intraoral camera.
- c.* Each patient shall sign a consent form that clarifies that dental public health services do not take the place of regular dental checkups at a dental office and are meant for people who otherwise would not have access to dental services.
- d.* After receiving dental public health services, the dental hygienist or dental assistant will provide to the patient, parent or guardian a written plan for referral to a dentist and assessment of further dental treatment needs.

574.11(4) *Reporting requirements.* Each dental hygienist or dental assistant who rendered services under public health supervision at any time during the calendar year is obligated to complete a summary report at least annually or at the completion of a program. The dental hygienist or dental assistant will file the report with the dental and oral health program of the department of health and human services to assess the impact of the program.

- a.* The report filed by each dental hygienist should include, at a minimum, information related to the number of patients seen and services provided.
- b.* The report filed by each dental assistant should include, at a minimum, information related to the number of patients seen, the services provided to patients and the infection control protocols followed at each public health location. The department will provide summary reports to the board on an annual basis.
- c.* The dental and oral health program should provide summary reports to the board annually or upon request.

This rule is intended to implement Iowa Code chapter 153.

481—574.12(153) Representation of treatment and fees. Licensees and registrants shall not represent the care being rendered to their patients or the fees being charged for providing the care in a false or misleading manner.

574.12(1) The following billing practices are deemed to constitute deception, misrepresentation, overbilling, fraud or a combination thereof:

- a. Accepting a third-party payment under a copayment plan as payment in full and not collecting the patient's portion without disclosing that to the third-party payer.
- b. Increasing a fee to a patient merely because the patient has insurance.
- c. Submitting a claim form to a third party and knowingly reporting incorrect treatment dates.
- d. Describing a dental procedure incorrectly on a third-party claim form in order to receive a greater payment or intentionally making a noncovered procedure appear to be a covered procedure.
- e. Recommending or performing unnecessary dental services or procedures.
- f. Billing for services not rendered. A dentist may bill for those services that have started or been rendered, for actual costs incurred in the treatment of the patient, or for missed appointments.
- g. Billing or drawing on a patient's line of credit prior to services being started or rendered. A dentist may bill or draw on a patient's line of credit for those services that have been rendered or for actual costs incurred in the treatment of the patient.

574.12(2) A dentist may allow patients to prepay for services, in whole or in part, on a voluntary basis.

574.12(3) Payments accepted by a dentist under a government-funded program, a sponsored access program, or a participating agreement entered into under a program of a third party are not considered as evidence of overbilling when determining whether a charge to a patient or to another third party on behalf of a patient not covered under any of these programs constitutes overbilling under this rule.

481—574.13(153) Retention of patient records and discontinuance of practice.

574.13(1) *Retention of dental records.* A dentist shall maintain a patient's dental record for a minimum period of time as follows:

- a. For adults, six years after the date of last examination, prescription, or treatment.
- b. For minors, either until the patient reaches the age of nineteen, or six years after the date of last examination, prescription, or treatment, whichever is longer.
- c. For study models and casts, six years after the date of completion of treatment. Alternatively, one year after completion of treatment, study models and casts may be provided to the patient for retention.

574.13(2) *Discontinuance of practice.* When a dentist intends to discontinue practice at a practice, or upon death or incapacitation, the following provisions apply to minimize disruptions in patients' access to dental care:

- a. A licensee or appointed representative shall notify all active patients in writing, by making the same notification available on the website of the dental practice for no less than 30 days, or by publication once a week for three consecutive weeks in a newspaper of general circulation that the licensee intends to discontinue the practice of dentistry and include guidance for the continuance of dental care, or how to make reasonable arrangements for the transfer of patient records or complete copies thereof to the patient, patient's guardian, or succeeding licensee.
- b. A dentist should appoint another Iowa licensee, representative or entity who, upon the death or incapacitation of the dentist, is able to retain the patient records and assist patients with access to their records in compliance with state and federal law.

481—574.14(153) Unethical and unprofessional conduct.

574.14(1) Unethical or unprofessional conduct includes the following:

- a. Taking actions that the board deems to be abusive, coercive, intimidating, harassing, untruthful or threatening in connection with the practice of dentistry.
- b. Knowingly providing false or misleading information to the board or an agent of the board.

c. Knowingly interfering with a person filing a complaint with the board, or entering an agreement with a person that prohibits that person from filing a complaint with the board.

d. Failing to fully explain a treatment regimen and obtain patient authorization before treatment begins.

574.14(2) A licensee or registrant who has been diagnosed with a communicable or infectious disease shall comply with Iowa Code chapter 139A. Failure to do so constitutes unethical and unprofessional conduct and may be grounds for disciplinary action by the board.

481—574.15(153) Communications. Communications by inclusion or omission to the public must be accurate.

574.15(1) The following standards apply to the communications related to the practice of dentistry:

a. Statements, testimonials, photographs, graphics or other means of communication shall not convey false, untrue, deceptive, or misleading information.

b. Communications should not incite an individual's anxiety in an excessive or unfair way, and they should not create unjustified expectations of results.

c. Communications that refer to benefits or other attributes of dental procedures or products that involve significant risks must also include realistic assessments of the safety and efficacy of those procedures or products. Communications should also include information about alternatives where necessary to avoid deception.

d. Communications must neither misrepresent a dentist's credentials, training, experience or ability nor contain claims of superiority that cannot be substantiated.

574.15(2) Dentists are encouraged to engage in truthful, nondeceptive advertising. Dentists who engage in the types of advertising that do the following shall take care to ensure that ads are consistent with these rules:

a. Include claims that the service performed or the materials used are professionally superior to those which are deemed to be consistent with standard practice or that assert that one licensee is better than another when superiority of service or materials cannot be substantiated.

b. Reference an unearned or nonhealth degree.

c. Reference attainment of an honorary fellowship. An honorary fellowship does not include an award based on merit, study or research. The attainment of fellowship status may be indicated in scientific papers, curriculum vitae, third-party payment forms, and letterhead and stationery that is not used for the direct solicitation of patients.

d. Promote a professional service that the dentist knows or should know is beyond the dentist's ability to perform or that creates an unjustified expectation concerning the potential result of any dental treatment.

e. Include communication that is likely to intimidate or exert undue pressure or influence over a prospective patient.

f. Include a testimonial attesting to a quality of competence of a service or treatment offered by a licensee that is not reasonably verifiable.

g. Utilize statistical data or other information that creates an unjustified expectation about results that the dentist can achieve.

h. Include personally identifiable facts, data or other information about a patient without first obtaining patient consent.

i. Include any misrepresentation of a material fact.

j. Suppress, omit, or conceal any material fact or law without which the communication would be deceptive.

k. Include circumstances that indicate bait-and-switch advertising. The board may require the advertiser to furnish data or other evidence pertaining to those sales at the advertised price as well as other sales. Where the circumstances indicate deceptive advertising, the board may initiate an investigation or disciplinary action as warranted.

481—574.16(153) Advertising standards. The board may request a dentist to substantiate the truthfulness of any assertion or representation of material fact in an advertisement.

574.16(1) The dentist must possess and rely upon information that, when produced, would substantiate the truthfulness of any assertion, omission, or representation of material fact in the advertisement.

574.16(2) The failure or refusal to comply with the requirements of this rule may be deemed professional misconduct.

481—574.17(153) Fees. Advertising that states a fee must clearly define the professional service being offered in the advertisement. Advertised offers will be presumed to include everything ordinarily required for such a service.

481—574.18(153) Public representation. All advertisements and public representations should include the name and contact information of the practitioner who placed the ad.

574.18(1) If the advertisement refers to one's practice, the ad may state either "general/family practice" or "specialist," "specializes," or "specializing." A dentist may not advertise or represent oneself as a specialist unless the dentist complies with the other provisions of this rule.

574.18(2) A dentist may advertise as a specialist if the dentist is a diplomate of, or board-eligible for, a national certifying board of a specialty recognized by the American Dental Association (ADA) or the American Board of Dental Specialties (ABDS). A dentist should consult with the ADA or ABDS for a current list of recognized specialties.

574.18(3) A certifying board may apply for a new area of specialty by submitting information regarding the area of specialty, including an explanation of how the proposed specialty is within the scope of practice of dentistry in Iowa, and proof of the following:

a. The proposed specialty is separate and distinct from any preexisting specialty recognized by the ADA or ABDS;

b. The proposed specialty is a distinct and well-defined field that requires unique knowledge and skills beyond those commonly possessed by dental school graduates;

c. The certifying board is an independent entity that is comprised of licensed dentists, whose membership is reflective of the proposed specialty, and that is incorporated and governed solely by the licensed dentists/board members;

d. The certifying board has a permanent headquarters and staff;

e. The certifying board has issued diplomate certificates to licensed dentists for at least five years;

f. The certifying board requires passing an oral and written examination based on psychometric principles that tests the applicant's knowledge and skill in the proposed specialty;

g. The certifying board requires all dentists who seek certification in the proposed specialty to have successfully completed a specified, objectively verifiable amount of post-DDS or -DMD education and experience that is appropriate for the proposed specialty area, as determined by the certifying board; and

h. The certifying board's website includes online resources for the consumer to verify the certifying board's certification requirements and a list of the names and location of the dentists who have been awarded certification.

574.18(4) The use of the terms "specialist," "specializes," "orthodontist," "oral and maxillofacial surgeon," "oral and maxillofacial radiologist," "periodontist," "pediatric dentist," "prosthodontist," "endodontist," "oral pathologist," "public health dentist," "dental anesthesiologist," or other similar terms that imply that the dentist is a specialist may only be used by a licensed dentist who meets the requirements of this rule. A dentist who advertises as a specialist must avoid any implication that other dentists associated with the same practice are specialists unless the dentists also meet the requirements of this rule.

574.18(5) The term "diplomate" or "board-certified" may only be used by a dentist who has successfully completed the qualifying examination of the appropriate certifying board of one or more of the specialties recognized by the ADA or the ABDS, or as otherwise permitted pursuant to these rules.

574.18(6) A dentist may only advertise as a specialist pursuant to these rules if the advertisement includes the name of the national certifying board and the name of the entity that recognizes the board in the advertisement.

574.18(7) A dentist may advertise the areas in which the dentist practices, including but not limited to specialty services, using other descriptive terms such as “emphasis on _____” or other similar terms as long as all other provisions of these rules regarding advertising are met.

481—574.19(153) Responsibility for advertisements. Each professional who is a principal partner, officer, or licensed professional employee, acting as an agent of the firm or entity identified in the advertisement, is jointly and severally responsible for the form and content of any advertisement offering services or materials. The dentist should maintain a recording or copy of every advertisement for a period of two years that should be made available for review upon request by the board or its designee. The record should indicate the date and place of the advertisement.

481—574.20(147,153,272C) Mandatory reporting requirements. Pursuant to Iowa Code chapters 147, 153 and 272C, each licensee, registrant or committee of the board shall be responsible for reporting to the board the following matters:

574.20(1) Standards of practice. Within 30 days of acquiring knowledge, the following:

- a. Instances of gross or continually faulty treatment.
- b. Acts or omissions by other licensees or registrants that may constitute a basis for disciplinary action under the rules and statutory provisions governing the practice of dentistry, dental hygiene, or dental assisting in Iowa.

574.20(2) Immediate threats to patient safety. Within 24 hours of acquiring knowledge of a reportable act or omission that poses an immediate threat to patient safety, information regarding that act or omission.

574.20(3) Adverse occurrences related to nitrous oxide or sedation. Within seven days, any mortality related to sedation or nitrous oxide or any other incident related to sedation or nitrous oxide that results in the patient receiving inpatient treatment at a hospital or clinic. The licensee must submit a detailed report and include a complete copy of the patient record. The report should include, at a minimum, the following information:

- a. Description of dental procedure.
- b. Description of preoperative physical condition of patient.
- c. List of drugs and dosage administered.
- d. Description, in detail, of techniques utilized in administering the drugs utilized.
- e. Description of adverse occurrence:
 - (1) Description, in detail, of symptoms of any complications, to include but not be limited to onset and type of symptoms in patient.
 - (2) Treatment instituted on the patient.
 - (3) Response of the patient to the treatment.
- f. Description of the patient’s condition on termination of any procedures undertaken.

574.20(4) Judgments, settlements, or disciplinary action. Within 30 days, any of the following:

- a. Any instance of disciplinary action taken by a licensing authority of another state, territory or country or another licensing authority in this state. A stay by an appellate court does not negate this requirement; however, if the disciplinary action is overturned or reversed by a court of last resort, the report will be expunged from the records of the board upon such notification;
- b. Any adverse judgment in a professional malpractice action to which the licensee or registrant was a party;
- c. Any settlement of a claim against the licensee or registrant alleging malpractice;
- d. Any restriction of practice imposed by a hospital, clinic or other practicing setting; or
- e. Being party to, or assisting in the violation of, any provision of Iowa law or rule of the board.

574.20(5) Criminal convictions. Within 60 days, any misdemeanor or felony conviction, excluding traffic offenses. Conviction of driving under the influence or while intoxicated is a reportable offense.

574.20(6) *Mandatory reporter information.* Mandatory reports filed with the board should include the following information:

- a. Name of any licensee or registrant who committed or was involved in the act or omission;
- b. Date on which the reportable offense occurred;
- c. Location where the reportable offense occurred;
- d. Names of patients, licensees, registrants or other parties that may have been adversely impacted by the act or omission;
- e. Disposition of the judgment, action or conviction; and
- f. All other applicable details.

This rule is intended to implement Iowa Code chapters 147, 153 and 272C.

481—574.21(17A,147,153,272C) Waiver prohibited. Rules in this chapter, except for rules 481—574.3(147,153,272C), 481—574.4(147,153,272C), 481—574.11(153), 481—574.15(153), 481—574.16(153), 481—574.18(153), and 481—574.19(153), are not subject to waiver pursuant to 481—Chapter 6 or any other provision of law.

These rules are intended to implement Iowa Code sections 153.33 and 153.34.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8989C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to dental assistants, dental radiology qualifications, and dental laboratory technicians

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 575, “Dental Assistants, Dental Radiography Qualifications, and Dental Laboratory Technicians,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 147, 153 and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 136C and 153.

Purpose and Summary

These rules provide Iowans, licensees, and their employers with the requirements for registered dental assistants, dental radiography, and dental laboratory technicians and, additionally, provides clarification regarding those who are exempt from these requirements. These rules articulate practice standards and provide a scope of practice for dental assistants in a dental office and public health setting, and articulate the responsibilities of the supervising dentist. These rules also provide information regarding unlawful practice and the prohibition of advertising and soliciting dental services by these licensees.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8497C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

Association representatives and a licensee were present. No public comments were received other than those in support of the rulemaking. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Dental Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 575:

CHAPTER 575
DENTAL ASSISTANTS, DENTAL RADIOGRAPHY QUALIFICATIONS,
AND DENTAL LABORATORY TECHNICIANS

481—575.1(153) Registration required. A person shall not practice dental assisting without a current registration issued by the board pursuant to rule 481—571.5(147,153). The following individuals are exempt from the requirements of this rule:

575.1(1) Students enrolled in an accredited dental, dental hygiene, or dental assisting program;

575.1(2) Dental assistant trainees who are meeting the requirements for registration pursuant to Iowa Code section 153.39; and

575.1(3) Persons who are actively licensed in Iowa to practice dental hygiene or nursing and who are engaged in the practice of said profession.

481—575.2(136C,153) Qualification required.

575.2(1) A person who is not otherwise actively licensed by the board shall not participate in dental radiography unless the person holds an active registration or nursing license and holds an active radiography qualification issued by the board and a dentist provides general supervision.

a. A student enrolled in an accredited dental, dental hygiene, or dental assisting program who, as part of the student's course of study, applies ionizing radiation is exempt from the requirements of this rule; and

b. Dental assistants or Iowa-licensed nurses who are engaging in on-the-job training in dental radiography are exempt from the requirements of this rule.

575.2(2) Any individual except a licensed dentist or a licensed dental hygienist who participates in dental radiography in violation of this chapter or Iowa Code chapter 136C may be subject to the criminal and civil penalties set forth in Iowa Code chapter 136C.

575.2(3) Any licensee who permits a person to engage in dental radiography or a registrant who engages in dental radiography contrary to this chapter or Iowa Code chapter 136C may be subject to discipline by the board pursuant to 481—Chapter 580.

481—575.3(153) Dental assistants.

575.3(1) Dental assistant trainees are individuals who are engaging in on-the-job training to meet the requirements for registration pursuant to Iowa Code section 153.39 and rule 481—571.5(147,153). Trainees who are 18 years of age or older may also engage in on-the-job training in dental radiography pursuant to Iowa Code chapters 136C and 153 and this chapter.

a. Dental assistant trainees should successfully complete on-the-job training and examinations in the areas of infection control, hazardous materials, and jurisprudence.

b. A dental assistant trainee shall stop work as a dental assistant trainee if the trainee fails to become registered prior to the expiration date.

575.3(2) Registered dental assistants are individuals who have met the requirements for registration and have been issued registration. A registered dental assistant may, under direct supervision, assist a dentist in performing duties assigned by the dentist that are consistent with these rules. A registered dental assistant may take radiographs if qualified pursuant to this chapter.

481—575.4(153) Scope of practice.

575.4(1) In all instances, a dentist assumes responsibility for determining, on the basis of diagnosis, the specific treatment patients will receive and which aspects of treatment may be delegated to qualified personnel as authorized in these rules.

575.4(2) A licensed dentist may delegate to a dental assistant those procedures for which the dental assistant has received training. This delegation shall be based on the best interests of the patient and performed under the supervision of a licensed dentist and may include:

- a.* Placement and removal of dry socket medication;
- b.* Placement of periodontal dressings;
- c.* Testing pulp vitality;
- d.* Preliminary charting of existing dental restorations and teeth;
- e.* Glucose testing;
- f.* Phlebotomy;
- g.* Securing orthodontic wire with elastic chains, rubber bands, and ligature wire; and
- h.* Expanded function procedures in accordance with 481—Chapter 577.

575.4(3) The dentist will exercise supervision and is fully responsible for all acts performed by a dental assistant. A dentist may not delegate to a dental assistant any of the following, unless allowed pursuant to 481—Chapter 577:

a. Diagnosis, examination, treatment planning, or prescription, including prescription for drugs and medicaments or authorization for restorative, prosthodontic or orthodontic appliances.

b. Surgical procedures on hard and soft tissues within the oral cavity and any other intraoral procedure that contributes to or results in an irreversible alteration to the oral anatomy.

- c. Administration of local anesthesia.
- d. Placement of sealants.
- e. Removal of any plaque, stain, or hard natural or synthetic material except by toothbrush, floss, or rubber cup coronal polish, or removal of any calculus.
- f. Dental radiography, unless the assistant is qualified pursuant to this chapter.
- g. Those procedures that require the professional judgment and skill of a dentist.

481—575.5(153) Supervision required.

575.5(1) A licensed dentist may delegate the following services to a registered dental assistant under general supervision:

- a. All extraoral duties.
- b. Intraoral suctioning.
- c. Use of a curing light.
- d. Dental radiography in accordance with rule 481—575.2(136C,153).
- e. Other intraoral imaging except for taking occlusal registrations or final impressions. Expanded functions may only be performed in accordance with 481—Chapter 577.

575.5(2) Dentists may delegate other services that are within the scope of practice of a dental assistant, including expanded functions pursuant to 481—Chapter 577, under direct supervision or as otherwise permitted by rule.

575.5(3) A registered dental assistant may practice under public health supervision in accordance with rule 481—574.11(153).

481—575.6(153) Continuing education. For the purposes of renewal, every registrant and licensed nurse who holds a dental radiography qualification will complete continuing education requirements as specified in 481—Chapter 573 unless exempted by rule.

481—575.7(153) Students enrolled in dental assisting programs. Students enrolled in an accredited dental assisting program are not considered to be engaged in the unlawful practice of dental assisting provided that such practice is in connection with their regular course of instruction and meets the following:

575.7(1) The practice of clinical skills on peers enrolled in the same program is performed under the direct supervision of a program instructor with an active Iowa dental assistant registration, dental hygiene license, faculty permit, or dental license;

575.7(2) The practice of clinical skills on members of the public is performed under the direct supervision of a dentist with an active Iowa dental license or faculty permit.

481—575.8(153) Unlawful practice.

575.8(1) A dental assistant who assists a dentist in practicing dentistry in any capacity other than as a person supervised by a dentist in a dental office; who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor or director of a dental office as a guise or subterfuge to enable such dental assistant to engage directly or indirectly in the practice of dentistry; or who performs dental service directly or indirectly on or for members of the public other than as a person working for a dentist shall be deemed to be practicing dentistry without a license.

575.8(2) Any dental laboratory technician who assists a dentist in practicing dentistry in any capacity other than as an employee or independent contractor; who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor or director of a dental office as a guise or subterfuge to enable such dental laboratory technician to engage directly or indirectly in the practice of dentistry; or who renders dental service directly or indirectly on or for members of the public other than as an employee or independent contractor for an employing dentist shall be deemed to be practicing dentistry without a license.

481—575.9(153) Advertising and soliciting of dental services prohibited. Dental assistants, dental laboratories or dental laboratory technicians shall not advertise, solicit, represent or hold themselves out

in any manner to the general public that they will furnish, construct, repair or alter prosthetic, orthodontic or other appliances, with or without consideration, to be used as substitutes for or as part of natural teeth or associated structures or for the correction of malocclusions or deformities, or that they will perform or render any other dental service.

These rules are intended to implement Iowa Code chapters 136C and 153.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8990C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to dental hygienists

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 576, "Dental Hygienists," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 147, 153 and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 147.10, 153.14 and 153.15.

Purpose and Summary

These rules provide Iowans, licensees, and their employers with information relevant to the scope of practice of a dental hygienist. These rules list the types of services that dental hygienists can perform when delegated by and performed under the supervision of an Iowa-licensed dentist. Requirements for the level of supervision necessary are also established in these rules.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8489C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

Association representatives and a licensee were present for a public hearing. No public comments were received other than those in support of the rulemaking. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Dental Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 576:

CHAPTER 576
DENTAL HYGIENISTS

481—576.1(153) Authorized practice of a dental hygienist.

576.1(1) “Practice of dental hygiene” is defined in Iowa Code section 153.15 and includes the performance of educational, therapeutic, preventive and assessment services. Dental hygienists may perform such services, except educational services, when delegated by and performed under the supervision of an Iowa-licensed dentist.

a. Educational services include assessing the need for, planning, implementing, and evaluating oral health education programs for individual patients and community groups and conducting workshops and in-service training sessions on dental health for nurses, school personnel, institutional staff, community groups and other agencies providing consultation and technical assistance for promotional, preventive and educational services.

b. Therapeutic services include identifying and evaluating factors that indicate the need for and performing the following:

(1) Oral prophylaxis, which includes supragingival and subgingival debridement of plaque, and detection and removal of calculus with instruments or other devices;

(2) Periodontal scaling and root planing;

(3) Removal and polishing of hardened excess restorative material, which may include adhesives, using nonmotorized instruments;

(4) Administration of local anesthesia with the proper permit;

(5) Administration of nitrous oxide inhalation analgesia in accordance with rule 481—579.1(153);

(6) Application and administration of medicaments prescribed by a dentist, including chemotherapeutic agents, or therapies for the treatment of periodontal disease and caries;

(7) Phlebotomy; and

(8) Expanded function procedures in accordance with 481—Chapter 577.

c. Preventive services include applying pit and fissure sealants and medications, including silver diamine fluoride; using other methods for caries and periodontal disease control; and organizing and administering fluoride rinse or sealant programs.

d. Assessment services include reviewing medical and dental health histories, performing oral inspection, indexing dental and periodontal disease, preliminary charting of existing dental restorations and teeth, making occlusal registrations for mounting study casts, testing pulp vitality, testing glucose levels, and analyzing dietary surveys.

576.1(2) The following services may only be delegated by a dentist to a dental hygienist:

- a. Administration of local anesthesia;
- b. Placement of sealants except as permitted by 481—Chapter 577; and
- c. Removal of any plaque, stain, calculus, or hard natural or synthetic material, except when removed by toothbrush, floss, or rubber cup coronal polish.

576.1(3) Subsequent examination and monitoring of the patient, including definitive diagnosis and treatment planning, is the responsibility of the dentist and shall be carried out in a reasonable period of time in accordance with the professional judgment of the dentist based upon the individual needs of the patient.

This rule is intended to implement Iowa Code section 153.15.

481—576.2(153) Scope of practice and supervision requirements.

576.2(1) In accordance with Iowa Code chapter 153, all authorized services provided by a dental hygienist, except educational services, shall be performed under the general, direct, or public health supervision of an Iowa-licensed dentist. Pursuant to 481—Chapter 577, clinical training in expanded functions requires those services to be performed under observational supervision.

576.2(2) Under the general supervision of a dentist, a dental hygienist may provide educational, therapeutic, preventive and assessment services, including screening, or data collection for the preparation of written records for evaluation by a licensed dentist. A dentist may only delegate patient services to be performed under general supervision for patients of record.

576.2(3) Under the public health supervision of a dentist, a dental hygienist may provide educational, therapeutic, preventive and assessment services, including screening, or data collection pursuant to rule 481—574.11(153).

576.2(4) Dental hygienists may only administer local anesthesia if they hold a current permit in accordance with rule 481—572.10(147,153), or nitrous oxide inhalation analgesia in accordance with rule 481—579.1(153), and perform expanded functions in accordance with 481—Chapter 577 under the direct supervision of a dentist.

576.2(5) Dental hygienists may perform all other authorized services on a new patient under the direct or public health supervision of a dentist pursuant to rule 481—574.11(153). An examination by the dentist must take place during an initial visit by a new patient, except when hygiene services are provided under public health supervision.

576.2(6) Dentists may authorize services to be performed under direct supervision in lieu of general supervision when the dentist determines such supervision is necessary to meet the individual needs of the patient.

This rule is intended to implement Iowa Code section 153.15.

481—576.3(153) Unauthorized practice of a dental hygienist.

576.3(1) A dental hygienist who renders hygiene services, except educational services, that have not been delegated by a licensed dentist or that are not performed under the supervision of a licensed dentist as provided by rule is deemed to be practicing illegally.

576.3(2) The unauthorized practice of dental hygiene means allowing a person not licensed in dentistry or dental hygiene to perform dental hygiene services or for a dental hygienist to perform services that exceed the scope of practice authorized in Iowa Code section 153.15 and this chapter.

This rule is intended to implement Iowa Code sections 147.10 and 153.15.

481—576.4(153) Students enrolled in dental hygiene programs. Students enrolled in an accredited dental hygiene program are not considered to be engaged in the unlawful practice of dental hygiene provided that such practice is in connection with their regular course of instruction and complies with the following:

576.4(1) The practice of clinical skills on peers enrolled in the same program may be performed under the direct supervision of a program instructor with an active Iowa dental hygiene license, faculty permit, or dental license.

576.4(2) The practice of clinical skills on members of the public may only be performed under the general supervision of a dentist with an active Iowa dental license or faculty permit.

576.4(3) The practice of clinical skills involving the administration or monitoring of nitrous oxide or the administration of local anesthesia may only be performed under the direct supervision of a dentist with an active Iowa dental license or faculty permit.

This rule is intended to implement Iowa Code sections 153.14 and 153.15.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8991C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to expanded functions

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 577, "Expanded Functions," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 147, 153 and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 153.

Purpose and Summary

This rulemaking promulgates Chapter 577 and implements Iowa Code chapter 153 in accordance with the goals and directives of Executive Order 10. Iowa Code section 153.33 provides rulemaking authority.

This rulemaking implements Iowa Code chapter 153 by providing Iowans, licensees and their employers with information and definitions relevant to expanded functions. This chapter allows for and provides requirements for performing expanded functions after successful completion of Dental Board-approved training. This chapter establishes the standards by which the Board reviews and approves requests for training in expanded functions. This chapter also details eligibility requirements for expanded functions for dental assistants and hygienists, information on expanded function categories, procedures for dental hygienists and assistants, and training for expanded functions.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8478C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

The Board received a question regarding scope for dental hygienists. One change from the Notice has been made to add paragraph 577.1(1)"c" to provide clarification.

Adoption of Rulemaking

This rulemaking was adopted by the Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 577:

CHAPTER 577
EXPANDED FUNCTIONS

481—577.1(153) Expanded function requirements and eligibility.

577.1(1) Dental hygienists or registered dental assistants may only perform expanded function procedures upon successful completion of a board-approved course of training. Dental assistant trainees are not eligible to receive training in or perform expanded function procedures.

a. This shall not preclude dental hygienists or dental assistants from practicing expanded function procedures for training purposes while enrolled in a board-approved course of training.

b. Expanded function procedures must be delegated by and performed under the direct supervision of a licensed dentist unless otherwise specified in this chapter.

c. Services that are therapeutic or preventive in nature and are within the scope of practice for dental hygienists are not deemed to be expanded functions.

577.1(2) To be eligible to train in expanded function procedures, dental hygienists must hold an active dental hygiene license in Iowa.

577.1(3) To be eligible to train in expanded function procedures, dental assistants must hold an active registration and comply with one of the following:

a. Be a graduate of an accredited school;

b. Be currently certified by the Dental Assisting National Board (DANB); or

c. Have at least three months of clinical practice as a registered dental assistant or clinical practice as a dental assistant in a state that does not require registration.

577.1(4) A dentist who delegates expanded function procedures to dental hygienists or dental assistants under direct supervision must examine the patient to review the quality of work prior to the conclusion of the dental appointment. The following expanded function procedures are exempt from this requirement and may be performed under general supervision:

a. Recementation of a provisional restoration.

b. Taking occlusal registrations for purposes other than mounting study casts by dental hygienists only.

481—577.2(153) Expanded function categories. Dental hygienists and dental assistants must be issued a certificate of completion for the corresponding function in which board-approved training has been completed before performing a specific expanded function procedure. A dentist may delegate to dental hygienists or dental assistants only those expanded function procedures in which training has been successfully completed.

577.2(1) Level 1 expanded functions may be taught by board-approved training providers using curriculum prior-approved by the board.

577.2(2) Training in Level 2 expanded functions must be completed at the University of Iowa College of Dentistry or another accredited school using curriculum approved by the board. Before beginning Level 2 training, dental hygienists and dental assistants must complete all prerequisites for the Level 2 training established by the accredited school.

481—577.3(153) Level 1 expanded function procedures.

577.3(1) Level 1 expanded function procedures include:

- a.* Taking occlusal registrations;
- b.* Placement and removal of gingival retraction material;
- c.* Fabrication, temporary cementation, and removal of provisional restorations following review of the fit and function by the supervising dentist, and temporary recementation of provisional restorations;
- d.* Applying cavity liners and bases and desensitizing agents;
- e.* Applying bonding systems, which may include the placement of the attachments used in clear aligner systems, following review of the fit and function by the supervising dentist;
- f.* Placement, bonding, and removal of provisional orthodontic restorations as follows:
 - (1) Placement or bonding of orthodontic brackets and bands or provisional orthodontic appliances following review of the fit and function by the supervising dentist; and
 - (2) Removal of adhesive, orthodontic brackets and bands, or provisional orthodontic appliances using nonmotorized hand instrumentation;
- g.* Taking final impressions for fixed restorations or dental prosthetics;
- h.* Placement of temporary restorative materials following preparation of the tooth by a dentist;
- i.* Extraoral adjustment to acrylic dentures without making any adjustments to the prosthetic teeth;
- j.* Tissue conditioning (soft reline only); and
- k.* Placement, management, and removal of an intravenous (IV) infusion line for moderate sedation, deep sedation, or general anesthesia. Placement of an IV may include the administration of saline. Placement of an IV does not include the administration of any drugs or medications.

577.3(2) The following procedures are Level 1 expanded functions only for dental assistants and are within the scope of practice for dental hygienists:

- a.* Monitoring of patients receiving nitrous oxide inhalation analgesia, which may include increasing oxygen levels as needed, pursuant to the following:
 - (1) A dentist shall induce a patient and establish the maintenance level;
 - (2) A dental assistant may make adjustments that decrease the nitrous oxide concentration during the administration of nitrous oxide; and
 - (3) A dental assistant may turn off the oxygen delivery at the completion of the dental procedure.
- b.* Removal of adhesives using nonmotorized hand instrumentation.

481—577.4(153) Level 2 expanded function procedures for dental hygienists and dental assistants.

577.4(1) Level 2 expanded function procedures for dental hygienists and dental assistants include:

- a.* Placement and shaping of amalgam following preparation of a tooth by a dentist;
- b.* Placement and shaping of adhesive restorative materials following preparation of a tooth by a dentist;
- c.* Polishing of adhesive restorative material using a slow-speed handpiece; and

d. Fitting of stainless-steel crowns on primary posterior teeth and cementation after fit verification by a dentist.

577.4(2) Level 2 expanded function procedures for dental assistants include the placement of sealants. The placement of sealants is included in the scope of practice for dental hygienists and is not considered an expanded function for dental hygienists.

577.4(3) These Level 2 expanded function procedures refer to both primary and permanent teeth except as otherwise noted. Training in Level 2 expanded functions may be separated between application of the services on primary or permanent teeth as determined by the accredited training provider.

481—577.5(153) Expanded function training.

577.5(1) *Approved expanded function training programs.* Training programs for Level 1 and Level 2 expanded function procedures must be board-approved. Training programs for Level 2 expanded function procedures are limited to the University of Iowa College of Dentistry or another accredited school.

577.5(2) *Certificates of completion.* All board-approved training programs are authorized and required to issue certificates to dental hygienists and dental assistants who successfully complete expanded function training. A certificate shall be issued for one or more of the expanded function procedures completed. Dental hygienists and dental assistants shall prominently display the expanded functions certificate in each dental facility where services are provided.

577.5(3) *Training.* Training may be completed in one or more of the listed expanded function procedures. Clinical training in expanded function procedures must be completed under observational supervision. Level 1 expanded function training includes the following:

- a. An initial assessment to determine the base entry level of all participants;
- b. Completion of the minimum standards for each function as specified in this rule; and
- c. A post-course written examination at the conclusion of the training program, with a minimum of ten questions per function. A score of 75 percent or higher is deemed to be a passing score.

577.5(4) *Minimum training standards.* Every expanded function procedure requires the completion of clinical training that includes a minimum of five patient experiences per procedure under observational supervision unless stated otherwise.

a. Taking occlusal registrations. In addition to the required clinical training, a minimum of one hour of didactic training.

b. Placement and removal of gingival retraction material. In addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes three experiences.

c. Fabrication, temporary cementation, temporary recementation, and removal of provisional restorations. A minimum of four hours of didactic training, the equivalent of four hours of laboratory training that includes five experiences, and clinical training that includes a minimum of ten patient experiences under observational supervision.

d. Applying cavity liners and bases and desensitizing agents. In addition to the required clinical training, a minimum of one hour of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

e. Applying bonding systems, which may include the placement of the attachments used in clear aligner systems, following review of the fit and function by the supervising dentist. In addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

f. Placement, bonding, and removal of orthodontic brackets and bands or provisional orthodontic appliances pursuant to paragraph 577.3(1)“f.” For each procedure, in addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

g. Monitoring of patients receiving nitrous oxide inhalation analgesia, pursuant to paragraph 577.3(2)“a.” In addition to the required clinical training, a minimum of two hours of didactic training

and one hour of laboratory training in the office where the dental hygienist or dental assistant is employed.

h. Taking final impressions. A minimum of three hours of didactic training, and the equivalent of clinical training that includes a minimum of six patient experiences under observational supervision.

i. Removal of adhesives using nonmotorized hand instrumentation. In addition to the required clinical training, a minimum of one hour of didactic training.

j. Placement of temporary restorative materials following preparation of the tooth by the dentist. In addition to the required clinical training, a minimum of two hours of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

k. Extraoral adjustment to acrylic dentures without making any adjustments to the prosthetic teeth. In addition to the required clinical training, a minimum of one hour of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

l. Tissue conditioning (soft reline only). In addition to the required clinical training, a minimum of one hour of didactic training and the equivalent of one hour of laboratory training that includes a minimum of two experiences.

m. Placement, management, and removal of an IV infusion line for moderate sedation, deep sedation, or general anesthesia. A minimum of 12 hours of didactic training or current Dental Anesthesia Assistant National Certification Examination (DAANCE) certification; and eight hours of laboratory and clinical training that includes a minimum of six venipunctures, two of which are completed on human subjects. Supervision for the clinical experiences shall be completed under the supervision of a dentist with a current sedation or anesthesia permit, or a licensed sedation provider.

577.5(5) *Acceptance of previously completed board-approved training.* Any dental hygienist or dental assistant who previously completed board-approved expanded function training can continue to perform expanded function procedures for which training has been completed and documentation is available. For any expanded function procedures that are new, in whole or in part, additional training to satisfy the minimum training requirement is required of the dental hygienist or dental assistant prior to performing the new expanded function procedure.

These rules are intended to implement Iowa Code chapter 153.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8992C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to prescribing, administering, and dispensing drugs

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 578, "Prescribing, Administering, and Dispensing Drugs," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 124, 153A and 155A and section 153.33.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 153.20.

Purpose and Summary

This rulemaking promulgates Chapter 578 and implements Iowa Code chapter 153 in accordance with the goals and directives of Executive Order 10. Iowa Code section 153.33 provides rulemaking authority.

This rulemaking implements Iowa Code section 153.20 by providing Iowans, licensees, and their employers with information relevant to the authority and requirements of licensed dentists who are prescribing, administering, or dispensing prescription drugs. This chapter also provides requirements for recordkeeping, labels and containers, and use of the Prescription Monitoring Program (PMP).

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8503C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

Association representatives and a licensee were present for a public hearing. No public comments were received other than those in support of the rulemaking. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Dental Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 578:

CHAPTER 578 PRESCRIBING, ADMINISTERING, AND DISPENSING DRUGS

481—578.1(153) Scope of authority and prescribing requirements.

578.1(1) A license to practice dentistry issued by this board permits the licensee to prescribe, administer, or dispense prescription drugs if the use is directly within the scope of the dentist-patient relationship. Registration with the federal Drug Enforcement Administration and the board of pharmacy extends this privilege to controlled substances.

578.1(2) A licensed dentist may only prescribe, administer or dispense a prescription drug for a diagnosed dental condition that is included in the treatment plan and entered into the patient record. A dental examination and medical history must be completed and entered into the patient record before a dentist prescribes, administers, or dispenses a prescription drug to a patient. Fluoride may also be dispensed under protocols approved by the dental and oral health program of the department of health and human services.

578.1(3) On each occasion when a dentist prescribes, administers, or dispenses a prescription drug to a patient, the patient's dental record will be updated to include the following information:

- a. Name, quantity, and strength of the prescription drug.
- b. Directions for its use.
- c. Date of issuance.
- d. Conditions for which the prescription drug was used.

578.1(4) A dentist may only prescribe, administer, or dispense prescription drugs in accordance with all applicable state and federal laws.

578.1(5) A dentist may only purchase, administer, or dispense controlled substances if the dentist maintains records and accountability in accordance with 481—Chapter 553 and all other applicable state and federal laws.

578.1(6) A dentist cannot self-prescribe or self-administer controlled substances.

578.1(7) A dentist may only prescribe, administer, or dispense controlled substances to members of the licensee's immediate family in the case of an acute dental condition or on an emergency basis for a dental condition after the licensee conducts an examination, establishes a patient record, and maintains proper documentation.

481—578.2(153) Dispensing—requirements for containers and labeling.

578.2(1) *Containers.* A prescription drug shall be dispensed in a suitable container designed to protect its integrity in accordance with all applicable federal and state laws.

578.2(2) *Labeling.* A label shall be affixed to the container in which a prescription drug is dispensed bearing the following information:

- a. Name and address of the dentist.
- b. Name of the patient.
- c. Date dispensed.
- d. Directions for use.
- e. Name, quantity, and strength of medication.
- f. If the prescription drug is a Schedule II, III, or IV controlled substance, the federal transfer warning statement as follows: "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed."
- g. Cautionary statements, if any.

481—578.3(153) Prescription requirements.

578.3(1) A dentist shall take adequate measures to prevent prescription forgery from occurring. Dentists may only transmit prescription drug orders, including prescriptions for controlled substances, electronically unless exempted. A dentist who fails to comply with the electronic prescription mandate may be subject to a nondisciplinary administrative penalty of \$250 per violation, up to a maximum of \$5,000 per calendar year.

578.3(2) A dentist may delegate to a licensed dental hygienist or registered dental assistant the preparation of a prescription for the review, authorization, and manual or electronic signature of the dentist, but the dentist is responsible for the accuracy, completeness, and validity of the prescription.

578.3(3) A dentist shall securely maintain the unique authentication credentials issued to the dentist for utilization of the electronic prescription application and authentication of the dentist’s electronic signature. Unique authentication credentials issued to any individual may not be shared with or disclosed to any other individual.

481—578.4(153) Required use of the prescription monitoring program (PMP).

578.4(1) A dentist may only prescribe or dispense an opioid if the dentist or authorized delegate queries the PMP. The query for each patient may not be performed more than 48 hours prior to each instance of an opioid prescription being authorized, issued, or dispensed.

578.4(2) A dentist who dispenses a controlled substance is required to report the dispensing to the PMP within one business day in accordance with 481—Chapter 556.

These rules are intended to implement Iowa Code section 153.20.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8993C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to sedation and nitrous oxide

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 579, “Sedation and Nitrous Oxide,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 153.33.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 153.13 and 153.33.

Purpose and Summary

This rulemaking promulgates Chapter 579 and implements Iowa Code chapter 153 in accordance with the goals and directives of Executive Order 10. Iowa Code section 153.33 provides rulemaking authority.

This rulemaking implements Iowa Code sections 153.13 and 153.33 by providing Iowans, licensees, and their employers with information relevant to sedation permits. This chapter provides definitions relevant to the administration of deep sedation, general anesthesia, moderate sedation, minimal sedation, and nitrous oxide inhalation analgesia by licensed dentists or dental hygienists. This chapter provides information relevant to training, requirements for the facility, patient evaluations, supervision requirements, permissible levels of sedation, reporting adverse reactions, and requirements for obtaining a permit.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8510C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

Association representatives and a licensee were present. An incorrect citation was noted in subrule 579.4(2). There were no public comments other than those in support of the rulemaking process. One change from the Notice has been made to correct the citation in subrule 579.4(2).

Adoption of Rulemaking

This rulemaking was adopted by the Dental Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 579:

CHAPTER 579
SEDATION AND NITROUS OXIDE

481—579.1(153) Nitrous oxide inhalation analgesia.

579.1(1) A dentist may use nitrous oxide inhalation analgesia on an outpatient basis for dental patients provided the dentist has completed training and complies with the following:

- a. Has adequate equipment with fail-safe features.
- b. Has inspection and maintenance performed on equipment as needed to ensure its proper performance, maintains documentation of such, and provides the documentation to the board upon request.
- c. Ensures the patient is continually monitored by a patient monitor while receiving nitrous oxide inhalation analgesia.

579.1(2) A dentist shall provide direct supervision of the administration and monitoring of nitrous oxide and establish a written office protocol for taking vital signs, adjusting anesthetic concentrations, and addressing emergency situations that may arise. The dentist is responsible for the dismissal of the patient following completion of the procedure.

579.1(3) A dental hygienist may administer and monitor nitrous oxide inhalation analgesia when the services have been prescribed by a dentist and the hygienist has completed board-approved training.

579.1(4) A dental assistant who has completed a board-approved expanded function course or holds a current Dental Anesthesia Assistant National Certification Examination (DAANCE) certification

may monitor a patient who is receiving nitrous oxide after the dentist has induced the patient and established the maintenance level. A dental assistant may make adjustments to decrease the nitrous oxide concentration while monitoring the patient or may turn off oxygen delivery at the completion of the dental procedure.

481—579.2(153) Minimal sedation standards.

579.2(1) A dentist shall evaluate a patient prior to the start of any sedative procedure. In healthy or medically stable patients (ASA I, II), the dentist should review the patient's current medical history and medication use. For a patient with significant medical considerations (ASA III, IV), a dentist may need to consult with the patient's primary care provider or consulting medical specialist. A dentist may only provide minimal sedation after obtaining informed consent from the patient or the patient's parent or legal guardian.

579.2(2) Minimal sedation for ASA I or II nonpediatric patients.

a. A dentist may prescribe or administer a single medication for minimal sedation via the enteral route that does not exceed the maximum recommended dose (MRD) for unmonitored home use. A dentist may only administer a supplemental dose of the same drug if the clinical half-life of the initial dose has passed and the total aggregate dose does not exceed 1.5 times the MRD on the day of treatment.

b. A dentist may administer a single medication for minimal sedation via the enteral route that does not exceed the MRD for monitored use on the day of treatment.

c. A dentist may utilize nitrous oxide inhalation analgesia in combination with a single enteral drug.

579.2(3) Minimal sedation for ASA III, ASA IV or pediatric patients.

a. A dentist may prescribe or administer a single medication for minimal sedation via the enteral route that does not exceed the MRD for unmonitored home use.

b. A dentist may administer a single medication for minimal sedation via the enteral route that does not exceed the MRD for monitored use on the day of treatment.

c. A dentist may only administer nitrous oxide inhalation analgesia for minimal sedation of ASA III or IV patients or pediatric patients provided the concentration does not exceed 50 percent and is not used in combination with any other drug.

481—579.3(153) Shared standards for moderate sedation, deep sedation and general anesthesia.

579.3(1) A dentist may only administer moderate sedation, deep sedation or general anesthesia if the dentist holds a current moderate sedation permit or general anesthesia permit pursuant to rule 481—572.11(153).

579.3(2) A dentist administering sedation anesthesia must maintain current advanced cardiac life support (ACLS) certification. A dentist administering moderate sedation to pediatric patients may maintain current pediatric advanced life support (PALS) certification in lieu of current ACLS certification.

579.3(3) A dentist may only start a sedative procedure after evaluating a patient. A dentist should review a patient's medical history, medication(s) and NPO (nothing by mouth) status. For a patient with significant medical considerations (ASA III, IV), a dentist may need to consult with the patient's primary care provider or consulting medical specialist. The dentist should consult the body mass index as part of the preprocedural workup.

579.3(4) A dentist may only administer sedation or anesthesia if the following requirements are met:

- a.* Facilities are appropriately staffed to reasonably handle emergencies;
- b.* A patient monitor remains present in the treatment room to continually monitor the patient until the patient returns to a level of minimal sedation;
- c.* The dentist provides postoperative verbal and written instructions to the patient and caregiver prior to discharging the patient;
- d.* The dentist remains in the facility until the patient meets the criteria for discharge;

e. The dentist or another designated permit holder or licensed sedation provider is available for appropriate postoperative aftercare for a minimum of 48 hours following the administration of sedation; and

f. The dentist establishes emergency protocols that comply with the following:

- (1) Establishment of a procedure for immediate access to backup emergency services;
- (2) Employment of initial life-saving measures by a patient monitor in the event of an emergency, including activation of the emergency medical service (EMS) system for life-threatening complications;
- (3) Avoidance of chest or airway obstruction when applying an immobilization device and allowance for the ongoing exposure of a hand or foot; and
- (4) Availability of a functioning suction apparatus as well as the ability to provide >90 percent oxygen and positive-pressure ventilation, along with age- and size-appropriate rescue equipment in the recovery room for pediatric patients.

481—579.4(153) Moderate sedation standards.

579.4(1) Moderate sedation for ASA I or II nonpediatric patients.

- a.* A dentist may prescribe or administer a single enteral drug in excess of the MRD on the day of treatment.
- b.* A dentist may prescribe or administer a combination of more than one enteral drug.
- c.* A dentist may administer nitrous oxide with more than one enteral drug.
- d.* A dentist may administer a medication for moderate sedation via the parenteral route in single or incremental doses.
- e.* A dentist may only administer drug(s) or techniques, or both, provided there is a margin of safety wide enough to render unintended loss of consciousness unlikely.

579.4(2) Moderate sedation for ASA III, ASA IV or pediatric patients. A dentist who does not meet the requirements of 481—subparagraph 572.11(1)“*b*”(3) may not administer moderate sedation, deep sedation or general anesthesia to pediatric or ASA III or IV patients. The following constitute moderate sedation:

- a.* The use of one or more enteral drugs in combination with nitrous oxide.
- b.* The administration of any intravenous drug.

579.4(3) A dentist may administer moderate sedation in a facility provided the following requirements are met:

- a.* Have at least one patient monitor observe the patient while the patient is under moderate sedation; and
- b.* Utilize capnography or a pretracheal/precordial stethoscope as stipulated below:
 - (1) Use capnography to monitor end-tidal carbon dioxide unless the use of capnography is precluded or invalidated by the nature of the patient, procedure or equipment.
 - (2) In cases where the use of capnography is precluded or invalidated for the reasons listed previously, a pretracheal or precordial stethoscope must be used to continually monitor the auscultation of breath sounds.

481—579.5(153) Deep sedation or general anesthesia standards.

579.5(1) The administration of anesthetic sedative agents intended for deep sedation or general anesthesia, including but not limited to Propofol, Ketamine and Dilaudid, is deemed to constitute deep sedation or general anesthesia.

579.5(2) A dentist may administer deep sedation or general anesthesia provided the following requirements are met:

- a.* Have at least two patient monitors observe the patient while the patient is under deep sedation or general anesthesia;
- b.* Utilize capnography and a pretracheal/precordial stethoscope; and
- c.* If the dentist has a recovery area separate from the operatory, the recovery area has oxygen and suction equipment.

481—579.6(153) Training and certification requirements for patient monitors. Patient monitors must be capable of administering emergency support and complete training as required by this rule.

579.6(1) Patient monitors who will observe patients receiving deep sedation or general anesthesia must have a current certification in ACLS, PALS, or DAANCE.

579.6(2) A patient monitor who will observe patients receiving moderate sedation may meet one of the requirements listed in subrule 579.6(1) or complete on-site training for a minimum of three hours in airway management that provides the knowledge and skills necessary to competently assist with emergencies, including but not limited to recognizing apnea and airway obstruction.

481—579.7(153) Recordkeeping requirements for nitrous oxide, sedation or anesthesia. In addition to the recordkeeping requirements specified in rule 481—574.9(153,272C), the patient record must include the following information as applicable when administering nitrous oxide, sedation or anesthesia.

579.7(1) The concentration of nitrous oxide administered; dosage of medication administered, including any prescription for at-home unmonitored use, if applicable; duration of administration; and vital signs taken.

579.7(2) When administering moderate sedation, deep sedation or general anesthesia, a time-oriented anesthesia record that contains preoperative and postoperative vital signs; the names of all drugs administered, including local anesthetics and nitrous oxide, dosages, anesthesia time in minutes, and monitors used; and monitored physiological parameters, including oxygenation, ventilation, and circulation. When administering deep sedation or general anesthesia, pulse oximetry, heart rate, respiratory rate, and blood pressure must be recorded continually until the patient is fully ambulatory.

579.7(3) When administering moderate sedation, deep sedation or general anesthesia, the record should include the name of the person to whom the patient was discharged.

481—579.8(153) Facility and equipment requirements for moderate sedation, deep sedation or general anesthesia.

579.8(1) A permit holder shall notify the board office in writing within 60 days of a change in location or the addition of a sedation facility.

579.8(2) A dentist may only administer moderate sedation or anesthesia in a facility that is permanently and properly equipped. A dentist is required to be trained in and maintain, at a minimum, the following equipment:

- a. Electrocardiogram (EKG) monitor;
- b. Positive pressure oxygen;
- c. Suction;
- d. Laryngoscope and blades;
- e. Endotracheal tubes;
- f. Magill forceps;
- g. Oral airways;
- h. Stethoscope;
- i. Blood pressure monitoring device;
- j. Pulse oximeter;
- k. Emergency drugs, in accordance with subrule 579.8(3);
- l. Defibrillator;
- m. Capnography machine;
- n. Pretracheal or precordial stethoscope;
- o. Nasopharyngeal airway (nasal trumpet); and
- p. Any additional equipment necessary to establish intravascular or intraosseous access, which will be available until the patient meets discharge criteria.

579.8(3) Pursuant to paragraph 579.8(2) “k,” a dentist providing sedation at a dental facility is required to maintain on site emergency drugs that meet the needs of the following categories. At a minimum, a dentist providing moderate sedation shall maintain emergency drugs specified in paragraphs

579.8(3)“a” through “f.” A dentist providing deep sedation or general anesthesia shall maintain emergency drugs for all of the following categories:

- a. Vasopressor.
- b. Bronchodilator.
- c. Benzodiazepine antagonist.
- d. Narcotic antagonist.
- e. Coronary artery vasodilator.
- f. Low blood sugar medication.
- g. Corticosteroid.
- h. Antihistamine.
- i. Antiarrhythmic.
- j. Cardiopulmonary arrest IV medication.
- k. Anticholinergic.
- l. Neuromuscular blocker.
- m. Antihypertensive.

579.8(4) The board or its designated agents may conduct facility inspections. A facility inspection may be required before a sedation permit is issued or before sedation services are provided at a new or updated facility. The actual costs associated with the on-site evaluation of the facility are the primary responsibility of the licensee. The cost to the licensee will not exceed the fee specified in 481—Chapter 571.

481—579.9(153) Use of another licensed sedation provider or permit holder.

579.9(1) A dentist may only use the services of a licensed sedation provider or another permit holder to administer moderate sedation, deep sedation or general anesthesia in a dental facility if the following requirements are met:

a. The dentist holds a current moderate sedation or general anesthesia permit. A permit holder who does not meet the training requirement to administer moderate sedation to pediatric or ASA III or IV patients as stipulated in 481—subparagraph 572.11(1)“b”(3) may use another licensed sedation provider or qualified permit holder to administer moderate sedation to pediatric or ASA III or IV patients.

b. The dentist remains present in the treatment room for the duration of any dental treatment.

c. The facility is a permanently and properly equipped facility pursuant to the provisions of this chapter.

d. The permit holder assesses the need and patient suitability for sedation services. A permit holder may not interfere with any independent assessment performed by a licensed sedation provider.

579.9(2) When a licensed sedation provider or another permit holder is used to administer moderate sedation, deep sedation or general anesthesia, that provider constitutes one patient monitor for the purpose of complying with rule 481—579.6(153).

579.9(3) A dentist who does not hold a sedation permit is prohibited from using a licensed sedation provider or permit holder to provide moderate sedation, deep sedation or general anesthesia.

481—579.10(153) Advertising. A dentist will ensure that any advertisements related to the availability of antianxiety premedication or minimal sedation clearly reflect the level of sedation provided and are not misleading.

481—579.11(153) Noncompliance. Violations of the provisions of this chapter may result in disciplinary measures as deemed appropriate by the board.

These rules are intended to implement Iowa Code section 153.13.

[Filed 2/14/25, effective 4/9/25]

[Published 3/5/25]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8994C**INSPECTIONS AND APPEALS DEPARTMENT[481]****Adopted and Filed****Rulemaking related to dental board complaints and investigations**

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 580, “Dental Board Complaints and Investigations,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 272C and sections 147.76 and 153.33.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and sections 153.33, 272C.3 and 272C.4.

Purpose and Summary

This rulemaking promulgates Chapter 580 and implements Iowa Code chapters 147 and 153 in accordance with the goals and directives of Executive Order 10. Iowa Code sections 147.76 and 153.33 provide rulemaking authority.

This rulemaking implements Iowa Code chapter 17A and sections 153.33, 272C.3, and 272C.4 by ensuring the public and licensees are aware of the complaint and investigation process and understand their rights and responsibilities during this process. This chapter sets forth information regarding complaints and investigations against licensees. The chapter also provides information regarding the process for submitting a complaint; reporting requirements for licensees; information on the investigative process; and information regarding the issuance of investigatory subpoenas, peer review committees, and Dental Board appearances.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8511C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

Association representatives and a licensee were present. No public comments were received other than those in support of the rulemaking. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following new 481—Chapter 580:

CHAPTER 580
DENTAL BOARD COMPLAINTS AND INVESTIGATIONS

481—580.1(147,153,272C) Complaint review. Pursuant to Iowa Code sections 147.87, 153.33, 272C.3 and 272C.4, the board shall, upon receipt of a complaint or upon its own motion, review and investigate alleged acts or omissions that the board reasonably believes constitute cause under applicable law or administrative rule for licensee or registrant discipline. Pursuant to Iowa Code section 153.33A, all complaints regarding the practice of dental hygiene will be initially directed to the dental hygiene committee.

481—580.2(153) Form, content and submission of complaints.

580.2(1) Complaints should be filed with department staff associated with the board. Complaints may be filed via the board's online database or via complaint form by email, by fax, by mail, or in person. Contact information for the board is available on the department's website.

580.2(2) A written complaint should include the following facts:

- a. The full name and contact information of the complainant.
- b. The full name, address, or contact information of the licensee or registrant against whom the complaint is filed.
- c. A statement of the facts concerning the alleged acts or omissions.

481—580.3(153) Investigation. Pursuant to Iowa Code sections 147.87, 147.88, 153.33, 272C.3 and 272C.4, the board may authorize department staff to investigate the allegations of a complaint to determine whether probable cause exists.

481—580.4(17A,153,272C) Investigatory subpoenas. Pursuant to Iowa Code sections 17A.13(1), 153.33(3)"d" and 272C.6(3), the board has the authority to issue an investigatory subpoena to compel the production of evidence deemed necessary in connection with the investigation of a complaint. A subpoena issued by the board in connection with such investigation may compel the production of evidence whether or not it is privileged or confidential under law. The board may not compel the types of evidence stipulated in Iowa Code section 272C.6(3)"a"(2).

580.4(1) The executive director or designee may, upon the written request of a board investigator or on the director's own initiative, issue a subpoena in accordance with Iowa Code sections 17A.13(1),

153.33(3)“d” and 272C.6(3). In the case of a subpoena, when seeking access to mental health records, all of the following conditions shall be satisfied prior to the issuance of the subpoena:

- a. The nature of the complaint reasonably justifies the issuance of a subpoena;
- b. Adequate safeguards have been established to prevent unauthorized disclosure;
- c. An express statutory mandate, articulated public policy, or other recognizable public interest favors access; and
- d. An attempt was made to notify the patient and to secure an authorization from the patient for release of the records at issue.

580.4(2) A written request for a subpoena or the director’s written memorandum in support of the issuance of a subpoena shall contain all of the following:

- a. The name and address of the person to whom the subpoena will be directed;
- b. A specific description of the books, papers, records or other real evidence requested;
- c. An explanation of why the documents sought to be subpoenaed are necessary for the board to determine whether it should initiate a contested case proceeding; and
- d. In the case of a subpoena request for mental health records, confirmation that the conditions described in subrule 580.4(1) have been satisfied.

580.4(3) Each subpoena shall contain all of the following:

- a. The name and address of the person to whom the subpoena is directed;
- b. A description of the books, papers, records or other real evidence requested;
- c. The date, time and location for production or inspection and copying;
- d. The time within which a motion to quash or modify the subpoena must be filed;
- e. The signature, address and contact information of the executive director or designee who issued the subpoena;
- f. The date of issuance; and
- g. A return of service attached to the subpoena.

580.4(4) Any person who is aggrieved or adversely affected by compliance with the subpoena must, within 14 days after service of the subpoena, or before the time specified for compliance if such time is less than 14 days, file with the board a motion to quash or modify the subpoena. The motion shall describe the legal reasons why the subpoena should be quashed or modified and may be accompanied by legal briefs or factual affidavits.

580.4(5) Upon receipt of a timely motion to quash or modify a subpoena, the board may conduct a hearing on the matter and issue a decision, or refer such hearing and decision to an administrative law judge to conduct a hearing and issue a decision.

- a. Oral argument may be scheduled at the discretion of the board or the administrative law judge.
- b. Following the conclusion of such hearing, the board or administrative law judge shall issue a decision. The administrative law judge or the board may quash or modify the subpoena, deny the motion, or issue an appropriate protective order.

580.4(6) A person aggrieved by a ruling of an administrative law judge who desires to challenge that ruling must appeal the ruling to the board by serving a notice of appeal within ten days of the date of service of the decision of the administrative law judge on the executive director, either in person or by certified mail.

580.4(7) If the person contesting the subpoena is not the person under investigation, the board’s decision is final for purposes of judicial review. If the person contesting the subpoena is the person under investigation, the board’s decision is not final for purposes of judicial review until either the person is notified the investigation has been concluded with no formal action or there is a final decision in the contested case.

481—580.5(153) Board appearances. The board may request a licensee or registrant to appear before the board to discuss a pending investigation. By electing to participate in the board appearance, the licensee or registrant waives any objection to a board member’s both participating in the appearance and later participating as a decision maker in a contested case proceeding on the grounds of a personal investigation and a combination of investigative and adjudicative functions. If the executive director or

designee participates in the appearance, the licensee or registrant further waives any objection to having the executive director or designee assist the board in the contested case proceeding.

481—580.6(153) Peer review. Pursuant to Iowa Code section 272C.3(1)“i,” the board may refer a complaint for peer review, investigation and report by another licensee, another registrant or a committee established by the board for such purpose.

580.6(1) The board shall determine which licensee, registrant, or peer review committee will review a case involving a dentist or dental assistant. The dental hygiene committee shall make such determinations in a case involving a dental hygienist. Peer reports and recommendations will be forwarded to the dental hygiene committee for further review and decision making.

580.6(2) The board or dental hygiene committee may request that the Iowa dental association, the Iowa dental hygienists’ association and the Iowa dental assistants association assist in the composition of a peer review committee as needed.

580.6(3) Pursuant to Iowa Code sections 147.135, 272C.8 and 272C.9 and rule 481—580.11(147,272C), licensees or registrants who serve as peer reviewers shall not be liable for acts, omissions or decisions made in connection with such service.

481—580.7(272C) Duties of peer review committees.

580.7(1) A licensee or registrant who serves as a peer reviewer shall comply with the requirements imposed by Iowa Code sections 22.7 and 272C.6 and rule 481—580.9(272C).

580.7(2) The board may provide investigative and related services to designated peer reviewers.

580.7(3) Designated peer reviewers shall thoroughly investigate a complaint as assigned and provide a written report to the board in accordance with the board’s direction. The peer review shall comply with all of the following:

a. Include a peer review report that contains a statement of facts and a recommendation as to whether a violation of the standard of care occurred, with consideration given to relevant statutes, board rules, ethical standards and standards of care in making its recommendations.

b. Include in the report the signature of each peer reviewer that participated in the investigation. In the case of dissension by a peer reviewer, the dissension should be noted in the report.

c. Submit the peer review report and all investigative information to the board upon completion.

481—580.8(272C) Board review. The board shall review all investigative reports and proceed pursuant to 481—Chapter 506.

481—580.9(272C) Confidentiality of investigative files.

580.9(1) Complaint and investigation files, all other investigation reports and all other information in the possession of the board or peer reviewers acting under the authority of the board, its employees or its agents that relate to licensee or registrant discipline shall be subject to all of the following:

a. Are privileged and confidential;

b. Are not subject to discovery, subpoena, or other means of legal compulsion for their release to any person other than the licensee or registrant and the board, its employees and its agents that are involved in licensee or registrant discipline; and

c. Are not admissible in evidence in any judicial or administrative proceeding other than the proceeding involving licensee or registrant discipline.

580.9(2) A final written decision and finding of fact of the board in a disciplinary proceeding shall be public record.

481—580.10(272C) Investigation of reports of judgments and settlements. Reports received by the board from the commissioner of insurance, insurance carriers, licensees or registrants involving adverse judgments in a professional malpractice action, and settlement of claims alleging malpractice shall be reviewed and investigated by the board in the same manner as is prescribed in these rules for the review and investigation of complaints.

481—580.11(147,272C) Immunities.

580.11(1) Pursuant to Iowa Code sections 147.135, 272C.8 and 272C.6(3)“b,” a person shall not be civilly liable in relation to the following:

- a. Filing a report or complaint with the board;
- b. Disclosing to the board, its agents or employees, whether or not pursuant to a subpoena, records, documents, testimony or other forms of information that constitute privileged matter concerning a recipient of health care services or some other person;
- c. Serving in connection with proceedings of a peer review; and
- d. Serving in connection with other authorized duties of the board.

580.11(2) Immunity from civil liability shall not apply if the act is done with malice.

These rules are intended to implement Iowa Code chapter 17A and sections 153.13, 153.33, 272C.3 and 272C.4.

[Filed 2/14/25, effective 4/9/25]

[Published 3/5/25]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8995C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to dental board discipline

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 581, “Dental Board Discipline,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 147.76 and 153.33.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 147, 153, 252J and 272C.

Purpose and Summary

This rulemaking promulgates Chapter 581 and implements Iowa Code chapters 147 and 153 in accordance with the goals and directives of Executive Order 10. Iowa Code sections 147.76 and 153.33 provide rulemaking authority.

This rulemaking implements Iowa Code chapters 147, 153, 252J and 272C by providing protection to Iowans because it publicly defines required professional standards for those licensed under the Dental Board. This is important to both the public and the licensee because it creates a shared understanding of what is and is not appropriate for certain types of licensed individuals in the state of Iowa. When professional standards are not met, the rulemaking can subject a licensee to discipline against the licensee’s license. Iowans have the ability to submit a complaint to the licensing board, which can then investigate the allegation. The Board has the ability to seek discipline against the licensee for those items outlined, ensuring that the public is protected.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8513C**. A public hearing was held on the following date(s):

- January 2, 2025
- January 3, 2025

Association representatives and a licensee were present for a public hearing. No public comments were received other than those in support of the rulemaking. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on January 24, 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 Board 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 April 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 581:

CHAPTER 581
DENTAL BOARD DISCIPLINE

481—581.1(147,153,272C) Authority and methods of discipline.

581.1(1) The board has the authority to impose discipline pursuant to Iowa Code title IV, Iowa Code chapter 272C, Iowa Code sections 147.55 and 153.34, and the rules promulgated thereunder.

581.1(2) The board may impose one or more methods of disciplinary action in accordance with Iowa Code sections 153.34 and 272C.3(2).

481—581.2(153,272C) Discretion of the board. The board may consider the following factors in determining the nature and severity of the disciplinary action to be imposed in accordance with Iowa Code section 272C.15:

1. The relative seriousness of the violation as it relates to ensuring the citizens of this state a high standard of professional care.
2. The facts of the particular violation.
3. Any extenuating circumstances or other countervailing considerations.
4. Number of prior violations or complaints.
5. Seriousness of prior violations or complaints.
6. Whether remedial action has been taken.

7. Such other factors as may reflect upon the competency, ethical standards and professional conduct of the licensee or registrant.

481—581.3(147,153,272C) Grounds for discipline. Violations of the provisions of Iowa Code chapter 272C and sections 147.55, 153.32, 153.34 and 272C.15 and other applicable sections of Iowa law shall constitute grounds for the imposition by the board of disciplinary action pursuant to rule 481—581.1(147,153,272C). This rule is not subject to waiver pursuant to 481—Chapter 6 or any other provision of law.

581.3(1) The following violations related to notification, compliance and other state laws constitute grounds for disciplinary action:

- a. Failure to comply with the requirements of 481—Chapter 584, except as otherwise provided by law;
- b. Failure to preserve the confidentiality of patient information or accessing any confidential patient information without authorization;
- c. Practice of dentistry, dental hygiene or dental assisting beyond training;
- d. Delegation of any acts to any licensee or registrant that are beyond the training or education of the licensee or registrant, or that are otherwise prohibited by rule;
- e. Failure to comply with requirements related to prescribing, administering or dispensing any drug pursuant to Iowa Code chapter 124, the provisions of Iowa Code chapter 155A that are applicable to the practice of dentistry, and 481—Chapter 578;
- f. Improper sexual contact with, or making suggestive, lewd, lascivious or improper remarks or advances to, a patient or a coworker;
- g. Actions that are abusive, coercive, intimidating, harassing, untruthful or threatening in the practice of dentistry; or
- h. Failure to comply with an order of the board.

581.3(2) The following violations related to infection control constitute grounds for disciplinary action:

- a. Failure to maintain adequate safety and sanitary conditions for a dental office; or
- b. Failure to comply with standard precautions for preventing and controlling infectious diseases and managing personnel health and safety concerns related to infection control, as required or recommended for dentistry by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and the Iowa occupational safety and health administration.

581.3(3) Violations related to continuing education constitute grounds for disciplinary action:

- a. Failure to respond to the board during a continuing education audit, or failure to submit verification of continuing education requirements within the time period provided;
- b. Knowingly submitting a false report of continuing education; or
- c. Failure to meet the required continuing education hours per renewal period.

581.3(4) Violations related to board investigations constitute grounds for disciplinary action:

- a. Interference with, or knowingly providing false information to the board or an agent of the board related to, an inspection or investigation;
- b. Failure to comply with a subpoena issued by the board;
- c. Failure to fully and promptly comply with office inspections conducted at the request of the board to determine compliance with sanitation and infection control standards or sedation permit requirements;
- d. Failure to cooperate with a board investigation; or
- e. Retaliating against, threatening or coercing any person for filing a complaint with the board or cooperating with a board inspection or investigation.

581.3(5) The following violations may constitute grounds for disciplinary action:

- a. Failure to notify the board of change of name or address within 60 days;
- b. Failure to prominently display the names of all persons who are practicing dentistry, dental hygiene or dental assisting within an office; or

c. Giving or receiving cash or cash equivalents, or giving or receiving any gifts exceeding nominal value, for referral of patients.

481—581.4(272C) Prohibited grounds for discipline. The board shall not suspend or revoke the license of a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

These rules are intended to implement Iowa Code chapters 147, 153, 252J, 272C and 598.

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[Published 3/5/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8996C

UTILITIES COMMISSION[199]

Adopted and Filed

Rulemaking related to regulation of telecommunications service

The Utilities Commission hereby rescinds Chapter 22, "Regulation of Telecommunications Service," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 476.2 and 476.91.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 476.1D, 476.2, 476.91, 476.95 through 476.95B, 476.100 and 476.103.

Purpose and Summary

The Commission commenced this rulemaking pursuant to Executive Order 10 with the intent to eliminate unnecessary and unneeded words and provisions and to reduce the number of restrictive terms. Chapter 22 establishes the Commission's powers and duties related to the regulation of telecommunication services, as well as procedures for governing telecommunications tariffs and other documents.

On February 3, 2025, the Commission issued a conditional order adopting amendments. The order is available on the Commission's electronic filing system, efs.iowa.gov, under Docket No. RMU-2023-0022.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 30, 2024, as **ARC 8316C**. A public hearing was held on the following date(s):

- November 25, 2024
- December 12, 2024

The November 25, 2024, public hearing was attended by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, and the Iowa Communications Alliance; each expressed support for the version of the chapter published in the Notice. The December 12, 2024, public hearing was attended only by OCA, which reiterated its support for the chapter. The Commission received a written comment from OCA in which it expressed support for the Notice version of Chapter 22.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on February 3, 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

No waiver provision is included in the amendments because the Commission has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

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 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 199—Chapter 22 and adopt the following **new** chapter in lieu thereof:

CHAPTER 22
REGULATION OF TELECOMMUNICATIONS SERVICE

199—22.1(476) General information.

22.1(1) *Application and purpose of rules.* These rules shall apply to any telecommunications service provider operating within the state of Iowa subject to Iowa Code chapter 476. These rules are intended to govern the exercise of the commission's powers and duties relating to the provision of telecommunications service in the state of Iowa, and to govern the form, contents, and filing of registrations, tariffs, and other documents necessary to carry out the commission's powers and duties.

22.1(2) *Definitions.* For the administration and interpretation of these rules, the following words and terms shall have the meanings indicated below:

"*Alternative operator services company*" or "*AOS company*" means the same as defined in Iowa Code section 476.91(1)"a."

"*Calls*" means telephone messages attempted by customers or users.

"*Code of Federal Regulations*" or "*CFR*" means the Code of Federal Regulations, which contains the general administrative rules adopted by federal departments and agencies, in effect as of April 9, 2025, unless a separate effective date is identified in a specific rule.

"*Commission*" means the Iowa utilities commission.

"*Competitive local exchange carrier*" or "*CLEC*" means any local exchange carrier that is not an incumbent local exchange carrier.

"*Customer*" means any person as defined in Iowa Code section 4.1(20) responsible by law for payment for communications service from the telecommunications service provider.

“Exchange” means a unit established by a telecommunications service provider for the administration of communications services.

“Exchange area” means the general area in which the telecommunications service provider holds itself out to furnish local exchange service.

“High-volume access service” or *“HVAS”* means any service that results in an increase in total billings for intrastate exchange access for a local exchange carrier in excess of 100 percent in less than six months. By way of illustration and not limitation, HVAS typically results in significant increases in interexchange call volumes and can include chat lines, conference bridges, call center operations, help desk provisioning, or similar operations. These services may be advertised to consumers as being free or for the cost of a long distance call. The call service operators often provide marketing activities for HVAS in exchange for direct payments, revenue sharing, concessions, or commissions from local telecommunications service providers.

“Incumbent local exchange carrier” or *“ILEC”* means a local exchange carrier, or its successor, that was the historical provider of local exchange service pursuant to an authorized certificate of public convenience and necessity within a specific geographic area described in maps approved by the commission as of September 30, 1992.

“Interexchange carrier” means a telecommunications service provider, a resale telecommunications service provider, or other entity that provides intrastate interexchange services, without regard to how such traffic is carried. A local exchange carrier that provides interexchange service may also be considered an interexchange carrier. An interexchange carrier that provides local exchange service may also be considered a local exchange carrier.

“Interexchange service” means the provision of intrastate telecommunications services and facilities between local exchanges.

“InterLATA toll service” means toll service that originates and terminates between local access transport areas.

“Internet protocol-enabled service” means the same as defined in Iowa Code section 476.95(1)“a.”

“IntraLATA toll service” means toll service that originates and terminates within the same local access transport area.

“Intrastate access services” means services of telecommunications service providers that provide the capability to deliver intrastate telecommunications services that originate from end users to interexchange carriers and the capability to deliver intrastate telecommunications services from interexchange carriers to end users.

“Local exchange carrier” means a telecommunications service provider that provides local exchange service or exchange access.

“Local exchange service” means telecommunications service furnished between customers or users located within an exchange area.

“Message” means a completed telephone call by a customer or user.

“Rates” means amounts billed to customers for alternative operator services or intrastate access services.

“Retail services” means those communications services furnished by a telecommunications service provider directly to end-user customers. For an alternative operator services company, the terms and conditions of its retail services are addressed in an approved intrastate tariff.

“Tariff” means such rates, classifications, rules, procedures, policies, etc., adopted and filed with the commission by a telecommunications service provider to the extent required by state or federal law.

“Telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

“Telecommunications Act” or *“federal Telecommunications Act”* means the Telecommunications Act of 1996, as of October 17, 2020.

“Telecommunications service” means the offering of telecommunications to the public for compensation, or to such classes of users as to be effectively available to the public, regardless of facilities used.

“*Telecommunications service provider*” or “*service provider*” means a provider of telecommunications service, except for a provider of commercial mobile radio service. A telecommunications service provider or service provider includes without limitation alternative operator service companies and providers of wholesale services. The commission’s jurisdiction over any Internet-protocol enabled services or provider of Internet-protocol enabled services shall be limited as provided in Iowa Code section 476.95.

“*Traffic*” means telephone call volume, based on number and duration of calls.

“*Voice over Internet protocol service*” means the same as defined in Iowa Code section 476.95(1) “c.”

“*Wholesale services*” means those communications services furnished by one telecommunications service provider to another provider of communications services. The terms and conditions of wholesale services may be addressed in a telecommunications service provider’s approved intrastate access tariff, local interconnection tariff, interconnection agreement reached under Sections 251 and 252 of the federal Telecommunications Act (2020), or in a commercial agreement reached between the providers. Nothing in this chapter affects, limits, modifies, or expands an entity’s obligations under Sections 251 and 252 of the federal Telecommunications Act (2020); any commission authority over wholesale telecommunications rates, services, agreements, interconnection, providers, or tariffs; or any commission authority addressing or affecting the resolution of disputes regarding compensation between telecommunications service providers.

199—22.2(476) Tariffs.

22.2(1) *Tariffs to be filed with the commission.* Telecommunications service providers that are required to file tariffs with the commission shall maintain tariffs in a current status. The tariffs shall be classified, designated, arranged, and submitted so as to conform to the requirements of this chapter or commission order. Provisions in the tariffs shall be definite and stated so as to minimize ambiguity or the possibility of misinterpretation. The form, identification, and content of tariffs shall be in accordance with these rules unless otherwise provided.

22.2(2) *Form and identification.* All tariffs shall conform to the following requirements:

a. The tariff shall be formatted so as to result in a clear and permanent record. The sheets of the tariff should be ruled or spaced to set off a border on the left side. In the case of telecommunications service providers subject to regulation by any federal agency, the format of the sheets of the tariff filed with the commission may be the same format as is required by the federal agency, provided that the requirements of the commission as to title page; identity of superseding, replacing, or revising sheets; identity of amending sheets; and identity of the filing telecommunications service provider, issuing official, date of issue, and effective date.

b. The title page of every tariff and supplement shall show the following in the order set forth below:

(1) The first page shall be the title page, which shall show:

Name of Telecommunications Service Provider

Telecommunications Tariff

Filed with Iowa Utilities Commission

Date

(2) When a tariff is to be superseded or replaced in its entirety, the replacing tariff shall show on its title page that it is a revision of a tariff on file.

(3) When a revision or amendment is made to a filed tariff, the revision or amendment shall show on each sheet the designation of the original tariff or the number of the immediately preceding revision or amendment that it replaces.

(4) When a new part of a tariff eliminates an existing part of a tariff, it shall state and clearly identify the part eliminated.

c. Any tariff modifications as described above shall be marked in the right-hand margin of the replacing tariff sheet with symbols as here described to indicate the place, nature, and extent of the

change in text. The marked version shall show all additions and deletions, with all new language marked by underlined text and all deleted language indicated by strike-through. The following symbols are to be used in identifying changes to tariffs:

| <u>Symbol</u> | <u>Meaning</u> |
|---------------|--|
| (C) | A change in regulation. |
| (D) | A discontinued rate or regulation. |
| (I) | An increased rate. |
| (L) | Changed text location. |
| (N) | A new rate, treatment, or regulation. |
| (R) | A reduced rate or new treatment resulting in a reduced rate. |
| (T) | A change in the text that does not include a change in rate, treatment, or regulation. |

d. All sheets except the title page shall have, in addition to the information required above, the following further information:

(1) The name of the telecommunications service provider, which shall be set forth above the words "Telecommunications Service Provider Tariff" under which shall be set forth the words "Filed with commission." If the telecommunications service provider is not a corporation and a trade name is used, the name of the individual or partners must precede the trade name.

(2) The issue date and the name of the issuing official.

(3) The effective date.

199—22.3(476) Customer complaints. Complaints from customers about telecommunications service shall be processed pursuant to the commission's rules in 199—Chapter 6. Unless a customer agrees to an alternative form of notice, local exchange carriers shall notify customers by bill insert or notice on the bill form of the address and telephone number where a telecommunications service provider representative can be reached. The bill insert or notice shall also include a statement: "If (telecommunications service provider name) does not resolve your complaint, you may request assistance from the Iowa Utilities Commission by writing to the Iowa Utilities Commission, 1375 E. Court Avenue, Des Moines, Iowa 50319; by calling 515.725.7321 or toll-free 877.565.4450; or by email to customer@iuc.iowa.gov." The bill insert or notice on the bill shall be provided no less than annually. Service providers should attempt to resolve customer complaints regarding unauthorized changes in service without involvement of the commission.

199—22.4(476) Intrastate access charge application, tariff procedures, and rates.

22.4(1) Application of intrastate access charges.

a. Intrastate access charges shall apply to all intrastate access services rendered to interexchange carriers. Intrastate access charges shall not apply to extended area service (EAS) traffic. In the case of resale of services of interexchange carriers, access charges shall apply as follows:

(1) The interexchange carrier shall be billed as if no resale were involved.

(2) The resale telecommunications service provider shall be billed only for access services not already billed to the underlying interexchange carrier.

(3) Specific billing treatment and administration shall be provided pursuant to tariff.

b. Except as provided in subparagraph 22.4(1) "b"(3), no person shall make any communication of the type and nature transmitted by telecommunications service providers, between exchanges located within Iowa, over any system or facilities, which are or can be connected by any means to the intrastate telecommunications network, and uses local exchange carrier facilities, unless the person shall pay to the local exchange carrier or telecommunications service providers that provide service to the exchange where the communication is originated and the exchange where it is terminated, in lieu of the carrier common line charge, a charge in the amount of \$25 per month per circuit that is capable of interconnection. However, if the person provides actual access minutes to the local exchange carrier, the

charge shall be the charge per access minute or fraction thereof, not to exceed \$25 per line per month. The charge shall apply in all exchanges. However, if the person attests in writing that the person's facility cannot interconnect and is not interconnected with the exchange in question, the person will not be subject to the charge in that exchange.

(1) In the event that a communication is made without compliance with this rule, the telecommunications service provider or telecommunications service providers serving the person shall terminate telecommunications service after notice to the person. The telecommunications service provider shall not reinstate service until the commission orders the telecommunications service provider to restore service. The commission shall order service to be restored when the commission has reasonable assurance that the person will comply with this rule.

(2) In any action concerning this rule, the burden of proof shall be upon the person making intrastate communications.

(3) This rule shall be inapplicable to administrative communications made by or to a telecommunications service provider.

22.4(2) Filing of intrastate access service tariffs.

a. Tariffs providing for intrastate switched access services shall be filed with the commission by a local exchange carrier that provides such services. Except in situations involving HVAS, a local exchange carrier may concur in the intrastate access tariff filed by another local exchange carrier serving the same exchange area. However, a competitive local exchange carrier may not concur in the intrastate access tariff of an incumbent local exchange carrier that qualifies as a rural telephone company pursuant to 47 U.S.C. §153(44) as amended through January 5, 2023, unless the competitive local exchange carrier is also a rural CLEC pursuant to 47 CFR 61.26(a)(6).

(1) Alternatively, a local exchange carrier may voluntarily elect to join another local exchange carrier or telecommunications service provider in forming an association of local exchange carriers. The association may file intrastate access service tariffs.

(2) All elements of the filings under this rule, including access service rate elements, shall be subject to review and approval by the commission.

b. All intrastate access service tariffs shall incorporate the following:

(1) Carrier common line charge. The rate for the intrastate carrier common line charge shall be three cents per access minute or fraction thereof for the originating segments of the communication unless numbered paragraphs 22.4(2)“b”(1)“1,” “2,” and “3” are applicable. The carrier common line charge shall be assessed to exchange access made by an interexchange carrier, including resale telecommunications service providers. In lieu of this charge, interconnected private systems shall pay for access as provided in paragraph 22.4(1)“b.”

1. Incumbent local exchange carrier intrastate access service tariffs shall include the carrier common line charges approved by the commission.

2. A competitive local exchange carrier that concurs in or mirrors the rates in the access services tariff of the Iowa Communications Alliance, or its successor, shall deduct the originating and terminating carrier common line charges from its intrastate access service tariff.

3. Carrier common line charge for originating segments of the communication may be stepped down in compliance with requirements established by the Federal Communications Commission for originating access.

(2) End-user charge. No intrastate end-user charge shall be assessed.

(3) Universal service fund. No universal service fund shall be established.

(4) Transitional and premium rates. There shall be no discounted transitional rate elements applied in Iowa except as otherwise specifically set forth in these rules.

(5) A telecommunications service provider may, pursuant to tariff, bill for access on the basis of assumed minutes of use where measurement is not practical. However, if the interexchange carrier provides actual minutes of use to the billing telecommunications service provider, the actual minutes shall be used.

(6) In the absence of a waiver granted by the commission, a local exchange carrier shall allow any interexchange carrier the option to use its own facilities that were in service on March 19, 1992, to

provide local access transport service to terminate its own traffic to the local exchange carrier. The interexchange carrier may use its facilities in the manner and to a meet point agreed upon by the local exchange carrier and the interexchange carrier as of March 19, 1992. Changes mutually agreeable to the local exchange carrier and the interexchange carrier after that date also shall be recognized in allowing the interexchange carrier to use its own local access transport facilities to terminate its own traffic. Recognition under this rule will also be extended to improvements by an interexchange carrier that provided all the transport facilities to an exchange on March 19, 1992, whether the improvements were mutually agreeable or not, unless the improvements are inconsistent with an agreement between the interexchange carrier and the local exchange carrier.

(7) A provision prohibiting the application of association access service rates to HVAS traffic.

c. A local exchange carrier that is adding a new HVAS customer or otherwise reasonably anticipates an HVAS situation shall provide notice of the situation, the telephone numbers that will be assigned to the HVAS customer (if applicable), and the expected date service to the HVAS customer will be initiated, if applicable. Notice may be sent to each interexchange carrier that paid for intrastate access services from the local exchange carrier in the preceding 12 months; to any telecommunications service provider with whom the local exchange carrier exchanged traffic in the preceding 12 months; and to all other local exchange carriers authorized to provide service in the subject exchange, by a method calculated to provide adequate notice. Any interexchange carrier may request negotiations concerning the access rates applicable to calls to or from the HVAS customer.

(1) Any interexchange carrier that believes a situation has occurred or is occurring that does not specifically meet the HVAS threshold requirements defined in subrule 22.1(2), but which raises the same general concerns and issues as an HVAS situation, may file a complaint with the commission.

(2) A local exchange carrier that experiences an increase in intrastate access billings that qualifies as an HVAS situation, but did not add a new HVAS customer or otherwise anticipate the situation, shall notify interexchange carriers of the HVAS situation at the earliest reasonable opportunity as described in the preceding paragraph. Any interexchange carriers may request negotiations concerning whether the local exchange carrier's access rates, as a whole or for HVAS only, should be changed to reflect the increased access traffic. When a telecommunications service provider requests negotiation concerning intrastate access services, the companies shall negotiate in good faith to achieve reasonable terms and procedures for the exchange of traffic. No access charges shall apply to the HVAS traffic until an access tariff for HVAS has been approved by the commission. At any time that any telecommunications service provider believes negotiations will not be successful, the telecommunications service provider may file a written complaint with the commission. In any such proceeding, the commission will consider setting the rate for access services for HVAS traffic based upon the incremental cost of providing HVAS, although any other relevant evidence may also be considered. The incremental cost will not include marketing or other payments made to HVAS customers. The resulting rates for access services may include a range of rates based upon the volume of access traffic or other relevant factors. Any negotiations pursuant to this subparagraph shall conclude within 60 days. After 60 days, a telecommunications service provider may petition the commission to extend the period of negotiations or may petition the commission to establish a procedural schedule and hearing date.

22.4(3) *Notice of intrastate access service tariffs.*

a. Each telecommunications service provider that files new or changed tariffs relating to access charges or access service shall give written notice of the new or changed tariffs to the telecommunications service provider's interexchange carrier access customers, the commission, and the consumer advocate. Notice shall be given on or before the date of the filing of the tariff. The notice shall consist of the file date and proposed effective date of the tariff, a description of the proposed changes, and the tariff section number where the service description is located. If two or more local exchange carriers concur in a single tariff filing, the local exchange carriers may send a joint written notice to the commission, the consumer advocate, and the interexchange carriers.

b. The commission shall not approve any new or changed tariff described in paragraph 22.4(3) "a" until after the period for resistance.

22.4(4) *Resistance to intrastate access service tariffs.*

a. If an interexchange carrier affected by an access service filing or the consumer advocate desires to file a resistance to a proposed new or changed access service tariff, it shall file its resistance within 14 days after the filing of the proposed tariff. The interexchange carrier shall send a copy of the resistance to all telecommunications service providers filing or concurring in the proposed tariff.

b. After receipt of a timely resistance, the commission may:

(1) Deny the resistance if it does not on its face present a material issue of adjudicative fact or the commission determines the resistance to be frivolous or otherwise without merit and approve the tariff; or

(2) Either suspend the tariff or approve the tariff to become effective subject to refund; and initiate informal complaint proceedings; or

(3) Either suspend the tariff or approve the tariff to become effective subject to refund; and initiate contested case proceedings; or

(4) Reject the tariff, stating the grounds for rejection.

c. The interexchange carrier or the consumer advocate shall have the burden to support its resistance.

d. If contested case proceedings are initiated upon resistance filed by an interexchange carrier, the interexchange carrier may be required to pay the expenses reasonably attributable to the proceedings. The commission will assess the costs of the proceeding on a case-by-case basis.

22.4(5) *Access charge rules to prevail.* The provisions of this rule shall be determinative of the procedures relating to intrastate access service tariffs and shall prevail over all inconsistent rules.

199—22.5(476) Interexchange service and access.

22.5(1) *Interexchange service.* An interexchange carrier may provide interexchange service by complying with the laws of this state and the rules of this commission. Any company or other entity accessing local exchange facilities or services in order to provide interexchange services to the public shall be considered to be an interexchange carrier and subject to the rules herein, unless otherwise exempted. Such telecommunications service providers are required to file a registration form, reports, and other items and are subject to service standards as specified in commission rules, unless otherwise exempted.

22.5(2) *Interexchange intrastate access.* Intrastate access to local exchange services or facilities may be obtained by an interexchange carrier by ordering and paying for such intrastate access pursuant to the applicable tariff filed by the local exchange carrier in question, or as otherwise provided by agreement between the parties.

199—22.6(476) Alternative operator services.

22.6(1) *Tariffs.* AOS companies must provide service pursuant to commission-approved tariffs covering both rates and service.

22.6(2) *Blocking.* AOS companies shall not block the completion of calls that would allow the caller to reach a long-distance telecommunications service provider different from the AOS company. All AOS company contracts with contracting entities must prohibit call blocking by the contracting entity. The contracting entity shall not violate that contract provision.

22.6(3) *Posting.*

a. Contracting entities must post on or in close proximity to all telephones served by an AOS company the following information:

(1) The name and address of the AOS company;

(2) A customer service number for receipt of further service and billing information; and

(3) Dialing directions to the AOS operator for specific rate information.

b. Contracts between AOS companies and contracting entities shall contain provisions for posting the information. The AOS companies also are responsible for the form of the posting and shall make reasonable efforts to ensure implementation, both initially and on an updated basis.

22.6(4) *Oral identification.* All AOS companies shall announce to the end-user customer the name of the provider carrying the call and, before billing begins, shall include a sufficient delay period to

permit the caller to terminate the call or advise the operator to transfer the call to the end-user customer's preferred telecommunications service provider.

22.6(5) Billing.

a. All calls, except those billed to commercial credit cards, shall be itemized and identified separately on the bill. All calls will be rated solely from the end-user customer's point of origin to point of termination.

b. All bills, except those for calls billed to commercial credit cards, shall be rendered within 60 days of the provision of the service.

c. All charges for the use of a telephone instrument shall be shown separately for each call, except for calls billed to a commercial credit card.

22.6(6) Emergency calls. All AOS companies shall have a commission-approved methodology to ensure the routing of all emergency zero-minus (0-) calls in the fastest possible way to the proper local emergency service agency.

22.6(7) Service to incarcerated people in correctional facilities. AOS companies that provide local or intrastate calling services to incarcerated people housed in correctional facilities may provide service that is not consistent with the requirements in this rule by including a statement of noncompliance in the AOS company's tariffs, which tariffs are required to be approved by the commission before service is provided. AOS companies providing calling services to incarcerated people shall file a copy of each contract in support of the statement of noncompliance.

199—22.7(476) Local exchanges.

22.7(1) Map availability. Local exchanges are defined by the telephone exchange area boundary maps on file with the commission and available on the commission's website.

22.7(2) Map specifications. All ILECs shall have on file with the commission maps that identify their exchanges and both the internal exchange boundaries where the telecommunications service provider's own exchanges abut, and the ultimate boundaries where the telecommunications service provider's exchanges abut the exchanges of other telecommunications service providers. A CLEC shall either file its own exchange boundary map or adopt the exchange boundary map filed by the ILEC serving that exchange. Maps shall be filed in electronic format as approved by the commission. ILECs and CLECs shall file updated exchange maps with the commission when the company adds service to an exchange or when the company ceases providing service to an exchange.

199—22.8(476) Registration of telecommunications service providers. Each telecommunications service provider required to register with the commission pursuant to Iowa Code section 476.95A shall register with the commission annually thereafter. Registration shall be completed electronically as provided by the commission. If a telecommunications service provider is not required to register, the telecommunications service provider shall file an annual report in compliance with 199—Chapter 23.

22.8(1) The commission shall issue an acknowledgment of registration within five business days of receipt of a provider's completed application for registration. Such acknowledgment shall authorize the applicant to obtain telephone numbers, interconnect with other telecommunications service providers, cross railroad rights-of-way pursuant to Iowa Code section 476.27, and provide telecommunications services within the state.

22.8(2) Registration may be transferred to another telecommunications service provider by filing a new or updated registration form. The commission shall serve an acknowledgment of the new registration within five business days of receipt.

22.8(3) Telecommunications service providers that have not previously provided telecommunications service in Iowa shall register with the commission prior to providing telecommunications service in Iowa.

22.8(4) Telecommunications service providers shall include with the registration a list of the exchanges where the telecommunications service provider offers telecommunications service, if applicable. A telecommunications service provider shall file an amended registration prior to expanding

service to an exchange not listed on the registration or when exiting an exchange listed on the registration.

22.8(5) Updated registrations are required when the contact information on the registration changes.

199—22.9(476) Unauthorized changes in telecommunications service.

22.9(1) Definitions. As used in this rule, unless the context otherwise requires:

“*Change in service*” means the same as defined in Iowa Code section 476.103(2) “a.”

“*Consumer*” means a person other than a service provider who uses a telecommunications service.

“*Cramming*” means the addition or deletion of a product or service for which a separate charge is made to a telecommunications service customer’s account without the verified consent of the affected customer. “Cramming” does not include the addition of extended area service to a customer account pursuant to commission rules, even if an additional charge is made. “Cramming” does not include telecommunications services that are initiated or requested by the customer, including dial-around services such as “10-10-XXX,” directory assistance, operator-assisted calls, acceptance of collect calls, and other casual calling by the customer.

“*Customer*” means the person other than a service provider whose name appears on the account, others authorized by that named person to make changes or charge services to the account, or any person contractually or otherwise lawfully authorized to represent such party.

“*Executing service provider*” means, with respect to any change in telecommunications service, a telecommunications service provider who executes an order for a change in service received from another telecommunications service provider or from its own customer.

“*Letter of agency*” means a written document complying with the requirements of paragraph 22.9(2) “b.”

“*Preferred telecommunications service provider freeze*” means the limitation of a customer’s preferred telecommunications service provider choices so as to prevent any change in preferred telecommunications service provider for one or more services unless the customer gives the telecommunications service provider from which the freeze was requested the customer’s express consent.

“*Slamming*” means the designation of a new telecommunications service provider to a customer, including the initial selection of a telecommunications service provider, without the verified consent of the customer. “Slamming” does not include the designation of a new provider of a telecommunications service to a customer made pursuant to the sale or transfer of another telecommunications service provider’s customer base, provided that the designation meets the requirements of paragraph 22.9(2) “e.”

“*Submitting service provider*” means the same as defined in Iowa Code section 476.103(2) “e.”

“*Verified consent*” means verification of a customer’s authorization for a change in service.

22.9(2) Prohibition of unauthorized changes in telecommunications service. Unauthorized changes in telecommunications service, including but not limited to cramming and slamming, are prohibited. Telecommunications service providers shall comply with Federal Communications Commission requirements regarding verification of customer authentication of a change in service and change in service provider as provided for in 47 CFR 64.1120 and 47 CFR 64.2401.

a. Verification of authorization required.

(1) No submitting service provider shall submit a change on behalf of customer in the customer’s selection of a provider of telecommunications service prior to obtaining:

1. Authorization from the customer, subject to subparagraph 22.9(2) “a”(2).
2. Verification of that authorization in accordance with the procedures prescribed in paragraph 22.9(2) “a.”

(2) Material misrepresentation on the sales call is prohibited. Upon a consumer’s credible allegation of a sales call misrepresentation, the burden shifts to the carrier making the sales call to provide persuasive evidence to rebut the claim. Upon a finding that such a material misrepresentation has occurred on a sales call, the customer’s authorization to switch carriers is deemed invalid.

(3) An executing service provider shall not verify the submission of a change in a customer's selection of a provider of telecommunications service received from a submitting service provider. For an executing service provider, compliance with the procedures prescribed in subrule 22.9(2) shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting service provider.

(4) No service provider shall submit a preferred telecommunications service provider change order or other change in service order to another service provider unless and until the change has first been confirmed in accordance with one of the following procedures:

1. The service provider has obtained the customer's written authorization in a form that meets the requirements of paragraph 22.9(2) "b."

2. The service provider has obtained the customer's electronic authorization to submit the preferred telecommunications service provider change order. Such authorization must be placed from the telephone number(s) on which the preferred telecommunications service provider is to be changed and must confirm the information required in subparagraph 22.9(2) "a"(1). Service providers electing to confirm sales electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a customer to a voice response unit or to a similar mechanism that records the required information regarding the preferred telecommunications service provider change, including automatically recording the originating automatic numbering identification.

3. An appropriately qualified independent third party has obtained the customer's oral authorization to submit the preferred telecommunications service provider change order that confirms and includes appropriate verification data. The independent third party must not be owned, managed, controlled, or directed by the service provider or the service provider's marketing agent; must not have any financial incentive to confirm preferred telecommunications service provider change orders for the service provider or the service provider's marketing agent; and must operate in a location physically separate from the service provider or the service provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the customer has authorized a preferred telecommunications service provider change.

- Methods of third-party verification. Automated third-party verification systems and three-way conference calls may be used for verification purposes so long as the requirements of this bulleted list are satisfied.

- Carrier initiation of third-party verification. A carrier or a carrier's sales representative initiating a three-way conference call or a call through an automated verification system must drop off the call once the three-way connection has been established.

- Requirements for content and format of third-party verification. Any description of the carrier change transaction by a third-party verifier must not be misleading, and all third-party verification methods shall elicit, at a minimum, the information as set forth by 47 CFR 64.1120(c)(3)(iii).

- Other requirements for third-party verification. All third-party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. In accordance with the procedures set forth in numbered paragraph 22.9(2) "a"(1) "2," submitting carriers shall maintain and preserve audio records of verification of subscriber authorization for a minimum period of two years after obtaining such verification. Automated systems must provide consumers with an option to speak with a live person at any time during the call.

4. The local service provider may change the preferred service provider, for customer-originated changes to existing accounts only, through maintenance of sufficient internal records to establish a valid customer request for the change in service. At a minimum, any such internal records must include the date and time of the customer's request and adequate verification of the identification of the person requesting the change in service. The burden will be on the local service provider to show that its internal records are adequate to verify the customer's request for the change in service.

(5) All verifications shall be maintained for at least two years from the date the change in service is implemented, and all complaints regarding a change in preferred service provider must be brought within two years of the date the change in service is implemented. Verification of service freezes shall be maintained for as long as the preferred telecommunications service provider freeze is in effect.

(6) For other changes in service resulting in additional charges to existing accounts only, a service provider shall establish a valid customer request for the change in service through maintenance of sufficient internal records. At a minimum, any such internal records must include the date and time of the customer's request and adequate verification under the circumstances of the identification of the person requesting the change in service. Any of the three verification methods in numbered paragraphs 22.9(2) "a"(4) "1" to "3" are also acceptable. The burden will be on the telecommunications service provider to show that its internal records are adequate to verify the customer's request for the change in service. Where the additional charge is for one or more specific telephone calls, examples of internal records a telecommunications service provider may submit include call records showing the origin, date, time, destination, and duration of the calls, and any other data the telecommunications service provider relies on to show the calls were made or accepted by the customer, along with an explanation of the records and data.

b. Letter of agency form and content. A service provider may use a letter of agency to obtain written authorization or verification of a customer's request to change the customer's preferred service provider selection. A letter of agency that does not conform with the requirements of 47 CFR 64.1130 is invalid for purposes of this rule.

c. Customer notification. Every change in service shall be followed by a written notification to the affected customer to inform the customer of the change. Such notice shall be provided within 30 days of the effective date of the change. Such notice may include but is not limited to a conspicuous written statement on the customer's bill, a separate mailing to the customer's billing address, or a separate written statement included with the customer's bill. Each such statement shall clearly and conspicuously identify the change in service, any associated charges or fees, the name of the service provider associated with the change, and a toll-free number by which the customer may inquire about or dispute any provision in the statement.

d. Preferred telecommunications service provider freezes.

(1) A preferred telecommunications service provider freeze (or "freeze") prevents a change in a customer's preferred service provider selection unless the customer gives the service provider from whom the freeze was requested express consent. All local exchange carriers who offer preferred telecommunications service provider freezes must comply with the provisions of this subrule.

(2) All local exchange carriers who offer preferred telecommunications service provider freezes shall offer freezes on a nondiscriminatory basis to all customers, regardless of the customers' service provider selections.

(3) Preferred telecommunications service provider freeze procedures, including any solicitation, must clearly distinguish among telecommunications services (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) subject to a preferred telecommunications service provider freeze. The service provider offering the freeze must obtain separate authorization for each service for which a preferred telecommunications service provider freeze is requested.

(4) Solicitation and imposition of preferred telecommunications service provider freezes.

1. All solicitation and other materials provided by a service provider regarding preferred telecommunications service provider freezes must include:

- An explanation, in clear and neutral language, of what a preferred telecommunications service provider freeze is and what services may be subject to a freeze;
- A description of the specific procedures necessary to lift a preferred telecommunications service provider freeze; an explanation that these steps are in addition to the verification requirements in this rule for changing a customer's preferred service provider selections; and an explanation that the customer will be unable to make a change in service provider selection unless the freeze is lifted; and
- An explanation of any charges associated with the preferred telecommunications service provider freeze.

2. No local exchange carrier shall implement a preferred telecommunications service provider freeze unless the customer's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

- The local exchange carrier has obtained the customer's written or electronically signed authorization in a form that meets the requirements of this rule; or

- The local exchange carrier has obtained the customer's electronic authorization, placed from the telephone number(s) on which the preferred telecommunications service provider freeze is to be imposed, to impose a preferred telecommunications service provider freeze. The electronic authorization shall confirm appropriate verification data. Service providers electing to confirm preferred telecommunications service provider freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a customer to a voice response unit or to a similar mechanism that records the required information regarding the preferred telecommunications service provider freeze request, including automatically recording the originating automatic numbering identification; or

- An appropriately qualified independent third party has obtained the customer's oral authorization to submit the preferred telecommunications service provider freeze and confirmed the appropriate verification data and the information required in this rule. The independent third party must not be owned, managed, or directly controlled by the service provider or the service provider's marketing agent; must not have any financial incentive to confirm preferred telecommunications service provider freeze requests for the service provider or the service provider's marketing agent; and must operate in a location physically separate from the service provider or the service provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the customer has authorized a preferred telecommunications service provider freeze.

3. A local exchange carrier may accept a written and signed authorization to impose a freeze on the customer's preferred service provider selection. Written authorization that does not conform with this subrule is invalid and may not be used to impose a preferred telecommunications service provider freeze.

- The written authorization shall comply with this rule concerning the form and content for letters of agency.

- At a minimum, the written authorization must be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

- The customer's billing name and address and the telephone number(s) to be covered by the preferred telecommunications service provider freeze;

- The decision to place a preferred telecommunications service provider freeze on the telephone number(s) and particular service(s). To the extent that a jurisdiction allows the imposition of preferred telecommunications service provider freezes on additional preferred service provider selections (e.g., for local exchange, intraLATA/intrastate toll, interLATA/interstate toll service, and international toll), the authorization must contain separate statements regarding the particular selections to be frozen;

- That the customer understands that the customer will be unable to make a change in telecommunications service provider selection unless the preferred telecommunications service provider freeze is lifted; and

- That the customer understands that any preferred telecommunications service provider freeze may involve a charge to the customer.

(5) All local exchange carriers that offer preferred telecommunications service provider freezes must, at a minimum, offer customers the following procedures for lifting a preferred telecommunications service provider freeze:

1. A local exchange carrier administering a preferred telecommunications service provider freeze must accept a customer's written or electronically signed authorization stating the intention to lift a preferred telecommunications service provider freeze; and

2. A local exchange carrier administering a preferred telecommunications service provider freeze must accept a customer's oral authorization stating the intention to lift a preferred telecommunications service provider freeze and must offer a mechanism that allows a submitting service provider to conduct a three-way conference call with the service provider administering the freeze and the customer in order to lift a freeze. When engaged in oral authorization to lift a preferred telecommunications service provider freeze, the service provider administering the freeze shall confirm appropriate verification data and the customer's intent to lift the particular freeze.

e. Procedures in the event of sale or transfer of customer base. A telecommunications service provider may acquire, through a sale or transfer, either part or all of another telecommunications service provider's customer base without obtaining each customer's authorization if the acquiring telecommunications service provider complies with 47 CFR 64.1120(e).

These rules are intended to implement Iowa Code sections 476.1D, 476.2, 476.91, 476.95, 476.95A, 476.95B, 476.100, and 476.103.

[Filed 2/11/25, effective 4/9/25]

[Published 3/5/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8997C

UTILITIES COMMISSION[199]

Adopted and Filed

Rulemaking related to equipment distribution program

The Utilities Commission hereby rescinds Chapter 37, "Equipment Distribution Program," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 476.2 and 477C.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 477C.

Purpose and Summary

The Commission commenced this rulemaking under the provisions of Executive Order 10. The purpose of this chapter is to describe the Commission's program established pursuant to Iowa Code section 477C.4 to secure, finance, and distribute telecommunications devices for eligible persons who are deaf or hard of hearing or who have difficulty with speech.

On February 4, 2025, the Commission issued an order adopting amendments. The order is available on the Commission's electronic filing system, efs.iowa.gov, under Docket No. RMU-2023-0037.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8431C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 23, 2025

The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, attended both public hearings and, at each, expressed support for the version of Chapter 37 published in the Notice. The Commission received a written comment in support of that Notice version from OCA.

One change from the Notice has been made in subrule 37.6(5) to narrow a cross-reference to cite a rule in another chapter.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on February 4, 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

No waiver provision is included in the amendments because the Commission has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in Chapter 37.

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 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 199—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37
EQUIPMENT DISTRIBUTION PROGRAM

199—37.1(477C) Purpose. This chapter describes the commission's program established pursuant to Iowa Code section 477C.4 to secure, finance, and distribute telecommunications devices. The commission's equipment distribution program serves eligible individuals who are deaf or hard of hearing or who have difficulty with speech.

The equipment distribution program will be limited by revenue considerations and annual budget amounts set by the commission, with the advice of the deaf services commission. When the budgeted amounts for a period are committed or expended, no further vouchers for equipment will be issued until the next period when the commission budgets additional amounts.

199—37.2(477C) Program structure. The equipment distribution program may be conducted by a program administrator chosen by the commission. Distribution of equipment will be made through a voucher system utilizing private vendors for equipment purchases. Vouchers to pay part or, depending upon the price, all of the cost of equipment will be issued by the program administrator to eligible recipients. After purchase using a voucher, the recipient will be the permanent owner of the equipment and responsible for enforcement of any warranties and for any repairs.

199—37.3(477C) Equipment. The commission will authorize and maintain a list of the types of equipment to be distributed through the program.

199—37.4(477C) Application process and eligibility. Applications will be processed in queue. Additional vouchers will not be issued during a period if unpaid vouchers are outstanding for the remaining funds budgeted for the period. By signing the application form or otherwise averring to the accuracy of the information contained in the application, an applicant or the applicant's power of attorney certifies that the information provided therein is true.

37.4(1) Eligibility. No person is entitled to equipment at a particular time merely because the person meets the eligibility requirements. An eligible applicant will be limited to a voucher for one type

of equipment or equipment package. A person is eligible for equipment under the program if the following requirements are satisfied:

a. The applicant's equipment need is verified by an appropriate professional, which may include a licensed physician; certified teacher in the fields of hearing, speech, or visual impairment; licensed and certified sign language interpreter; speech pathologist; audiologist or hearing aid specialist; or appropriate state or federal agency representative.

b. The applicant has, or has applied for, access to the service that will allow the applicant to use the requested equipment. Access to Internet service may be provided through a public wireless network connection.

c. The applicant is an individual and an Iowa resident.

d. The applicant is at least five years of age or demonstrates an ability to use the equipment requested. No demonstration is necessary for those five years of age and older.

e. The applicant agrees to cooperate with studies to evaluate the effectiveness of the program.

f. The applicant's gross annual family income is equal to or less than \$76,000 for a family of two. Family sizes above or below two will increase or decrease that amount in \$10,000 increments per family member change.

37.4(2) *Reapplication.* Prior voucher recipients may reapply through the program to replace existing equipment or to obtain new equipment, as appropriate. Reapplication will be limited by a three-year waiting period. The reapplication period may be shortened by the commission's equipment distribution program project manager in an individual case for good cause shown. At the time of reapplication for equipment, it is not necessary for the applicant's need for the equipment to be reverified by an appropriate professional. The program administrator will verify that the applicant reapplying for equipment previously qualified for and continues to qualify for a voucher.

199—37.5(477C) Voucher system.

37.5(1) *Amount.* The voucher will state a standard amount for a particular piece of equipment.

a. The standard amount shall be determined and updated periodically by the commission.

b. The standard amount shall be 95 percent of the average retail market price for the piece of equipment unless the retail market price is more than \$1,000, in which case the standard amount is 99 percent of the average retail market price. The standard amount may be increased to 100 percent if a person demonstrates to the program administrator that the person is unable to pay the matching amount.

37.5(2) *Voucher use.* The recipient of a voucher may purchase equipment from any vendor that will accept the voucher and may apply the voucher amount toward purchase of the brand and model of indicated equipment as the recipient chooses. The program will not reimburse for equipment purchased by an applicant prior to the issuance of a voucher.

37.5(3) *Term.* The voucher provides for a 40-day period for the voucher recipient to redeem the voucher with the recipient's chosen vendor. The vendor, upon presentation of the voucher, shall have 60 days to complete the sale and delivery of the equipment and to return the voucher to the commission. The program administrator, for good cause shown, may extend either the 40- or 60-day deadline, provided the voucher is submitted to the commission for payment within 120 days from the issuance of the voucher. The program administrator may authorize reimbursement for a voucher issued more than 120 days before the voucher is sent to the commission for payment if the program administrator determines good cause exists for extending the 120-day deadline and provides supporting documentation to the commission.

37.5(4) *Payment.* The voucher is not a negotiable instrument. Upon presentation of documentation by the vendor as determined by the commission, including but not limited to an invoice showing an amount due no greater than the voucher amount, the vendor will be issued a state warrant for the amount due.

199—37.6(477C) Complaints. All complaints concerning the equipment distribution program will be resolved pursuant to the following:

37.6(1) The program administrator will make determinations concerning matters such as eligibility, type of equipment for particular applicants, or reimbursement of vendors.

37.6(2) The program administrator, after requiring interested persons to state verbally or in writing any complaint or dispute arising under the equipment distribution program, will attempt to settle the matter informally within 45 days.

37.6(3) Should the informal dispute resolution process fail, the complainant may submit the complaint to the commission for processing by the commission's equipment distribution program project manager as provided in 199—Chapter 6. The project manager will provide a copy of the complaint to the program administrator and the consumer advocate. The project manager will issue a proposed resolution that describes the facts involved in the dispute, clearly states the proposed resolution, and gives notice that any interested person dissatisfied with the proposed resolution has 14 days after the proposed resolution is issued to file a written request for formal complaint proceedings before the commission.

37.6(4) If no timely request for formal complaint proceedings is filed, the proposed resolution shall be deemed binding on all interested persons served with the proposed resolution.

37.6(5) The commission will process requests for formal complaint proceedings as provided in rule 199—6.5(476).

These rules are intended to implement Iowa Code section 477C.4.

[Filed 2/11/25, effective 4/9/25]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8998C

UTILITIES COMMISSION[199]

Adopted and Filed

Rulemaking related to local exchange competition

The Utilities Commission hereby rescinds Chapter 38, "Local Exchange Competition," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 476.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 476.100 and 47 U.S.C. Sections 251 and 252.

Purpose and Summary

The Commission commenced this rulemaking pursuant to Executive Order 10 with the intent to eliminate unnecessary and unneeded words and provisions and to reduce the number of restrictive terms. The purpose of Chapter 38 is to develop competition in the local exchange services market.

On February 4, 2025, the Commission issued an order adopting amendments. The order is available on the Commission's electric filing system, efs.iowa.gov, under Docket No. RMU-2023-0038.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 30, 2024, as **ARC 8317C**. A public hearing was held on the following date(s):

- November 25, 2024
- December 12, 2024

The November 25, 2024, public hearing was attended by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, and the Iowa Communications Alliance; each expressed support for the Notice version of Chapter 38. The December 12, 2024, public hearing was attended only by OCA, which reiterated support for the chapter. OCA submitted written comments in which it expressed support for the Notice version of the chapter.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on February 4, 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

No waiver provision is included in the amendments because the Commission has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

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 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 199—Chapter 38 and adopt the following **new** chapter in lieu thereof:

CHAPTER 38
LOCAL EXCHANGE COMPETITION

199—38.1(476) General information.

38.1(1) Application and purpose of rules. This chapter applies to local exchange carriers. The purpose of these rules is to further the development of competition in the local exchange services market.

38.1(2) Definitions. For the administration and interpretation of this chapter, the following words and terms have the meaning indicated below, unless the context indicates otherwise:

“Act” means the Telecommunications Act of 1996, effective April 9, 2025.

“Arbitration” means the investigative process whereby a dispute is submitted to the commission for resolution.

“Bona fide request” means a request to a local exchange carrier that demonstrates a good faith showing that the requesting party intends to purchase the services requested within six months of the date of the request.

“Competitive local exchange carrier” means any local exchange carrier that is not an incumbent local exchange carrier.

“Incumbent local exchange carrier” means a local exchange carrier, or its successor, that was the historical provider of local exchange service pursuant to an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the commission as of September 30, 1992.

“Local exchange carrier” means the same as defined at 199—Chapter 22.

“Mediation” means the process in which a neutral party assists the parties in reaching their own settlement but does not have the authority to make a binding decision.

199—38.2(476) Interconnection requirements. A local exchange carrier that originates local telecommunications traffic and desires to terminate that traffic on the network of another local exchange carrier may choose the point(s) of interconnection between the two networks for the exchange of that originating local telecommunications traffic at any technically feasible point within the terminating carrier’s network. Interconnection must be equal in quality to that provided by the local exchange carrier to itself, any affiliate, or any other party to which the local exchange carrier provides interconnection. Interconnection must be on rates, terms, and conditions that are just, reasonable, and nondiscriminatory.

199—38.3(476) Unbundled facilities, services, features, functions, and capabilities.

38.3(1) *Tariff filings.*

a. Filing schedule. Each incumbent local exchange carrier shall file tariffs implementing unbundling for the facilities enumerated in paragraph 38.3(1) “*b.*” The obligation to file a tariff does not apply to a rural telephone company until the conditions specified in 47 U.S.C. Section 251(f)(1), effective April 9, 2025, have been met.

b. List of unbundled essential facilities. Each incumbent local exchange carrier’s tariff filing shall, at a minimum, unbundle the following essential facilities, services, features, functions, and capabilities: loops, ports, signaling links, signal transfer points, facilities to interconnect unbundled links at the central office, interoffice transmission facilities, listings in the directory assistance database, inbound operator services including busy-line verification and call interrupt, interconnection to the 911 system, and interconnection to the tandem switch for routing to other carriers.

38.3(2) *Requests for unbundled facilities.* Except as allowed in subrule 38.3(3), requests to unbundle facilities, services, features, functions, and capabilities shall be processed as follows:

a. A competitive local exchange carrier may make a bona fide request of an incumbent local exchange carrier to make additional unbundled essential facilities available. After receiving a request for additional unbundled essential facilities, the incumbent local exchange carrier shall respond within 30 days of the request either by agreeing to the request or by denying the request. If the incumbent local exchange carrier agrees to fulfill the request, the carrier shall file a tariff unbundling the essential facility within 60 days of the initial request.

b. If the incumbent local exchange carrier denies the request, a competitive local exchange carrier may petition the commission to classify the requested facility as essential, as defined by Iowa Code section 476.100(2), and to require the incumbent local exchange carrier to make the requested facility available on an unbundled basis by filing a tariff. In such a petition, the competitive local exchange carrier shall provide information to the commission showing how the requested facility meets the definition of essential facility found in Iowa Code section 476.100(2). The petitioning party under this subrule may state a preference for proceeding by rulemaking or contested case, but the commission will select the process to be used.

38.3(3) *Alternative procedures.* As an alternative to the procedures in subrule 38.3(2), a competitive local exchange carrier may elect the negotiation, mediation, and arbitration procedures available under 47 U.S.C. Section 252, effective April 9, 2025, by notifying the incumbent local exchange carrier and the commission in writing at the time additional unbundled facilities are requested.

38.3(4) *Reclassifying essential facilities.* An incumbent local exchange carrier may, at any time, petition the commission with a request to reclassify a facility classified as essential. With its petition, the incumbent local exchange carrier shall provide information to the commission showing why the facility

no longer meets the definition of essential found in Iowa Code section 476.100(2). The commission will determine the procedure to be used in reviewing the petition.

38.3(5) *Interconnection to essential facilities.* The terms and conditions under which competitive local exchange carriers shall be able to interconnect with an incumbent local exchange carrier's unbundled facilities shall be technically and economically equivalent to those under which the incumbent local exchange carrier provides those facilities to itself or its affiliates. If it believes such terms and conditions are not technically or economically feasible, the incumbent local exchange carrier may petition the commission for a waiver of this provision.

199—38.4(476) Terminating access charge complaints. No local exchange carrier shall deliver traffic to another local exchange carrier as local service or extended area service terminating traffic if the terminating traffic is long distance or some other type of traffic for which terminating switched access charges would otherwise have been payable. Any local exchange carrier may bring a complaint to the commission if another local exchange carrier has violated this requirement or taken insufficient measures to determine whether switched access charges would otherwise have been payable. The commission may order payment or refund of compensation withheld from or received by a local exchange carrier in violation of this rule, with appropriate interest or tariffed late payment penalties.

199—38.5(476) Mediation and arbitration. This rule applies to all local exchange carriers, except for rural telephone companies as defined in Section 3(47) of the Telecommunications Act of 1996. The commission may make all or part of this rule applicable to a rural telephone company or companies in proceedings relating to Section 251(f) of the Act.

38.5(1) *Voluntary negotiations.*

a. Initiation of negotiations. A telecommunications carrier initiates the negotiation process by requesting interconnection, services, or network elements as defined in the Act from an incumbent local exchange carrier pursuant to Section 252(a)(1) of the Act. The day the request is received by the incumbent local exchange carrier is day one of the schedule set for resolution of all issues. Within five days of receipt of the request, the incumbent local exchange carrier shall file with the commission a copy of the request and a statement of the date the request was received.

b. Duty to negotiate. All negotiations shall be made in good faith for the requested interconnection, services, or network elements. Good faith negotiations require that the parties meet and confer at reasonable times and places, remain open to the arguments and proposals, and work toward the goal of reaching agreement on terms and conditions for the requested interconnections and services. Refusal of any party to give information about its costs or other pertinent data upon request of another party may be considered by the commission as a failure to negotiate in good faith.

38.5(2) *Mediation.*

a. Initiation of mediation. At any time during the negotiations, any party to the negotiations may request mediation. The request shall be filed with the commission and simultaneously served on the other parties. Alternatively, parties may file a joint request for mediation with the commission. A request for mediation shall contain a brief statement of the nature of the dispute and the names, addresses, and telephone and fax numbers of the parties or their representatives.

b. Appointment of mediator. The commission may appoint any competent, impartial person of character and ability to act as mediator. The commission will immediately convene a meeting of the parties to discuss appointment of a mutually acceptable mediator.

c. Parties. Only parties to the negotiations will be permitted to participate as parties to the mediation.

d. Assessment of costs. The cost of mediation shall be shared equally by the parties and paid directly to the mediator.

38.5(3) *Arbitration.*

a. Initiation of arbitration. Any party to the negotiation may petition the commission to arbitrate all open issues. The petition requesting arbitration must be filed during the period from the 135th day through the 160th day after the date on which the request for negotiation was received by the local

exchange carrier. Simultaneously with filing the petition with the commission, the petitioning party shall provide a copy of the petition and accompanying documentation to the other parties.

b. Supporting documentation. On the same day of the filing of the request for arbitration, the petitioning party shall provide to the commission the date upon which the request for negotiation for the interconnection, services, or network elements in dispute was made to the local exchange carrier, a list of unresolved issues, the position of each party on each of the unresolved issues, how the parties' positions meet or fail to meet the requirements of Section 251 of the Act or other regulations, any supporting documents for positions taken by the parties on unresolved issues including all relevant cost studies where prices are in dispute, whether a hearing is requested, a list of issues discussed and resolved prior to the petition for arbitration, any requests for confidentiality, and any other documents relevant to the dispute.

c. Response to the request for arbitration. A nonpetitioning party to the negotiation may respond to the petitioning party's position and provide additional information within 25 days after the petition for arbitration was received by the commission.

d. Parties. Only parties to the negotiations will be permitted to participate as parties to the arbitration, unless the commission consolidates proceedings. However, the office of consumer advocate will also be considered a party to the arbitration proceeding.

e. Docketing of the arbitration request. Upon receipt of a timely and complete petition for arbitration, the commission shall docket the request for consideration by the commission.

f. Arbitration schedule and procedures. Within 15 days of the receipt of the petition for arbitration, the commission will schedule a conference in order to plan an arbitration hearing date, clarify the issues to be resolved, identify additional information needed to reach a decision on the issues, schedule production of documents and other information, discuss or rule on any other procedural matters, and consider any other matters that will expedite the arbitration process.

g. Decision. Following the hearing, the commission will issue its preliminary written decision on the unresolved issues. All exceptions to the decision must be filed by the parties within ten days of issuance of the preliminary decisions. All replies to exceptions shall be filed within five days of the filing of the exceptions. A final written decision regarding all issues offered in arbitration shall be issued by the commission within the nine-month deadline in the Act.

38.5(4) Commission review of agreements.

a. Filing of agreements. All interconnection agreements shall be filed with the commission for approval within 15 days after the issuance of a final decision on the arbitrated issues, or, in the case of negotiated agreements, after the execution of the agreement.

b. Comments on arbitrated agreements. Within ten days following the filing of the arbitrated agreement with the commission for review, the parties involved in the arbitration, and any other interested party, may submit written comments to the commission supporting either approval or rejection of the agreement. If the commission does not approve or reject the agreement within 30 days after submission by the parties of an agreement adopted by arbitration, the agreement shall be deemed approved.

c. Comments on negotiated agreements and amendments to agreements. Within 30 days of the filing date of the negotiated agreement or amendment, the parties involved in the negotiations and any other interested party may submit written comments with the commission supporting either acceptance or rejection of the agreement or amendment. If the commission does not issue a decision within 90 days after the filing date, the agreement or amendment shall be deemed approved.

d. Comments on adoption of agreements. No commission approval is necessary when there is an adoption of the terms, conditions, and rates from an approved interconnection agreement. The adoption is effective upon filing. If there are terms, conditions, or rates in the filing that are not from an adopted agreement, then the filing is subject to the provisions of paragraph 38.5(4) "c."

e. Indefinite terms, conditions, or rates. When the agreement or amendment contains terms, conditions, or rates that are not yet agreed to, the parties shall file an amendment to the agreement once they have reached agreement on the terms, conditions, or rates.

These rules are intended to implement 47 U.S.C. Sections 251 and 252 and Iowa Code section 476.100.

[Filed 2/11/25, effective 4/9/25]

[Published 3/5/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 8999C

UTILITIES COMMISSION[199]

Adopted and Filed

Rulemaking related to universal service

The Utilities Commission hereby rescinds Chapter 39, "Universal Service," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 476.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 476.2, 476.95B, and 476.102 and 47 U.S.C. Sections 214(e) and 254.

Purpose and Summary

The Commission commenced this rulemaking pursuant to Executive Order 10 with the intent to eliminate unneeded and unnecessary words and provisions and to reduce the number of restrictive terms. Chapter 39 provides regulation over telecommunications carriers eligible to receive support from the federal universal service fund due to the carrier's involvement in providing universal telecommunications service.

On February 5, 2025, the Commission issued a conditional order adopting amendments. The order may be obtained from the Commission's electronic filing system, efs.iowa.gov, under Docket No. RMU-2023-0039.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 30, 2024, as **ARC 8277C**. A public hearing was held on the following date(s):

- November 25, 2024
- December 12, 2024

The November 25, 2024, public hearing was attended by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, and the Iowa Communications Alliance (ICA); both expressed support for the noticed version of Chapter 39. The December 12, 2024, public hearing was attended only by OCA, which reiterated its support for the proposed chapter. On November 4, 2024, OCA filed written comments in support of the adoption of the Commission's proposed rules.

The ICA filed supplemental comments on January 10, 2025. The ICA suggested removal of subrules 39.7(1) and 39.8(2). OCA filed reply comments in support of removing subrule 39.7(1) but contested the removal of subrule 39.8(2).

Changes from the Notice have been made in subrule 39.6(5) and rule 199—39.8(476) following supplemental comments from the ICA and OCA.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on February 5, 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

No waiver provision is included in the amendments because the Commission has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

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 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 199—Chapter 39 and adopt the following **new** chapter in lieu thereof:

CHAPTER 39
UNIVERSAL SERVICE

199—39.1(476) Authority and purpose. These rules relate to the commission's designation of common carriers as eligible to receive support from the federal universal service fund and are prescribed by the commission pursuant to Iowa Code sections 17A.4, 476.2, 476.15, and 476.102 and 47 U.S.C. §214(e) and 254, effective April 9, 2025. These rules are intended to preserve and advance universal service by implementing the commission's authority to designate eligible telecommunications carriers (ETCs). These rules establish procedures for applying for designation as an ETC, as well as modifying and relinquishing such designation; adopt service standards for ETCs; and establish state record, certification, and reporting requirements consistent with federal requirements.

199—39.2(476) Definitions. For the purposes of the commission's implementation of federal universal service fund requirements, the following definitions apply:

“*Broadband service*” means the broadband Internet access service (defined in 47 CFR §54.400(1)) designated by the Federal Communications Commission (FCC) in 47 CFR §54.101 as eligible for support by the federal universal service support mechanisms.

“*Code of Federal Regulations*” or “*CFR*” means the Code of Federal Regulations, which contains the general administrative rules adopted by federal departments and agencies, in effect as of April 9, 2025, unless a separate effective date is identified in a specific rule.

“*Competitive eligible telecommunications carrier*” means a carrier that meets the definition of an “eligible telecommunications carrier” below and does not meet the definition of an “incumbent local exchange carrier” in 47 CFR §51.5.

“*Common carrier*” means the same as is defined in 47 CFR §9.3.

“*Eligible telecommunications carrier,*” “*eligible carrier,*” or “*ETC*” means a carrier designated by the commission as eligible to receive universal service support pursuant to 47 U.S.C. §214(e).

“*Facilities*” means any physical components of the telecommunications network that are used in the transmission or routing of the services designated for universal service fund support, as expressed in 47 CFR §54.201(e).

“*High-cost support*” means the same as defined in 47 CFR Subchapter B, Part 54, to include those support mechanisms provided pursuant to subpart D (universal service support for high-cost areas), subpart J (rural digital opportunity fund support), subpart K (interstate common line support), subpart L (mobility fund support), subpart M (high-cost loop support), and subpart O (Uniendo a Puerto Rico Fund) or alternate substitute, or replacement federal Universal Service Fund programs for the distribution of funding to telecommunications carriers to deliver service in rural or other high-cost areas.

“*Lifeline program*” means the federal universal service program providing support for low-income consumers that is defined in 47 CFR §54.401.

“*Services designated for support*” means voice telephone service and broadband service.

“*Tribal Link Up*” means an assistance program for eligible residents of tribal lands seeking telecommunications service from a telecommunications carrier that is defined in 47 CFR §54.413(a).

“*Voice telephone service*” means the service (defined in 47 CFR §54.400(m)) designated by the FCC in 47 CFR §54.101 as eligible for support by the federal universal service support mechanisms.

199—39.3(476) Applying for designation as an eligible telecommunications carrier.

39.3(1) A common carrier must be designated as an ETC to qualify for support from the federal universal service fund. The commission reviews applications for designation as an ETC for compliance with 47 U.S.C. §214(e)(1) and grants ETC designations to qualified applicants for a service area designated by the commission. If an applicant requests an expedited ruling from the commission on an application to be designated as an ETC or on an amendment to an existing ETC designation, the applicant shall specify why an expedited process is necessary and why an expedited review would not be contrary to the public interest.

39.3(2) An application for an ETC designation must contain the following:

a. Where an applicant offers more than one type of communications service, a clear statement of which entity is requesting the designation.

b. A clear statement of the purposes for which the designation is sought, and a statement of financial and technical qualification to provide the supported service. An applicant shall specify whether designation is sought for purposes of receiving support from the high-cost fund or mobility fund; for Lifeline purposes only; or other specified purpose recognized by the FCC.

c. A certification that the applicant offers or intends to offer all services designated for support, as identified in 47 CFR §54.101, throughout the applicant’s approved service area.

d. An explanation of how the carrier will provide voice telephone service and broadband service.

e. A certification that the applicant offers or intends to offer the supported services either using its own facilities or a combination of its own facilities and resale of another carrier’s services. “Own facilities” includes unbundled network elements, in whole or in part. The facilities providing the services supported by the universal service fund need not be physically located in the area served. Wireless resellers shall provide the name of the facilities-based wireless carrier(s) whose services they are reselling and demonstrate they have an agreement with the carrier(s) in Iowa that will cover the applicant’s proposed designated service area. The commission will not designate as an eligible telecommunications carrier a carrier that offers the services supported by federal universal service support mechanisms exclusively through the resale of another carrier’s services unless the carrier obtains FCC approval of a compliance plan and commits to certain 911 conditions.

f. A description of how the applicant advertises the availability of supported services and the charges therefore using media of general distribution.

g. A detailed description, including a map or maps, of the geographic service area for which the applicant requests an ETC designation from the commission. An applicant seeking designation in

connection with a support mechanism through which support is allocated to specific census blocks or locations shall file a list of the census blocks or locations in or at which the applicant will serve as an ETC, in addition to the map included with the description required by this paragraph. Wireless telecommunications carriers, defined as commercial mobile radio service providers in 47 CFR Parts 20 and 24, shall file coverage area maps and maps that depict signal strength. Requests to withhold from public inspection maps depicting signal strength will be deemed granted as provided in 199—Chapter 1.

h. Where the application is from a carrier seeking a designation as an ETC for an area served by a rural telephone company as defined in 47 CFR §51.5, a demonstration that the requested designation is in the public interest.

i. An affirmative statement that the applicant will use the support only for the provision, maintenance, and upgrading of facilities to deploy, improve, and support services to consumers in the applicant's designated service area. Applicants seeking designation only for purposes of receiving support from the Lifeline program need not include an affirmative statement or other information concerning network improvements planned for the designated service area.

j. An affirmative statement explaining how the applicant will remain functional in emergency situations. The statement shall include examples illustrating that the applicant has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

k. A certification that the applicant will comply with the service requirements applicable to the support that it seeks to receive.

l. A certification that the applicant will contribute to the dual party relay service as provided in Iowa Code section 477C.7(1).

m. For applications from carriers seeking designation as an ETC for any part of tribal lands, a copy of the applicant's application to the affected tribal government and tribal regulatory authority at the time the applicant files the application with the commission.

n. A certification that the applicant will satisfy applicable consumer protection and service quality standards. Wireless ETC applicants shall commit to complying with the consumer protection standards established by the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service (2020), including a certification to abide by the following specified standards:

(1) Provide ready access to customer service. Customers will be provided a toll-free telephone number to access a carrier's customer service during normal business hours. Customer service contact information will be provided to customers online and on billing statements. Each wireless carrier will provide information about how customers can contact the carrier in writing, by toll-free telephone number, via the Internet, or otherwise with any inquiries or complaints, and this information will be included, at a minimum, on all billing statements, in written responses to customer inquiries, and on carriers' websites. Each carrier will also make such contact information available, upon request, to any customer calling the carrier's customer service departments.

(2) Promptly respond to consumer inquiries and complaints received from government agencies. Inquiries for information or complaints to a wireless ETC shall be resolved promptly and courteously. If a wireless ETC cannot resolve a dispute with the applicant or customer, the wireless ETC shall inform the applicant or customer of the right to file a complaint with the commission. The wireless ETC shall provide the following commission address and toll-free telephone number: Iowa Utilities Commission, Customer Service, 1375 E. Court Avenue, Des Moines, Iowa 50319-0069; 877.565.4450. When the commission receives a complaint, the commission shall follow the procedures set out in 199—Chapter 6. In any complaint proceeding pursuant to this subparagraph, if the wireless ETC asserts that the complainant is located in an area where the wireless ETC is not designated as an ETC, the wireless ETC must submit evidence in support of its assertion.

39.3(3) Amendments, assignments and transfers of control. Except as otherwise provided in this subrule, a carrier's ETC designation may be amended or assigned, or control of such designation may be transferred by the transfer of control of the carrier, whether voluntarily or involuntarily, directly or indirectly, only upon application to and prior approval by the commission.

a. Assignment. For purposes of this subrule, an assignment of a designation is a transaction in which a commission-issued ETC designation is assigned from one carrier to another carrier. Following an assignment, the designation is held by a carrier other than the carrier to which it was originally granted.

b. Transfers of control. For purposes of this subrule, a transfer of control is a transaction in which a commission-issued designation remains held by the same carrier, but there is a change in the individuals or entities that control the carrier. A change from less than 50 percent ownership to 50 percent or more ownership shall always be considered a transfer of control. A change from 50 percent or more ownership to less than 50 percent ownership shall always be considered a transfer of control. In all other situations, whether the interest being transferred is controlling must be determined on a case-by-case basis. The factors relevant to a determination of control in addition to equity ownership include but are not limited to the following:

- (1) Power to constitute or appoint more than 50 percent of the board of directors or partnership management committee;
- (2) Authority to appoint, promote, demote, and fire senior executives who control the day-to-day activities of the carrier;
- (3) Ability to play an integral role in major management decisions of the carrier;
- (4) Authority to pay financial obligations, including expenses arising out of operations;
- (5) Ability to receive moneys and profits from the carrier's operations; and
- (6) Unfettered use of all of the carrier's facilities and equipment.

c. Pro forma assignments and transfers of control. Assignments or transfers of control that do not result in a change in the actual controlling party are considered nonsubstantial or pro forma. If a transaction is one of the types listed below, the transaction is presumptively pro forma and prior commission approval need not be sought:

- (1) Assignment from an individual or individuals to an entity owned and controlled by such individuals without any substantial change in their relative interests;
- (2) Assignment from an entity to its individual equity holders without effecting any substantial change in the disposition of their interests;
- (3) Assignment or transfer by which certain equity holders retire and the interest transferred is not a controlling one;
- (4) Entity reorganization that involves no substantial change in the beneficial ownership of the carrier (including reincorporation or reorganization in a different jurisdiction or change in form of the business entity);
- (5) Assignment or transfer from a carrier to a wholly owned direct or indirect subsidiary thereof or vice versa, or where there is an assignment from a carrier to an entity owned or controlled by the same equity holders without substantial change in their interests; or
- (6) Assignment of less than a controlling interest in a carrier.

d. Applications for substantial transactions. In the case of an assignment or transfer of control of commission-designated ETC that is not pro forma, the parties to such a transaction must file a joint application with the commission prior to consummation of the proposed assignment or transfer of control. The application shall include the following information:

- (1) A brief narrative of the means by which the proposed transfer or assignment will take place. This narrative should include a statement concerning how the transaction will be classified for the purposes of any filings required to be made by the parties with the Universal Service Administrative Company (USAC).
- (2) Identification of each applicant, including the legal name and state or other governmental authority under the laws of which each entity applicant is incorporated or organized.
- (3) The name, title, mailing address, telephone number, and email contact information for each applicant.
- (4) The name, title, mailing address, telephone number, and email contact information for an application contact point, such as an executive officer, legal counsel, or regulatory consultant, to whom correspondence concerning the application should be addressed.

(5) A statement identifying the date on which the applicants are asking for the transfer of the ETC designation to be effective. Where the timing of a transaction is dependent on facts objectively ascertainable outside of the filing (i.e., regulatory, lender, or other third-party approval), the parties should include a statement concerning the manner in which such facts will operate on the effective date or other terms of the transaction.

(6) A certification as to whether the assignee/transferee is a commission-designated ETC. If the assignee/transferee is not a commission-designated ETC, the assignee/transferee shall separately file with the commission an application for designation as an ETC as provided in subrule 39.3(2). If the assignee/transferee is a commission-designated ETC, the joint application shall include a certification from the assignee/transferee that (a) the assignee/transferee is a commission-designated ETC in good standing and (b) the assignee/transferee will comply with the state and federal requirements for eligibility as an ETC, including the use of support to provide designated services within the assigned or transferred service area.

(7) Whether as part of the transaction, the assignor/transferor is requesting to relinquish its ETC status in whole or in part. If the assignor/transferor is requesting to relinquish its ETC status, the joint application shall be deemed to be the assignor/transferor's request for relinquishment of ETC designation under rule 199—39.8(476); provided that such relinquishment shall be conditioned on consummation of the transaction described in the application. If the assignor/transferor is for any reason seeking the unconditional relinquishment of its ETC status, such request should be filed separately under rule 199—39.8(476).

e. Commission approval. Where an assignment or transfer of control involves a transferee/assignee that is already a commission-designated ETC, such application shall be granted by the commission 30 days after the date the complete application seeking approval of the assignment or transfer of control is accepted for filing, unless the commission, for good cause, docket the application for further investigation. Where an assignment or transfer of control involves a transferee/assignee that is not already a commission-designated ETC, such application shall be granted by the commission at the same time as the commission grants the assignee/transferee's application for ETC designation in accordance with the timelines and procedures set forth in subrule 39.3(2).

f. Notification of pro forma transactions. In the case of a pro forma assignment or transfer of control, the designated ETC is not required to seek prior commission approval. Instead, a pro forma assignee or a carrier that is subject to a pro forma transfer of control must file a notification with the commission no later than 30 days after the assignment or transfer is completed. The notification must contain the following:

(1) The information requested in subparagraphs 39.3(3)“d”(1) through 39.3(3)“d”(4) for the transferee/assignee.

(2) A certification that the transfer of control or assignment was pro forma and that, together with all previous pro forma transactions, the transfer of control or assignment does not result in a change in the actual control of the carrier.

(3) A certification from the assignee/transferee that the assignee/transferee will comply with the state and federal requirements for eligibility as an ETC, including the use of support to provide designated services within the assigned or transferred service area.

g. Involuntary assignments or transfers of control. In the case of an involuntary assignment or transfer of control to a bankruptcy trustee appointed under involuntary bankruptcy; to an independent receiver appointed by a court of competent jurisdiction in a foreclosure action; or in the case of death or legal disability, to a person or entity legally qualified to succeed the deceased or disabled person under the laws of the place having jurisdiction over the estate involved, the applicant must make the appropriate filing no later than 30 days after the event causing the involuntary assignment or transfer of control.

h. Notification of consummation. An assignee or transferee must notify the commission no later than 30 days after either consummation of the proposed assignment or transfer of control or a decision not to consummate the proposed assignment or transfer of control. The notification shall identify the docket number(s) under which the authorization of the assignment or transfer of control was granted.

i. Amendments other than transactions. Where a carrier that has been designated by the commission as an ETC intends to serve as an ETC in a new service area for the purpose of receiving federal high-cost support, the carrier shall file a request to amend its designation with a notice of expansion at least 30 days in advance of the expansion and shall certify that the carrier intends to amend its designation to serve as an ETC in the expanded service area.

199—39.4(476) Lifeline-only applicants. Where an applicant is seeking designation only for purposes of receiving support from the Lifeline program, the following requirements apply in addition to those specified in rule 199—39.3(476):

39.4(1) *Approved compliance plan required.* The applicant shall submit a copy of a compliance plan submitted to the FCC and a copy of the FCC's notice of approval. An applicant offering service utilizing its own facilities or a combination of its own facilities and the resale of another carrier's facilities need not provide a compliance plan.

39.4(2) *Terms and conditions of voice telephone service offered to Lifeline subscribers.* The applicant shall submit information describing the terms and conditions of any voice telephone service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for such plan. To the extent the applicant offers to Lifeline subscribers plans that are generally available to the public, the applicant may provide summary information regarding such plans, such as a link to a public website outlining the terms and conditions of such plans.

39.4(3) *Terms and conditions of broadband internet access service offered to Lifeline subscribers.* The applicant shall submit information describing the terms and conditions of any broadband internet access service plans offered to Lifeline subscribers, including details on the speeds offered; data usage allotments; additional charges for particular uses, if any; and rates for each such plan. To the extent the applicant offers to Lifeline subscribers plans that are generally available to the public, the applicant may provide summary information regarding those plans, such as a link to a public website outlining the terms and conditions of the plans.

39.4(4) *Demonstration of financial and technical capability to provide supported services.* The applicant shall demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with 47 CFR Subchapter B, Part 54, Subpart E, as required by 47 CFR §54.201(h). Relevant considerations include but are not limited to how long the carrier has been in business, whether the applicant intends to rely exclusively on universal service fund disbursements to operate, whether the applicant receives or will receive revenue from other sources, whether the applicant has been subject to enforcement action or ETC revocation proceedings in any state, and whether the applicant has defaulted on previous universal service fund commitments.

199—39.5(476) Service area.

39.5(1) Unless otherwise ordered by the commission, the approved service area for universal service fund support calculations will be the same as the service area currently approved for local service by the commission. Those carriers not currently approved to provide local service are required to provide documentation showing their service area.

39.5(2) In the case of a service area served by a rural telephone company, "service area" means such company's "study area" unless and until the FCC and the states, after taking into account recommendations of a federal-state joint board instituted under 47 U.S.C. §410(c), effective April 9, 2025, establish a different definition of service area for such company.

39.5(3) In the case of a wireless telecommunications carrier, "service area" means that area where the wireless company has been licensed by the FCC to provide service.

199—39.6(476) Universal service support for low-income consumers (Lifeline program and Tribal Link Up program).

39.6(1) *Carrier obligation to offer Lifeline.* Pursuant to 47 CFR §54.405, all ETCs must make Lifeline service available, as defined in 47 CFR §54.401, to qualifying low-income consumers, defined

as consumers who meet the qualifications for Lifeline as specified in 47 CFR §54.409. ETCs must comply with the minimum service standards specified in 47 CFR §54.408.

39.6(2) *Customer notification.* ETCs shall include a description of their Lifeline offerings or discounts in their residential service agreements. ETCs shall provide the commission with information about their residential service agreements upon request. ETCs shall publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for service as required by 47 CFR §54.405(b).

39.6(3) *Consumer qualification for Lifeline.* To qualify for Lifeline, a consumer must meet the qualifications for Lifeline as specified in 47 CFR §54.409. A consumer may only receive one Lifeline service per household.

39.6(4) *Determination of subscriber eligibility.* ETCs shall ensure that their Lifeline subscribers are eligible to receive Lifeline services in accordance with 47 CFR §54.410. ETCs shall:

a. Implement policies and procedures for ensuring that their Lifeline subscribers are eligible to receive Lifeline services;

b. Confirm a subscriber's income-based or program-based eligibility according to 47 CFR §54.410(b) or (c);

c. Provide prospective subscribers Lifeline certification forms that comply with 47 CFR §54.410(d); and

d. Recertify all subscribers' Lifeline eligibility in accordance with 47 CFR §54.410(f) and (g).

39.6(5) *Annual certifications by ETCs.* ETCs shall make and submit to the USAC annual certifications relating to the Lifeline program as required by 47 CFR §54.416. Upon request of the commission, ETCs shall file their annual Lifeline certifications with the commission and, if applicable, with the relevant tribal governments.

39.6(6) *Tribal Link Up.* A telecommunications carrier receiving high-cost support on tribal lands that is offering the Tribal Link Up assistance program to eligible residents of tribal lands, as defined in 47 CFR §54.400(e), must provide (1) a 100 percent reduction of the customary connection charge for commencing service at a subscriber's residence, and (2) a deferred schedule of interest-free payments for the connection charge, pursuant to 47 CFR §54.413. Prior to enrolling an eligible resident of tribal lands in the Tribal Link Up program, an ETC must obtain from the resident a certification form that complies with 47 CFR §54.410.

39.6(7) *Audits.* ETCs shall file with the commission finalized reports of audits involving the audited ETC's operations in Iowa conducted pursuant to 47 CFR §54.420 requiring low-income program audits. The audit reports will not be considered or deemed confidential. The audit reports shall be filed with the commission within 30 days of issuance of the final audit report.

199—39.7(476) Annual reporting requirements.

39.7(1) *Annual certifications from carriers seeking to continue to receive high-cost support.* Any carrier seeking to continue to receive federal high-cost support shall file with the commission no later than July 1 of each year an affidavit titled "Certification of [Company Name]." The company name shall be the name used on the carrier's initial application for ETC designation and its current name, if its name has changed.

a. Contents of affidavit:

(1) The affidavit shall include the study area code (SAC) number associated with the company, as well as the carrier's Company Number (CoNo) as granted by the Iowa utilities commission.

(2) The affidavit shall be sworn and notarized and shall be executed by an authorized corporate officer.

(3) The affidavit shall certify that the carrier has used all federal high-cost support provided in the preceding calendar year and will use all federal high-cost support provided to the carrier in the coming calendar year received pursuant to 47 CFR Subchapter B, Part 54, Subparts D, J, K, L, M, and O as defined in 47 CFR §54.5, only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

(4) The affidavit shall certify to the following: as an eligible telecommunications carrier, the carrier agrees to provide timely responses to commission requests for information related to the status of local markets for supported services, including local markets for supported voice and broadband services.

b. Any certification filed by a carrier shall be subject to complaint or investigation by the commission.

c. An ETC's certification shall be the basis of the commission's certification to the FCC and USAC pursuant to 47 CFR §54.314 that the ETC has used and will use the support for the purposes intended.

39.7(2) Filing instructions. The affidavit certifying compliance shall be filed using the commission's electronic filing system in accordance with 199—Chapter 14, unless the commission directs otherwise by order issued in advance of the filing deadline. The filing shall be titled “Annual Eligible Telecommunications Carrier Reporting Requirements,” with a reference to the year for which the report is filed. The document title for the affidavit certifying compliance shall be “Carrier Certification.”

199—39.8(476) Relinquishment of ETC designation. The commission may permit an ETC to relinquish its designation as such a carrier in any area served by more than one ETC. An ETC that seeks to relinquish its designation for an area served by more than one ETC shall give 30 days' advance notice to the commission of such relinquishment. A carrier that is granted ETC status in connection with a federal universal support program but that ultimately does not receive the support shall, within 30 days after the FCC issues a public notice regarding the award of support, file a notice of relinquishment of the carrier's designation for any service areas where the carrier is not awarded funds and does not plan to offer service.

These rules are intended to implement Iowa Code sections 476.2, 476.95B, and 476.102 and 47 U.S.C. §214(e) and 254.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/5/25.

ARC 9000C

UTILITIES COMMISSION[199]

Adopted and Filed

Rulemaking related to certificates of franchise authority

The Utilities Commission hereby rescinds Chapter 44, “Certificates of Franchise Authority for Cable and Video Service,” Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 476.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 477A.

Purpose and Summary

The Commission opened this rulemaking pursuant to Executive Order 10 with the intent to eliminate unneeded and unnecessary words and provisions and to reduce the number of restrictive terms. Chapter 44 implements Iowa Code chapter 477A regarding certificates of franchise for cable service or video service. This chapter provides an outline for those wishing to obtain or maintain such a certificate.

On February 4, 2025, the Commission issued a conditional order adopting amendments. The order may be obtained on the Commission's electronic filing system, efs.iowa.gov, under Docket No. RMU-2023-0044.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 30, 2024, as **ARC 8315C**. A public hearing was held on the following date(s):

- November 25, 2024
- December 12, 2024

The November 25, 2024, public hearing was attended by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, and the Iowa Communications Alliance; both expressed support for the Notice version of Chapter 44. The December 12, 2024, public hearing was attended by OCA, which reiterated support for the proposed chapter. OCA filed written comments expressing support for the adoption of Chapter 44 as proposed by the Commission.

One change from the Notice has been made to update the chapter implementation sentence.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on February 4, 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

No waiver provision is included in the amendments because the Commission has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

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 9, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 199—Chapter 44 and adopt the following **new** chapter in lieu thereof:

CHAPTER 44 CERTIFICATES OF FRANCHISE AUTHORITY FOR CABLE AND VIDEO SERVICE

199—44.1(17A,476,477A) Authority and purpose. These rules are intended to implement Iowa Code chapter 477A relating to certificates of franchise authority issued by the commission for the provision of cable or video service. The purpose of these rules is to establish procedures for initial applications for

and subsequent modifications, transfers, terminations, or updates of certificates of franchise authority issued by the commission.

199—44.2(17A,476,477A) Definitions. The following words and terms, when used in this chapter, shall mean the same as defined in 47 U.S.C. Section 522, effective February 8, 1996, and Iowa Code section 477A.1, unless defined below:

“*Certificate of franchise authority*” means the certificate issued by the commission authorizing the construction and operation of a cable or video service provider’s network in a public right-of-way.

“*Commission*” means the Iowa utilities commission.

“*Competitive cable or video service provider*” means a person who provides cable service over a cable system or video system in an area other than the incumbent cable provider providing service in the same area.

199—44.3(17A,476,477A) Certificate of franchise authority. After July 1, 2007, a person shall not provide cable or video service in Iowa without a franchise. The franchise may be issued by either the commission pursuant to this chapter or by a municipality pursuant to Iowa Code section 364.2.

44.3(1) Existing franchise agreements. A franchise in effect before July 1, 2007, is subject to the exemptions and requirements of Iowa Code section 477A.2.

44.3(2) Municipal utilities. A municipal utility that provides cable or video service in Iowa is exempt from this chapter pursuant to Iowa Code section 477A.2(2)“c.”

44.3(3) Initial application. The requirements and procedures for obtaining a cable or video service franchise are set forth in Iowa Code section 477A.3. Applications are to be submitted using a form developed by and available from the commission.

44.3(4) Content of certificate. A certificate of franchise authority issued by the commission shall conform to the requirements set forth in Iowa Code section 477A.3(5).

44.3(5) Modification of service area. At least 14 days before expanding cable or video service to a previously undesignated service area or making any other change to its previously designated service area, the holder of a certificate of franchise authority shall update the description of its service area on file with the commission and notify the commission of the effective date of the expansion or other change in service area in a manner prescribed by the commission. The commission will acknowledge receipt of a notice of service area modification by letter.

44.3(6) Transfer of certificate of franchise authority. The holder of a certificate of franchise authority may transfer the certificate to any successor by filing a notice of transfer with the commission and each affected municipality pursuant to Iowa Code section 477A.3(8). The commission will acknowledge receipt of a notice of transfer by letter.

44.3(7) Termination of certificate of franchise authority. The holder of a certificate of franchise authority may terminate the certificate by providing written notice of the effective date of termination to the commission and to each affected municipality using a form prescribed by the commission. The commission will acknowledge receipt of a notice of termination by letter.

44.3(8) Updates. The holder of a certificate of franchise authority shall notify the commission of any change in the name of the entity holding the certificate, contact personnel, principal executive officers, address of principal place of business, telephone number, and customer service contact information by updating such information in the commission’s IUB 24/7 electronic system. The updates shall be completed within 14 days after the effective date of the change.

199—44.4(17A,476,477A) Notice to municipality and incumbent cable provider.

44.4(1) Notice of intent to provide service. At least 30 days before providing service in any part of a competitive cable or video service provider’s service area in which the provider has not yet offered service pursuant to a commission-issued certificate of franchise authority, a competitive cable or video service provider shall notify each municipality and incumbent cable provider pursuant to Iowa Code section 477A.2(4).

44.4(2) Notice of application. In addition to the notice of intent to provide service, an applicant shall notify each municipality with authority to grant a franchise in the applicant’s proposed service area

that the applicant has filed an application with the commission for a certificate of franchise authority. This notice shall be mailed by certified mail on the date the application is filed with the commission.

199—44.5(17A,476,477A) Conversion of municipal franchise by incumbent cable provider. If a competitive cable or video service provider applies for a certificate of franchise authority to operate within a municipality, the incumbent cable provider in that municipality may apply for a certificate of franchise authority for that same municipality pursuant to Iowa Code section 477A.2(6).

199—44.6(17A,476,477A) Renewal of certificate of franchise authority.

44.6(1) Sixty days prior to the expiration date of a certificate, the certificate holder shall file with the commission a notice of renewal containing the following:

- a.* An acknowledgment that the certificate holder continues to hold the certificate;
- b.* A statement that the certificate holder continues to provide cable or video service in all or a portion of its approved service territory;
- c.* Any necessary updates to the address of the principal place of business, the telephone number for customer service, and the names and titles of the principal executive officers with direct authority over and responsibility for the cable or video operations;
- d.* A list of the approved areas the certificate holder currently is serving; and
- e.* A list of the areas in which the certificate holder was previously authorized to offer service but where service has ceased or never commenced.

44.6(2) The notice of renewal shall be filed using the VCA docket number in which the initial certificate was issued. The commission will acknowledge the renewal by letter.

These rules are intended to implement Iowa Code chapter 477A.

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