IOWA ADMINISTRATIVE BULLETIN

Published Biweekly VOLUME XLVII May 28, 2025 NUMBER 24 Pages 11949 to 12129

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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
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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
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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****

AGING, DEPARTMENT ON[17]

Agency reorganization, rescind chs 1, 2, 4 to 8, 14, 15, 19, 21, 22 IAB 5/14/25 **Regulatory Analysis**	Microsoft Teams Meeting ID: 244 623 271 706 Passcode: Fe7Jj6DN	June 3, 2025 11 to 11:30 a.m.

COLLEGE STUDENT AID COMMISSION[283]

Chiropractic loan forgiveness program, rescind ch 33 IAB 5/14/25 **Regulatory Analysis**	Room B50 Grimes State Office Building Des Moines, Iowa	June 3, 2025 4 to 4:30 p.m.
Iowa minority grants for economic success (images), rescind ch 22 IAB 5/14/25 **Regulatory Analysis**	Room B50 Grimes State Office Building Des Moines, Iowa	June 3, 2025 4 to 4:30 p.m.

ECONOMIC DEVELOPMENT AUTHORITY[261]

Debarment from participation in authority programs and transactions, ch 2 IAB 5/14/25 **Regulatory Analysis**	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	June 3, 2025 9:30 to 9:45 a.m.
Nuisance property and abandoned building remediation assistance, ch 22 IAB 5/14/25 **Regulatory Analysis**	1963 Bell Avenue Des Moines, Iowa opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review	June 3, 2025 9 to 9:15 a.m.
International trade financial assistance, ch 72 IAB 5/14/25 **Regulatory Analysis**	1963 Bell Avenue Des Moines, Iowa opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review	June 3, 2025 9:15 to 9:30 a.m.

EDUCATION DEPARTMENT[281]

Charter schools—performance framework, 19.9 IAB 5/14/25 **ARC 9193C**	Room B50 Grimes State Office Building Des Moines, Iowa	June 3, 2025 12 noon to 12:30 p.m.
Secondary career and technical education funds, 46.10(6) IAB 5/14/25 **ARC 9195C**	Room B50 Grimes State Office Building Des Moines, Iowa	June 3, 2025 12 noon to 12:30 p.m.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Fees, 30.3, 30.4, 30.6(2) IAB 5/14/25 **Regulatory Analysis**	Virtual Meeting (Google Meet or Zoom) A meeting registration link will be provided prior to the hearing	June 3, 2025 1 p.m.

HUMAN SERVICES DEPARTMENT[441]

Aging services, chs 225 to 228; long-term care ombudsman, ch 230; office of public guardian, ch 231 IAB 5/14/25 **Regulatory Analysis**	Microsoft Teams Meeting ID: 244 623 271 706 Passcode: Fe7Jj6DN	June 3, 2025 11 to 11:30 a.m.
Orthodontic procedures, 78.4(8)"c" IAB 5/14/25 **Regulatory Analysis**	Microsoft Teams Meeting ID: 264 402 551 733 Passcode: Y5xc3X4A	June 3, 2025 2 to 2:30 p.m.

IOWA FINANCE AUTHORITY[265]

Debarment from participation in authority programs and transactions, ch 5 IAB 5/14/25 **Regulatory Analysis**	1963 Bell Avenue, Suite 200 Des Moines, Iowa Registration information for online participation may be found at opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review	June 3, 2025 9:30 to 9:45 a.m.

IOWA PUBLIC INFORMATION BOARD[497]

Red Tape Review, chs 1 to 7, 9 to 11 IAB 5/14/25 **Regulatory Analysis**	Via videoconference meet.google.com/hvc-wmba-kem Or dial: 518.759.2454 Passcode: 264 086 811#	June 3, 2025 9 to 9:30 a.m.

MEDICINE BOARD[653]

Physician supervision of a physician assistant, ch 21	6200 Park Avenue Des Moines, Iowa	June 3, 2025 8 a.m. June 4, 2025 8 a.m.

PUBLIC HEALTH DEPARTMENT[641]

Licensure standards for substance use disorder and problem gambling treatment programs, ch 155 IAB 5/14/25 **Regulatory Analysis**	Microsoft Teams Meeting ID: 264 402 551 733 Passcode: Y5xc3X4A	June 3, 2025 2 to 2:30 p.m.

REVENUE DEPARTMENT[701]

Tax return preparers, 8.9 IAB 5/28/25 **ARC 9297C**	Via videoconference call meet.google.com/mvs-orhd-ssk	June 17, 2025 9:30 to 10 a.m.

TRANSPORTATION DEPARTMENT[761]

Warning lights on vehicles or equipment in road work zones, ch 135 IAB 5/28/25 **ARC 9291C**	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 871 814 623	June 17, 2025 10 to 10:30 a.m.
	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 151 597 808	June 17, 2025 1:30 to 2 p.m.

TRANSPORTATION DEPARTMENT[761](cont'd)

Statewide standard for permitting certain implements of husbandry, ch 181 IAB 5/14/25 **Regulatory Analysis**	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 954 386 698	June 19, 2025 9 to 9:30 a.m.
Application for license, ch 601 IAB 5/28/25 **ARC 9292C**	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 426 727 681#	June 17, 2025 1 to 1:30 p.m.
	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 789 973 712#	June 17, 2025 3:30 to 4 p.m.
Classes of driver's licenses, ch 602 IAB 5/28/25 **ARC 9293C**	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 396 147 18#	June 18, 2025 11:30 a.m. to 12 noon
	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 695 033 126#	June 18, 2025 1:30 to 2 p.m.
Commercial driver licensing, ch 607 IAB 5/28/25 **ARC 9294C**	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 539 974 123#	June 18, 2025 12 noon to 12:30 p.m.
	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 636 829 48#	June 18, 2025 2 to 2:30 p.m.
Driver's licenses for undercover law enforcement officers, ch 625 IAB 5/28/25 **ARC 9295C**	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 765 070 813#	June 18, 2025 12:30 to 1 p.m.
	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 662 350 454#	June 18, 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.

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The Administrative Rules Review Committee will hold its regular, statutory meeting on Monday, June 16, 2025, at 10 a.m. in Room 116, State Capitol, Des Moines, Iowa. For more information, contact Jack Ewing at jack.ewing@legis.iowa.gov. The following rules will be reviewed:

AGING, DEPARTMENT ON[17]

Commission on aging; aging and disability resource center, rescind chs 3, 23 Filed **ARC 9253C** 5/14/25

ECONOMIC DEVELOPMENT AUTHORITY[261]

Variance procedures for tax increment financing (TIF) housing projects, ch 26 Filed **ARC 9298C** 5/28/25
Rural housing needs assessment grant program, ch 28 Filed **ARC 9299C** 5/28/25
Rural innovation grant program, ch 29 Filed **ARC 9300C** 5/28/25
Empower rural Iowa program, ch 30 Filed **ARC 9301C** 5/28/25
Regional sports authority districts, ch 38 Filed **ARC 9302C** 5/28/25
Iowa tourism grant program, ch 42 Filed **ARC 9303C** 5/28/25

EDUCATION DEPARTMENT[281]

Charter schools—performance framework, 19.9 Notice **ARC 9193C** 5/14/25
Secondary career and technical education funds, 46.10(6) Notice **ARC 9195C** 5/14/25

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Private water well construction permits; nonpublic water wells—permits and construction, rescind ch 38; adopt ch 49 Filed **ARC 9196C** 5/14/25
Requirements for properly plugging abandoned wells, ch 39 Filed **ARC 9197C** 5/14/25
Drinking water state revolving fund, ch 44 Filed **ARC 9198C** 5/14/25
Scope of division—definitions—forms—rules of practice; water use, withdrawals, and diversions, adopt ch 50; rescind chs 51, 52 Filed **ARC 9199C** 5/14/25
Protected water sources, ch 53 Filed **ARC 9200C** 5/14/25
Water use permit restrictions or compensation by permitted users to nonregulated users due to well interference, ch 54 Filed **ARC 9201C** 5/14/25
Aquifer storage and recovery, ch 55 Filed **ARC 9202C** 5/14/25
Scope of title, definitions, wastewater construction permits, and operation permits; pesticide application to waters, adopt ch 60; rescind chs 64, 66 Filed **ARC 9203C** 5/14/25
Effluent and pretreatment standards: other effluent limitations or prohibitions, ch 62 Filed **ARC 9204C** 5/14/25
Monitoring, analytical and reporting requirements, ch 63 Filed **ARC 9205C** 5/14/25
Standards for the land application of sewage sludge, ch 67 Filed **ARC 9206C** 5/14/25
Commercial septic tank cleaners, ch 68 Filed **ARC 9207C** 5/14/25
Scope of title—definitions—forms—rules of practice, ch 70 Filed **ARC 9208C** 5/14/25
Floodplain or floodway development—when approval is required; management of floodplain areas; federal water resource projects, adopt ch 71; rescind chs 75, 76 Filed **ARC 9209C** 5/14/25
Criteria for approval, ch 72 Filed **ARC 9210C** 5/14/25
Approval, construction, use, maintenance, removal, inspections, and safety of dams, ch 73 Filed **ARC 9211C** 5/14/25
Operator certification: public water supply systems and wastewater treatment systems, ch 81 Filed **ARC 9212C** 5/14/25
Well contractor certification, ch 82 Filed **ARC 9213C** 5/14/25
Laboratory certification, ch 83 Filed **ARC 9214C** 5/14/25
Scope of title—definitions—forms; clean water state revolving fund; criteria for rating and ranking projects for the water pollution control state revolving fund; clean water state revolving fund; nonpoint source pollution control set-aside programs, adopt ch 90; rescind chs 91, 92, 93 Filed **ARC 9215C** 5/14/25

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Local emergency management, ch 7 Filed **ARC 9271C** 5/14/25
Criteria for awards or grants, ch 8 Filed **ARC 9254C** 5/14/25
Mass notification and emergency messaging system, ch 15 Filed **ARC 9255C** 5/14/25

HUMAN RIGHTS DEPARTMENT[421]

Functions of division, rescind ch 40 Filed **ARC 9256C** 5/14/25
Hall of fame, rescind ch 41 Filed **ARC 9257C** 5/14/25

HUMAN SERVICES DEPARTMENT[441]

Disability services management; alternative diagnostic facilities; definitions; behavioral health service system eligibility and services; behavioral health administrative service organizations; district behavioral health

advisory councils; mental health advocates; data collection, rescind chs 25, 34; adopt chs 300 to 302, 304, 305, 310 Filed **ARC 9274C** . . . 5/14/25
Policies for mental health institutes and resource center; mental health institutes; state resource center, chs 28 to 30 Filed **ARC 9275C** . . . 5/14/25
Application for aid, ch 40 Filed **ARC 9276C** . . . 5/14/25
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Payment, ch 45 Filed **ARC 9259C** . . . 5/14/25
Overpayment recovery, ch 46 Filed **ARC 9260C** . . . 5/14/25
Diversion initiatives, ch 47 Filed **ARC 9261C** . . . 5/14/25
Application for assistance, ch 50 Filed **ARC 9304C** . . . 5/28/25
Eligibility, ch 51 Filed **ARC 9305C** . . . 5/28/25
Payment, ch 52 Filed **ARC 9306C** . . . 5/28/25
Facility participation, ch 54 Filed **ARC 9307C** . . . 5/28/25
Interim assistance reimbursement, ch 57 Filed **ARC 9308C** . . . 5/28/25
Refugee cash assistance, ch 60 Filed **ARC 9278C** . . . 5/14/25
Rent reimbursement, ch 62 Filed **ARC 9309C** . . . 5/28/25
Supplemental nutrition assistance program administration, ch 65 Filed **ARC 9310C** . . . 5/28/25
Emergency food assistance program, ch 66 Filed **ARC 9311C** . . . 5/28/25
Nursing facilities, ch 81 Filed **ARC 9279C** . . . 5/14/25
Services in psychiatric institutions, ch 85 Filed **ARC 9312C** . . . 5/28/25
Specialized managed care programs, ch 88 Filed **ARC 9280C** . . . 5/14/25
Debts due from transfers of assets, ch 89 Filed **ARC 9313C** . . . 5/28/25
Medicare drug subsidy, ch 91 Filed **ARC 9314C** . . . 5/28/25
PROMISE JOBS program, ch 93 Filed **ARC 9281C** . . . 5/14/25
Disability services definitions; disability services advisory councils; disability services; aging and disability resource centers; data collection, chs 221 to 224, 229 Filed **ARC 9282C** . . . 5/14/25

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Continuing education for podiatrists, 702.2(1) Filed **ARC 9216C** . . . 5/14/25
Continuing education for orthotists, prosthetists, and pedorthists, 705.2(4) Filed **ARC 9217C** . . . 5/14/25
Speech pathologists and audiologists—hearing aid dispensing, 741.2 Filed **ARC 9315C** . . . 5/28/25
Speech pathologists and audiologists—continuing education, 742.2 Filed **ARC 9316C** . . . 5/28/25
Continuing education for optometrists, 761.2(1) Filed **ARC 9283C** . . . 5/14/25
Continuing education for physician assistants, 782.2(1) Filed **ARC 9262C** . . . 5/14/25
Continuing education for chiropractic physicians, 844.2(4) Filed **ARC 9218C** . . . 5/14/25
Sign language interpreters and transliterators—continuing education, 962.2(6) Filed **ARC 9317C** . . . 5/28/25
Sign language interpreters and transliterators—licensure of employers, ch 965 Filed **ARC 9318C** . . . 5/28/25
Licensure of nursing home administrators—provisional license or appointment, 980.5 Amended Notice **ARC 9273C** 5/14/25
Continuing education for nursing home administration, 981.2(1) Filed **ARC 9284C** . . . 5/14/25
Licensure of hearing aid specialists, ch 2060 Filed **ARC 9285C** . . . 5/14/25
Continuing education for hearing aid specialists, 2061.2(1) Filed **ARC 9286C** . . . 5/14/25
Discipline for hearing aid specialists, ch 2063 Notice **ARC 9272C** . . . 5/14/25

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Contribution rates; proof of date of birth, 4.6, 11.1(1)"a" Filed **ARC 9287C** . . . 5/14/25

MEDICINE BOARD[653]

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Physician supervision of a physician assistant, ch 21 Notice **ARC 9296C** . . . 5/28/25

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Special events and fireworks displays, ch 44 Filed **ARC 9220C** . . . 5/14/25
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Inspection of permanently moored vessels, ch 48 Filed **ARC 9223C** 5/14/25
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Wildlife refuges, ch 52 Filed **ARC 9227C** 5/14/25
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Nonpermanent structures, ch 55 Filed **ARC 9229C** 5/14/25
Shooting sports grant program, ch 56 Filed **ARC 9230C** 5/14/25
State parks, recreation areas, and state forest camping; keg beer rules, amend ch 61; rescind ch 63 Filed **ARC 9231C** 5/14/25
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Pheasant, quail and gray (Hungarian) partridge hunting seasons; small game hunting; crow and pigeon regulations; rabbit and squirrel hunting, adopt ch 96; rescind chs 100, 107 Filed **ARC 9239C** 5/14/25
Wild turkey hunting, adopt ch 98; rescind ch 99 Filed **ARC 9240C** 5/14/25
Falconry regulations, ch 101 Filed **ARC 9241C** 5/14/25
Deer population management zones, ch 105 Filed **ARC 9242C** 5/14/25
Mink, muskrat, raccoon, badger, opossum, weasel, striped skunk, fox (red and gray), beaver, coyote, river otter, bobcat, gray (timber) wolf and spotted skunk seasons; wild furbearer trapping and hunting; groundhog season; trapping limitations, adopt ch 108; rescind chs 109, 110 Filed **ARC 9243C** 5/14/25
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PUBLIC HEALTH DEPARTMENT[641]

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Dental screening, ch 51 Filed **ARC 9321C** 5/28/25
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Advisory council on brain injuries, rescind ch 55 Filed **ARC 9322C** 5/28/25
Public health response teams, ch 113 Filed **ARC 9323C** 5/28/25
Anatomical gift public awareness and transplantation fund, rescind ch 122 Filed **ARC 9324C** 5/28/25
Emergency medical services advisory council, rescind ch 130 Filed **ARC 9325C** 5/28/25

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Unlawful practices, 21.2 Filed **ARC 9251C** 5/14/25
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REVENUE DEPARTMENT[701]

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Inheritance tax; Iowa estate tax; generation skipping transfer tax, adopt ch 900; rescind chs 901, 902 Filed **ARC 9326C** 5/28/25

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Declaratory orders, ch 3 Filed **ARC 9329C** . . . 5/28/25
Agency procedure for rulemaking, ch 4 Filed **ARC 9330C** . . . 5/28/25
Public records and fair information practices, ch 5 Filed **ARC 9331C** . . . 5/28/25
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ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

Senator Mike Klimesh
Vice Chair
Senate District 32

Representative Chad Ingels
Chair
House District 68

Senator Mike Bousselot
Senate District 21

Representative Amy Nielsen
House District 85

Senator Dan Dawson
Senate District 10

Representative Rick Olson
House District 39

Senator Sarah Trone Garriot
Senate District 14

Representative Mike Sexton
House District 7

Senator Cindy Winckler
Senate District 49

Representative David Young
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Steve Blankenship
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 18
Des Moines, Iowa 50319
Telephone: 515.281.5211

ARC 9296C

MEDICINE BOARD[653]

Notice of Intended Action

Proposing rulemaking related to physician supervision of a physician assistant and providing an opportunity for public comment

The Board of Medicine (Board) hereby proposes to rescind Chapter 21, "Physician Supervision of a Physician Assistant," 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 chapters 17A, 147, 148C and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 148C.3 and 272C.3.

Purpose and Summary

This rulemaking proposes to rescind Chapter 21 and adopt a new chapter with the same title. This proposed rulemaking implements Iowa Code section 148C.5 as amended by 2023 Iowa Acts, House File 424, in accordance with the goals and directives of Executive Order 10. Iowa Code section 148C.3 requires the Board and Board of Physician Assistants to adopt joint rules requiring a licensed physician assistant to be supervised by a physician during the first two years of independent practice if the physician assistant has not previously practiced under a supervising physician or in collaboration therewith for a period of at least two years.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 16, 2024. A public hearing was held on the following date(s):

- November 5, 2024

The following public comments were received from the Iowa Physician Assistant Society (Sydney Gangestad):

- House File 424 passed in 2023 and was signed into law. This legislation required the Board to work with the Board of Physician Assistants on rulemaking related to the independent practice of physician assistants, which applies to brand-new physician assistants graduating from school and wanting to open their own practice.
- The Board of Physician Assistants has made numerous drafts of the rules, and the Board has not acknowledged the work of the Board of Physician Assistants. The Board continues to put forth rules that are beyond the scope of House File 424 and is usurping legislative authority.
- The Board no longer has the authority to put forth supervision rules.
- The fiscal impact of this rulemaking does not account for the incentives received by physicians who supervise physician assistants or the burden on the physician assistant to have supervision.
- The only people impacted by the stall in rules being adopted are Iowans who are not able to benefit from the intent of House File 424.

The following public comments were received from the Iowa Medical Society:

- The Legislature identified a strong desire to have physician assistant supervision.
- These rules are supposed to be joint rules, which requires the opinion of the Board and also allows the Board to have a voice in the rules.

- The Iowa Medical Society hopes that the Board of Physician Assistants will come to the table and work with the Board to draft joint rules.

The Board approved this Notice of Intended Action with proposed changes from the Regulatory Analysis. Changes were made to Chapter 21 to align with 481—Chapter 780, which represents the joint rules between the Board of Physician Assistants and the Board of Medicine.

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 Department of Inspections, Appeals, and Licensing no later than 4:30 p.m. on June 17, 2025. Comments should be directed to:

Emily DeRonde
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Email: emily.deronde@dia.iowa.gov

Public Hearing

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

June 3, 2025 8 a.m.	6200 Park Avenue Des Moines, Iowa
June 4, 2025 8 a.m.	6200 Park Avenue Des Moines, Iowa

Information on virtual participation will be available on the Department's website prior to the 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 653—Chapter 21 and adopt the following **new** chapter in lieu thereof:

CHAPTER 21
PHYSICIAN SUPERVISION OF A PHYSICIAN ASSISTANT

653—21.1(148,272C) Ineligibility determinants. A physician with an active permanent, special, or temporary Iowa license who is actively engaged in the practice of medicine in Iowa may supervise a physician assistant. A physician is ineligible to supervise a physician assistant for any of the following reasons:

21.1(1) The physician does not hold an active, permanent, special or temporary Iowa medical license.

21.1(2) The physician is subject to a disciplinary order of the board that restricts or rescinds the physician's authority to supervise a physician assistant. The physician may supervise a physician assistant to the extent that the order allows.

21.1(3) The physician is already supervising five physician assistants.

653—21.2(148,272C) Exemptions from this chapter. This chapter does not apply to the following:

21.2(1) A physician working in a federal facility or under federal authority when the provisions of this chapter conflict with federal regulations.

21.2(2) A physician who supervises a physician assistant providing medical care created by an emergency or a state or local disaster pursuant to Iowa Code section 148C.4.

653—21.3(148) Board notification. A physician who supervises a physician assistant shall notify the board of the supervisory relationship within 60 days of the provision of initial supervision and at the time of the physician's license renewal.

653—21.4(148,272C) Requirements for supervising. More information regarding requirements for supervising can be found in rules 481—780.6(148C) and 481—780.8(148C).

653—21.5(148,272C) Grounds for discipline. A physician may be subject to disciplinary action for supervising a physician assistant in violation of these rules or 653—Chapter 23 or 481—Chapter 780, which relate to duties and responsibilities for physician supervision of physician assistants. Grounds for discipline also include:

21.5(1) The physician supervises a physician assistant when the physician does not have sufficient training or experience to supervise a physician assistant in the area of medical practice in which a physician assistant is to be utilized.

21.5(2) A physician supervises more than five physician assistants at the same time.

21.5(3) The physician fails to ensure that the physician assistant is adequately supervised, including being available in person or by telecommunication to respond to the physician assistant.

21.5(4) The physician fails to adequately direct and supervise a physician assistant or fails to comply with the minimum standards of supervision in accordance with this chapter, 481—Chapters 780 through 784, and Iowa Code chapters 148 and 148C.

653—21.6(148,272C) Disciplinary sanction. The board may restrict or rescind a physician's authority to supervise a physician assistant as part of a disciplinary sanction following a contested case proceeding if the reason for the disciplinary action impacts the ability of the physician to supervise a physician assistant. The board shall notify the board of physician assistants when it takes a disciplinary action against a physician's license that affects the physician's authority to supervise a physician assistant.

653—21.7(148,272C) Communication with physician assistant supervisees. The physician shall notify all physician assistant supervisees within one workday upon receiving disciplinary action from the board or any other change in status that affects the physician's eligibility to supervise a physician assistant.

These rules are intended to implement Iowa Code sections 148C.3 and 272C.3.

ARC 9297C

REVENUE DEPARTMENT[701]

Notice of Intended Action

Proposing rulemaking related to tax return preparers and providing an opportunity for public comment

The Revenue Department hereby proposes to amend Chapter 8, "Forms and Communications," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 421.14.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 421.62 through 421.64.

Purpose and Summary

This proposed rule describes the continuing education obligations and other requirements for Iowa tax return preparers to maintain and the penalties imposed if the obligations and requirements are not maintained. This rule previously existed as rule 701—7.36(17A), which was rescinded. Readopting the rule under Chapter 8 provides the benefit of providing definitions and examples as useful guidance. The Administrative Rules Coordinator provided preclearance for publication of this Notice of Intended Action on April 25, 2025.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on April 2, 2025. A public hearing was held on the following date(s):

- April 22, 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 rule 701—3.7(99G,123,421,17A).

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 June 17, 2025. Comments should be directed to:

Kurt Konek
Department of Revenue
Hoover State Office Building
P.O. Box 10457
Des Moines, Iowa 50306

Phone: 515.587.0440
Email: kurt.konek@iowa.gov

Public Hearing

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

June 17, 2025	Via videoconference call
9:30 to 10 a.m.	meet.google.com/mvs-orhd-ssk

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** rule 701—8.9(421):

701—8.9(421) Tax return preparers.

8.9(1) *Definitions.* Unless otherwise indicated in this rule or required by the context, all words and phrases used in this rule that are defined under Iowa Code sections 421.62, 421.63, and 421.64 shall have the same meaning as provided under those Iowa Code sections.

"An enrolled agent enrolled to practice before the federal Internal Revenue Service (IRS) pursuant to 31 CFR §10.4" means an individual who has an active status as an enrolled agent under 31 CFR §10.4(a) or (d) and is not currently under suspension or disbarment from practice before the IRS. An enrolled agent does not include an enrolled retirement plan agent under 31 CFR §10.4(b) or a registered tax return preparer under 31 CFR §10.4(c).

"An individual admitted to practice law in this state or another state" means an individual who has an active license to practice law in this state or another state, is considered in good standing with the licensing authority of this or another state, and is currently authorized to engage in the practice of law.

"An individual licensed as a certified public accountant or a licensed public accountant under Iowa Code chapter 542 or a similar law of another state" means an individual who has an active certified public accountant license or an active public accountant license under Iowa Code chapter 542 or a similar law of another state and is in good standing with the accountancy examining board or similar authority of another state.

"Hour of continuing education" means a minimum of 50 minutes spent by a tax return preparer in actual attendance at or completion of an IRS-approved provider of continuing education course.

"New tax preparer" means an individual who qualifies as a tax return preparer for the current tax year but would not have qualified as such during any prior calendar year. Paragraph 8.9(8)*"a"* includes examples regarding who qualifies as a new tax preparer.

8.9(2) *Penalty for tax return preparer's failure to include preparer tax identification number (PTIN) on income tax returns or claims for refund.* A tax return preparer who fails to include the tax return preparer's PTIN on any income tax return or claim for refund prepared by the tax return preparer and filed with the department is subject to a penalty pursuant to Iowa Code section 421.62(2). Paragraph 8.9(8)*"c"* includes examples pertaining to the tax return preparer PTIN requirement.

8.9(3) *Tax return preparer continuing education requirement.* A tax return preparer shall complete a minimum of 15 hours of continuing education courses each year. At least two hours of continuing education shall be on professional ethics, and the remaining hours shall pertain to federal or state income tax. Each course shall be taken from an IRS-approved provider of continuing education. If a course offered by an IRS-approved provider is primarily on state-specific income tax content, the course will qualify for the continuing education requirements under Iowa Code section 421.64 and this rule, even if such course does not count toward federal continuing professional education. Tax return preparers who complete more than the required 15 hours of continuing education in one calendar year cannot count the excess hours toward a subsequent year's requirement. Paragraph 8.9(8)*"b"* includes examples pertaining to the tax return preparer continuing education requirement.

8.9(4) *Preparation of income tax returns or claims for refund.* An individual prepares an income tax return or claim for refund when the individual signs (or should sign) a return, either because the individual completes the return or because the individual assumes final responsibility for preliminary work completed by other individuals.

8.9(5) *Approved providers and courses.*

a. Approved providers of continuing education. Any IRS-approved provider of continuing education is acceptable. It is not mandatory that a continuing education course be taken from an Iowa provider.

b. Approved continuing education course subject matters. Only continuing education courses on the topics of federal or state income tax or professional ethics are approved for credit.

c. Approved continuing education format. Continuing education courses that satisfy the requirements of Iowa Code section 421.64 and this rule may be taken for credit in person, online, or by self-study as long as the courses are administered by an IRS-approved provider of continuing education.

8.9(6) *Reporting hours of continuing education and retaining records.*

a. Reporting hours of continuing education to the department. Tax return preparers shall report their continuing education hours to the department by February 15 of the calendar year following the year in which hours were completed to be eligible to prepare income tax returns or claims for refund. Hours must be reported using IA Form 78-012 or by completing the Income Tax Preparer Continuing Education form on GovConnectIowa. If a tax return preparer fails to complete the required minimum hours of continuing education by the date prescribed in this subrule, the individual must show that failure to do so was reasonable under the circumstances and not willful or reckless conduct. IRS-approved providers are not required to report continuing education courses to the department.

b. Retaining records of continuing education. Tax return preparers are required to retain records of continuing education completion for a minimum of five years. This record retention shall include but not be limited to certificates of completion if offered by the IRS-approved provider of continuing education upon completion of a course.

8.9(7) *Reinstatement of a tax return preparer.* When a tax return preparer fails to complete the minimum 15 hours of continuing education courses but demonstrates that the failure was reasonable under the circumstances and not willful or reckless conduct, the department may require the tax return preparer to make up any uncompleted hours and submit a completed IA Form 78-012 to the department or complete the Income Tax Preparer Continuing Education form on GovConnectIowa by a date set by the department before the tax return preparer may engage in activity as a tax return preparer.

8.9(8) *Examples.*

a. Tax return preparer examples.

EXAMPLE 1: During prior calendar years, an individual, N, prepared nine or fewer income tax returns or claims for refund for a fee or other consideration. During the current calendar year, N, for a fee or other consideration, prepares ten income tax returns or claims for refund. N meets the definition of a "tax return preparer" for the current calendar year. Therefore, N will be subject to the penalty for failure to include N's PTIN on every income tax return or claim for refund that N prepares during the current calendar year. However, N also qualifies as a new tax preparer for the current calendar year because this is the first year N satisfies the definition of a "tax return preparer." Therefore, N does not need to complete 15 hours of continuing education courses during the prior calendar year to prepare returns in

the current calendar year. N will need to complete the minimum 15 hours of continuing education courses during the current calendar year to be eligible to prepare returns during the following calendar year if N meets the definition of "tax return preparer" in the following calendar year.

EXAMPLE 2: An individual, B, prepared ten income tax returns or claims for refund during a prior calendar year for a fee or other consideration. Therefore, B is a tax return preparer. B continues to prepare income tax returns or claims for refund for a fee or other consideration during the current calendar year, but B only prepares a total of nine such tax returns throughout the current calendar year. B does not complete any hours of continuing education courses during the current calendar year. B will not be eligible to prepare ten or more income tax returns or refund claims for a fee or other consideration during the next calendar year because, even though B did not prepare ten or more income tax returns or claims for refund in the current calendar year, B would have been classified as a tax return preparer in a prior calendar year. Thus, B is not considered a new tax preparer.

b. Continuing education requirement examples.

EXAMPLE 3: During the calendar year, an individual, P, prepares ten income tax returns or claims for refund for a fee or other consideration. Therefore, P is a tax return preparer. During the calendar year, P also completes 30 hours of continuing education courses from programs offered by an IRS-approved provider of continuing education, 4 hours of which are on professional ethics and the remaining hours on income tax. P is eligible to prepare returns during the next calendar year. However, P must complete 15 additional hours of continuing education courses offered by an IRS-approved provider, including 2 hours on professional ethics and the remaining hours on income tax, during the next calendar year to be eligible to prepare returns in the following calendar year if P is to meet the definition of "tax return preparer" in the following calendar year. P's excess hours completed in a previous calendar year cannot be applied toward the 15 hours of continuing education courses that P must complete in a future calendar year.

EXAMPLE 4: During the prior calendar year, a tax return preparer, P, completes 12 hours of continuing education courses from programs offered by an IRS-approved provider of continuing education. Two of the hours are on professional ethics, and the rest relate to income tax. P is not eligible to prepare income tax returns or claims for refund during the current calendar year, regardless of the tax year of the returns P is preparing, because P has not completed a total of 15 continuing education hours during the prior calendar year. During the current calendar year, P completes 15 hours of continuing education courses from programs offered by an IRS-approved provider. Two of P's hours are from professional ethics courses, and the remaining 13 hours are from income tax courses. P is eligible to prepare returns during the following calendar year, regardless of the tax years of the returns P prepares. However, P is still ineligible to prepare returns for the remaining duration of the current calendar year, regardless of the tax years of the returns P wishes to prepare.

c. PTIN requirement examples.

EXAMPLE 5: An individual, X, works at a firm in the business of preparing income tax returns for a fee or other consideration. X completes a substantial amount of preliminary work on ten returns (that are not the returns of X's employer) described in this rule during the scope of X's employment during the calendar year, but X does not assume final responsibility for the work or sign the returns. Instead, X's supervisor, Y, reviews the work completed by X and signs the returns. Y is a tax return preparer because Y assumed final responsibility for the returns. Therefore, Y's PTIN is required on all of the returns. X's PTIN is not required on any of the returns, nor will X incur any penalties for omitting X's PTIN on the returns.

EXAMPLE 6: An individual, X, has a partnership with another individual, Y, in which X and Y prepare income tax returns for a fee or other consideration. X completes ten income tax returns during the calendar year. However, before X signs or files the returns, X asks Y to review the returns. Y reviews the returns and suggests substantial changes, but Y then gives the returns back to X. X makes the necessary changes, then signs and files the returns. X is a tax return preparer. X's PTIN is required on all of the returns because X assumed final responsibility for the returns. Y's PTIN is not required on any of the returns. If X omits X's PTIN on any of the returns, X will incur a $50 civil penalty for each violation

unless X shows that the omission was reasonable under the circumstances and not willful or reckless conduct.

EXAMPLE 7: An individual, X, completes five income tax returns and five claims for refund for a fee or other consideration during a calendar year. X does not sign the returns, even though no other paid tax return preparer reviewed X's work and took final responsibility for the return. X's PTIN is required on all of the returns because X is a paid tax return preparer for those returns, even though X failed to sign the returns as required. X is subject to a fine of $50 per return that omitted the required PTIN because X is a tax return preparer.

This rule is intended to implement Iowa Code sections 421.62, 421.63, and 421.64.

Notice of Electric and Natural Gas Delivery Tax Rate Changes

Pursuant to the authority of Iowa Code sections 437A.4 and 437A.5, the Director of Revenue hereby gives notice of the changes to the electric and the natural gas delivery tax rates. These rates will be used in conjunction with the number of kilowatt hours of electricity and the number of therms of natural gas delivered to consumers in calendar year 2024 by each taxpayer, for replacement taxes payable in the 2025-2026 fiscal year.

2024 ELECTRIC DELIVERY TAX RATES BY SERVICE AREA
RATE CHANGES ONLY

CO. #	MUNICIPAL ELECTRICS	DELIVERY TAX RATE
3201	Algona Municipal Utilities	0.00023323
3228	Bigelow Municipal Electric Utility	0.00342748
3221	Cedar Falls Municipal Elec. Utility	0.00022360
3237	Coon Rapids Municipal Utilities	0.00003650
3230	City of Fredericksburg	0.00000777
3258	Grand Junction Municipal Utilities	0.00000500
3267	Hopkinton Municipal Utilities	0.00000617
3112	Manning Municipal Electric	0.00009509
3288	McGregor Municipal Utilities	0.00000776
3337	Villisca Municipal Power Plant	0.00025674
3338	Waverly Light & Power	0.00078139
3345	West Bend Municipal Power Plant	0.00075045
3347	West Point Municipal Utility System	0.00167501

CO. #	IOUs — ELECTRIC	DELIVERY TAX RATE
7206	Amana Society Service Co.	0.00075832

CO. #	RECs	DELIVERY TAX RATE
4214	Boone Valley Electric Coop	0.00089047
4218	Butler County REC	0.00062535
4220	Cass Electric Coop	0.00004961
4251	Federated Rural Electric	0.00035393
4253	Franklin Rural Electric Coop	0.00071413
4259	Grundy County REC	0.00063081

CO. #	RECs	DELIVERY TAX RATE
4266	Hawkeye REC	0.00048416
4223	Heartland Power Coop	0.00031479
4280	Lyon Rural Electric Coop	0.00046282
4299	Nishnabotna Valley REC	0.00049174
4300	North West Rural Electric Coop	0.00033128
4308	Osceola Electric Coop	0.00020752
4313	Pleasant Hill Community Line	0.00028001
4379	Southwest Iowa Service Coop	0.00305638
4333	Tri-County Electric Coop	0.00077970
4348	Western Iowa Power Coop	0.00112627
4352	Woodbury County REC	0.00073287

2024 NATURAL GAS DELIVERY TAX RATES BY SERVICE AREA
RATE CHANGES ONLY

CO. #	MUNICIPAL GAS	DELIVERY TAX RATE
5215	Brighton Gas	0.00742628
5238	Coon Rapids Municipal Gas	0.00004778
5275	Lamoni Municipal Gas	0.00086814
5281	Manilla Municipal Gas	0.00523888
5317	Rock Rapids Municipal Gas	0.00013139
5340	Wayland Municipal Gas	0.00020700
5349	Winfield Municipal Gas	0.00098466

CO. #	IOUs — GAS	DELIVERY TAX RATE
5204	Allerton Gas	0.03107436
5335	United Cities Gas	0.00241563

ARC 9288C

SECRETARY OF STATE[721]

Notice of Intended Action

Proposing rulemaking related to dates certain and providing an opportunity for public comment

The Secretary of State hereby proposes to amend Chapter 29, "Elections Technology Security," and Chapter 43, "Notarial Acts," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 9B.14A(8), 17A.5(5), 17A.5(6) and 47.1.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 9B and 47.

Purpose and Summary

This proposed rulemaking amends rules 721—29.4(47) and 721—43.9(9B) to add dates certain for references to National Institute of Standards and Technology (NIST) Special Publications as required by 2024 Iowa Acts, House File 688.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024. A public hearing was held on the following date(s):

- December 31, 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 Secretary of State for a waiver of the discretionary provisions, if any, pursuant to 721—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Secretary of State no later than 4:30 p.m. on June 17, 2025. Comments should be directed to:

Carl Dietz
Office of the Secretary of State
Lucas State Office Building, First Floor
321 East 12th Street
Des Moines, Iowa 50319
Email: carl.dietz@sos.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. Amend subrule 29.4(11) as follows:

29.4(11) Any county information technology infrastructure that is used to access or conduct any part of elections in the state is subject to the following requirements:

a. Passwords to access the county network must be compliant with the standards enumerated by either the ~~National Institute of Standards and Technology,~~ June 2017 edition, including the March 2, 2020, updates, of NIST Special Publication 800-63B; the OCIO~~;~~; or guidance issued by the state commissioner.

b. Session-lock timeout standards must be compliant with the standards enumerated by either the ~~National Institute of Standards and Technology~~ June 2017 edition, including the March 2, 2020, updates, of NIST Special Publication 800-63B or guidance issued by the state commissioner.

c. and *d.* No change.

ITEM 2. Amend subrule 43.9(2) as follows:

43.9(2) Identity proofing and credential analysis must be performed by a third-party credential service provider whose methods and standards are substantially similar to those defined in the ~~most recent edition of the National Institute of Standards and Technology's Digital Identity Guidelines,~~ June 2017 edition, including the March 2, 2020, updates, of NIST Special Publication 800-63-3 and that has provided evidence to the notary public of the ability to satisfy the following requirements:

a. and *b.* No change.

c. Credential analysis shall, at a minimum, do all of the following:

(1) Use automated software processes to aid the notary public in verifying the identity of a principal or any credible witness.

(2) Ensure that the credential passes an authenticity test, substantially similar to those defined in the ~~most recent edition of the National Institute of Standards and Technology's Digital Identity Guidelines~~ June 2017 edition, including the March 2, 2020, updates, of NIST Special Publication 800-63-3, that:

1. to 4. No change.

(3) No change.

d. No change.

ARC 9289C

SECRETARY OF STATE[721]

Notice of Intended Action

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

The Secretary of State hereby proposes to amend Chapter 40, "Corporations," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 548.117.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 548.

Purpose and Summary

The proposed subrule prescribes the existing trademark registration-related fees as required by Iowa Code section 548.117.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024. A public hearing was held on the following date(s):

- December 31, 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 Secretary of State for a waiver of the discretionary provisions, if any, pursuant to 721—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Secretary of State no later than 4:30 p.m. on June 17, 2025. Comments should be directed to:

Carl Dietz
Office of the Secretary of State
Lucas State Office Building, First Floor
321 East 12th Street
Des Moines, Iowa 50319
Email: carl.dietz@sos.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** subrule 40.5(13):

40.5(13) *Fees.* Fees for mark applications, assignments, and cancellations are established as follows:

Application for registration of mark:	$10
Application for renewal of registered mark:	$10
Assignment of registration of mark:	$5
Cancellation of registration of mark:	$5

ARC 9290C

SECRETARY OF STATE[721]

Notice of Intended Action

Proposing rulemaking related to mechanics' notice and lien registry and providing an opportunity for public comment

The Secretary of State hereby proposes to amend Chapter 45, "Mechanics' Notice and Lien Registry," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 572.34.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 572.

Purpose and Summary

This proposed rulemaking adds subrules under rules 721—45.4(572) and 721—45.5(572) to adopt specifics for renewing, making inactive, and removing inactive Mechanics' Notice and Lien Registry (MNLR) preliminary notices and notices of commencement of work as required by Iowa Code section 572.34(12).

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024. A public hearing was held on the following date(s):

- December 31, 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 Secretary of State for a waiver of the discretionary provisions, if any, pursuant to 721—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Secretary of State no later than 4:30 p.m. on June 17, 2025. Comments should be directed to:

Carl Dietz
Office of the Secretary of State
Lucas State Office Building, First Floor
321 East 12th Street
Des Moines, Iowa 50319
Email: carl.dietz@sos.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. Amend rule 721—45.4(572) as follows:

721—45.4(572) Posting of notice of commencement of work; renewal of notice; inactive notice.

45.4(1) to **45.4(3)** No change.

45.4(4) *Renewal of notice of commencement of work.* A notice of commencement of work may be renewed on the MNLR within 30 days prior to being declared inactive.

45.4(5) *Notice of commencement of work declared inactive.* A notice of commencement of work, if there are no related active postings, shall be declared inactive two years from the date of posting, unless renewed.

45.4(6) *Removal of inactive notice.* A notice of commencement of work shall be removed from the MNLR one year after being declared inactive.

ITEM 2. Amend rule 721—45.5(572) as follows:

721—45.5(572) Posting of preliminary notice; renewal of notice; inactive notice.

45.5(1) to **45.5(4)** No change.

45.5(5) *Renewal of preliminary notice.* A preliminary notice may be renewed on the MNLR within 30 days prior to being declared inactive.

45.5(6) *Preliminary notice declared inactive.* A preliminary notice that remains posted on the MNLR two years after the date of posting shall be declared inactive by the administrator, unless renewed.

45.5(7) *Removal of inactive notice.* A preliminary notice shall be removed from the MNLR one year after being declared inactive.

ARC 9291C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to warning lights on vehicles or equipment in road work zones and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 135, "Warning Lights on Vehicles or Equipment Not Owned and Operated by the Department When Used in Road Work Zones," and to adopt a new Chapter 135, "Warning Lights on Vehicles or Equipment in Road Work Zones," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12(1)"j" and 321.423(7)"a."

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 321.423(7)"a."

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 135 in compliance with Executive Order 10. Proposed Chapter 135 establishes the eligibility of vehicles or equipment that are not owned or operated by the Department to use flashing white lights in road work zones on State or local highways.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on February 5, 2025. A public hearing was held on the following date(s):

- February 25, 2025

The Department received no comments.

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 761—Chapter 11.

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 June 17, 2025. Comments should be directed to:

Sara Siedsma
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.237.3058
Email: sara.siedsma@iowadot.us

Public Hearing

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

June 17, 2025 10 to 10:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 871 814 623
June 17, 2025 1:30 to 2 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 151 597 808

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 impairments, should contact Sara Siedsma 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 761—Chapter 135 and adopt the following **new** chapter in lieu thereof:

CHAPTER 135
WARNING LIGHTS ON VEHICLES OR EQUIPMENT IN ROAD WORK ZONES

761—135.1(321) White warning lights on vehicles or equipment in road work zones.

135.1(1) *Purpose.* The purpose of this rule is to establish the eligibility of vehicles or equipment that are not owned or operated by the department to use flashing white lights in accordance with Iowa Code section 321.423(7)*"a."*

135.1(2) *Eligibility.* A vehicle or other equipment that is not owned or operated by the department may use a flashing white light while the vehicle or other equipment is being used in road work zones on state or local highways.

135.1(3) *Information.* Information regarding this rule is available from the Construction and Materials Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by telephone at 515.239.1352.

This rule is intended to implement Iowa Code section 321.423(7)*"a."*

ARC 9292C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to application for license and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 601, "Application for License," 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 sections 307.12(1)"j" and 321.182.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A; section 4.1A as enacted by 2025 Iowa Acts, Senate File 418; sections 321.13, 321.177, 321.182, 321.184, 321.186, 321.189, 321.196, 321.197 and 321C.1; Article V, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 601 in compliance with Executive Order 10. Proposed Chapter 601 complies with Iowa Code section 321.182 and the federal REAL ID Act, which require the Department to adopt rules regarding the application for a driver's license and to administer REAL ID driver's licenses in compliance with federal regulations.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025. A public hearing was held on the following date(s):

- March 13, 2025

The Department received no comments. The Department is making additional changes to the chapter to incorporate changes needed due to 2025 Iowa Acts, Senate File 418, which becomes effective July 1, 2025. Senate File 418 adds a new definition of "sex" in Iowa Code section 4.1A referring to sex as male or female as observed or clinically verified at birth. Senate File 418 also removes the process of obtaining an amended birth certificate to reflect a change in a person's sex designation from Iowa Code section 144.23. Due to these Iowa Code changes, a person will no longer be able to change the sex designation on the person's driver's license to reflect a sex designation different than what is listed on the person's identity document, thus necessitating the conforming changes to this chapter.

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 761—Chapter 11.

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 June 17, 2025. Comments should be directed to:

Sara Siedsma
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.237.3058
Email: sara.siedsma@iowadot.us

Public Hearing

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

June 17, 2025 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 426 727 681#
June 17, 2025 3:30 to 4 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 789 973 712#

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 impairments, should contact Sara Siedsma 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 761—Chapter 601 and adopt the following **new** chapter in lieu thereof:

CHAPTER 601
APPLICATION FOR LICENSE

761—601.1(321) Information.

601.1(1) *General.* In addition to Iowa Code sections 321.182 and 321.196, this chapter provides information regarding how an applicant can qualify to apply for a driver's license. Additional information regarding applications for a commercial driver's license can be found in 761—Chapter 607.

601.1(2) *Definition.*

"License" means "driver's license" as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

601.1(3) *Documents and location.* Applications, forms and information about applying for a driver's license are available at any driver's license service center. Assistance is also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; by telephone at 515.239.1837; by email at driver.services@iowadot.us; or on the department's website at www.iowadot.gov/mvd/driverslicense.

This rule is intended to implement Iowa Code section 321.182.

761—601.2(321,321C) Application for license. An application for a driver's license is to include the following:

601.2(1) *Name.* The applicant's full legal name is to be given on the application. "Full legal name" means an individual's first name(s), middle name(s) and last name(s), without use of initials or nicknames. Civilian and military titles, initials and nicknames are not to be used on the applicant's license or in the applicant's record. This does not apply where a portion of an individual's legal name, whether first, middle or last, consists of a single character, whether followed by a period or not.

601.2(2) *Out-of-state verification.* Upon application for a driver's license, the department is to ascertain whether the applicant has ever held, or is the holder of, a driver's license issued by any other state.

a. The department will not issue a driver's license to the applicant if:

(1) The applicant has held a driver's license issued by any other state, but the driver's license has been suspended by reason, in whole or part, of a violation and if such suspension period has not terminated.

(2) The applicant has held a driver's license issued by any other state, but the driver's license has been revoked by reason, in whole or part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, the applicant may make application for a new license if permitted by law. The department may refuse to issue a license to any

such applicant if, after investigation, the department determines that it will not be safe to grant such applicant the privilege of driving a motor vehicle on the highways.

(3) The applicant is the holder of a driver's license issued by another state and currently in force unless the applicant surrenders such license.

b. If the applicant is subject to subparagraph 601.2(2)*"a"*(2) or has committed an offense or acted in a manner in another state that in Iowa would be grounds for revocation and it has been more than one year from the date the license or driving privilege was revoked, the department may issue the applicant a driver's license only upon such terms and conditions and subject to such restrictions or limitations as if the violation had been committed and the revocation imposed in Iowa. The department will delay licensing or restrict licensing for such period of time that the applicant would be ineligible for a driving privilege or subject to a restricted driving privilege if the violation had been committed and the revocation imposed in Iowa.

(1) The department may grant a driving privilege to an applicant who meets all of the following:

1. The applicant has satisfied the same requirements as if the violation had been committed and the revocation imposed in Iowa.

2. The applicant is otherwise physically and mentally capable of safely operating a motor vehicle.

(2) The department will not assess a civil penalty to the applicant as a condition of licensing under this subrule.

(3) Pursuant to Iowa Code section 321.13, the department may make further investigation or request further information necessary to determine whether it is safe to grant the applicant a driving privilege.

c. The department may verify the applicant's driving record from another state of record, including electronically, to assist the department in determining whether it is safe to grant the applicant a license.

601.2(3) *Disabilities.* The applicant is to indicate and explain any mental or physical disabilities that might affect the applicant's ability to operate a motor vehicle safely. The department may make further inquiries of the applicant or request further information necessary to determine whether it is safe to grant the applicant a driving privilege, including but not limited to requesting an examination authorized under Iowa Code section 321.186.

601.2(4) *Physical description.* The applicant shall provide the applicant's sex designation, height to the nearest inch, weight to the nearest pound and eye color.

601.2(5) *Address.* The applicant shall provide the applicant's current residential address and current mailing address, if different from the applicant's current residential address. A mailing address for which a forwarding order with the United States Postal Service is in place is not acceptable. Notwithstanding anything in subrule 601.2(5), an applicant who is a participant in the "safe at home" address confidentiality program administered by the Iowa secretary of state may submit a designated address issued to the applicant by the Iowa secretary of state as the applicant's residential and mailing address.

601.2(6) *Signature.*

a. The applicant's signature shall be without qualification and shall contain only the applicant's usual signature without any other titles, characters or symbols.

b. The applicant's signature certifies, under penalty of perjury and pursuant to the laws of the state of Iowa, that the statements made and information provided in the applicant's application are true and correct.

c. The applicant's signature further certifies that the fee collected and the change returned, if any, is correct and acknowledges that the applicant is aware of the obligation to notify the department of a change in mailing address within 30 days of the change.

d. The applicant's signature will be captured electronically.

601.2(7) *Surrender of license and nonoperator's identification card.* An applicant for a driver's license shall surrender all other driver's licenses and nonoperator's identification cards. This includes those issued by a state other than Iowa or a foreign jurisdiction unless otherwise provided in a letter of understanding or other written memorialization of reciprocity or understanding. An applicant who renews a driver's license electronically pursuant to 761—subrule 605.25(7) shall destroy the previous driver's license upon receipt of the renewed driver's license.

This rule is intended to implement Iowa Code sections 321.13, 321.177, 321.182, 321.186, 321.196 and 321C.1 and 6 CFR Part 37.

761—601.3(321) Emergency contact information. Pursuant to Iowa Code section 321.197, a person may voluntarily provide the department with emergency contact information.

601.3(1) *Form and submission.*

a. Emergency contact information may be provided to the department through any of the following methods:

(1) By submitting Form 430305 to the department's address or website listed in subrule 601.1(3) or by email at emergencyinfo.contact@iowadot.us.

(2) In person at a driver's license service center.

(3) In person at a county treasurer's office that issues driver's licenses under Iowa Code chapter 321M.

b. Submission of emergency contact information is not a condition of issuing, renewing or replacing a driver's license.

601.3(2) *Modifications.*

a. A person may request changes to the person's emergency contact information by entering those changes on the department's website or by submitting Form 430305 to the department using any of the methods provided in paragraph 601.3(1)*"a."*

b. A person may request to be removed as an emergency contact by submitting Form 430306 to the department at the address or website listed in subrule 601.1(3) or by email at emergencyinfo.contact@iowadot.us.

c. A person who was removed as an emergency contact under paragraph 601.3(2)*"b"* will not again be listed as the person's emergency contact unless the person submits Form 430306 to the department at the address or website listed in subrule 601.1(3) or by email at emergencyinfo.contact@iowadot.us.

This rule is intended to implement Iowa Code section 321.197.

761—601.4(17A,321) Proofs submitted with application. An applicant for a new Iowa driver's license or nonoperator's identification card, including a person who currently holds a license or card issued by another state or foreign jurisdiction, shall submit proof of identity, date of birth, social security number, Iowa residency and current residential address and lawful status in the United States.

601.4(1) *Verification of identity and date of birth.* To establish identity and date of birth, an applicant must submit at least one of the following documents. The department may require additional documentation.

a. A valid, unexpired U.S. passport or U.S. passport card.

b. A certified copy of a birth certificate and, if applicable, a certified amended or new birth certificate showing a change in name or date of birth, filed with a state office of vital statistics or equivalent agency in the applicant's state of birth. The birth certificate must bear the issuing authority's certification of authenticity. A hospital-issued certificate is not acceptable. As used herein, "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

c. A Consular Report of Birth Abroad issued by the U.S. Department of State (Form FS-240, DS-1350 or FS-545).

d. A valid, unexpired Permanent Resident Card (Form I-551) issued by the U.S. Department of Homeland Security or U.S. Immigration and Naturalization Service.

e. An unexpired employment authorization document issued by the U.S. Department of Homeland Security (Form I-766 or Form I-688B).

f. An unexpired foreign passport with a U.S. visa affixed, accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States.

g. A Certificate of Naturalization issued by the U.S. Department of Homeland Security (Form N-550 or Form N-570).

h. A Certificate of Citizenship (Form N-560 or Form N-561) issued by the U.S. Department of Homeland Security.

i. A REAL ID driver's license or identification card as defined in 6 CFR Section 37.3.

j. Such other documents as the U.S. Department of Homeland Security may designate as acceptable proof of identity and date of birth for REAL ID purposes by notice published in the Federal Register.

k. A federal release identification card issued by the U.S. Department of Justice or Federal Bureau of Prisons or an Inmate Descriptor Inquiry, Client Information Inquiry or Offender Snapshot document issued by the Iowa department of corrections or the United States District Court, Northern and Southern Districts of Iowa, that contains the applicant's full legal name and date of birth and is notarized. An application that includes only a document listed in this paragraph as proof of identity and date of birth is only eligible for a driver's license or nonoperator's identification card marked as not acceptable for federal purposes pursuant to 6 CFR Part 37.

601.4(2) *Verification of social security number.*

a. Except as provided in paragraph 601.4(2)*"b,"* an applicant must provide the applicant's Social Security Administration's account number.

b. An applicant who establishes identity by presenting the identity document listed in paragraph 601.4(1)*"f"* (unexpired foreign passport with a valid, unexpired U.S. visa affixed and accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States) must provide the applicant's social security number or demonstrate non-work authorized status.

601.4(3) *Verification of Iowa residency and current residential address.*

a. An applicant must present two documents that include the applicant's name and current Iowa residential address and that demonstrate residency in the state of Iowa. Acceptable documents are issued by a person, organization or entity other than the applicant that include the issuer's name and address, include the applicant's name and current residential address and demonstrate residency in the state of Iowa. Acceptable documents are reasonable, authentic documents capable of verification by the department.

b. An acceptable address is a street or highway address and not a post office box. In areas where a number and street name have not been assigned, an address convention used by the U.S. Postal Service is acceptable. The current residence of a person with more than one dwelling is the dwelling for which the person claims a homestead tax credit under Iowa Code chapter 425, if applicable.

c. An applicant who is a member of the armed forces and is an Iowa resident stationed in another state or an applicant who is the spouse or dependent family member residing with a member of the armed forces that is an Iowa resident stationed in another state may use the applicant's address in the state of station as the applicant's current residential address if the applicant does not maintain an Iowa residence during the applicant's deployment outside the state of Iowa. The applicant must provide official documentation confirming the applicant's residential address in the state of station and that the applicant is stationed in that state. The applicant's mailing address may be the applicant's current residential address or another address at which the applicant receives mail.

601.4(4) *Verification of lawful status in the United States.*

a. If an applicant presents one of the identity documents listed under subrule 601.5(1), the department's verification of that identity document is satisfactory evidence of lawful status.

b. An applicant who presents only a document listed under paragraph 601.4(1)*"e," "f"* or *"i"* is not eligible to receive a driver's license or nonoperator's identification card marked as REAL ID compliant unless the applicant also provides one of the other documents listed in subrule 601.4(1) or another United States Department of Homeland Security-approved document.

601.4(5) *Verification of name change.* The name listed on the driver's license or nonoperator's identification card that is issued will be identical to the name listed on the identity document submitted unless the applicant submits the chain of legal documents necessary to show the legal change of the applicant's name from the identity document submitted to the applicant's current legal name under paragraph 601.4(5)*"a"* or *"b."* Alternatively, an applicant who is an existing Iowa licensee or cardholder

may confirm the applicant's current legal name as displayed on the applicant's license or card under the provisions of paragraph 601.4(5)*"c."* The following documents are acceptable:

a. Court-ordered name change. A court order must contain the applicant's prior legal name, the applicant's court-ordered legal name, and the court's certification of authenticity. Acceptable court orders include orders under petition for name change, orders for name change set forth in a decree of dissolution, and orders for name change set forth in a decree of adoption.

b. Certified copy of marriage certificate. The marriage certificate must be filed with a state office of vital statistics or equivalent agency in the person's state or country of marriage. The certificate must bear the issuing authority's certification of authenticity. A church, chapel or similarly issued certificate is not acceptable. As used herein, "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

c. Social security records match. The applicant must establish that the applicant's Social Security Administration's account number is issued in the applicant's current legal name as verified by the department with the Social Security Online Verification (SSOLV) system in accordance with 6 CFR Section 37.13(b)(2) effective January 1, 2024.

601.4(6) *Verification of change of date of birth.* The date of birth listed on the driver's license or nonoperator's identification card that is issued will be identical to the date of birth listed on the identity document submitted unless the applicant submits a certified amended or new birth certificate that documents the change of date of birth and complies with paragraph 601.4(1)*"b."*

601.4(7) *Verification of sex designation.* The sex designation listed on the driver's license or nonoperator's identification card that is issued will be identical to the sex designation listed on the identity document submitted.

601.4(8) *Exception process.* As provided in 6 CFR Section 37.11(h) (REAL ID exceptions process) effective January 1, 2024, and notwithstanding any other provisions of this chapter or 761—Chapter 11 to the contrary, an applicant who, for reasons beyond the applicant's control, is unable to present a necessary document under this rule may apply to the department for an exception as provided in this subrule.

a. To apply for an exception under this rule, an applicant is to submit a written request to the department at the address or email address listed in subrule 601.1(3) or in person at any driver's license service center containing all of the following:

(1) The applicant's name, address, date of birth and contact information.

(2) Whether the applicant is applying for a driver's license or nonoperator's identification card.

(3) A description of the necessary verification of identity and date of birth or verification of name change documents under this rule that the applicant is unable to provide and the reason why it is beyond the applicant's control to provide the document.

(4) Any alternate document or other proof that exists to verify the facts contained in the missing document, which may include an approved I-94 form documenting the applicant's most recent admittance into the United States as verified by the U.S. Department of Homeland Security in accordance with 6 CFR Section 37.13 effective January 1, 2024.

(5) Any other information or proof required by the department.

b. The motor vehicle division director or the director's designee may grant an exception under this rule if all of the following apply:

(1) The applicant has submitted a written request with all of the required documentation under paragraph 601.4(8)*"a."*

(2) The applicant, as determined by the department, has sufficiently demonstrated that the applicant is unable to provide a necessary document under this rule due to reasons beyond the applicant's control.

(3) The application of the subject rule will pose an undue hardship on the applicant, as determined by the department.

(4) Granting the exception will not prejudice the substantial legal rights of any person, as determined by the department.

c. The department may place any condition on an exception issued under this rule that the department finds necessary to carry out the department's functions.

d. An exception under this subrule does not apply to a required document under subrule 601.4(2).

e. An alternate document accepted under this exception process to satisfy the provisions of subrule 601.4(4) is only allowed if the document demonstrates United States citizenship as required by 6 CFR Section 37.11(h) effective January 1, 2024.

f. An applicant's inability to pay for a necessary document under this rule does not meet the criteria for an exception under this subrule.

g. Nothing in this subrule requires the department to issue a driver's license or nonoperator's identification card if the applicant is not otherwise eligible. The department reserves the right to modify or cancel an exception at any time if the department finds that anything in the exception application or accompanying documentation was based on fraud or misrepresentation by the applicant or if the modification or cancellation is necessary based on a change in circumstances of the applicant.

h. An applicant whose request for exception under this rule has been denied may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 13. The request for a hearing may be submitted in writing to the motor vehicle division. The request is to include, as applicable, the applicant's name, driver's license or nonoperator's identification number, date of birth, complete address and telephone number. The request is to be submitted within 20 days after the date of the notice of exception denial.

This rule is intended to implement Iowa Code chapter 17A; section 4.1A as enacted by 2025 Iowa Acts, Senate File 418; sections 321.13, 321.182 and 321.189; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

761—601.5(321) Parent's, guardian's, or custodian's consent. The application of an unmarried person under the age of 18 years is subject to the following:

601.5(1) Form 430018, Parent's, Guardian's or Custodian's Consent to Issue Driver's License or Permit, or its equivalent must be submitted at the time of issuance or to the email address listed in subrule 601.1(3).

601.5(2) The form shall contain the verified consent and confirmation of the applicant's date of birth and be signed by either parent of the applicant, the guardian of the applicant, or a person having custody of the applicant under Iowa Code chapter 232 or 600A.

601.5(3) The signature, which may be electronic, is to be dated and subject to the following verification or its equivalent: "I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct." No exception will be made for the parent's, guardian's or custodian's absence from Iowa. A married person under the age of 18 years shall submit a marriage certificate that complies with paragraph 601.4(5)*"b"* in lieu of the consent form.

This rule is intended to implement Iowa Code section 321.184.

761—601.6(321) REAL ID driver's license. A person who seeks a driver's license that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as implemented in 6 CFR Part 37 ("REAL ID driver's license") effective January 1, 2024, must meet and comply with all lawful requirements for an Iowa driver's license and must also meet and comply with all application and documentation requirements set forth at 6 CFR Part 37, including but not limited to documentation of identity, date of birth, social security number, address of principal residence and evidence of lawful status in the United States. Documents and information provided will be verified pursuant to 6 CFR Section 37.13. An applicant for a REAL ID driver's license is subject to a mandatory facial image capture that meets the requirements of 6 CFR Section 37.11(a). A REAL ID driver's license may not be issued, reissued or renewed except as permitted in 6 CFR Part 37 and may not be issued, reissued or renewed by any procedure, in any circumstance, to any person or for any term prohibited under 6 CFR Part 37. The information on the front of any REAL ID driver's license must include all information and

markings required by 6 CFR Section 37.17. Nothing in this rule requires a person to obtain a REAL ID driver's license.

This rule is intended to implement Iowa Code chapter 321; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

ARC 9293C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to classes of driver's licenses and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 602, "Classes Of Driver's Licenses," 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 sections 307.12(1)"j," 321.180, 321.180B, 321.189 and 321.194.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.1, 321.8, 321.177, 321.178, 321.180 through 321.180B, 321.189, 321.194, 321.196 and 321.213B.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 602 in compliance with Executive Order 10. Proposed Chapter 602 provides guidance to members of the public on the classes of driver's licenses and driver permits issued by the Department and the accompanying eligibility requirements and to comply with changes made to classes of driver's licenses available to minors pursuant to 2024 Iowa Acts, Senate File 2109.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025. A public hearing was held on the following date(s):

- March 14, 2025

The Department received no comments.

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 761—Chapter 11.

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 June 18, 2025. Comments should be directed to:

Sara Siedsma
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.237.3058
Email: sara.siedsma@iowadot.us

Public Hearing

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

June 18, 2025 11:30 a.m. to 12 noon	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 396 147 18#
June 18, 2025 1:30 to 2 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 695 033 126#

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 impairments, should contact Sara Siedsma 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 761—Chapter 602 and adopt the following **new** chapter in lieu thereof:

CHAPTER 602
CLASSES OF DRIVER'S LICENSES

761—602.1(307,321) Information and location. Applications, forms and information regarding driver's licenses are available at any driver's license service center or by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at www.iowadot.gov/drivers-licenses-ids/get-or-renew-drivers-licenses-ids-permits.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.8.

761—602.2(307,321) Definitions.

"Iowa-approved course" means a course in driver education, motorcycle rider education or motorized bicycle rider education approved by the department.

"License" means driver's license as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

"Member of permittee's immediate family" means as follows:

1. As used in Iowa Code section 321.180(1), the permittee's parent or guardian or a brother, a sister or other relative of the permittee who resides at the permittee's residence.

2. As used in Iowa Code section 321.180B(1) and 321.180B(2), a brother, a sister or other relative of the permittee who resides at the permittee's residence.

"Provider" means a provider of an Iowa-approved course.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1, 321.180 and 321.180B.

761—602.3(321) Driver's licenses.

602.3(1) *Classes.* The department issues the following classes of driver's licenses. All licenses issued, including special licenses and permits, shall carry a class designation. A license will be issued for only one class, except that Class M may be issued in combination with another class.

Class A—commercial driver's license (CDL)

Class B—commercial driver's license (CDL)

Class C—commercial driver's license (CDL)

Class C—noncommercial driver's license

Class D—noncommercial driver's license (chauffeur)

Class M—noncommercial driver's license (motorcycle)

602.3(2) *Special licenses and permits.* The department issues the following special licenses and permits. More than one type of special license or permit may be issued to an applicant. On the driver's license, a restriction number designates the type of special license or permit issued as follows:

1—Motorcycle instruction permit—includes motorcycle instruction permits issued under Iowa Code sections 321.180(1) and 321.180B(1)

2—Noncommercial instruction permit (vehicle less than 16,001 gross vehicle weight rating)—includes instruction permits, other than motorcycle instruction permits, issued under Iowa Code sections 321.180(1), 321.180A and 321.180B(1)

3—Commercial learner's permit

4—Chauffeur's instruction permit

5—Motorized bicycle (moped) license

6—Minor's restricted work license

7—Special minor's restricted license

8—Special instruction permit

602.3(3) *Commercial driver's license (CDL).* More information is contained in 761—Chapter 607 on the procedures, requirements and validity of a commercial driver's license (Classes A, B and C) and a commercial learner's permit, and their restrictions and endorsements.

This rule is intended to implement Iowa Code sections 321.178, 321.180 through 321.180B, 321.189, and 321.194.

761—602.4(307,321) Certificates of completion and forms.

602.4(1) *Iowa-approved course.* Proof of successful completion of an Iowa-approved course shall be submitted to the department on Form 430036 or through an online reporting system used by participating providers.

602.4(2) *Out-of-state course.*

a. If a student completed a course in another state, a provider of an Iowa-approved course may issue the form or online completion, if applicable, for the student if the provider determines that the out-of-state course is comparable to the Iowa-approved course.

b. If the out-of-state course is comparable but lacks certain components of the Iowa-approved course, the provider may issue the form or online completion, if applicable, after the student completes the missing components.

602.4(3) *Affidavit for special minor's restricted license.* Form 430021 shall be used for submitting the required statements, affidavits and parental consent for a special minor's restricted license. More information is contained in rule 761—602.9(321).

602.4(4) *Certification and consent for employment and multiple residences.* Form 430022 shall be used to satisfy the requirements of Iowa Code section 321.194(2) and 321.194(9). In addition to the information required under Iowa Code section 321.194(2), the form must contain the employer's contact information and any other information required by the department.

602.4(5) *Waiver of accompanying driver for intermediate licensee.* Form 431170 is the waiver described in Iowa Code section 321.180B(2). This form allows an intermediate licensee to drive unaccompanied between the hours of 12:30 a.m. and 5 a.m. and must be in the licensee's possession when the licensee is driving during the hours to which the waiver applies.

a. If the waiver is for employment, the form must be signed by the licensee's employer.

b. If the licensee attends a public school and the waiver is for school-related extracurricular activities, the form must be signed by the chairperson of the school board, the superintendent of the school, or the principal of the school if authorized by the superintendent. If the licensee attends an accredited nonpublic school and the waiver is for school-related extracurricular activities, the form must be signed by an authority in charge of the accredited nonpublic school or a duly authorized representative of the authority.

c. If the licensee receives competent private instruction or independent private instruction, the form must be signed by the licensee's primary instructor.

d. The form must be signed by the licensee's parent or guardian. However, the parent's or guardian's signature is not required if the licensee is married and the original or a certified copy of the marriage certificate is in the licensee's possession when the licensee is driving during the hours to which the waiver applies.

602.4(6) *Passenger restriction for intermediate licensee.* The passenger restriction required by Iowa Code section 321.180B(2) will be added to an intermediate license unless waived by the licensee's parent or guardian at the time the license is issued. If the restriction is not waived at the time the license is issued, the intermediate license will be designated with a "9" restriction with the following notation: "Only 1 unrelated minor passenger allowed until [six months from the date the license is issued]." The licensee must obey the restriction for the first six months after the intermediate license is issued. If a parent or guardian wishes to waive the passenger restriction after the license has already been issued, the licensee and the parent or guardian must apply for a duplicate license and pay the replacement fee pursuant to 761—subrule 605.11(4).

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.8, 321.178, 321.180B, 321.184, 321.189, and 321.194.

761—602.5(307,321) Class C noncommercial driver's license.

602.5(1) *Validity.* A noncommercial Class C driver's license that is not a special license or permit is valid for operating:

a. A motor vehicle, including an autocycle as defined in Iowa Code section 321.1, that does not require a commercial driver's license or a Class D driver's license for its operation.

b. A motorized bicycle.

c. A motorcycle only if the license has a motorcycle endorsement.

602.5(2) *Requirements.*

a. Except as otherwise provided in Iowa Code section 321.178(3), an applicant under 18 years of age must meet the requirements of Iowa Code section 321.180B and submit proof of successful completion of an Iowa-approved course in driver education.

b. For purposes of determining eligibility for an intermediate license issued to a person 16 or 17 years of age under Iowa Code section 321.180B(2):

(1) The 12-month period during which the applicant is required to possess an instruction permit before applying for an intermediate license is calculated cumulatively and includes any period of time during which the applicant has held a valid instruction permit issued under Iowa Code section

321.180B(1), a special minor's restricted license issued under Iowa Code section 321.194 or comparable instruction permit or license issued by another state, but excludes any period of time during which the permit or license is suspended, revoked or canceled or the applicant otherwise did not have a valid driving privilege.

(2) The six-month period during which the applicant is required to remain accident- and violation-free is calculated continuously and must encompass without interruption the six-month period of time immediately preceding the application. The applicant must hold a valid instruction permit issued under Iowa Code section 321.180B(1), a special minor's restricted license issued under Iowa Code section 321.194 or a comparable instruction permit or license issued by another state and maintain a valid driving privilege without interruption throughout the continuous six-month period.

(3) The three-month waiting period required under Iowa Code section 321.194(7)*"b,"* if applicable, will be calculated to begin on the licensee's sixteenth birthday and must be satisfied in addition to the requirements of subparagraphs 602.5(2)*"b"*(1) and *"b"*(2). Any additional three-month waiting period will begin on the date the previous waiting period (if any) expires.

c. For purposes of determining eligibility for a full license issued to a person 17 years of age under Iowa Code section 321.180B(4), the 12-month period during which the applicant is required to possess an intermediate license and to remain accident- and violation-free before applying for a full license is calculated together and continuously and must encompass without interruption the 12-month period of time immediately preceding the application. The applicant must hold a valid intermediate license issued under Iowa Code section 321.180B(2) or a comparable license issued by another state and maintain a valid driving privilege without interruption throughout the continuous 12-month period.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1, 321.177, 321.178, 321.180B, 321.189, 321.194 and 321.196.

761—602.6(307,321) Class D noncommercial driver's license (chauffeur).

602.6(1) *Validity.* A noncommercial Class D driver's license is valid for operating:

a. A motor vehicle as a chauffeur as specified by the endorsement on the license unless the type of vehicle or type of operation requires a commercial driver's license.

b. A motor vehicle that may be legally operated under a noncommercial Class C driver's license, including a motorized bicycle.

c. A motorcycle only if the license has a motorcycle endorsement.

602.6(2) *Requirement.* The license shall have one endorsement authorizing a specific type of motor vehicle or type of operation as listed in 761—subrule 605.7(3).

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1 and 321.189.

761—602.7(307,321) Class M noncommercial driver's license (motorcycle).

602.7(1) *Validity.* A noncommercial Class M driver's license that is not a special license or permit is valid for operating:

a. A motorcycle. However, the license may have a restriction that limits operation to a three-wheel motorcycle.

b. A motorized bicycle.

602.7(2) *Requirements.*

a. An applicant shall be at least 16 years of age.

b. Except as otherwise provided in Iowa Code section 321.178(3), an applicant under 18 years of age must meet the requirements of Iowa Code section 321.180B and submit proof of successful completion of both an Iowa-approved course in driver education and an Iowa-approved course in motorcycle rider education.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.177, 321.178, 321.180B, 321.189 and 321.196.

761—602.8(299,321) Minor's restricted work license.

602.8(1) *Validity.*

a. A minor's restricted work license is a restricted, noncommercial Class C or Class M driver's license.

b. The type of motor vehicle that may be operated is controlled by the class of driver's license issued. A Class C minor's restricted work license is valid for operating a motorcycle only if the license has a motorcycle endorsement. A minor's restricted work license is valid for operating a motorized bicycle only for the purposes specified in Iowa Code section 321.178(2).

c. The license is valid for two years or until the licensee attains age 18, whichever is sooner.

602.8(2) *Requirements.* An applicant who qualifies under Iowa Code section 321.178(2) must submit the following to the department:

a. A statement from the employer confirming the applicant's employment.

b. Proof of nonattendance at school. Proof of nonattendance is receipt of notification from the appropriate school authority that the applicant does not attend school as described in 761—subrule 615.23(2).

c. Proof of successful completion of an Iowa-approved course in driver education.

d. For a Class M minor's restricted work license or a motorcycle endorsement, proof of successful completion of an Iowa-approved course in motorcycle rider education.

This rule is intended to implement Iowa Code sections 299.1B, 321.178, 321.180B, 321.189, 321.196 and 321.213B.

761—602.9(321) Special minor's restricted license.

602.9(1) *Validity.*

a. A special minor's restricted license is a restricted, noncommercial Class C or Class M driver's license.

b. The type of motor vehicle that may be operated is controlled by the class of driver's license issued. A Class C special minor's restricted license is valid for operating a motorcycle only if the license has a motorcycle endorsement. A special minor's restricted license is valid for operating a motorized bicycle.

c. The license is valid for four years or until the licensee attains age 18, whichever is sooner.

602.9(2) *Requirements.* An applicant who qualifies under Iowa Code section 321.194(1) and 321.194(3) must submit the following to the department:

a. Form 430021, containing the required certification under Iowa Code section 321.194(6).

b. Proof of successful completion of an Iowa-approved driver's education course.

c. For a Class M special minor's restricted license or a motorcycle endorsement, proof of successful completion of an Iowa-approved course in motorcycle rider education.

602.9(3) *Exemption.*

a. An applicant is not required to have completed an approved driver education course if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant; however, the applicant must meet all other requirements for a special minor's restricted license. "Hardship" means the applicant's parent, guardian or custodian does not qualify as a teaching parent as defined in Iowa Code section 321.178A(2)*"c"* and the applicant meets one of the following criteria:

(1) If the applicant is 14 years old, that a driver education course will not begin at the applicant's school(s) of enrollment or at a public school in the applicant's district of residence within one year following the applicant's fourteenth birthday.

(2) If the applicant is 15 years old, that a driver education course will not begin at the applicant's school(s) of enrollment or at a public school in the applicant's district of residence within six months following the applicant's fifteenth birthday.

(3) If the applicant is between 16 and 18 years old, that a driver education course is not offered at the applicant's school(s) of enrollment or at a public school in the applicant's district of residence at the time the request for hardship status is submitted to the department.

(4) That the applicant is a person with a disability. In this rule, "person with a disability" means that, because of a disability or impairment, the applicant is unable to walk in excess of 200 feet unassisted or cannot walk without causing serious detriment or injury to the applicant's health.

b. "Demonstrates to the satisfaction of the department" means the applicant has provided the department written proof that a hardship exists signed by the applicant's parent, guardian or custodian and the applicable school authority authorized to sign the certification form for a special minor's restricted license pursuant to Iowa Code section 321.194(6).

c. The department reserves the right to verify any assertion made in the application for hardship exemption under this subrule.

602.9(4) *Multiple residences.*

a. A special minor's restricted license approved for travel to and from up to three residences pursuant to Iowa Code section 321.194(9)*"d"* is not valid for travel directly between each residence unless the licensee is accompanied in accordance with Iowa Code section 321.180B(1) or unless the travel is for the purposes set forth in and subject to the limitations of Iowa Code section 321.194(4) or 321.194(5).

b. The primary residential address listed on Form 430021 will appear on the face of the license.

This rule is intended to implement Iowa Code sections 321.177, 321.180B, 321.189, 321.194 and 321.196.

ARC 9294C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to commercial driver licensing and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 607, "Commercial Driver Licensing," 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 sections 307.12(1)"j," 321.187 through 321.188 and 321M.6A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and sections 22.11, 321.1, 321.12, 321.174, 321.176A to 321.177, 321.180, 321.182, 321.186 through 321.189, 321.191, 321.193, 321.196, 321.199, 321.201, 321.207 through 321.208A, 321.449 and 321M.6A.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 607 in compliance with Executive Order 10. Proposed Chapter 607 complies with Iowa Code sections 321.187 and 321.188, which require the Department to adopt rules to administer commercial driver's licenses in compliance with Federal Motor Carrier Safety Administration (FMCSA) regulations and designate third-party testers to perform commercial driver's license knowledge and skills tests. The rules outline the application, eligibility and testing requirements to obtain a commercial driver's license (CDL) and the governance structure for third-party test examiners. A CDL is required to operate specified commercial motor vehicles on Iowa roadways and in interstate commerce.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025. A public hearing was held on the following date(s):

- March 14, 2025

The Department received no comments.

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 761—Chapter 11.

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 June 18, 2025. Comments should be directed to:

Sara Siedsma
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.237.3058
Email: sara.siedsma@iowadot.us

Public Hearing

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

June 18, 2025 12 noon to 12:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 539 974 123#
June 18, 2025 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 636 829 48#

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 impairments, should contact Sara Siedsma 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 761—Chapter 607 and adopt the following **new** chapter in lieu thereof:

CHAPTER 607
COMMERCIAL DRIVER LICENSING

761—607.1(321) Scope. This chapter applies to licensing persons for the operation of commercial motor vehicles. Unless otherwise stated, the provisions of this chapter are in addition to other motor vehicle licensing rules in Iowa Code chapter 321.

This rule is intended to implement Iowa Code section 321.188.

761—607.2(321) Information.

607.2(1) *Information and location.* Applications, forms and information about the commercial driver's license (CDL) are available at any driver's license service center. Assistance is also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at www.iowadot.gov/mvd/cdl/CDL-homepage.

607.2(2) *Manual.* Copies of the study manual for the commercial driver's license tests are available upon request at any driver's license service center and on the department's website.

This rule is intended to implement Iowa Code section 321.188.

761—607.3(321) Definitions. The definitions in Iowa Code section 321.1 apply to this chapter of rules. In addition, the following definitions are adopted:

"Air brake system" means a system that uses air as a medium for transmitting pressure or force from the driver's control to the service brake. "Air brake system" shall include any braking system operating fully or partially on the air brake principle.

"Air over hydraulic brakes" means any braking system operating partially on the air brake and partially on the hydraulic brake principle.

"Automatic transmission" means any transmission other than a manual transmission.

"CDLIS" means "commercial driver's license information system" as defined in Iowa Code section 321.1.

"Commercial driver's license downgrade" or *"CDL downgrade"* means the same as defined in 49 CFR Section 383.5 (October 1, 2024).

"Commercial motor vehicle" or *"CMV"* as defined in Iowa Code section 321.1 does not include a motor vehicle designed as off-road equipment rather than as a motor truck, such as a forklift, motor grader, scraper, tractor, trencher or similar industrial-type equipment. "Commercial motor vehicle" also does not include self-propelled implements of husbandry described in Iowa Code section 321.1(32).

"Controlled substance" as used in Iowa Code section 321.208 means a substance defined in Iowa Code section 124.101.

"Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. Section 5103 and is required to be placarded under 49 CFR Part 172, Subpart F, or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.

"Manual transmission" means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or by foot. All other transmissions, whether semi-automatic or automatic, will be considered automatic.

"Medical examiner" means a person who is licensed, certified or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced registered nurse practitioners, and doctors of chiropractic.

"Medical examiner's certificate" means a certificate completed and signed by a medical examiner under the provisions of 49 CFR Section 391.43 and includes medical examiner's certificate information provided electronically by the Federal Motor Carrier Safety Administration pursuant to 49 CFR Section 383.71 and 49 CFR Section 383.73.

"Medical variance" means a driver has received one of the following from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

1. An exemption letter permitting operation of a commercial motor vehicle pursuant to 49 CFR Part 381, Subpart C; 49 CFR Section 391.62; or 49 CFR Section 391.64.
2. A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 CFR Section 391.49.

"National drug and alcohol clearinghouse" means the database maintained by the Federal Motor Carrier Safety Administration as defined in 49 CFR Section 382.107 (October 1, 2024).

"Passenger vehicle" means either of the following:

1. A motor vehicle designed to transport 16 or more persons including the operator.
2. A motor vehicle of a size and design to transport 16 or more persons including the operator that has been redesigned or modified to transport fewer than 16 persons with disabilities. The size of a redesigned or modified vehicle shall be any such vehicle with a gross vehicle weight rating of 10,001 or more pounds.

"School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events unless otherwise provided in Iowa Code section 321.1(69). "School bus" does not include a bus used as a common carrier.

"Self-certification" means a written certification of which category of type of driving an applicant for a commercial driver's license engages in or intends to engage in, from the following categories:

1. Non-excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR Part 391 effective October 1, 2024, and is required to obtain a medical examiner's certificate by 49 CFR Section 391.45 effective October 1, 2024.
2. Excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR Section 390.3(f), 391.2, 391.68 or 398.3 effective October 1, 2024, from all or parts of the qualification requirements of 49 CFR Part 391 effective October 1, 2024, and is therefore not required to obtain a medical examiner's certificate by 49 CFR Section 391.45 effective October 1, 2024.
3. Non-excepted intrastate. The person certifies that the person operates only in intrastate commerce and is subject to state driver qualification requirements.
4. Excepted intrastate. The person certifies that the person operates only in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements as set forth in Iowa Code section 321.449.

"State," as used in this chapter and in "another state" in Iowa Code section 321.174(2), "former state of residence" in Iowa Code section 321.188(5), or "any state" in Iowa Code section 321.208(1), means one of the United States or the District of Columbia unless the context means the state of Iowa.

This rule is intended to implement Iowa Code sections 321.1, 321.174, 321.188, 321.191, 321.193, 321.207 and 321.208.

761—607.4(22,321) Records. The department will maintain the operating record of a person issued a commercial driver's license or a commercial learner's permit or a person who has been disqualified from operating a commercial motor vehicle as provided in the department's "Record Management Manual" adopted in 761—Chapter 4.

This rule is intended to implement Iowa Code sections 22.11, 321.12, 321.188 and 321.199.

761—607.5(321) Adoption of federal regulations.

607.5(1) *Code of Federal Regulations.* The department's administration of commercial driver's licenses shall be in compliance with the state procedures set forth in 49 CFR Section 383.73, and this chapter shall be construed to that effect. The department adopts the following portions of the Code of Federal Regulations, which are referenced throughout this chapter of rules:

a. 49 CFR Section 391.11 as adopted in 661—Chapter 22.

b. 49 CFR Section 392.5 as adopted in 661—Chapter 22.

c. 49 CFR Part 380, Subpart F (October 1, 2024).

d. The following portions of 49 CFR Part 383 (October 1, 2024):

(1) Section 383.51, Disqualification of drivers.

(2) Subpart E—Testing and Licensing Procedures.

(3) Subpart F—Vehicle Groups and Endorsements.

(4) Subpart G—Required Knowledge and Skills.

(5) Subpart H—Tests.

e. 49 CFR Part 384, Subpart B (October 1, 2024).

607.5(2) *Copies of regulations.* Copies of the federal regulations may be reviewed at the state law library or through the Internet at www.fmcsa.dot.gov.

This rule is intended to implement Iowa Code sections 321.187, 321.188, 321.207, 321.208 and 321.208A.

761—607.6(321) Application. An applicant for a commercial driver's license shall comply with the requirements of Iowa Code sections 321.180(2)*"e,"* 321.182 and 321.188 and 761—Chapter 601, and provide the proofs of citizenship or lawful permanent residence and state of domicile required by 49 CFR Section 383.71. If the applicant is domiciled in a foreign jurisdiction and applying for a nondomiciled commercial driver's license, the applicant must provide a document required by 49 CFR Section 383.71(f).

This rule is intended to implement Iowa Code sections 321.180, 321.182 and 321.188.

761—607.7(321) Commercial driver's license (CDL).

607.7(1) *Classes.* The department may issue a commercial driver's license only as a Class A, B or C driver's license. The license class identifies the types of vehicles that may be operated. A commercial driver's license may have endorsements that authorize additional vehicle operations or restrictions that limit vehicle operations.

607.7(2) *Validity.*

a. A Class A commercial driver's license allows a person to operate a combination of commercial motor vehicles as specified in Iowa Code sections 321.1(11) and 321.189(1)*"a"*(1). With the required endorsements and subject to the applicable restrictions, a Class A commercial driver's license is valid to operate any vehicle. Before the department administers the skills test for a Class A commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

b. A Class B commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code sections 321.1(11) and 321.189(1)*"a"*(2). With the required endorsements and subject to the applicable restrictions, a Class B commercial driver's license is valid to operate any vehicle except a truck-tractor semitrailer combination or a vehicle requiring a Class A commercial driver's license. Before the department administers the skills test for a Class B commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

c. A Class C commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code sections 321.1(11) and 321.189(1)*"a"*(3) if the vehicle is designed to transport 16 or more passengers, including the driver, or is used in the transportation of hazardous materials as defined in 49 CFR Section 383.5 effective October 1, 2024. With the required endorsements and subject to the applicable restrictions, a Class C commercial driver's license is valid to operate any vehicle except

a vehicle requiring a Class A or Class B commercial driver's license. Before the department administers the skills test for a Class C commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188 for the applicable endorsement sought (P/Passenger or S/School Bus endorsements). Before the department administers the knowledge test for a Class C commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements provided in Iowa Code section 321.188 for the applicable endorsement sought (H/Hazardous materials endorsement).

d. A commercial driver's license is valid for operating a motorcycle as a commercial motor vehicle only if the license has a motorcycle endorsement and a hazardous material endorsement. A commercial driver's license is valid for operating a motorcycle as a noncommercial motor vehicle only if the license has a motorcycle endorsement.

e. A commercial driver's license valid for eight years will be issued to a qualified applicant who is at least 18 years of age but not yet 78 years of age. However, the expiration date of the license issued shall not exceed the licensee's 80th birthday.

f. A commercial driver's license valid for two years will be issued to a qualified applicant 78 years of age or older. A two-year license may also be issued, at the discretion of the department, to an applicant whose license is restricted due to vision or other physical disabilities.

g. A commercial driver's license is valid for 60 days after the expiration date.

h. A person with a commercial driver's license valid for the vehicle operated is not required to obtain a Class D driver's license to operate the vehicle as a chauffeur.

607.7(3) *Age.* The minimum age to obtain a commercial driver's license is set out in 49 CFR Part 391, Subpart B, effective October 1, 2024, except that, for a person operating solely intrastate, the driver age qualifications are set out in Iowa Code section 321.449(3).

607.7(4) *License extension.*

a. As provided in 49 CFR Section 383.153, a person may apply for a 60-day extension of a commercial driver's license if the person:

(1) Has a valid license,

(2) Is eligible for further licensing, and

(3) Is temporarily absent from Iowa or is temporarily incapacitated at the time for renewal.

b. License extensions can be requested following the procedure in 761—subrule 605.15(2).

c. A 60-day extension will be added to the expiration date on the license. When the person appears to renew the license, the expiration date of the renewed license will be computed from the expiration date of the original license, notwithstanding the extension.

d. Only one 60-day extension is allowed.

This rule is intended to implement Iowa Code sections 321.1(8), 321.177, 321.182, 321.188, 321.189, 321.196, and 321.449.

761—607.8(321) Endorsements. All endorsements except the hazardous material endorsement continue to be valid without retesting or additional fees when renewing or upgrading a license. The endorsements that authorize additional commercial motor vehicle operations with a commercial driver's license are:

607.8(1) *Hazardous material.* A hazardous material endorsement (H) is required to transport hazardous materials. The hazardous material endorsement is only valid when the applicant or holder of the endorsement complies with the Transportation Security Administration's security threat assessment standards specified in 49 CFR Sections 383.71(b)(8) and 383.141 effective October 1, 2024. Before the department administers the knowledge test for a hazardous material endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188. To obtain or retain the hazardous material endorsement, the applicant or holder must pass a knowledge test as required under 49 CFR Section 383.121 and pay the endorsement fee. Retesting and fee payment are also required when an applicant transfers a commercial driver's license from another state unless, as provided in 49 CFR Section 383.73, the transfer applicant provides evidence of passing the knowledge test as required under 49 CFR Section 383.121 within the preceding

24 months. Pursuant to 49 CFR Section 173.5 effective October 1, 2024, a farmer or a person working for a farmer is not subject to the hazardous material endorsement while operating either a pickup or a special truck within 150 air miles of the farmer's farm to transport supplies to or from the farm.

607.8(2) *Passenger vehicle.* A passenger vehicle endorsement (P) is required to operate a passenger vehicle as defined in rule 761—607.3(321). Before the department administers the skills test for a passenger vehicle endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

607.8(3) *Tank vehicle.* A tank vehicle endorsement (N) is required to operate a tank vehicle as defined in Iowa Code section 321.1. A vehicle transporting a tank, regardless of the tank's capacity, that does not otherwise meet the definition of a commercial motor vehicle in Iowa Code section 321.1 is not a tank vehicle.

607.8(4) *Double/triple trailer.* A double/triple trailer endorsement (T) is required to operate a commercial motor vehicle with two or more towed trailers when the combination of vehicles meets the criteria for a Class A commercial motor vehicle. Operation of a triple trailer combination vehicle is not permitted in Iowa.

607.8(5) *Hazardous material and tank.* A combined endorsement (X) authorizes both hazardous material and tank vehicle operations.

607.8(6) *School bus.* A school bus endorsement (S) is required to operate a school bus as defined in rule 761—607.3(321). An applicant for a school bus endorsement must also qualify for a passenger vehicle endorsement. Before the department administers the skills test for a school bus endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188.

607.8(7) *Exceptions for towing operations.*

a. A driver who tows a vehicle in an emergency "first move" from the site of a vehicle malfunction or accident on a highway to the nearest appropriate repair facility is not required to have the endorsement(s) applicable to the towed vehicle. In any subsequent move, a driver who tows a vehicle from one repair or disposal facility to another is required to have the endorsement(s) applicable to the towed vehicle with one exception: A tow truck driver is not required to have a passenger endorsement to tow a passenger vehicle.

b. The double/triple trailer endorsement is not required to operate a commercial motor vehicle with two or more towed vehicles that are not trailers.

This rule is intended to implement Iowa Code sections 321.1, 321.176A, 321.188 and 321.189.

761—607.9(321) Restrictions. The restrictions that may limit commercial motor vehicle operation with a commercial driver's license are listed in 761—subrule 605.8(3) and are explained below:

607.9(1) *Air brake.* The air brake restriction (L, no air brake equipped CMV) applies to a licensee who either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes and prohibits the operation of a commercial motor vehicle equipped with an air brake system until the licensee passes the required air brake tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(2) *Full air brake.* The full air brake restriction (Z, no full air brake equipped CMV) applies to a licensee who performs the skills test in a vehicle equipped with air over hydraulic brakes and prohibits the operation of a commercial motor vehicle equipped with any braking system operating fully on the air brake principle until the licensee passes the required air brake tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(3) *Manual transmission.* The manual transmission restriction (E, no manual transmission equipped CMV) applies to a licensee who performs the skills test in a vehicle equipped with automatic transmission and prohibits the operation of a commercial motor vehicle equipped with a manual transmission until the licensee passes the required tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(4) *Tractor-trailer.* The tractor-trailer restriction (O, no tractor trailer CMV) applies to a licensee who performs the skills test in a combination vehicle for a Class A commercial driver's license

with the power unit and towed unit connected with a pintle hook or aftermarket fifth wheel connection and prohibits operation of a tractor-trailer combination connected by a fifth wheel that requires a Class A commercial driver's license until the licensee passes the required tests and pays the fee for upgrading the license. Retesting and fee payment are not required when the license is renewed.

607.9(5) *Class A passenger vehicle.* The Class A passenger vehicle restriction (M, no Class A passenger vehicle) applies to a licensee who applies for a passenger endorsement and performs the skills test in a passenger vehicle that requires a Class B commercial driver's license and prohibits operation of a passenger vehicle that requires a Class A commercial driver's license.

607.9(6) *Class A and B passenger vehicle.* The Class A and B passenger vehicle restriction (N, no Class A and B passenger vehicle) applies to a licensee who applies for a passenger endorsement and performs the skills test in a passenger vehicle that requires a Class C commercial driver's license and prohibits operation of a passenger vehicle that requires a Class A or Class B commercial driver's license.

607.9(7) *Intrastate only.* The intrastate only restriction (K, intrastate only) applies to a licensee who self-certifies to non-excepted intrastate or excepted intrastate driving and prohibits the operation of a commercial motor vehicle in interstate commerce.

607.9(8) *Medical variance.* The medical variance restriction (V, medical variance) applies to a licensee when the department is notified pursuant to 49 CFR Section 383.73(o)(3) that the driver has been issued a medical variance and indicates there is information about a medical variance on the CDLIS driver record.

This rule is intended to implement Iowa Code sections 321.189 and 321.191.

761—607.10(321) Commercial learner's permit.

607.10(1) *Validity.*

a. A commercial learner's permit allows the permit holder to operate a commercial motor vehicle when accompanied as required by Iowa Code section 321.180(2)*"d."*

b. A commercial learner's permit is valid for one year without retaking the general and endorsement knowledge tests required by Iowa Code section 321.188.

c. A commercial learner's permit is invalid after the expiration date of the underlying commercial or noncommercial driver's license issued to the permit holder or the expiration date of the permit, whichever occurs first.

d. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is also a precondition to the upgrade of a commercial driver's license if the upgrade requires a skills test. If the permit holder is subject to the requirement to complete entry-level driver training as provided in Iowa Code section 321.188, the commercial learner's permit will be necessary to complete the on-road segment of the entry-level driver training as well as the required skills tests for a commercial driver's license. The holder of a commercial learner's permit is not eligible to take a required driving skills test for the first 14 days after the permit holder is issued the permit. The 14-day period includes the day the commercial learner's permit was issued.

EXAMPLE: The commercial learner's permit is issued on September 1. The earliest date the permit holder would be eligible to take the skills test is September 15.

e. A commercial learner's permit is not valid for the operation of a vehicle transporting hazardous materials.

607.10(2) *Requirements.*

a. An applicant for a commercial learner's permit must hold a valid Class A, B, or C commercial driver's license, a Class D, endorsement 3 noncommercial driver's license or a Class C noncommercial driver's license issued in this state that is not an instruction permit, a special instruction permit, a motorized bicycle license or a temporary restricted license; must be at least 18 years of age; and must meet the requirements to obtain a valid commercial driver's license, including the requirements set forth in Iowa Code section 321.188. However, the applicant does not have to complete the driving skills tests required for a commercial driver's license to obtain a commercial learner's permit.

b. The applicant must successfully pass a general knowledge test that meets the federal standards contained in 49 CFR Part 383, Subparts F, G and H, for the commercial motor vehicle the applicant operates or expects to operate, including any endorsement for which the applicant applies.

607.10(3) *Endorsements.* A commercial learner's permit may include the following endorsements. All other endorsements are prohibited on a commercial learner's permit.

a. An applicant for a passenger endorsement (P) must take and pass the passenger endorsement knowledge test. A commercial learner's permit holder with a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2)*"d."*

b. An applicant for a school bus endorsement (S) must take and pass the school bus endorsement knowledge test. A commercial learner's permit holder with a school bus endorsement is prohibited from operating a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2)*"d."*

c. An applicant for a tank vehicle endorsement (N) must take and pass the tank vehicle endorsement knowledge test. A commercial learner's permit holder with a tank vehicle endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials and that has not been purged of any residue.

607.10(4) *Restrictions.* A commercial learner's permit may include the air brake (L), medical variance (V), Class A passenger vehicle (M), Class A and B passenger vehicle (N) and intrastate only (K) restrictions described in rule 761—607.9(321). In addition, a commercial learner's permit may include the following restrictions that are specific to the commercial learner's permit:

a. Passenger. The passenger restriction (P, no passengers in CMV bus) applies to a permit holder who has a commercial learner's permit with a passenger or school bus endorsement and prohibits the operation of a commercial motor vehicle carrying passengers, other than federal/state auditors and inspectors, test examiners, other trainees, and the commercial driver's license holder accompanying the permit holder required by Iowa Code section 321.180(2)*"d."*

b. Cargo. The cargo restriction (X, no cargo in CMV tank vehicle) applies to a permit holder who has a commercial learner's permit with a tank vehicle endorsement and prohibits the operation of any tank vehicle containing cargo or any tank vehicle that previously contained hazardous materials and that has not been purged of any residue.

This rule is intended to implement Iowa Code sections 321.180, 321.186 and 321.188.

761—607.11(321) Examination and vision screening. In addition to the knowledge and skills tests required under this chapter, an applicant for a commercial driver's license or commercial learner's permit is subject to the examination requirements, and must comply with the vision screening and vision standards, in 761—Chapter 604.

This rule is intended to implement Iowa Code sections 321.186 and 321.186A.

761—607.12(321) Knowledge tests.

607.12(1) *General knowledge test.* The general knowledge test for a commercial driver's license is a written test of topics such as vehicle inspection, operation, safety and control in accordance with 49 CFR Section 383.111.

607.12(2) *Additional tests.* In addition to the general knowledge test for a commercial driver's license, an additional knowledge test is required for each of the following:

a. Class A license for combination vehicle operation under 49 CFR Section 383.111.

b. Hazardous material endorsement under 49 CFR Section 383.121. The knowledge test for a hazardous material endorsement shall not be administered orally or in a language other than English.

c. Passenger vehicle endorsement under 49 CFR Section 383.117.

d. Tank vehicle endorsement under 49 CFR Section 383.119.

e. Double/triple trailer endorsement under 49 CFR Section 383.115.

f. School bus endorsement under 49 CFR Section 383.123. The applicant must also qualify for a passenger vehicle endorsement.

g. Removal of the air brake restriction under 49 CFR Section 383.111.

607.12(3) *Test methods.* All knowledge tests will be administered in compliance with 49 CFR Section 383.133(b). All tests other than the hazardous material endorsement test may be administered in written form or verbally in an automated format and can be administered in a foreign language, provided no interpreter is used in administering the test.

607.12(4) *Waiver.* A waiver of any knowledge test is permitted only as provided in Iowa Code section 321.188(5) and this chapter.

607.12(5) *Military waiver.* The department may waive the requirement that an applicant pass a required knowledge test for an applicant who is a current or former military service member as defined in 49 CFR Section 383.5 effective October 1, 2024. An applicant for a waiver of the knowledge test under this subrule shall certify and provide evidence, as required by the department, that the following apply:

a. The applicant is regularly employed or was regularly employed within the past year in a military position specifically designated in 49 CFR Section 383.77.

b. The applicant is or was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate immediately preceding honorable separation from military service as evidenced by the applicant's certificate of release or discharge from active duty, commonly referred to as a DD Form 214.

c. The applicant has not had more than one driver's license, other than a military license.

d. The applicant has not had any driver's license suspended, revoked, or canceled.

e. The applicant has not been convicted of an offense committed while operating any type of motor vehicle that is listed as a disqualifying offense in 49 CFR Section 383.51(b).

f. The applicant has not had more than one conviction for an offense committed while operating any type of motor vehicle that is listed as a serious traffic violation in 49 CFR Section 383.51(c).

g. The applicant has not had a conviction for violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which the applicant was at fault.

607.12(6) *Requirement.* An applicant must pass the applicable knowledge test(s) before taking the skills test. Passing scores for a knowledge test shall meet the standards contained in 49 CFR Section 383.135(a).

This rule is intended to implement Iowa Code sections 321.186 and 321.188.

761—607.13(321,321M) Skills test.

607.13(1) *Content.* The skills test for a commercial driver's license is a three-part test as required in 49 CFR Part 383, Subparts E, G and H.

607.13(2) *Test methods.* All skills tests will be administered in compliance with 49 CFR Section 383.133(c). Interpreters are prohibited during the administration of skills tests. However, American Sign Language interpreters are allowed to interpret during the instruction portion preceding administration of the skills test. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

607.13(3) *Order.* The skills test must be administered and successfully completed in the following order: pre-trip inspection, basic vehicle control skills, on-road skills. If an applicant fails one segment of the skills test, the applicant cannot continue to the next segment of the test, and scores for the passed segments of the test are only valid during initial issuance of the commercial learner's permit.

607.13(4) *Vehicle.* The applicant shall provide a representative vehicle for the skills test. "Representative vehicle" means a commercial motor vehicle that meets the statutory description for the class of license applied for.

a. To obtain a passenger vehicle endorsement applicable to a specific vehicle class, the applicant must take the skills test in a passenger vehicle satisfying the requirements of that class as required in 49 CFR Section 383.117.

b. To obtain a school bus endorsement, the applicant must qualify for a passenger vehicle endorsement and take the skills test in a school bus in the same vehicle class as the applicant will drive as required in 49 CFR Section 383.123.

c. To obtain a tank endorsement, the applicant must take the skills test in a representative vehicle for the class of license applied for, but the representative vehicle is not required to be a tank vehicle.

d. To remove an air brake or full air brake restriction, the applicant must take the skills test in a vehicle equipped with an air brake system and as required in 49 CFR Section 383.113.

e. To remove a manual transmission restriction, the applicant must take the on-road segment of the skills test in a vehicle equipped with a manual transmission.

607.13(5) *Skills test scoring.* Passing scores for a skills test shall meet the standards contained in 49 CFR Section 383.135(b).

607.13(6) *Military waiver.* The department may waive the requirement that an applicant pass a required skills test for an applicant who is on active duty in the military service or who has separated from such service in the past year, provided the applicant meets the requirements of Iowa Code section 321.188(6).

607.13(7) *Locations.* The skills test for a commercial driver's license will be given only at approved locations where adequate testing facilities are available as specified by the department pursuant to 49 CFR Section 383.131(b)(1). An applicant may contact any driver's license service center for the location of the nearest skills testing center.

607.13(8) *Fees.* Fees authorized pursuant to Iowa Code sections 321.187A and 321M.6A may be collected by the department or a county treasurer location offering commercial driver's license skills tests.

a. Except as provided in paragraph 607.13(8)*"c,"* the fee for an applicant to schedule the pre-trip vehicle inspection segment of the skills test with the department is $25. No fees are due to the department for scheduling the basic vehicle control skills or on-road skills segment of the test.

b. Except as provided in paragraph 607.13(8)*"c,"* the fee to schedule the pre-trip vehicle inspection segment of the skills test with a county treasurer is $25. The fee for a county treasurer to administer the basic vehicle control skills segment is $25, and the fee to administer the on-road skills segment of the test is $25. However, if the applicant fails one segment of the driving skills test, no fee shall be due for a subsequent segment of the test.

c. If the applicant is an employee or volunteer of a government agency as defined in Iowa Code section 553.3, the following apply:

(1) The department will not charge the pre-trip inspection scheduling fee under paragraph 607.13(8)*"a."*

(2) A county treasurer may charge only the pre-trip inspection fee under paragraph 607.13(8)*"b."*

(3) An applicant must provide the department or county treasurer with reasonable proof that the applicant is an employee or volunteer of a qualifying government agency and that a commercial driver's license is necessary for the applicant's employment or volunteer duties. Reasonable proof is to be provided on Form 430311. Alternatively, if the applicant is seeking a skills test from a county treasurer, reasonable proof may include payment of the pre-trip inspection fee by a government agency on behalf of the applicant.

d. If an applicant fails to appear for the pre-trip inspection segment of the skills test, the appointment will be canceled and no other applicable fees are due.

e. Except as provided in paragraph 607.13(8)*"g,"* new fees will apply if an applicant schedules a new skills test appointment.

f. The department or a county treasurer may collect any fees due and owed for the skills test at the same time any fees are collected as part of the commercial driver's license issuance transaction.

g. Any fees collected under this subrule are nonrefundable. However, nothing in this paragraph shall be construed as preventing the department or a county treasurer from transferring a fee charged for

a pre-trip inspection to a new pre-trip inspection if rescheduling the appointment is determined necessary or appropriate as determined by the department or county treasurer upon a showing of good cause.

h. A skills test fee charged under this subrule that remains unpaid may be collected at the person's next driver's license renewal or replacement.

This rule is intended to implement Iowa Code sections 321.186, 321.187A, 321.188 and 321M.6A.

761—607.14(321) Third-party testing.

607.14(1) *Purpose and definitions.* The knowledge tests required by rule 761—607.12(321) and the skills test required by rule 761—607.13(321) may be administered by third-party testers and third-party test examiners approved and certified by the department. For the purpose of administering third-party testing and this rule, the following definitions are adopted:

"College or university" means an Iowa postsecondary school established under Iowa Code chapter 261B.

"Community college" means an Iowa community college established under Iowa Code chapter 260C.

"Government agency" means the same as defined in Iowa Code section 553.3.

"Iowa business" means a corporation, association, partnership, company, firm, or other aggregation of individuals that has a principal place of business in this state and that is authorized to conduct business in this state.

"Knowledge test" means the knowledge tests required by rule 761—607.12(321).

"Motor carrier" means the same as defined in 49 CFR Section 390.5 effective October 1, 2024.

"Nonprofit" means a corporation or association that satisfies the requirements under Iowa Code chapter 498 or 504.

"Permanent commercial driver training facility" means a facility dedicated to a program of commercial driving instruction that is offered to employees or potential employees of the motor carrier as incident to the motor carrier's commercial operations, that requires at least 40 hours of instruction, and that includes fixed and permanent structures and facilities for the off-road portions of commercial driving instruction, including classroom, pretrip inspection, and basic vehicle control skills. A permanent commercial driver training facility must include a fixed and paved or otherwise hard-surfaced area for basic vehicle control skills testing that is permanently marked and capable of inspection and measurement by the department.

"Principal place of business" means a building actually occupied where the public and the department may contact the owner or operator during regular business hours. The principal place of business must be located in this state.

"Public transit system" means the same as defined in Iowa Code section 324A.1.

"Regional transit system" means the same as defined in Iowa Code section 324A.1.

"Regular business hours" means to be consistently open to the public on a weekly basis at hours reported to the motor vehicle division.

"Skills test" means the skills test required by rule 761—607.13(321).

"Subsidiary" means a company that is partly or wholly owned by a motor carrier that holds a controlling interest in the subsidiary company.

"Third-party tester" means the same as defined in Iowa Code section 321.187.

"Third-party test examiner" means the same as defined in Iowa Code section 321.187.

607.14(2) *Certification of third-party testers.*

a. The department may certify any of the following entities as a third-party tester to administer knowledge and skills tests:

(1) A college or university.
(2) A community college.
(3) A government agency.
(4) An Iowa business.
(5) A nonprofit.
(6) A public transit system or regional transit system.

b. An entity seeking certification as a third-party tester shall contact the motor vehicle division and schedule a review of the proposed testing program, including the proposed testing courses and facilities, and provide information sufficient to identify all proposed third-party test examiners, and any other information necessary to demonstrate compliance with 49 CFR Parts 383 and 384 as amended to October 1, 2024, applicable to knowledge and skills testing.

c. No entity will be certified to conduct third-party testing unless and until the entity enters an agreement with the department that meets the requirements of 49 CFR Section 383.75 and demonstrates, to the satisfaction of the department, sufficient ability and facilities to conduct knowledge and skills tests in a manner that consistently meets the requirements of 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing.

d. The department will issue a certified third-party tester a certificate of authority that identifies the classes and types of vehicles for which knowledge and skills tests may be administered. The certificate is valid for the duration of the agreement executed pursuant to paragraph 607.14(2)*"c,"* unless revoked by the department for engaging in fraudulent activities related to conducting knowledge and skills tests or failing to comply with the requirements, qualifications, and standards of this chapter, the agreement, or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing.

e. The department will revoke a certificate of authority originally issued after July 1, 2023, to a third-party tester if the third-party tester fails to administer a minimum of 50 percent of all knowledge and skills tests given in a calendar year to Iowa applicants. However, the department will not revoke a certificate of authority of a third-party tester who administers a minimum of 10 percent of all knowledge and skills tests given in a calendar year to Iowa applicants if the remainder of the tests are given to current or prospective employees of the third-party tester. For the purpose of this paragraph, an "Iowa applicant" is defined as an individual who holds a valid commercial learner's permit, commercial driver's license, noncommercial driver's license, or nonoperator identification card issued by the department or who otherwise qualifies as a resident of this state under Iowa Code section 321.1A(1).

607.14(3) *Certification of third-party test examiners.*

a. A certified third-party tester shall not employ or otherwise use as a third-party test examiner a person who has not been approved and certified by the department to administer knowledge or skills tests. Each certified third-party tester shall submit for approval the names of all proposed third-party test examiners to the department. The department will not approve as a third-party test examiner a person who does not meet the requirements, qualifications, and standards of 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing, including but not limited to all required training and examination, who has been barred from conducting commercial driver's license testing in another state, or who has not passed a nationwide criminal background check. The criteria for passing the nationwide criminal background check means no felony convictions within the last ten years and no convictions involving fraudulent activities.

b. The department will issue a certificate of authority for each person certified as a third-party test examiner that identifies the certified third-party tester for which the person will administer knowledge or skills tests and the classes and types of vehicles for which the person may administer knowledge or skills tests. The certificate is valid for a period of four years from the date of issuance of the certificate.

c. The department will revoke the certificate of authority for a third-party test examiner to administer skills tests if the person holding the certificate does not administer skills tests to at least ten different applicants, each of whom has successfully passed all three segments of the skills test, per calendar year; does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years; is involved in fraudulent activities related to conducting knowledge or skills tests as determined by the department; or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge and skills testing. Notwithstanding anything in this paragraph to the contrary, as provided in 49 CFR Section 383.75, if the person does not administer skills tests to at least ten different applicants per calendar year, the certificate will not be revoked for that reason if the person provides proof of completion of the examiner refresher training in 49 CFR Section 384.228 to the

department and successfully completes one skills test under the observation of a department examiner or attends and passes with a score of 80 percent or better a certified commercial examiner training test and successfully completes one skills test under the observation of a department examiner.

d. The department will revoke the certificate of authority for a third-party test examiner to administer knowledge tests if the person holding the certificate does not successfully complete the refresher training required by 49 CFR Section 384.228 every four years, is involved in fraudulent activities related to conducting knowledge or skills tests or otherwise fails to comply with and meet the requirements, qualifications and standards of this chapter or 49 CFR Part 383, Subpart E, and 49 CFR Part 384, Subpart B, applicable to knowledge testing.

e. A third-party test examiner certified by the department to administer skills tests who is also a skills instructor shall not administer a skills test to an applicant who received skills training from that third-party test examiner.

f. A third-party test examiner may only administer CDL tests for the examiner's primary employer, unless authorized by the department to administer CDL tests for another county or third-party tester.

607.14(4) *Bond.* As a condition of certification in accordance with 49 CFR Section 383.75, a third-party tester that is not a government agency as defined in Iowa Code section 553.3 must maintain a bond in the amount of $50,000 to pay for the retesting of drivers in the event that the third-party tester or one or more of its third-party test examiners are involved in fraudulent activities related to conducting tests of CDL applicants.

607.14(5) *Training and refresher training for third-party test examiners.* All training and refresher training required under this rule shall be provided by the department, in form and content that meet the recommendations of the American Association of Motor Vehicle Administrators' International Third-Party Examiner/Tester Certification Program.

This rule is intended to implement Iowa Code section 321.187.

761—607.15(321) Test results.

607.15(1) *Period of validity.* Passing knowledge and skills test results remain valid for a period of one year.

607.15(2) *Retesting.* Subject to rule 761—607.13(321), an applicant will be required to repeat only the knowledge test(s) or part(s) of the skills test that the applicant failed, unless the department requires the applicant to retake the test as part of an audit. An applicant who fails a test is not permitted to repeat that test the same day. An applicant may be required to repeat a test if the department determines the test was improperly administered.

607.15(3) *Skills test results from other states.* As required by 49 CFR Section 383.79, the department will accept the valid results of a skills test administered to an applicant who is domiciled in the state of Iowa and that was administered by another state, in accordance with 49 CFR Part 383, Subparts F, G and H, in fulfillment of the applicant's testing requirements under 49 CFR Section 383.71 and the state's test administration requirements under 49 CFR Section 383.73 provided the results are transmitted directly from the testing state to the department as required by 49 CFR Section 383.79.

607.15(4) *Knowledge and skills test results from certified third-party testers.* A third-party tester shall transmit the results of tests administered by the third-party tester through secure electronic means determined by the department. The department may retest any person who has passed a knowledge or skills test administered by a certified third-party tester if the department believes the knowledge or skills test was administered fraudulently or improperly, and as needed to meet the third-party test examiner oversight requirements of 49 CFR Parts 383 and 384 applicable to knowledge and skills testing.

607.15(5) *Downgrade or cancellation when retesting is required.*

a. When retesting is required under subrule 607.15(2) or 607.15(4), the department will notify the person to retake the applicable knowledge or skills test, which may include an immediate retest if part of an audit.

b. If the person fails to contact the department within 30 days after receipt of the notice, fails to appear for a scheduled retest, or fails the knowledge or skills test, the department will, in accordance

with the authority in 49 CFR Section 383.5 and Iowa Code section 321.201, take one of the following actions:

(1) Downgrade the person's commercial driver's license or commercial learner's permit if the person held valid noncommercial driving privileges prior to obtaining the license or permit.

(2) Cancel the person's commercial driver's license or commercial learner's permit pursuant to 761—subrule 615.7(3) if the applicant did not hold valid noncommercial driving privileges prior to obtaining the license or permit.

c. All applicable retesting and licensure requirements apply to a person seeking to regain the person's commercial driver's license or commercial learner's permit after a downgrade or cancellation.

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187, 321.188 and 321.201.

761—607.16(321) Knowledge and skills testing of nondomiciled military personnel.

607.16(1) *Role of state of duty station.* The department may accept an application for a commercial driver's license or commercial learner's permit, including an application for waiver of the knowledge test as provided in subrule 607.12(5), if the applicant is an active duty military service member stationed, but not domiciled, in Iowa, and the department has an agreement to accept such applications with the applicant's state of domicile as provided in 49 CFR Section 383.79.

a. The applicant shall certify and provide evidence that the following apply:

(1) The applicant is regularly employed or was regularly employed within the past year in a military position requiring operation of a commercial motor vehicle.

(2) The applicant has a valid driver's license from the applicant's state of domicile.

(3) The applicant has a valid active duty military identification card.

(4) The applicant has a current copy of either the applicant's military leave and earnings statement or the applicant's orders.

b. If the applicant meets the requirements of paragraph 607.16(1)*"a"* and the department has an agreement with the applicant's state of domicile as provided in this subrule, the department may do either of the following:

(1) Administer the knowledge and skills tests to the applicant as appropriate in accordance with 49 CFR Part 383, Subparts F, G, and H, if the state of domicile requires those tests; or

(2) Waive the knowledge and skills tests in accordance with 49 CFR Section 383.77 and this chapter if the state of domicile also permits waiver of the knowledge and skills test.

c. The department may destroy the applicant's driver's license on behalf of the state of domicile unless the state of domicile requires the driver's license to be surrendered to the state of domicile's driver's licensing agency.

607.16(2) *Electronic transmission of application and test results.* The department will transmit to the state of domicile the applicant's application, any supporting documents and the results of any skills or knowledge tests administered as provided under this rule.

607.16(3) *Role of state of domicile.* If the department has an agreement with the applicant's state of duty station, upon completion of the applicant's application pursuant to 49 CFR Section 383.71 and any testing administered by the applicant's state of duty station pursuant to 49 CFR Sections 383.71 and 383.73, the department may do all of the following:

a. Accept the completed application, any supporting documents, and the results of the knowledge and skills tests administered by the applicant's state of duty station.

b. Issue the applicant a CLP or CDL.

This rule is intended to implement Iowa Code sections 321.180, 321.186, 321.187, and 321.188.

761—607.17(321) Commercial driver's license renewal. The department will administer commercial driver's license renewals as required by 49 CFR Section 383.73.

607.17(1) *Licensee requirements.* Unless eligible for electronic renewal pursuant to subrule 761—605.25(8), to renew a commercial driver's license, the licensee shall apply at a driver's license service center and complete the following requirements:

a. Provide a written self-certification of type of driving as required by rule 761—607.23(321) and, if required, provide a current medical examiner's certificate unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration.

b. If the licensee currently holds and wants to retain a hazardous material endorsement, pass the test required in 49 CFR Section 383.121 and comply with the Transportation Security Administration security threat assessment standards specified in 49 CFR Section 383.71(b)(8) and 49 CFR Section 383.141 effective October 1, 2024, for such endorsement. A lawful permanent resident of the United States must also provide the licensee's U.S. Citizenship and Immigration Services alien registration number.

c. Provide proof of citizenship or lawful permanent residency and state of domicile as required by rule 761—607.6(321) and 49 CFR Section 383.73(d)(7) unless proof of citizenship or lawful permanent residency was previously provided and the department has a notation on the licensee's record confirming that the required proof of legal citizenship or legal presence check was made and the date on which it was made.

d. If the licensee is domiciled in a foreign jurisdiction and renewing a non-domiciled commercial driver's license, provide a document required by 49 CFR Section 383.71(f) at each renewal.

607.17(2) *Early renewal.* A valid commercial driver's license may be renewed 90 days before the expiration date. If this is impractical, the department for good cause may renew a license earlier, not to exceed 364 days prior to the expiration date. The department may allow renewal earlier than 364 days prior to the expiration date for active military personnel being deployed due to actual or potential military conflict.

This rule is intended to implement Iowa Code sections 321.186, 321.188 and 321.196.

761—607.18(321) Transfers from another state. Upon initial application for an Iowa license, an Iowa resident who has a valid commercial driver's license from a former state of residence is not required to retest except as specified in Iowa Code section 321.188(5) but is required to pay the applicable endorsement and restriction removal fees.

This rule is intended to implement Iowa Code sections 321.188 and 321.191.

761—607.19(17A,321) Disqualification.

607.19(1) *Date.* A disqualifying act, action or offense under Iowa Code section 321.208, that occurred before July 1, 1990, shall not be grounds for disqualification from operating a commercial motor vehicle.

607.19(2) *Notice.* A 30-day advance notice of disqualification shall be served by the department in accordance with rule 761—615.37(321). Pursuant to Iowa Code section 321.208(12), a peace officer on behalf of the department may serve the notice of disqualification immediately.

607.19(3) *Hearing and appeal process.* A person who has received a notice of disqualification may contest the disqualification in accordance with rule 761—615.38(17A,321).

607.19(4) *Reduction of lifetime disqualification.*

a. As permitted by 49 CFR Section 383.51, a person subject to lifetime disqualification of the person's commercial driving privileges may apply to the department for reinstatement. The approval is subject to the discretion of the department and subject to the following requirements:

(1) The request may not be made prior to ten years from the effective date of the lifetime disqualification.

(2) The person must submit the request in a manner prescribed by the department.

(3) If the driving record contains alcohol-related or drug-related offenses that resulted in the lifetime disqualification, the person must have completed an alcohol or drug evaluation and have completed any recommended treatment that meets or exceeds the minimum standards approved by the Iowa department of health and human services. Evidence of a completed evaluation and treatment must be on file with the department or submitted with the application for reinstatement.

(4) Within the ten years preceding the request, the person must not have any of the following moving violation convictions:

1. A drug or alcohol offense.
2. Leaving the scene of an accident.
3. A felony involving the use of any motor vehicle.
4. Any moving violation while operating a commercial motor vehicle.

(5) The department may request, and the person shall provide, any additional information or documentation necessary to determine the person's eligibility for reinstatement or general fitness for licensure.

b. If the department finds the person is eligible for reinstatement under this subrule, the person shall do all of the following prior to reinstatement:

(1) Pay all outstanding reinstatement fees.

(2) Meet all outstanding reinstatement requirements.

(3) Pass the required knowledge, vision, and skills tests as specified in Iowa Code section 321.188.

(4) Complete any other courses or requirements as required by the director.

c. As provided in 49 CFR Section 383.51(a)(6), a person who has been disqualified for life for offenses committed under 49 CFR Section 383.51(b)(9) and (10), and a person who has previously had the person's commercial driving privileges reinstated pursuant to this subrule but is convicted of a new disqualifying offense, is not eligible to apply for reinstatement.

d. If the department determines the person is not eligible for reinstatement as provided in this subrule, the department will send notice by first-class mail to the person's mailing address as shown on departmental records that the lifetime disqualification remains in effect.

607.19(5) *Fraud related to testing and issuance.*

a. As required by 49 CFR Section 383.73(k) and Iowa Code section 321.201(2)*"b,"* the department will disqualify the commercial driver's license or commercial learner's permit of a person convicted or suspected of fraud related to the testing for or issuance of a commercial driver's license or commercial learner's permit.

b. Upon receipt of a person's conviction of fraud related to the issuance of the commercial driver's license or commercial learner's permit, the department will disqualify the person's commercial driver's license or commercial learner's permit for one year.

c. Upon receipt of credible evidence that a person is suspected of committing fraud relating to the issuance of a commercial driver's license or a commercial learner's permit, the department will notify the person of the requirement to retake the applicable knowledge or skills test. Within 30 days of receiving notice from the department, the person is required to contact the department to retake the knowledge or skills test. If the person fails to contact the department within 30 days after the notice, or the person fails the knowledge or skills test, or does not take the test, the department will disqualify the person's commercial driver's license or commercial learner's permit.

d. Once a person's commercial driver's license or commercial learner's permit has been disqualified, a new application for license will be required following the usual procedures as provided in Iowa Code section 321.188 and this chapter.

This rule is intended to implement Iowa Code chapter 17A and section 321.208.

761—607.20(321) Sanctions. When a person's motor vehicle license is denied, canceled, suspended, revoked or barred, the person is also disqualified from operating a commercial motor vehicle.

This rule is intended to implement Iowa Code section 321.208.

761—607.21(321) Reinstatement. To reinstate a commercial driver's license after completion of a period of disqualification, a person must appear at a driver's license service center, meet the vision standards for licensing, pass the applicable knowledge test(s) and the skills test, and pay the required reinstatement fee and the fees for a new license.

This rule is intended to implement Iowa Code sections 321.191 and 321.208.

761—607.22(321) Restricted commercial driver's license.

607.22(1) *Scope.* This rule pertains to the issuance of restricted commercial driver's licenses to employees of the following designated farm-related service industries: agrichemical businesses, custom harvesters, farm retail outlets and suppliers and livestock feeders as permitted by 49 CFR Section 383.3(f). A restricted commercial driver's license shall meet all requirements of a regular commercial driver's license, as set out in Iowa Code chapter 321 and this chapter, except as specified in this rule.

607.22(2) *Validity.*

a. A restricted commercial driver's license allows the licensee to drive a commercial motor vehicle for agricultural input purposes. The license is valid to:

(1) Operate Class B and Class C commercial motor vehicles, including tank vehicles and vehicles equipped with air brakes, except passenger vehicles.

(2) Transport the hazardous materials listed in paragraph 607.22(2)*"b."*

(3) Operate only during the current, validated seasonal period.

(4) Operate between the employer's place of business and the farm currently being served, not to exceed 150 miles.

b. A restricted commercial driver's license is not valid for transporting hazardous materials requiring placarding, except as follows:

(1) Liquid fertilizers such as anhydrous ammonia may be transported in vehicles or implements of husbandry with total capacities of 3,000 gallons or less.

(2) Solid fertilizers such as ammonium nitrate may be transported, provided they are not mixed with any organic substance.

(3) A hazardous material endorsement is not needed to transport the products listed in the preceding subparagraphs.

c. When not driving for agricultural input purposes, the license is valid for operating a noncommercial motor vehicle that may be legally operated under the noncommercial license held by the licensee.

607.22(3) *Requirements.*

a. The applicant must have two years of previous driving experience. This means that the applicant held a license that permits unaccompanied driving for at least two years, including an intermediate license issued pursuant to Iowa Code section 321.180B. This does not include a motorized bicycle license, a special minor's restricted license or a minor's restricted work license.

b. The applicant must have a good driving record for the most recent two-year period as defined in subrule 607.22(4).

c. An applicant who currently holds an unrestricted commercial driver's license is not eligible for issuance of a restricted commercial driver's license.

607.22(4) *Good driving record.* A "good driving record" means a driving record showing:

a. No multiple licenses.

b. No driver's license suspensions, revocations, disqualifications, denials, bars, or cancellations of any kind.

c. No convictions in any type of motor vehicle for:

(1) Driving under the influence of alcohol or drugs.

(2) Leaving the scene of an accident.

(3) Committing any felony involving a motor vehicle.

(4) Speeding 15 miles per hour or more over the posted speed limit.

(5) Reckless driving, drag racing, or eluding or attempting to elude a law enforcement officer.

(6) Improper or erratic lane changes.

(7) Following too closely.

(8) A moving violation that contributed to a motor vehicle accident.

(9) A violation deemed serious under rule 761—615.17(321).

d. No record of contributive accidents as defined in rule 761—615.1(321).

607.22(5) *Issuance.*

a. The knowledge and skills tests described in rules 761—607.12(321) and 761—607.13(321) are waived.

b. A restricted commercial driver's license will be coded with restriction "W" on the face of the driver's license, with the restriction explained in text on the back of the driver's license. In addition, the license will be issued with a restriction stating the license's period of validity.

c. The expiration date for a restricted commercial driver's license that is converted from another Iowa license will carry the same expiration date as the previous license.

d. A restricted commercial driver's license may be renewed for the period of time specified in Iowa Code section 321.196. The licensee's good driving record will be confirmed at the time of renewal.

e. A licensee may have up to three individual periods of validity for a restricted commercial driver's license, provided the cumulative period of validity for all individual periods does not exceed 210 days in any calendar year. An individual period of validity may be 70, 105, or 210 consecutive days, at the election of the licensee. A licensee may add 35 days to an individual period of validity by applying for an extension, subject to the 210-day cumulative maximum period of validity. A request for extension must be made no later than the date of expiration of the individual period of validity for which an extension is requested; a request for extension made after that date will be treated as a request for a new individual period of validity. An extension will be calculated from the date of expiration of the individual period of validity for which an extension is requested. Any period of validity authorized previously by another state's license will be considered a part of the 210-day cumulative maximum period of validity.

f. A restricted commercial driver's license must be validated for commercial motor vehicle operation for each individual period of validity. This means the department will confirm the person's good driving record at each application for an individual period of validity. Upon confirmation, the department will issue a replacement license with a restriction validating the license for that individual period of validity, provided the person is otherwise eligible for the license.

g. The requirements of this subrule must be met for each individual period of validity within a calendar year.

This rule is intended to implement Iowa Code section 321.176B.

761—607.23(321) Self-certification of type of driving and submission of medical examiner's certificate.

607.23(1) *Applicants for a commercial learner's permit, a restricted commercial driver's license, or a duplicate, new, transferred, renewed or upgraded CDL.*

a. A person shall provide to the department a self-certification of type of driving if the person is applying for:

(1) A commercial learner's permit.

(2) An initial commercial driver's license.

(3) A transfer of a commercial driver's license from a prior state of domicile to the state of Iowa.

(4) Renewal of a commercial driver's license.

(5) A license upgrade for a commercial driver's license or an endorsement authorizing the operation of a commercial motor vehicle not covered by the current commercial driver's license.

(6) A restricted commercial driver's license.

(7) A duplicate of any of the credentials listed in subparagraphs (1) through (6) above.

b. The self-certification shall be on a form or in a format, which may be electronic, as determined by the department.

607.23(2) *Submission of medical examiner's certificate by persons certifying to non-excepted interstate driving.* Every person who self-certifies to non-excepted interstate driving must give the department a copy of the person's current medical examiner's certificate, unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration. The department will not issue, transfer, renew, or upgrade a license until the department receives a medical examiner's certificate that complies with the requirements of this subrule, or unless the person changes the person's self-certification of type of driving to a type other than non-excepted interstate driving. When the department receives a current medical examiner's certificate, the department

will post information required by 49 CFR Section 383.73 and a medical certification status of "certified" on the person's CDLIS driver's record. A person who self-certifies to a type of driving other than non-excepted interstate will not have a medical certification status on the CDLIS driver's record.

607.23(3) *Maintaining certified status.* To maintain a medical certification status of "certified," a person who self-certifies to non-excepted interstate driving must give the department a copy of each subsequently issued medical examiner's certificate valid for the person unless the person's medical examiner's certificate is provided to the department electronically by the Federal Motor Carrier Safety Administration.

607.23(4) *CDL downgrade.* If the medical examiner's certificate or medical variance for a person self-certifying to non-excepted interstate driving expires or if the Federal Motor Carrier Safety Administration notifies the department that the person's medical variance was removed or rescinded, the department will post a medical certification status of "not certified" to the person's CDLIS driver's record and will initiate a downgrade of the person's commercial driver's license or commercial learner's permit. The medical examiner's certificate of a person who fails to maintain a medical certification status of "certified" as required by subrule 607.23(3) is deemed expired on the date of expiration of the last medical examiner's certificate filed for the person as shown by the person's CDLIS driver's record. The downgrade will be initiated and completed as follows:

a. The department will provide the person written notice that the person's medical certification status is "not certified" and that the commercial motor vehicle privileges will be removed from the person's commercial driver's license or commercial learner's permit 60 days after the date the medical examiner's certificate or medical variance expired or the medical variance was removed or rescinded unless the department receives a current medical certificate or medical variance or the person self-certifies to a type of driving other than non-excepted interstate.

b. If the department receives a current medical examiner's certificate or medical variance before the end of the 60-day period, the department will post a medical certification status of "certified" on the person's CDLIS driver's record and will terminate the downgrade of the person's commercial driver's license or commercial learner's permit.

c. If the person self-certifies to a type of driving other than non-excepted interstate before the end of the 60-day period, the department will not remove the commercial motor vehicle privileges from the person's commercial driver's license or commercial learner's permit, and the person will have no medical certification status on the person's CDLIS driver's record.

d. If the requirements in either paragraph 607.23(4)*"b"* or *"c"* are not met before the end of the 60-day period, the department will remove the commercial motor vehicle privileges from the person's commercial driver's license or commercial learner's permit and will leave the person's medical certification status as "not certified" on the person's CDLIS driver's record.

607.23(5) *Establishment or reestablishment of "certified" status.* A person who has no medical certification status or whose medical certification status has been posted as "not certified" on the person's CDLIS driver's record may have the person's status established or reestablished as "certified" if the department receives a current medical examiner's certificate or medical variance. A person who has failed to self-certify to a type of driving or has self-certified to a type of driving other than non-excepted interstate must also make a self-certification of type of driving to non-excepted interstate driving. The department will then post a medical certification status of "certified" on the person's CDLIS driver's record.

607.23(6) *Reestablishment of the CDL privilege.* A person whose commercial motor vehicle privileges have been removed from the person's commercial driver's license or commercial learner's permit under the provisions of paragraph 607.23(4)*"d"* may have the person's commercial motor vehicle privileges reestablished if either of the following occurs:

a. The department receives the person's current medical examiner's certificate or medical variance. A person who has failed to self-certify to a type of driving must also make an initial self-certification of type of driving to non-excepted interstate driving. The department will then post a medical certification status of "certified" on the person's CDLIS driver's record and reestablish the

commercial motor vehicle privileges, provided that the person otherwise remains eligible for a commercial driver's license or commercial learner's permit.

b. The person self-certifies to a type of driving other than non-excepted interstate. The department will then reestablish the commercial motor vehicle privileges, provided that the person otherwise remains eligible for a commercial driver's license or commercial learner's permit; the person will have no medical certification status on the driver's CDLIS driver's record.

607.23(7) *Change of type of driving.* A person may change the person's self-certification of type of driving at any time. As required by subrule 607.23(2), the department must receive a copy of the person's current medical examiner's certificate prepared by a medical examiner for a person certifying to non-excepted interstate driving.

607.23(8) *Recordkeeping.* The department will comply with the medical recordkeeping requirements set forth in 49 CFR Section 383.73.

607.23(9) *Medical examiner's certificate conflict.* As required by 49 CFR Sections 383.71 and 383.73, in the event of a conflict between the medical certification information provided electronically by the Federal Motor Carrier Safety Administration and a paper copy of the medical examiner's certificate, the medical certification information provided electronically by the Federal Motor Carrier Safety Administration shall supersede.

This rule is intended to implement Iowa Code sections 321.182, 321.188 and 321.207.

761—607.24(321) National drug and alcohol clearinghouse.

607.24(1) *Applicability.* This rule applies to:

a. An applicant for or holder of a commercial learner's permit,

b. An applicant for or holder of a commercial driver's license,

c. An applicant seeking to transfer a commercial driver's license from a prior state of domicile to the state of Iowa,

d. An applicant seeking renewal of a commercial driver's license,

e. An applicant seeking to upgrade a commercial driver's license or add an endorsement authorizing the operation of a commercial motor vehicle not covered by the current commercial driver's license, or

f. An applicant for or holder of a restricted commercial driver's license.

607.24(2) *Issuance procedures.* Prior to issuing the license or permit, the department will request information from the national drug and alcohol clearinghouse to determine if the person is prohibited from operating a commercial motor vehicle pursuant to 49 CFR Section 382.501(a). The department will not issue, renew, transfer, or upgrade the license or permit if the person is prohibited from operating a commercial motor vehicle pursuant to 49 CFR Section 382.501(a). However, this subrule is not in effect prior to the date established by the Federal Motor Carrier Safety Administration in 49 CFR Section 383.73 for state driver's license agency compliance with national drug and alcohol clearinghouse requirements.

607.24(3) *CDL downgrade.* Upon receiving notification that pursuant to 49 CFR Section 382.501(a) the person is prohibited from operating a commercial motor vehicle, the department will downgrade the license or permit and record the downgrade on the CDLIS driver record within 60 days of the department's receipt of such notification. However, this subrule is not in effect prior to the date established by the Federal Motor Carrier Safety Administration in 49 CFR Section 383.73 for state driver's license agency compliance with national drug and alcohol clearinghouse requirements. The downgrade will be initiated and completed as follows:

a. The department will give the person written notice that the person is prohibited from operating a commercial motor vehicle due to notification the department received from the national drug and alcohol clearinghouse that the person has engaged in conduct prohibited by 49 CFR Section 382.501(a) and that upon receipt of the notification, the department initiated a downgrade of the person's CLP or CDL.

b. If the department receives notification that the person is no longer prohibited from operating a commercial motor vehicle before the downgrade is completed, the department will terminate the

downgrade process without removing the CLP or CDL privilege from the driver's license, transmit the information to the person's CDLIS driver record, and send written notice to the person.

c. If, after the downgrade is completed, the department receives notification from the national drug and alcohol clearinghouse that a driver is no longer prohibited from operating a commercial motor vehicle, the department will record the end of the downgrade on the person's CDLIS driver record, reinstate the CLP or CDL privilege to the driver's license, and send written notice to the person.

d. If, after the downgrade is completed, the department receives notification from the national drug and alcohol clearinghouse that the person was erroneously identified as prohibited from operating a commercial motor vehicle, the department will reinstate the CLP or CDL privilege to the driver's license as expeditiously as possible and remove from the CDLIS driver record and driving record any reference related to the person's erroneous prohibited status.

607.24(4) *Limitation on hearing and appeal.* An informal settlement, hearing, or appeal to contest the downgrade is limited to a determination of whether the facts required by Iowa Code sections 321.188 and 321.207 and this rule are true. The merits of the information conveyed by the national drug and alcohol clearinghouse to the department shall not be considered.

This rule is intended to implement Iowa Code sections 321.188 and 321.207.

761—607.25(321) Determination of gross vehicle weight rating.

607.25(1) *Actual weight prohibited.* In determining whether the vehicle is a representative vehicle for the skills test and the group of commercial driver's license for which the applicant is applying, the vehicle's gross weight rating or gross combination weight rating must be used, not the vehicle's actual gross weight or gross combination weight. For purposes of this rule, "gross weight rating" and "gross combination weight rating" mean the same as defined in 49 CFR Section 383.5 effective October 1, 2024.

607.25(2) *Vehicle without legible manufacturer's certification label.* To complete a skills test using a vehicle that has no legible manufacturer's certification label, whether a power unit or towed vehicle, the applicant must provide documentation of the vehicle's gross vehicle weight rating, such as a manufacturer's certificate of origin, a title, or the vehicle identification number information for the vehicle. In the absence of such documentation, the vehicle may not be used, either alone or in combination.

This rule is intended to implement Iowa Code section 321.1.

ARC 9295C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to driver's licenses for undercover law enforcement officers and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 625, "Driver's Licenses for Undercover Law Enforcement Officers," 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 sections 307.12(1)"j" and 321.189A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 6 CFR 37.11 and Iowa Code sections 22.7, 80G.3, 321.189, 321.189A and 321.196.

Purpose and Summary

This rulemaking proposes to repromulgate Chapter 625 in compliance with Executive Order 10. Proposed Chapter 625 complies with Iowa Code section 321.189A, which requires the Department to adopt rules to administer undercover driver's licenses. An undercover driver's license can be issued to peace officers for use in the line of duty when a fictitious identity is necessary.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025. A public hearing was held on the following date(s):

- March 14, 2025

The Department received no comments.

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 761—Chapter 11.

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 June 18, 2025. Comments should be directed to:

Sara Siedsma
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.237.3058
Email: sara.siedsma@iowadot.us

Public Hearing

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

June 18, 2025 12:30 to 1 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 765 070 813#
June 18, 2025 2:30 to 3 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 662 350 454#

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 impairments, should contact Sara Siedsma 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 761—Chapter 625 and adopt the following **new** chapter in lieu thereof:

CHAPTER 625
DRIVER'S LICENSES FOR UNDERCOVER LAW ENFORCEMENT OFFICERS

761—625.1(321) Application.

625.1(1) The application for an undercover driver's license must:

a. Be in writing.

b. Include a fictitious name as well as the applicant's true identity.

c. Include a statement of need.

d. Be signed by both the applicant and the head of the law enforcement agency employing the applicant.

e. Be submitted to the Motor Vehicle Division, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa 50021.

625.1(2) All applications will be investigated by the department. An investigation will include but not be limited to a 50-state check of the fictitious name and verification of the applicant's employment with the sponsoring law enforcement agency.

625.1(3) The department will determine if the undercover license is necessary.

625.1(4) The department may approve or deny the application based on the results of the investigation and the determination of necessity.

625.1(5) An applicant employed by a state or local law enforcement agency that is located in a state other than Iowa is not eligible for an undercover driver's license issued under this chapter.

761—625.2(321) Issuance and cancellation.

625.2(1) To obtain an undercover license after the application is approved, the applicant is to appear at the Motor Vehicle Division offices, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa, with all applicable documents necessary for the issuance of an undercover license.

625.2(2) In accordance with the provisions in 6 CFR Section 37.11 effective as of January 1, 2024, the requirements under rule 761—601.5(321) are waived for the issuance of an undercover license.

625.2(3) An undercover license may not be renewed. The department may issue a subsequent new undercover license to an applicant who submits a new application and continues to meet the requirements of rule 761—625.1(321).

625.2(4) When the need for an undercover license no longer exists or if the licensee ceases to be employed by the sponsoring law enforcement agency, the licensee shall surrender the undercover license to the motor vehicle division for cancellation.

761—625.3(22,80G,321) Records.

625.3(1) Applications, forms and other records of the department that establish the true identity of an applicant or licensee under this chapter are confidential public records under Iowa Code sections 22.7, 80G.3 and 321.189A. The fictitious license information itself is not confidential, except as provided in Iowa Code section 321.11.

625.3(2) The open public records of the department will not contain any information or indicator that would distinguish any undercover license issued under this chapter from any other driver's license issued by the department.

625.3(3) An undercover license issued under this chapter will appear on the driver's license record system.

These rules are intended to implement Iowa Code sections 22.7, 80G.3, 321.189, 321.189A and 321.196 and 6 CFR Section 37.11 effective as of January 1, 2025.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the following interest rates of interest for public obligations and special assessments have been established. The usury rate for May is 6.25%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

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

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

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

New official state interest rates, effective May 9, 2025, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum 1.70%
180-364 days	Minimum 1.60%
One year to 397 days	Minimum 1.75%
More than 397 days	Minimum 1.60%

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

Inquiries may be sent to Roby Smith, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

USURY

In accordance with the provisions of Iowa Code section 535.2(3)"a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

June 1, 2024 — June 30, 2024	6.50%
July 1, 2024 — July 31, 2024	6.50%
August 1, 2024 — August 31, 2024	6.25%
September 1, 2024 — September 30, 2024	6.25%
October 1, 2024 — October 31, 2024	5.75%
November 1, 2024 — November 30, 2024	5.75%
December 1, 2024 — December 31, 2024	6.00%
January 1, 2025 — January 31, 2025	6.25%
February 1, 2025 — February 28, 2025	6.50%
March 1, 2025 — March 31, 2025	6.75%
April 1, 2025 — April 30, 2025	6.50%
May 1, 2025 — May 31, 2025	6.25%
June 1, 2025 — June 30, 2025	6.25%

ARC 9298C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rulemaking related to variance procedures for tax increment financing housing projects

The Economic Development Authority hereby rescinds Chapter 26, "Variance Procedures for Tax Increment Financing (TIF) Housing Projects," 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 15.106A and 403.22.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 403.22.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 26 and adopting a new chapter in lieu thereof. The chapter describes the procedures by which the Authority considers and approves variance requests for the low- and moderate-income set aside required for TIF-financed residential developments.

The new chapter eliminates language that is duplicative of statutory language and eliminates other unnecessary and inconsistent language. Additionally, the new chapter would provide updated criteria for evaluation of variance requests.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025, as **ARC 8925C**. A public hearing was held on the following date(s):

- March 11, 2025
- March 13, 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 Authority Board on April 18, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 261—Chapter 26 and adopt the following **new** chapter in lieu thereof:

CHAPTER 26
VARIANCE PROCEDURES FOR TAX INCREMENT FINANCING (TIF) HOUSING PROJECTS

261—26.1(403) Purpose. The authority is given the responsibility to rule on requests for variances in the percentage of low- and moderate-income benefit required in certain tax increment financing (TIF) districts for residential development as prescribed in the law. These rules establish procedures and criteria for variance requests.

261—26.2(403) Definitions.

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Housing project" means a project in an urban renewal area established solely upon findings under Iowa Code section 403.2(3) that is primarily intended to support housing activities. These may include but are not limited to the following: public streets and utilities, site preparation, housing rehabilitation, real property acquisition, new housing construction, and conversion of existing structures into housing units.

"Low- or moderate-income families" or *"LMI families"* means the same as "low or moderate income families" as defined in Iowa Code section 403.17.

"Municipality" means the same as defined in Iowa Code section 403.17.

261—26.3(403) Variance request procedure.

26.3(1) A municipality may request a variance at any time.

26.3(2) Requests for a variance shall be submitted on forms prescribed by the authority. The authority may request additional information from the municipality as part of the application review. Application information will be available on the authority's website.

26.3(3) The authority may modify the request to maximize the level of benefit to low- or moderate-income families, while preserving the financial feasibility of the TIF-supported housing project.

26.3(4) The authority will notify municipalities of its decision in writing. If the request is approved, the authority will indicate the level of the variance and the conditions for compliance with the variance. If the request is denied, the authority will state its reasons for the denial.

261—26.4(403) Criteria for review. The authority will review the application on the following criteria:

1. Financial feasibility of the housing project with and without a variance of the low- and moderate-income benefit percentage.
2. Percentage of low- or moderate-income families in the community at the time of application as determined by the latest United States Department of Housing and Urban Development, Section 8, income guidelines.
3. Plan to utilize funds for housing activities benefitting low- or moderate-income families.
4. Other factors that may impact the project's need for a variance as determined by the authority.

These rules are intended to implement Iowa Code section 403.22.

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9299C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rulemaking related to rural housing needs assessment grant program

The Economic Development Authority hereby rescinds Chapter 28, "Rural Housing Needs Assessment Grant 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 section 15.106A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2019 Iowa Acts, Senate File 608, and Executive Order 11.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 28 and adopting a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the Rural Housing Needs Assessment Grant program (program). The program supports community efforts to interpret hard data with supplemental information and to help communities implement changes to development codes, local ordinances, and housing incentives according to the community's needs.

The updated chapter will be more concise throughout, including elimination of an unnecessary definition of "agreement." Rule 261—28.4(88GA,SF608) will be updated for consistency with Iowa Code section 15.439, which requires that additional consideration is given to projects included in an Iowa Great Places agreement. The implementation sentence will be updated to include a reference to Executive Order 11 (October 19, 2023), which restructured the Empower Rural Iowa initiative but maintained the Authority's ongoing role to provide staffing and administrative assistance to the initiative.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025, as **ARC 8928C**. A public hearing was held on the following date(s):

- March 11, 2025
- March 13, 2025

No one attended the public hearings. No public comments were received.

A requirement that the Authority notify applicants of the Director's funding decision within 15 days has been removed from rule 261—28.4(88GA,SF608).

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on April 18, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 261—Chapter 28 and adopt the following **new** chapter in lieu thereof:

CHAPTER 28
RURAL HOUSING NEEDS ASSESSMENT GRANT PROGRAM

261—28.1(88GA,SF608) Purpose. The purpose of the rural housing needs assessment grant program is to support community efforts to interpret hard data with supplemental information and to help communities implement changes to development codes, local ordinances, and housing incentives according to the community's needs.

261—28.2(88GA,SF608) Definitions. For purposes of this chapter unless the context otherwise requires:

"Applicant" means an Iowa community applying for financial assistance under the program.

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Community" means a county, an incorporated city, or a community designee.

"Community designee" means a legal entity established or designated by a county or incorporated city in an agreement pursuant to Iowa Code chapter 28E for the purposes of evaluating housing needs.

"Director" means the director of the authority.

"Financial assistance" means a grant made by the authority to an applicant approved for funding under the program.

"Program" means the rural housing needs assessment grant program established in this chapter.

261—28.3(88GA,SF608) Program description.

28.3(1) *Amount, form, and timing of assistance.* The amount of assistance awarded will be determined by the authority and will be based on the total amount of funds available to the authority for the program and the costs specified in the application. The authority will establish a maximum grant award per application and a minimum grant award per application for each fiscal year in which funding is available. The authority will provide financial assistance in the form of a grant. Funds will be disbursed on a reimbursement basis for expenses incurred by the applicant after approval of an award by the director.

28.3(2) *Application.*

a. Forms. All applications and other filings related to the program shall be on such forms and in accordance with such instructions as may be established by the authority. Information about the program, the application, and application instructions may be obtained by contacting the authority.

b. Application period. Each fiscal year during which funding is available, applications for financial assistance will only be accepted during the established application period, or periods, as identified by the authority on its website.

c. Completeness. An application will not be considered submitted for review until the application is completed and all required supporting documentation and information are provided to the authority.

28.3(3) *Use of funds.*

a. An applicant shall use funds only for reimbursement of the costs directly related to a project. The authority may require documentation or other information establishing the actual costs incurred for a project.

b. For purposes of this subrule, "costs directly related" does not include any expenses specified as ineligible in the agreement entered pursuant to rule 261—28.5(88GA,SF608).

261—28.4(88GA,SF608) Program eligibility, application scoring, and funding decisions.

28.4(1) *Program eligibility.* An applicant must meet the following eligibility criteria to qualify for financial assistance under this program:

a. The applicant must be an Iowa community as defined in rule 261—28.2(88GA,SF608).

b. An applicant that is an incorporated city must have a population of 20,000 or less and shall not be contiguous to a city with a population of 40,000 or greater. An applicant that is a county shall be one of the 88 least populous counties in the state. An applicant that is a community designee shall have entered an agreement pursuant to Iowa Code chapter 28E with an incorporated city or county meeting the population criteria in this paragraph.

c. An eligible applicant will be allowed to submit only one application per application period.

d. The applicant must demonstrate the capacity for administering a grant.

e. The applicant must demonstrate the feasibility of the project's proposed scope and timeline with the funds requested.

f. The applicant must identify and describe other sources of funding for the proposed assessment and related activities.

g. The applicant must identify any partner organizations that will be utilized in interpreting and implementing the data collected through the assessment.

h. The applicant must provide a cash match of at least 50 cents for every dollar awarded as a grant under this program.

28.4(2) *Application scoring criteria.* All completed applications will be reviewed and scored. Each application will be scored using criteria set forth by the authority, which may include the following:

a. Applicant readiness and partnerships. The application should demonstrate that the applicant is actively addressing housing needs and has identified diverse partners.

b. Project goals and timeline. The application should demonstrate clearly defined, measurable goals and a timeline for execution of the project.

c. Project budget and financing. The application should include a complete budget that provides clear justification for all costs. The application should also demonstrate secured financing and that the cash match requirement has been met.

d. Additional points. Extra consideration is provided to applications that have projects identified in an Iowa great places agreement as well as those located in a community with a population of 10,000 or less.

28.4(3) *Funding decisions.* Funding decisions will be made using the following process:

a. Staff review. Each application will be reviewed by staff for eligibility and completeness. Eligible and complete applications will be sent to a grant committee.

b. Grant committee review and recommendation. Following staff review, a grant committee will review and score applications using the criteria in subrule 28.4(2) and will make funding recommendations. The committee may utilize an outside technical panel if the committee determines

additional expertise is necessary to review and score the application. The application and score will be referred to the director with a recommendation as to whether to fund the project and, if funding is recommended, a recommendation as to the amount of the grant.

c. Director's decision. The director will make the final funding decision on each application, taking into consideration the amount of available funding and the grant committee's recommendation. The director may approve, deny, or defer funding for any application.

d. Notification. Each applicant will be notified in writing of the funding decision.

261—28.5(88GA,SF608) Agreement and reports.

28.5(1) Each applicant that is approved for financial assistance under the program shall enter into an agreement with the authority for the provision of such financial assistance. The agreement will establish the terms on which the financial assistance is to be provided and may include any other terms reasonably necessary for the efficient administration of the program.

28.5(2) The authority and the applicant may amend the agreement at any time upon the mutual agreement of both the authority and the applicant.

28.5(3) A recipient under the program shall submit information reasonably required by the authority to make reports to the authority's board, the governor's office, or the general assembly.

These rules are intended to implement 2019 Iowa Acts, Senate File 608, and Executive Order 11 (October 19, 2023).

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9300C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rulemaking related to rural innovation grant program

The Economic Development Authority hereby rescinds Chapter 29, "Rural Innovation Grant 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 section 15.106A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2019 Iowa Acts, Senate File 608, and Executive Order 11.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 29 and adopting a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the Rural Innovation Grant program. The program supports creative, nontraditional ideas that focus on current issues and challenges faced by rural communities associated with the themes of community investment, growth, and connection.

The updated chapter is more concise throughout, including elimination of an unnecessary definition of "agreement." Additionally, the definition of "applicant" is updated to specify that a business applicant must have a physical location in Iowa. Rule 261—29.3(88GA,SF608) is updated to specify that an applicant's proposed project, in addition to the applicant itself, must serve a city that has a population of 20,000 or less and that is not contiguous to a city with a population of 40,000 or greater.

Rule 261—29.4(88GA,SF608) is updated for consistency with Iowa Code section 15.439, which requires that additional consideration is given to projects included in an Iowa Great Places agreement. The updated rule specifies that additional consideration will be given to projects in communities with a population of less than 10,000, consistent with equivalent scoring criteria for the Rural Housing Needs Assessment Grant program in 261—paragraph 28.4(2)"d."

The implementation sentence is updated to include a reference to Executive Order 11 (October 19, 2023), which restructured the Empower Rural Iowa initiative but maintained the Authority's ongoing role to provide staffing and administrative assistance to the initiative.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025, as **ARC 8927C**. A public hearing was held on the following date(s):

- March 11, 2025
- March 13, 2025

No one attended the public hearings. No public comments were received.

A requirement that the Authority notify applicants of the Director's funding decision within 15 days has been removed from rule 261—29.4(88GA,SF608).

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on April 18, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 261—Chapter 29 and adopt the following **new** chapter in lieu thereof:

CHAPTER 29
RURAL INNOVATION GRANT PROGRAM

261—29.1(88GA,SF608) Purpose. The purpose of the rural innovation grant program is to support creative, nontraditional ideas that focus on current issues and challenges faced by rural communities.

261—29.2(88GA,SF608) Definitions. For purposes of this chapter unless the context otherwise requires:

"Applicant" means an Iowa business, a college, a university, a city, a county, a council of governments organization established by Iowa Code chapter 28H, a K-12 educational institution, or a private nonprofit agency or a foundation applying for financial assistance under the program. A business will be considered an Iowa business if the business has a physical location in Iowa and is incorporated in the state of Iowa or authorized to do business in the state of Iowa.

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Director" means the director of the authority.

"Financial assistance" means a grant made by the authority to an applicant approved for funding under the program.

"Program" means the rural innovation grant program established in this chapter.

"Project" means a program or activity undertaken in and for the benefit of a community in Iowa with a population of 20,000 or less and not contiguous to a city with a population of 40,000 or greater.

261—29.3(88GA,SF608) Program description.

29.3(1) *Amount, form, and timing of assistance.* The amount of assistance awarded will be determined by the authority based on the total amount of funds available to the authority for the program and based on the project details. The authority will establish a maximum grant award per application and a minimum grant award per application for each fiscal year in which funding is available. The authority will provide financial assistance in the form of a grant. Funds will be disbursed on a reimbursement basis for expenses incurred by the applicant after approval of an award by the director.

29.3(2) *Application.*

a. Forms. All applications and other filings related to the program shall be on such forms and in accordance with such instructions as established by the authority. Information about the program, the application, and application instructions may be obtained by contacting the authority.

b. Application period. Each fiscal year during which funding is available, applications for financial assistance will only be accepted during the established application period, or periods, as identified by the authority on its website.

c. Frequency of application. An eligible applicant may only be named as the primary entity on one application per application period. However, an applicant who has applied as the primary entity for an application may also be named as a partner on additional applications.

d. Completeness. An application will not be considered submitted for review until the application is completed and all required supporting documentation and information are provided.

29.3(3) *Use of funds.*

a. An applicant shall use funds only for reimbursement of the costs directly related to the project. The authority may require documentation or other information establishing the actual costs incurred for a project.

b. For purposes of this subrule, "costs directly related" does not include ineligible expenses, such as international travel, domestic travel outside the state of Iowa, insurance, training or professional development courses, and any other expenses specified as ineligible in the agreement entered pursuant to rule 261—29.5(88GA,SF608).

261—29.4(88GA,SF608) Program eligibility, application scoring, and funding decisions.

29.4(1) *Program eligibility.* An applicant must meet the following eligibility criteria to qualify for financial assistance under this program:

a. The applicant must meet the definition of "applicant" in rule 261—29.2(88GA,SF608).

b. If the applicant is not a local government entity, the applicant must demonstrate support from the local government entity as evidenced by a letter of support.

c. The applicant and its proposed project must serve a city that has a population of 20,000 or less and that is not contiguous to a city with a population of 40,000 or greater.

d. The applicant must demonstrate the capacity for administering a grant.

e. The applicant must provide a cash match of at least 50 cents for every dollar awarded as a grant under this program.

f. The applicant must demonstrate that the project does not consist of ongoing expenses for existing projects or programs.

29.4(2) *Application scoring criteria.* All completed applications will be reviewed and scored. Each application will be scored using criteria set forth by the authority, which may include the following:

a. Alignment with program purpose. The application should demonstrate that the project aligns with the program purpose by developing a nontraditional, concrete solution to increase rural community vibrancy.

b. Innovation. The application should demonstrate that the project will address rural challenges through exceptional and creative solutions.

c. Replicability. The application should demonstrate a clear opportunity for successful replication in rural communities across the state.

d. Roles defined. The application should identify and describe the roles of all partners involved in the project.

e. Project goals and timeline. The application should demonstrate clearly defined, measurable goals and a timeline for execution of the project.

f. Project budget and financing. The application should include a complete budget that provides clear justification for all costs. The application should also demonstrate secured financing and that the cash match requirement has been met.

g. Additional points. Extra consideration is provided to projects identified in an Iowa great places agreement as well as those located in a community with a population of 10,000 or less.

29.4(3) *Funding decisions.* Funding decisions will be made using the following process:

a. Staff review. Each application will be reviewed by staff for eligibility and completeness. Eligible and complete applications will be sent to a grant committee.

b. Grant committee review and recommendation. Following staff review, a grant committee will review and score applications using the criteria in subrule 29.4(2) and will make funding recommendations. The committee may utilize an outside technical panel if the committee determines additional expertise is necessary to review and score the application. The application and score will be referred to the director with a recommendation as to whether to fund the project and, if funding is recommended, a recommendation as to the amount of the grant.

c. Director's decision. The director will make the final funding decision on each application, taking into consideration the amount of available funding and the grant committee's recommendation. The director may approve, deny, or defer funding for any application.

d. Notification. Each applicant will be notified in writing of the funding decision.

261—29.5(88GA,SF608) Agreement and reports.

29.5(1) Each applicant that is approved for financial assistance under the program shall enter into an agreement with the authority for the provision of such financial assistance. The agreement will establish the terms on which financial assistance is to be provided and may include any other terms reasonably necessary for the efficient administration of the program.

29.5(2) The authority and the applicant may amend the agreement at any time upon the mutual agreement of both the authority and the applicant.

29.5(3) A recipient under the program shall submit information reasonably required by the authority to make reports to the authority's board, the governor's office, or the general assembly.

These rules are intended to implement 2019 Iowa Acts, Senate File 608, and Executive Order 11 (October 19, 2023).

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9301C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rulemaking related to empower rural Iowa program

The Economic Development Authority hereby rescinds Chapter 30, "Empower Rural Iowa 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 section 15.106A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2021 Iowa Acts, House File 871; 2022 Iowa Acts, House File 2564; and 2023 Iowa Acts, Senate File 559.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 30 and adopting a new chapter in lieu thereof. The chapter describes the eligible uses of funds appropriated to the Empower Rural Iowa program by 2021 Iowa Acts, House File 871; 2022 Iowa Acts, House File 2564; and 2023 Iowa Acts, Senate File 559. The updated chapter will remove references to task forces associated with the Empower Rural Iowa initiative that were consolidated by Executive Order 11 (October 19, 2023). The implementation sentence will be updated to include 2023 Iowa Acts, Senate File 559; 2024 Iowa Acts, Senate File 2432; and Executive Order 11.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025, as **ARC 8929C**. A public hearing was held on the following date(s):

- March 11, 2025
- March 13, 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 Authority Board on April 18, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa beyond the legislation it is intended to implement.

Jobs Impact

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

Waivers

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

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 261—Chapter 30 and adopt the following **new** chapter in lieu thereof:

CHAPTER 30
EMPOWER RURAL IOWA PROGRAM

261—30.1(90GA,SF559,SF2432) Purpose. The empower rural Iowa initiative was created by Executive Order 3 (July 18, 2018), which directed the authority to provide staffing and administrative assistance for the initiative and its associated task forces. Executive Order 11 (October 19, 2023) amended and superseded Executive Order 3 (July 18, 2018) and restructured the initiative.

261—30.2(90GA,SF559,SF2432) Definitions. As used in this chapter unless the context otherwise requires:

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Director" means the director of the authority.

"Empower rural Iowa initiative" or *"initiative"* means the initiative created by Executive Order 3 (July 18, 2018) and Executive Order 11 (October 19, 2023).

"Rural community" means either an Iowa city with a population of 20,000 or less and that is not contiguous to a city with a population of 40,000 or greater, or an Iowa county that is one of the 88 least populous counties in the state.

261—30.3(90GA,SF559,SF2432) Eligible uses of funds.

30.3(1) Funds appropriated to the authority for the empower rural Iowa program shall be used to address the challenges and opportunities of rural communities. Uses of funds shall be approved by the director.

30.3(2) Eligible uses of funds include the following:

a. The rural housing needs assessment grant program administered pursuant to 261—Chapter 28;

b. The rural innovation grant program administered pursuant to 261—Chapter 29;

c. Support for entrepreneurship and cooperative business models for businesses in rural communities;

d. Leadership development training for representatives of rural communities;

e. Education and training opportunities relating to succession planning for businesses in rural communities;

f. Promotion of e-commerce opportunities for businesses in rural communities; and

g. Implementation of additional recommendations identified by the empower rural Iowa task force.

These rules are intended to implement 2023 Iowa Acts, Senate File 559; 2024 Iowa Acts, Senate File 2432; and Executive Order 11 (October 19, 2023).

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9302C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rulemaking related to regional sports authority districts

The Economic Development Authority hereby rescinds Chapter 38, "Regional Sports Authority Districts," 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 15.106A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15E.321.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 38 and adopting a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to regional sports authority districts (districts) certified and funded pursuant to Iowa Code section 15E.321. Districts actively promote youth sports, high school athletic activities, the Special Olympics, and other nonprofessional sporting events. The new chapter is updated to be clearer and more concise throughout, including removing language that is duplicative of statutory language. Specific point values assigned to scoring criteria have been eliminated. A description of how the Authority may utilize additional application rounds has been eliminated.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025, as **ARC 8926C**. A public hearing was held on the following date(s):

- March 11, 2025
- March 13, 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 Authority Board on April 18, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 261—Chapter 38 and adopt the following **new** chapter in lieu thereof:

CHAPTER 38
REGIONAL SPORTS AUTHORITY DISTRICTS

261—38.1(15E) Definitions. For the purposes of this chapter, unless the context otherwise requires, the following definitions apply:

"Actively promote" or *"active promotion"* means to regularly undertake specific, identifiable actions that encourage greater participation in an activity or that make an activity more visible and accessible. Active promotion includes planning, organizing, advertising, marketing, managing, hosting, and sponsoring a nonprofessional sporting event.

"Applicant" means a CVB that has submitted an application to the authority for certification of a proposed district. "Applicant" may include more than one CVB and one or more communities located within the proposed district.

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Board" means a regional sports authority district governing board consisting of members of the local community or communities served by an applicant.

"Convention and visitors bureau" or *"CVB"* means an organization engaged primarily in the marketing and promotion of a local community or communities to businesses and to leisure travelers interested in the area's facilities. Such organizations are typically engaged in a wide range of activities, including but not limited to assisting businesses and leisure travelers in identifying meeting locations and convention sites; providing maps and other travel information; providing information on local attractions, lodging, and restaurants; and organizing tours of local historical, recreational, and cultural attractions.

"District" means the same as defined in Iowa Code section 15E.321.

"Nonprofessional" means an activity typically engaged in by amateurs and primarily for pleasure rather than for pecuniary benefit or other reasons indicating a professional interest in the activity.

"Program" means the regional sports authority district program authorized under Iowa Code section 15E.321 and the rules in this chapter.

"Sporting event" means an athletic activity requiring skill or physical prowess, usually competitive in nature and governed by a set of rules provided by a nationally recognized sanctioning body or by a local organization engaged in the development and active promotion of the athletic activity. A sporting event typically includes the placing of competitors into a fixed order of finish, depending on their respective athletic performance within the rules provided for that activity. For the purposes of this chapter, "sporting event" includes but is not limited to youth sports, high school athletic activities, the Special Olympics, and other nonprofessional athletic activities.

261—38.2(15E) Program eligibility and application.

38.2(1) *Eligibility.* To be eligible under the program, an applicant shall meet all of the following requirements:

a. The applicant shall propose to operate a regional sports authority district that is governed by a board that meets the requirements of Iowa Code section 15E.321(5).

b. The applicant shall propose a program of activities designed to foster the active promotion of one or more nonprofessional sporting events in the district during the fiscal year for which the applicant is applying for funding. Such program shall be overseen by the board as required by paragraph 38.2(1)*"a."*

c. The applicant shall demonstrate an amount of local match equal to at least 50 percent of the amount of grant funds to be received by the applicant under the program. The local match shall be in the form of cash.

d. The applicant shall submit a completed application including all of the information described in subrule 38.2(2) by the deadline established by the authority on its website.

38.2(2) *Application.* When submitting an application for grant funds under the program, an applicant shall include all of the following information:

a. The applicant's name, mailing address, email address, telephone number, contact person, and federal employer identification number.

b. A detailed description of the nonprofessional sporting events the applicant intends to actively promote using funds received under the program.

c. The date each proposed nonprofessional sporting event will be held and the location at which the event will be held.

d. Written documentation establishing the amount and source of the required local cash match.

e. Names and contact information of the board and an indication as to which of the board members are city council members as required by Iowa Code section 15E.321(5).

f. Detailed information and projections sufficient to enable the authority to accurately assess the economic impact of the nonprofessional sporting events described in the application. Such information shall include the estimated number of participants and the estimated number of spectators expected to attend the event. If the applicant has previously held substantially similar events, the information shall include actual attendance figures from past events.

g. Any additional information requested by the authority.

261—38.3(15E) Application scoring and certification of districts.

38.3(1) *Scoring process and criteria.* Applications that meet the requirements in rule 261—38.2(15E) will be reviewed and scored by authority staff. The authority may also engage outside reviewers with relevant expertise. The higher an application's numerical score, the more likely it is that the applicant will receive funding under the program. The authority will certify districts in a manner designed to prioritize those events that provide the greatest total benefit to the state as a whole. The criteria used to score the applications are as follows:

a. Economic impact: The authority will consider the amount of economic impact represented by the proposed nonprofessional sporting events and will view favorably events that have a greater economic impact. Economic impact will be determined by estimating the number of hotel room nights generated by each proposed nonprofessional sporting event and multiplying the number of estimated hotel room nights by the average daily room rate for Iowa hotels. The average daily room rate will be provided by the authority based on information obtained from a hotel market data service. Intentionally inflated estimates of attendance or a history of providing inaccurate estimates will negatively affect the scoring of an application.

b. Leveraged funds ratio: The authority will consider the proportion of state funds to total funds in the application and will view favorably a greater rate of financial participation from entities other than the state of Iowa.

c. Novelty and quality: The authority will consider the novelty and quality of an event and will view favorably nonprofessional sporting events that are new to Iowa or that have been recently improved, enhanced, or enlarged.

d. Event size and scope: The authority will consider the size of an event and will view favorably a project with a larger total budget.

e. Need: The authority will consider the financial need of an applicant and will recognize the importance of funding events that would not take place without assistance under the program. The authority will also recognize the importance of funding nonprofessional sporting events that have never before been funded under the program or under another state program.

f. Geographic diversity: The authority will consider the geographic diversity represented by the pool of applicants.

38.3(2) *Certification process.*

a. Applications and scores will be referred to the director with a recommendation as to whether to approve certification and funding. The director will make the final decision on each application, taking into consideration the amount of available funding, scores, and recommendations. The director may approve, deny, or defer any application.

b. The authority will certify not more than ten districts each fiscal year in which funding is available for the program. The authority may certify fewer than ten districts in a fiscal year if fewer than ten completed applications are timely received or if fewer than ten completed applications meet the minimum threshold for certification established for that fiscal year. The authority will award grant funds to each of the certified districts in equal amounts. A district certified in one fiscal year retains its certification only for the duration of that fiscal year and must reapply for certification in each subsequent fiscal year.

38.3(3) *Reallocation of award amounts.* If a certified district fails to hold a nonprofessional sporting event described in the application, then that district may request a contract amendment pursuant to subrule 38.4(3) to reallocate the proposed expenses allocated for that event to another event included on the application. If there are no other events included on the application to which the proposed expenses may be allocated or the failure to hold a nonprofessional sporting event materially changes the application's overall quality in relation to other applications, then the district shall forfeit the amount of proposed expenses to be reimbursed and the authority may award that amount to other applicants or districts.

261—38.4(15E) Contract administration.

38.4(1) *Notice of approval.* The authority will notify successful applicants in writing of approved requests for certification. Such a notification may include the terms or conditions under which approval is granted.

38.4(2) *Contract required.* Each successful applicant shall enter into a contract with the authority. The contract will describe the nonprofessional sporting events that the applicant will actively promote as part of the certified district. The contract will also include the terms and conditions under which the grant funds will be disbursed and under which the grant funds must be repaid or penalties incurred in the event the district does not fulfill all obligations under the contract.

38.4(3) *Contract amendments.* All requests by a district for an amendment to the contract will require the approval of the director of the authority. The director will review each such request and approve or deny it. If a request is approved, the district and the authority will execute a written amendment to the contract. Only a written amendment duly executed by both parties to the contract will be valid and binding.

38.4(4) *Reports required.* Each certified district shall submit a written report to the authority within 90 days of the end of the performance period specified in the contract.

38.4(5) *Recordkeeping.* Each certified district shall maintain all records necessary for the verification and validation of the proper use of grant funds under the contract and shall submit such records to the authority upon request.

261—38.5(15E) Expenses, records, and reimbursements.

38.5(1) *Eligible expenses.* Only expenditures directly related to the active promotion of a nonprofessional sporting event will be reimbursed under the program. Items that will be considered eligible expenses include but are not limited to bid fees, rights fees, sponsorships, payments to vendors,

advertising, marketing, venue rental, equipment rental, promotional materials, production costs, and fees and costs for officiants.

38.5(2) *Ineligible expenses.* Expenses that are not directly related to the active promotion of a nonprofessional sporting event are not eligible for reimbursement. Ineligible expenses include but are not limited to travel costs of applicant staff, solicitation efforts, lobbying fees, meals or dining on occasions other than the dates of the nonprofessional sporting events described in the application, items that are purchased for resale, prizes given to participants, and alcoholic beverages.

38.5(3) *Required records and reimbursements.* A district shall submit any records requested by the authority as documentation of the expenditures incurred for purposes of the grant funds awarded under the program. Such records may include invoices, original itemized receipts, check copies, or other proof of payment. The authority will only accept records submitted in the name of the district that has executed a contract. The authority will not reimburse any expenses included on a receipt that includes both eligible expenses and ineligible expenses.

38.5(4) *Repayments of certain funds.* If the authority reimburses a district for the cost of a refundable bid fee and the applicant is unsuccessful in the effort to win the right to hold that event, then the district shall return the amount of such reimbursement to the authority.

38.5(5) *Reallocation of funds.* If, at the time of a district's final reporting of expenses, the district cannot adequately document eligible expenses or documents an amount that is less than the awarded amount, the authority may award additional funds to other certified districts. If the authority awards additional funds to already certified districts, such districts shall submit documentation establishing how such funds will be expended and the authority will execute contract amendments providing for the expenditure of the additional funds.

These rules are intended to implement Iowa Code section 15E.321.

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9303C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rulemaking related to Iowa tourism grant program

The Economic Development Authority hereby rescinds Chapter 42, "Iowa Tourism Grant 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 section 15.106A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15E.321.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 42 and adopting a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the Iowa Tourism Grant Program. The program supports tourism-related projects. The new chapter will be updated to be clearer and more concise throughout. Additionally, the new chapter will specify that records be maintained by grantees for three years following grant closeout.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025, as **ARC 8930C**. A public hearing was held on the following date(s):

- March 11, 2025
- March 13, 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 Authority Board on April 18, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 261—Chapter 42 and adopt the following **new** chapter in lieu thereof:

CHAPTER 42
IOWA TOURISM GRANT PROGRAM

261—42.1(15) Definitions. For the purposes of this chapter, unless the context otherwise requires, the following definitions apply:

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Collaborative application" means an application in which multiple partners are providing monetary support for the project.

"Head applicant" means the applicant on a collaborative application that is both the recipient of the funds and the administrator of the project.

"Marketing" means planning for or implementing efforts to publicize a community, event or destination using a range of strategies, tools and tactics.

"Meetings and events" means regional or national tourism-related meetings and conventions or local festivals or similar tourism events that positively impact local and state economies.

"Project" means a tourism-related marketing initiative, meeting or event that benefits both state and local economies.

"Tourism" means attracting people from beyond a 50-mile radius or people who spend the night away from home to visit a site or event.

261—42.2(15) Program description.

42.2(1) The authority will accept competitive applications for tourism-related projects in each fiscal year in which funding is available. The authority will award grants to projects based on the criteria described in subrule 42.4(1) and in a manner designed to prioritize those projects that provide the greatest benefit to state and local economies.

42.2(2) The authority will establish a maximum grant award per application and a minimum grant award per application for each fiscal year in which funding is available.

42.2(3) The authority will make awards based on the total amount of funding available each fiscal year. Funds will be awarded for expenditures that are directly related to the implementation of an eligible project.

42.2(4) An applicant may submit one application each fiscal year. If the application submitted by the applicant is a collaborative application, it will be counted as the head applicant's application for the fiscal year.

42.2(5) An applicant that has received an Iowa tourism grant award in the prior fiscal year cannot submit an application for a substantially similar project in the following fiscal year. If an applicant does submit an application for a substantially similar project in the following fiscal year, the project will be deemed ineligible and the application will not be reviewed or scored. Whether a project is substantially similar will be determined by the authority.

261—42.3(15) Program eligibility and application requirements.

42.3(1) *Eligibility.* To be eligible under the program, an applicant shall meet all of the following requirements:

a. The applicant must be a tourism-related entity based in the state of Iowa, including a nonprofit or for-profit organization, city, county, or regional government or planning entity.

b. The applicant must demonstrate an amount of local match equal to at least 20 percent of the total project costs to be incurred by the applicant. The local match shall be in the form of cash. Other state sources of funds shall not qualify as local match. The local match must be spent on eligible expenses as described in rule 261—42.6(15).

c. The applicant must submit a completed application, including all of the information described in subrule 42.3(2), by the deadline established by the authority on its website.

42.3(2) *Application requirements.* When submitting an application for grant funds under the program, an applicant shall include all of the following information:

a. The applicant's name, mailing address, email address, telephone number, contact person, and federal employer identification number. If the application is a collaborative application, the head applicant shall identify itself and provide the names of all partner applicants.

b. A detailed description of the project.

c. Written documentation of the project costs, including but not limited to advertising rate sheets, bids, quotes, and invoices.

d. Written documentation establishing the amount and source of the required local cash match.

e. Detailed information sufficient to enable the authority to accurately assess the impact and quality of the project.

261—42.4(15) Application scoring and approval process.

42.4(1) *Scoring process and criteria.* An application meeting the requirements in rule 261—42.3(15) will be reviewed and scored by authority staff. The authority may also engage outside reviewers with relevant expertise. The higher an application's numerical score, the more likely it is to receive funding under the program. The criteria used to score the applications are as follows:

a. Project description: The applicant will explain the project, the timeline for its creation and implementation, and how state funds will support the project. The authority will view favorably information that clearly articulates the project, sets forth a reasonable timeline for the project's creation and implementation, and fully describes how state funds will be used to support the project.

b. Economic impact and ability to promote tourism industry growth: The authority will consider how the project supports the mission of the Iowa tourism office and is part of the applicant's broader marketing strategy to increase the economic impact of tourism locally and in the state of Iowa.

c. Sustainability: The authority will view favorably applications that illustrate the capacity to implement and sustain the project upon completion.

d. Need: The authority will consider the financial need of an applicant.

e. Innovation: The authority will consider the innovative quality of an event or marketing initiative and how the project will expand upon existing marketing tactics or resources.

f. Budget: The authority will view favorably budgets that are well-developed and relevant to the project and that provide documentation of planned project expenses during the grant period.

g. Collaboration: The authority will view favorably applications that either represent a collaboration of multiple entities or show the benefit of the project to multiple entities within the tourism industry, or both.

42.4(2) *Approval process.* The authority will assign scores based on the criteria described in rules 261—42.3(15) and 261—42.4(15) to determine successful applicants. The authority may recommend partial funding of any or all applicants.

261—42.5(15) Contract administration.

42.5(1) *Notice of approval.* The authority will notify successful applicants in writing of an approved request for funding. Such notification may include the terms and conditions under which approval is granted.

42.5(2) *Contract required.* Each successful applicant that accepts the recommended award amount shall enter into a contract with the authority. The contract will describe the project that the applicant will institute as described in the application and will include the terms and conditions under which the grant funds will be disbursed. The contract will also include the terms and conditions under which grant funds must be repaid or penalties incurred in the event the grantee does not fulfill all obligations under the contract.

42.5(3) *Contract amendments.* All requests by a grantee for an amendment to the contract will require the approval of the director of the authority. The director will review each such request and approve or deny it. If a request is approved, the grantee and the director will execute a written amendment to the contract. Only a written amendment duly executed by both parties to the contract will be valid and binding.

42.5(4) *Reports required.* Each grantee shall submit a written report to the authority within 60 days of the end of the contract period.

42.5(5) *Recordkeeping.* Each grantee shall maintain all records necessary for the verification and validation of the proper use of grant funds under the contract for three years following grant agreement closeout and shall submit such records to the authority upon request.

261—42.6(15) Expenses, records, and reimbursements.

42.6(1) *General.* Each grantee shall at all times incur expenses only as described in this chapter or in a contract executed hereunder. The authority may deny payment of grant funds for any expenditure not directly related to the implementation of a tourism-related marketing initiative, meeting or event.

42.6(2) *Eligible expenses.* Only expenditures directly related to the implementation of a tourism-related marketing initiative, meeting or event and approved by the authority at the time of application are eligible expenses under the program. Examples of eligible expenses include the following:

a. The costs associated with all phases of the execution of marketing tactics and strategies, including planning and design and production of tools such as advertising, print materials, digital tools and exhibits for consumer-focused tradeshows.

b. The costs associated with acquiring a regional or national tourism-related meeting, including but not limited to bid fees, rights fees, sponsorships, payments to vendors, venue rental, and equipment rental.

c. The costs associated with executing a local event or festival, including but not limited to payments to vendors, payments to speakers or entertainers, venue rental, and equipment rental for new events or existing events in Iowa in order to augment the event.

42.6(3) *Ineligible expenses.* Expenses that are not directly related to the implementation of a tourism-related marketing initiative, meeting or event will be deemed ineligible. Ineligible expenses include but are not limited to vertical infrastructure; staff salaries and wages; equipment and software; solicitation efforts; lobbying fees; items that are purchased for resale; prizes given to participants or event/festival attendees; alcoholic beverages; internships; all travel, meal and lodging costs of applicant staff or the applicant's contractor; projects that receive funding from the authority's regional sports authority district program; or marketing programs already subsidized by the authority including but not limited to advertising in the Iowa travel guide or participating in the cooperative partnership program.

42.6(4) *Required records.* A grantee shall submit any records requested by the authority as documentation of the expenditures incurred for implementation of the project. Such records may include invoices, original itemized receipts, check copies, or other proof of payment.

42.6(5) *Repayments of certain funds.* If the authority approves grant funds for the cost of a refundable bid fee and the grantee is unsuccessful in the effort to win the right to hold that event, then the grantee shall return the amount of funds paid for such bid fee to the authority.

42.6(6) *Reallocation of funds.* If, at the time of a grantee's final reporting of expenses, the grantee cannot adequately document eligible expenses or documents an amount that is less than the awarded amount, the authority may reduce the grant amount or require repayment of grant funds received.

These rules are intended to implement Iowa Code section 15.108.

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9304C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to application for assistance

The Department of Health and Human Services hereby rescinds Chapter 50, "Application for Assistance," 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 147A.4 and 249A.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 147A.4, 249.3, 249.4 and 249A.4 and 20 CFR Part 416, Subpart T.

Purpose and Summary

This rulemaking was undertaken in response to Executive Order 10. This chapter outlines the application procedures and related criteria for state supplementary assistance programs administered by the Department.

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 8531C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 50 and adopt the following **new** chapter in lieu thereof:

TITLE V
STATE SUPPLEMENTARY ASSISTANCE

CHAPTER 50
APPLICATION FOR ASSISTANCE

441—50.1(249) Definitions.

"Aged" means a person 65 years of age or older.

"Applicant" means a person who is requesting state supplementary assistance on the person's own behalf or a person for whom state supplementary assistance is requested.

"Blind" means the same as defined in 20 CFR Section 416.981 as amended to August 1, 2024.

"Client" means a person who has been determined eligible and is a current or former recipient of state supplementary assistance.

"Disabled" means the same as defined in 20 CFR Section 416.905 or 20 CFR Section 416.906, both as amended to August 1, 2024. Exception: For the supplement for Medicare and Medicaid eligibles,

being engaged in substantial gainful activity will not preclude a determination of disability. For purposes of state-administered payments, the department will determine disability according to 441—Chapter 75.

"Payment for a dependent relative" means a payment to a recipient on behalf of a dependent relative as defined in Iowa Code section 249.3(3).

"Payment for a protective living arrangement" means a payment to a recipient living in a family life home.

"Payment for residential care" means a payment to a recipient living in a residential care facility who is determined to be in need of care and payment is made on a per diem basis.

441—50.2(249) Application procedures.

50.2(1) In order to be eligible for state supplementary assistance, an aged, blind, or disabled person with need for a living arrangement as defined in Iowa Code section 249.3 shall be receiving supplemental security income benefits or shall meet all eligibility requirements for the benefits other than income, but have less income than the standards for the living arrangements as set forth in 441—Chapter 52 and 441—Chapter 177.

a. Payments for mandatory supplementation, blind allowance, dependent relative allowance, and the family life home program shall be federally administered. Income excluded in determining eligibility for or the amount of a supplemental security income benefit will be excluded in determining eligibility for or the amount of the state payment.

b. Payments for in-home, health-related care and residential care shall be state-administered. Income excluded in determining eligibility for or the amount of a supplemental security income benefit, except the $20 exclusion of any income, will be excluded in determining eligibility for or the amount of the state payment.

c. Payments for supplements for Medicare and Medicaid eligibles shall be state-administered. Income excluded in determining eligibility for the person's Medicaid coverage group will be excluded in determining eligibility for the state payment.

50.2(2) Any person applying for payment for a protective living arrangement or payment for a dependent relative shall make application for supplemental security income at the Social Security Administration district office. The county office of the department will certify to the Social Security Administration as to the nature of the living arrangement or the status of the dependent.

50.2(3) Any person applying for payment for residential care, a dependent person allowance, payment for a protective living arrangement, or in-home health-related care shall make application with the department. The application shall be made on a form prescribed by the department. The application shall be signed by the applicant or the authorized representative. Someone acting responsibly for an incapacitated, incompetent, or deceased person may sign the application on the person's behalf.

a. Each person wishing to do so shall have the opportunity to apply for assistance without delay.

b. An applicant may be assisted by an authorized representative as defined in rule 441—76.1(249A). If the applicant is unable to act on the applicant's own behalf, a responsible person may act on the applicant's behalf pursuant to rule 441—76.9(249A).

c. The department will notify the applicant in writing of additional information or verification that is required to establish eligibility for assistance. Failure of the applicant to supply the information or refusal to authorize the department to secure the information from other sources shall serve as a basis for denial of assistance.

50.2(4) An application for Medicaid from a person who meets the requirements of rule 441—51.6(249) will be considered as an application for the supplement for Medicare and Medicaid eligibles.

441—50.3(249) Approval of application and effective date of eligibility.

50.3(1) Payment for a federally administered payment category when the applicant is not a supplemental security income (SSI) recipient will be effective the month following the month that an application is filed or, if later, the month following the month that all eligibility criteria are met, pursuant to 42 U.S.C. Section 1382(c)(7) as amended to August 1, 2024. Payment for a federally administered

payment category when the applicant is an SSI recipient will be effective as of the first day of the month in which an application is filed or the first day of the month in which all eligibility criteria are met, whichever is later, notwithstanding 42 U.S.C. Section 1382(c)(7) as amended to August 1, 2024.

50.3(2) Payment for residential care will be effective as of the date that eligibility first exists, notwithstanding 42 U.S.C. Section 1382(c)(7) as amended to August 1, 2024, but in no case will the effective date be earlier than 30 days prior to the date of application.

50.3(3) The application for residential care will be approved or denied within five working days after the Social Security Administration approves supplemental security income benefits. When supplemental security income benefits will not be received, the application will be approved or denied within five working days from the date of establishment of all eligibility factors.

50.3(4) Payment for the supplement for Medicare and Medicaid eligibles will be effective retroactive to October 1, 2003, or to the first month when all eligibility requirements are met, whichever is later.

441—50.4(249) Reviews.

50.4(1) Any eligibility factor will be reviewed whenever a change in circumstances occurs.

50.4(2) All eligibility factors will be reviewed at least annually.

50.4(3) For purposes of an annual review to be performed by the department, the client shall complete and return a form prescribed by the department.

441—50.5(249) Application under conditional benefits. When the applicant or client is seeking state supplementary assistance (SSA) under the conditional benefit policy of the SSI program in accordance with 20 CFR Section 416.1242 as amended to March 15, 2022, the applicant or client are required to do the following:

50.5(1) Complete and return Form 470-2909.

50.5(2) Complete and return Form 470-2908 as follows:

a. For personal property, every 30 days during the conditional benefits period.

b. For real property, 35 days after conditional benefits are granted and every 60 days thereafter for nine months. If eligibility continues and the real property is not sold, the applicant or client shall complete the form every 90 days.

50.5(3) Sign an agreement to repay the state supplementary assistance granted during the conditional period using a form prescribed by the department. The amount of repayment is limited to the lesser of:

a. The amount by which the revised value of resources (resources counted at the beginning of the conditional period plus the net value of resources sold) minus both the resource limit and the amount that SSI recovers for conditional benefits.

b. The amount of state supplementary assistance actually paid in the conditional period, minus the amount that SSI recovers for conditional benefits.

These rules are intended to implement Iowa Code sections 249.3, 249.4 and 249A.4.

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9305C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to eligibility

The Department of Health and Human Services hereby rescinds Chapter 51, "Eligibility," 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 147A.4, 217.6, and 249A.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 147A.4, 249.3 and 249.4.

Purpose and Summary

This rulemaking was undertaken in response to Executive Order 10. This chapter outlines eligibility criteria for State Supplementary Assistance programs administered by the Department.

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 8536C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 51 and adopt the following **new** chapter in lieu thereof:

CHAPTER 51
ELIGIBILITY

441—51.1(249) Definitions.

"Administrative overpayment" means assistance incorrectly paid to or for the client because of continuing assistance during the appeal process.

"Agency error" means assistance incorrectly paid to or for the client because of action attributed to the department as the result of one or more of the following circumstances:

1. Misfiling or loss of forms or documents.
2. Errors in typing or copying.
3. Computer input errors.
4. Mathematical errors.
5. Failure to determine eligibility correctly or to certify assistance in the correct amount when all essential information was available to the local office.
6. Failure to make prompt revisions in payment following changes in policies requiring the changes as of a specific date.

"Client" means a person who has been determined eligible and is a current or former recipient of state supplementary assistance.

"Client error" means assistance incorrectly paid to or for the client because the client or client's representative failed to disclose information or gave false or misleading statements, oral or written, regarding the client's income, resources, or other eligibility and benefit factors. It also means assistance incorrectly paid to or for the client because of failure by the client or client's representative to timely report changes as described in 441—Chapter 76.

441—51.2(249) Application for other benefits. An applicant or any other person whose needs are included in determining the state supplementary assistance payment must have applied for or be receiving all other benefits, including supplemental security income or the family investment program, for which the person may be eligible. The person must cooperate in the eligibility procedures while making application for the other benefits. Failure to cooperate shall result in ineligibility for state supplementary assistance.

441—51.3(249) Supplementation. Any supplemental payment made on behalf of the recipient from any source other than a nonfederal governmental entity will be considered as income, and the payment will be used to reduce the state supplementary assistance payment.

441—51.4(249) Eligibility for residential care.

51.4(1) *Licensed facility.* Payment for residential care can only be made when the facility in which the applicant or recipient is residing is currently licensed by the department of inspections, appeals, and licensing pursuant to laws governing health care facilities.

51.4(2) *Physician's statement.* Payment for residential care must be made only when there is on file an order written by a physician certifying that the applicant or recipient being admitted requires residential care but does not require nursing services. The certification will be updated whenever a change in the recipient's physical condition warrants reevaluation, but no less than every 12 months.

51.4(3) *Income eligibility.* The resident is income eligible when the income according to 441—paragraph 52.1(3)*"a"* is less than 31 times the maximum per diem rate. Partners in a marriage who both enter the same room of the residential care facility in the same month will be income eligible for the initial month when their combined income according to 441—paragraph 52.1(3)*"a"* is less than twice the amount of allowed income for one person (31 times the maximum per diem rate).

441—51.5(249) Dependent relatives.

51.5(1) *Income.* Income of a dependent relative must be less than the amount established by the department based on assistance standards as provided in rule 441—52.1(249). When the dependent's income is from earnings, an exemption of $65 will be allowed to cover work expense.

51.5(2) *Resources.* The resource limitation for a recipient and a dependent child or parent is $2,000. The resource limitation for a recipient and a dependent spouse is $3,000. The resource limitation for a recipient, spouse, and dependent child or parent is $3,000.

51.5(3) *Living in the home.* A dependent relative is eligible until the dependent relative is out of the recipient's home for a full calendar month starting at 12:01 a.m. on the first day of the month until 12 midnight on the last day of the same month.

51.5(4) *Dependency.* A dependent relative may be the recipient's ineligible spouse, parent, child, or adult child who is financially dependent upon the recipient. A relative will not be considered to be financially dependent upon the recipient when the relative is living with a spouse who is not the recipient.

441—51.6(249) Residence. A recipient of state supplementary assistance must be living in the state of Iowa.

441—51.7(249) Eligibility for supplement for Medicare and Medicaid eligibles. The following eligibility requirements are specific to the supplement for Medicare and Medicaid eligibles:

51.7(1) *Medicaid eligibility.* The recipient must be eligible for and receiving full medical assistance benefits under Iowa Code chapter 249A without regard to eligibility based on receipt of state supplementary assistance under this rule, and without being required to meet a spend down or pay a premium to be eligible for medical assistance benefits.

51.7(2) *SSI eligibility.* The recipient must meet all eligibility requirements for supplemental security income benefits other than limits on substantial gainful activity and income.

51.7(3) *Not otherwise eligible.* The recipient must not be eligible for benefits under another state supplementary assistance group.

51.7(4) *Medicare eligibility.* The recipient must be currently eligible for Medicare Part B.

51.7(5) *Living arrangement.* A recipient may live in one of the following:

a. The person's own home.

b. The home of another person.

c. A group living arrangement.

d. A medical facility.

51.7(6) *Income.* Income of a recipient must be within the income limit for the person's Medicaid eligibility group, but must exceed 120 percent of the federal poverty level.

441—51.8(249) Income from providing room and board. In determining income from furnishing room and board or providing family-life home care, the amount established by the department based on assistance standards as provided in rule 441—52.1(249) will be deducted to cover the cost, and the remaining amount will be treated as earned income.

441—51.9(249) Furnishing of social security number.

51.9(1) As a condition of eligibility, applicants or recipients of state supplementary assistance must furnish their social security account numbers or proof of application for the numbers if they have not been issued or are not known and provide their numbers upon receipt.

51.9(2) Assistance will not be denied, delayed, or discontinued pending the issuance or verification of the numbers when the applicants or recipients are cooperating in providing information necessary for issuance of their social security numbers.

441—51.10(249) Recovery.

51.10(1) *Amount subject to recovery.* The department will recover from a client all state supplementary assistance funds incorrectly expended to or on behalf of the client, or when conditional benefits have been granted.

a. The department will seek to recover the state supplementary assistance granted during the period of time that conditional benefits were correctly granted the client under the policies of the supplemental security income program.

b. The incorrect expenditures may result from client or agency error, or administrative overpayment.

51.10(2) *Notification.* All clients will be promptly notified when it is determined that assistance was incorrectly expended. Notification will include for whom assistance was paid; the time period during which assistance was incorrectly paid; the amount of assistance subject to recovery, when known; and the reason for the incorrect expenditure.

51.10(3) *Source of recovery.* Recovery will be made from the client or from parents of children under the age of 21 when the parents completed the application and had responsibility for reporting changes. Recovery must come from income, resources, the estate, income tax refunds, and lottery winnings of the client.

51.10(4) *Repayment.* The repayment of incorrectly expended state supplementary assistance funds will be made to the department.

51.10(5) *Appeals.* The client has the right to appeal the amount of funds subject to recovery under the provisions of 441—Chapter 7.

These rules are intended to implement Iowa Code sections 249.3 and 249.4.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9306C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to payment

The Department of Health and Human Services hereby rescinds Chapter 52, "Payment," 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 147A.4 and 217.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 249 and section 147A.4 and 20 CFR Part 416, Subpart T.

Purpose and Summary

This rulemaking was undertaken in response to Executive Order 10. This chapter outlines payment criteria and details for state supplementary assistance programs administered by the Department.

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 8468C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 52 and adopt the following **new** chapter in lieu thereof:

CHAPTER 52
PAYMENT

441—52.1(249) Assistance standards. Assistance standards are the amounts of money allowed on a monthly basis to recipients of state supplementary assistance in determining financial need and the amount of assistance granted. Current assistance standards will be published on the department's website. Assistance standards will be adjusted annually to reflect cost-of-living adjustments (COLA) adopted by the Social Security Administration, in accordance with 20 CFR §416.2095 and 20 CFR §416.2096 as amended to March 15, 2022. Adjustments to the assistance standards based on COLA are effective January 1 of each year.

52.1(1) *Protective living arrangement.* Assistance standards will be established by the department as provided in this chapter for care and personal allowances for persons living in a family-life home certified under rules in 441—Chapter 111.

52.1(2) *Dependent relative.* Assistance standards for the following categories will be established by the department as provided in this chapter for state supplementary assistance for dependent relatives residing in a recipient's home.

a. Aged or disabled client and a dependent relative.
b. Aged or disabled client, eligible spouse, and a dependent relative.
c. Blind client and a dependent relative.

d. Blind client, aged or disabled spouse, and a dependent relative.

e. Blind client, blind spouse, and a dependent relative.

52.1(3) *Residential care.* For periods of eligibility before July 1, 2017, the department will reimburse a recipient in either a privately operated or non-privately operated residential care facility on a flat per diem rate or on a cost-related reimbursement system with a maximum per diem rate established consistent with the assistance standards principles provided in this chapter.

For periods of eligibility beginning July 1, 2017, and thereafter, payment to a recipient in a licensed residential care facility will be based on the maximum per diem rate.

The facility shall accept the per diem rate established by the department for state supplementary assistance recipients as payment in full from the recipient and make no additional charges to the recipient.

a. All income of a recipient as described in this subrule after the disregards described in this subrule will be applied to meet the cost of care before payment is made through the state supplementary assistance program.

Income applied to meet the cost of care will be the income considered available to the resident pursuant to supplemental security income (SSI) policy plus the SSI benefit less the following monthly disregards applied in the order specified:

(1) When income is earned, impairment-related work expenses, as defined by SSI plus $65 plus one-half of any remaining earned income.

(2) An allowance established by the department consistent with this chapter will be given to meet personal expenses and Medicaid copayment expenses.

(3) When there is a spouse at home, the amount of the SSI benefit for an individual minus the spouse's countable income according to SSI policies. When the spouse at home has been determined eligible for SSI benefits, no income disregard will be made.

(4) When there is a dependent child living with the spouse at home who meets the definition of a dependent according to the SSI program, the amount of the SSI allowance for a dependent minus the dependent's countable income and the amount of income from the parent at home that exceeds the SSI benefit for one according to SSI policies.

(5) Established unmet medical needs of the resident, excluding private health insurance premiums and Medicaid copayment expenses. Unmet medical needs of the spouse at home, exclusive of health insurance premiums and Medicaid copayment expenses, will be an additional deduction when the countable income of the spouse at home is not sufficient to cover those expenses. Unmet medical needs of the dependent living with the spouse at home, exclusive of health insurance premiums and Medicaid copayment expenses, will also be deducted when the countable income of the dependent and the income of the parent at home that exceeds the SSI benefit for one is not sufficient to cover the expenses.

(6) The income of recipients of state supplementary assistance or Medicaid needed to pay the cost of care in another residential care facility, a family-life home, an in-home health-related care provider, a home- and community-based waiver setting, or a medical institution is not available to apply to the cost of care. The income of a resident who lived at home in the month of entry will not be applied to the cost of care except to the extent the income exceeds the SSI benefit for one person or for a married couple if the resident also had a spouse living in the home in the month of entry.

b. Payment is made for only the days the recipient is a resident of the facility. Payment must be made for the date of entry into the facility, but not the date of death or discharge.

c. Payment must be made in the form of a grant to the recipient on a post payment basis.

d. Payment must not be made when income is sufficient to pay the cost of care in a month with less than 31 days, but the recipient shall remain eligible for all other benefits of the program.

e. Payment will be made for periods the resident is absent overnight for the purpose of visitation or vacation. The facility will be paid to hold the bed for a period not to exceed 30 days during any calendar year unless a family member or legal guardian of the resident, the resident's physician, case manager, or department service worker provides signed documentation that additional visitation days are desired by the resident and are for the benefit of the resident. This documentation shall be obtained by the facility for each period of paid absence that exceeds the 30-day annual limit. This information must

be retained in the resident's personal file. If documentation is not available to justify periods of absence in excess of the 30-day annual limit, the facility shall submit a Case Activity Report, on a form prescribed by the department, to the county office of the department to terminate the state supplementary assistance payment.

A family member may contribute to the cost of care for a resident subject to supplementation provisions detailed in rule 441—51.2(249) and any contributions shall be reported to the county office of the department by the facility.

f. Payment will be made for a period not to exceed 20 days in any calendar month when the resident is absent due to hospitalization. A resident may not start state supplementary assistance on reserve bed days.

52.1(4) *Blind.* The standard for a blind recipient not receiving another type of state supplementary assistance is $22 per month.

52.1(5) *In-home, health-related care.* Payment to a person receiving in-home, health-related care must be made in accordance with rules in 441—Chapter 177.

52.1(6) *Minimum income level cases.* The income level of those persons receiving old age assistance, aid to the blind, and aid to the disabled in December 1973 shall be maintained at the December 1973 level as long as the recipient's circumstances remain unchanged and that income level is above current standards. In determining the continuing eligibility for the minimum income level, the income limits, resource limits, and exclusions that were in effect in October 1972 shall be utilized.

52.1(7) *Supplement for Medicare and Medicaid eligibles.* Payment to a person eligible for the supplement for Medicare and Medicaid eligibles shall be $1 per month.

This rule is intended to implement Iowa Code chapter 249.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9307C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to facility participation

The Department of Health and Human Services hereby rescinds Chapter 54, "Facility Participation," 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 217.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 249.12 and 20 CFR Part 416, Subpart T.

Purpose and Summary

This rulemaking was undertaken in response to Executive Order 10. The purpose of this chapter is to provide criteria for eligibility, payments, services, and billing for residential care facility supplemental payment.

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 8519C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 54 and adopt the following **new** chapter in lieu thereof:

CHAPTER 54
FACILITY PARTICIPATION

441—54.1(249) Application and contract agreement. Each facility desiring to participate in the state supplementary assistance program must enter into a contract with the department and agree to the provisions set forth in a contract in a form prescribed by the department. The effective date of the contract shall be the first of the month that the form is signed by the administrator of the facility and is received by the department. No payment shall be made for care provided before the effective date of the contract. The contract shall be in effect until the department ceases to participate in the program, until either party gives 60 days' notice of termination in writing to the other party, or until there is a change in ownership. The facility shall notify the department within 30 days of a change in ownership, a change in the number of beds, or a change in administrator.

This rule is intended to implement Iowa Code section 249.12.

441—54.2(249) Maintenance of case records. A facility must maintain a case folder for each individual residing in the facility that contains the following:

1. Contract between the facility and the resident on a form prescribed by the department.
2. Physician's statement certifying that the resident does not require nursing services.
3. Proof of expenditures from resident's "personal needs" allowance.

This rule is intended to implement Iowa Code section 249.12.

441—54.3(249) Payments for residential care facilities. Payments for residential care facilities will be made at the maximum per diem rate in 441—subrule 52.1(3).

54.3(1) *Failure to maintain records.* Failure to adequately maintain fiscal records, including census records, medical charts, ledgers, journals, tax returns, canceled checks, source documents, invoices, and audit reports by or for a facility, may result in the penalties specified in rule 441—79.3(249A).

54.3(2) *Termination or change of ownership.* A participating facility contemplating termination of participation or negotiating a change of ownership shall provide the department with at least 60 days prior notice. A transfer of ownership or operation terminates the participation agreement. A new owner or operator shall establish that the facility meets the conditions for participation and enter into a new agreement.

This rule is intended to implement Iowa Code section 249.12.

441—54.4(249) Goods and services provided. All facilities participating in the program shall provide residents those goods and services required by the terms of the license issued by the department of inspections, appeals, and licensing in accordance with Iowa Code chapter 135C and rules promulgated thereto set forth in 481—Chapter 57 and requirements of the department set forth in these rules.

54.4(1) *Payment accepted.* The amount of client participation and the payment made through the state supplementary assistance program shall be accepted as payment in full for the required goods and services provided to the resident. The facility may seek reimbursement from other sources for goods and services provided that are beyond the goods and services required to be provided by these rules.

54.4(2) *Care, maintenance, general supervision, and personal services.* Each facility, as part of providing care, maintenance, general supervision, and personal services, shall provide as necessary supervision or assistance with ambulation, grooming, hair washing, shaving, personal hygiene, bathing, getting in and out of bed, dressing, feeding, and medication that can be self-administered.

54.4(3) *Laundry.* Each facility shall provide personal laundry service to the resident as part of the goods and services paid for through the program.

54.4(4) *Room furnishings.* The facility shall completely furnish the resident's room in accordance with 481—subrule 57.30(4) without additional charge to the resident or person acting on the resident's behalf. When the resident wishes to provide some item or items of room furnishing, the facility may grant the request.

This rule is intended to implement Iowa Code section 249.12.

441—54.5(249) Personal needs account. When a facility manages the personal needs funds of a resident, it shall establish and maintain a system of accounting for expenditures from the resident's personal needs funds. The personal needs funds shall be deposited in a single checking account, not commingled with trust funds from any other facility, nor commingled with facility operating funds except for facility funds, not to exceed $500, deposited to cover bank charges and have in the account name the terms "Resident Trust Funds." The funds shall be deposited in a bank or other institution within the state of Iowa insured by the federal government. Expense for bank service charges for this account is a cost of doing business if the service cannot be obtained free of charge. The department will charge back to the facility any maintenance item included in the computation of the audit cost that is charged to the resident's personal needs allowance when such charge constitutes double payment. Unverifiable expenditures charged to personal needs accounts may be charged back to the facility. The accounting system is subject to audit by representatives of the department and shall meet the following criteria:

54.5(1) *Ledger.* Upon admittance, a ledger sheet shall be credited with the resident's total incidental money on hand. Thereafter, the ledger shall be kept current on a monthly basis. The facility may

combine the accounting with the disbursement section showing the date, amount given the resident, and the resident's signature. A separate ledger shall be maintained for each resident.

54.5(2) *Expenditures.* When something is purchased for the resident and is not a direct cash disbursement, each such expenditure item in the ledger shall be supported by a signed, dated receipt. The receipt shall indicate the article furnished for the resident's benefit.

54.5(3) *Disbursement.* Personal funds shall be turned over only to the resident, the resident's guardian, or other persons selected by the resident. With the consent of the resident, when the resident is able and willing to give the consent, the administrator may turn over personal funds to a close relative or friend of the resident to purchase a particular item. A signed, dated receipt shall be required to be deposited in the resident's files.

54.5(4) *Audit.* The ledger and receipts for each recipient shall be made available for periodic audits by an accredited department representative. Audit certification shall be made by the department's representative at the bottom of the ledger sheet. Supporting receipts may then be destroyed.

54.5(5) *Death.* Upon a recipient's death, the funds remaining in the personal needs account shall be treated in the following manner:

a. The facility shall provide a written statement of the personal needs account to be filed in the case record.

b. When an estate is opened, the funds shall be submitted to the estate administrator.

c. When no estate is opened, the funds shall be released to the person assuming responsibility for the recipient's funeral expenses.

d. When no estate is opened and there are no living heirs, the funds shall be submitted to the department to escheat to the state.

This rule is intended to implement Iowa Code section 249.12.

441—54.6(249) Case activity report. Whenever a Medicaid applicant or recipient enters the facility, changes level of care, or is discharged from the facility, the facility shall notify the department on a form prescribed by the department.

This rule is intended to implement Iowa Code section 249.12.

441—54.7(249) Billing procedures. In order to determine the amount of payment to the recipient, the facility shall submit a billing form to the department following the month in which service was provided.

This rule is intended to implement Iowa Code section 249.12.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9308C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to interim assistance reimbursement

The Department of Health and Human Services hereby rescinds Chapter 57, "Interim Assistance Reimbursement," 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 1984 Iowa Acts, Chapter 1310.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 1984 Iowa Acts, Chapter 1310.

Purpose and Summary

This rulemaking was undertaken in response to Executive Order 10. The purpose of this chapter is to reimburse states and their political subdivisions that have furnished interim assistance in cash or in the form of vendor payments. This chapter provides additional clarity and structure for implementation.

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 8533C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 57 and adopt the following **new** chapter in lieu thereof:

CHAPTER 57
INTERIM ASSISTANCE REIMBURSEMENT

441—57.1(249) Definitions.

"Benefits" means Supplemental Security Income (SSI) for the aged, blind, and disabled (a federal cash assistance program under Title XVI of the Social Security Act as amended to August 1, 2024) and any federally administered state supplementary assistance payments that are determined by the Social Security Administration to be due an individual at the time the SSI payment is made.

"County agency" means a county or county subdivision under the jurisdiction of the county board of supervisors, including a county commission of veteran affairs, that furnishes relief in the form of cash or

vendor payments to or on behalf of needy persons in accordance with established standards under the provisions of Iowa Code chapter 35B or 252.

"Initial payment" means the amount of benefits determined by the Social Security Administration to be payable to an eligible person (including any retroactive amounts) when the person is first determined to be eligible for SSI. The initial payment does not include any emergency advance payments, any presumptive disability or blindness payments, or any immediate payments authorized under Section 1631 of the Social Security Act as amended to August 1, 2024.

"Initial posteligibility payment" means the amount of benefits determined by the Social Security Administration to be payable to an eligible person (including any retroactive amounts) when the person is first determined eligible for SSI following a period of suspension or termination. The initial posteligibility payment does not include any emergency advance payments, any presumptive disability or blindness payments, or any immediate payments authorized under Section 1631 of the Social Security Act as amended to August 1, 2024.

"Interim assistance" means the same as defined in 20 CFR Part 416 as amended to August 1, 2024.

"Interim period" means either (1) the period beginning with the month following the month in which a person filed an application for benefits for which the person was found to be eligible and ending with and including the month the person's benefits began, or (2) the period beginning the day the person's benefits were reinstated after a period of suspension or termination, and ending with (and including) the month the person's benefits were resumed. The interim period does not include any periods during which the person is underpaid by the Social Security Administration due to that agency's failure to make a timely modification of the person's SSI benefit or for any other reason.

441—57.2(249) Requirements for reimbursement. In order to receive reimbursement for interim assistance payments, a county agency must meet the following requirements:

57.2(1) *Agreement.* The county agency shall enter into a written agreement with the department of health and human services on a form prescribed by the department.

57.2(2) *Authorization.* The county agency shall secure written authorization from the person seeking interim assistance. By signing a form prescribed by the department, the person:

a. Indicates the intent to apply for SSI benefits.

b. Authorizes the Social Security Administration to:

(1) Withhold the amount of interim assistance from the person's initial payment or initial posteligibility payment, and

(2) Make this amount payable to the county agency.

57.2(3) *Records.* The county agency shall:

a. Maintain a file for each person who has received interim assistance.

b. Maintain adequate records of all transactions made relating to interim assistance.

c. Comply with the provisions of the Federal Information Security Management Act (FISMA) as amended to August 1, 2024; 20 CFR Part 401 as amended to August 1, 2024; and the Privacy Act of 1974 as amended to August 1, 2024, relating to the safeguarding of information concerning individuals who have applied for interim assistance.

441—57.3(249) Certificate of authority.

57.3(1) The county agency shall submit the information requested on a form prescribed by the department to the Social Security Administration at the address given on the form:

a. Before the date the agency first participates in the program, and

b. Subsequently when changes in the list of authorized officials occur.

57.3(2) The county agency shall submit a copy of the form referenced in subrule 57.3(1) to the department at the address given on the form each time the form is submitted to the Social Security Administration.

These rules are intended to implement 1984 Iowa Acts, chapter 1310, section 9.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9309C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to rent reimbursement

The Department of Health and Human Services hereby rescinds Chapter 62, "Rent Reimbursement," 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 425.16 through 425.37, 425.39 and 425.40.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 425.16 through 425.37, 425.39 and 425.40.

Purpose and Summary

This rulemaking was undertaken in response to Executive Order 10. This chapter provides guidance on eligibility for and parameters of Iowa's Rent Reimbursement program.

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 8525C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

No one attended the public hearings. No public comments were received.

Changes have been made to the Notice in that eligibility language has been added back to the chapter to protect administrative appeal rights.

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 62 and adopt the following **new** chapter in lieu thereof:

CHAPTER 62
RENT REIMBURSEMENT

441—62.1(425) Eligible claimants. This rule is effective for rent reimbursement claims received by the department on or after January 1, 2023.

62.1(1) The rent reimbursement program is available to claimants who:

a. Were at least 23 years of age or a head of household on December 31 of the base year,

b. Were not or will not be claimed as a dependent on another person's federal or state income tax return for the base year in the case of a claimant who is not disabled or at least 65 years of age,

c. Did not have household income in excess of the indexed amount determined pursuant to Iowa Code section 425.23(4) during the base year,

d. Are domiciled in Iowa at the time the claim is filed or were at the time of the claimant's death, and occupied and rented the property during any part of the base year.

62.1(2) If a homestead is occupied by two or more eligible claimants, each person may file a claim based upon each person's income and each person's share of the rent paid.

62.1(3) The computed reimbursement shall be determined in accordance with the applicable schedule provided in Iowa Code section 425.23(1) as adjusted by the indexed amount determined in Iowa Code section 425.23(4).

This rule is intended to implement Iowa Code sections 425.16(2)*"b,"* 425.17(2) and 425.23.

441—62.2(425) Dual claims.

62.2(1) A claimant changing homesteads during the base year who will make property tax payments during the fiscal year following the base year and who also made rent payments during the base year is entitled to receive both a property tax credit and rent reimbursement.

62.2(2) Claimants must file separate claim forms for the property tax credit and the rent reimbursement with the county treasurer and the department, respectively.

62.2(3) The claims are to be based on the actual property tax due and rent constituting property tax paid, with a combined maximum of $1,000 upon which the credit and reimbursement can be calculated.

EXAMPLE: $800 property tax due
$400 rent constituting property taxes paid

a. The claim form for calculating the property tax credit must reflect the entire $800 amount.

b. The claim form for calculating the rent reimbursement must reflect only the remaining $200 of the $1,000 maximum allowance.

c. The department will issue refund warrants for rent reimbursement claims. The county treasurer will apply the credit.

This rule is intended to implement Iowa Code section 425.24.

441—62.3(425) Multipurpose building.

62.3(1) A multipurpose building is a building that is used for other purposes in addition to being used for living accommodations. If a portion of a homestead property is utilized for business purposes, the property is considered to be a multipurpose building.

62.3(2) The portion of the property tax due or rent constituting property tax paid attributable to the homestead only is to be used in determining the allowable credit or reimbursement. This portion is to be calculated by determining the percentage of the homestead square footage to the square footage of the entire multipurpose structure. This percentage is then to be applied to the property tax due in the current fiscal year or rent constituting property tax paid for the base year.

This rule is intended to implement Iowa Code section 425.17(8).

441—62.4(425) Income.

62.4(1) Income includes the amount of in-kind assistance received by the claimant for housing expenses, such as federal rent subsidy payments made directly to the landlord on behalf of the claimant and energy assistance benefits received by the claimant from or through a public utility.

62.4(2) In determining income, net operating losses and net capital losses are not to be considered. If the comparison of gains and losses results in a net gain, such amount shall be considered income. If the comparison results in a net loss, the net loss shall be disregarded.

This rule is intended to implement Iowa Code section 425.17(7).

441—62.5(425) Simultaneous homesteads. A person who rents one property and also rents another property for a simultaneous period of time is limited to claiming rent reimbursement on the property that is considered the person's domicile.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.6(425) Mobile, modular, and manufactured homes. Rent paid by an eligible claimant for occupancy of a mobile, modular, or manufactured home subject to the annual tax as provided in Iowa Code chapter 435 is subject to reimbursement regardless of how the home is taxed.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.7(425) Totally disabled.

62.7(1) A claimant is considered totally disabled only if the physical or mental impairment or impairments are of such severity that the claimant is not only unable to do work previously performed but cannot, considering the claimant's age, education, and work experience, engage in any other kind of substantial gainful work that exists in the national economy, regardless of whether such work exists in the immediate area in which the claimant lives, or whether a specific job vacancy exists, or whether the claimant would be hired if the claimant applied for work.

62.7(2) For purposes of this rule, a person shall not be considered unable to engage in substantial gainful employment unless the person has attained the age of 18 on or before December 31 of the base year.

This rule is intended to implement Iowa Code section 425.17(11).

441—62.8(425) Household. "Household" includes the claimant and the claimant's spouse if living with the claimant at any time during the base year. "Living with" does not include a temporary visit. Only one claimant per household is entitled to a reimbursement.

This rule is intended to implement Iowa Code sections 425.17(5) and 425.22.

441—62.9(425) Homestead. A person who owns a homestead but is confined to a care facility shall be considered as occupying the owned homestead, provided the person does not lease or otherwise receive profits from others for the use of the homestead. The person shall be eligible for a property tax credit but shall not be eligible for a rent reimbursement.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.10(425) Gross rent/rent constituting property taxes paid. "Gross rent" means the total amount of rent paid for use of the homestead by the claimant.

This rule is intended to implement Iowa Code section 425.17(3).

441—62.11(425) Leased land. An individual who owns a dwelling located on land owned by another may claim a credit of property taxes due on the dwelling and a reimbursement of rental payments made for the use of the land if the land has been assessed for taxation.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.12(425) Property: taxable status. In order for a claimant to be eligible to file a rent reimbursement claim, the property upon which the claimant resided during the base year must have been in a taxable status during the base year. If the property was taxable for only part of the base year, the rent reimbursement must be prorated accordingly (OP.ST. BD. Tax Rev. 187). However, this restriction does not apply to property that became tax exempt on or after July 1, 1986, provided the claimant received a reimbursement of rent constituting property taxes paid on the property when it was in a taxable status and continues to reside in the same property.

This rule is intended to implement Iowa Code section 425.17(4).

441—62.13(425) Income: spouse. The income of a spouse does not have to be reported on the claimant's return unless the spouse lived with the claimant at the property upon which rent reimbursement is claimed. If the spouse lived with the claimant for only a portion of the base year, only that portion of the spouse's income that was received while living with the claimant must be reported as income on the claimant's return. If the spouse is eligible to claim reimbursement, the spouse does not have to include any income that was reported on the other claimant's (spouse's) return.

This rule is intended to implement Iowa Code section 425.17(6).

441—62.14(425) Common law marriage.

62.14(1) A common law marriage is a social relationship between two persons that meets all the necessary requisites of a marriage except that it was not solemnized, performed, or witnessed by an official authorized by law to perform marriages.

62.14(2) The necessary elements of a common law marriage are:

a. A present intent of both parties freely given to become married,

b. A public declaration by the parties or a holding out to the public that they are spouses,

c. Continuous cohabitation together as spouses (this means consummation of the marriage), and

d. Capability of both parties to enter into the marriage relationship.

62.14(3) No special time limit is necessary to establish a common law marriage.

This rule is intended to implement Iowa Code section 425.17.

441—62.15(425) Audit of claim.

62.15(1) *Authority.* The department may investigate the eligibility of a claimant for rent reimbursement.

62.15(2) *Recomputed rent reimbursement claim.* If the department determines a computed rent reimbursement is in error, the department shall collect any overpayment from the claimant or reimburse the claimant for any underpayment. If a claimant fails to reimburse the department for an overpayment, the amount of overpayment shall be deducted from any future rent reimbursement to which the claimant is entitled.

This rule is intended to implement Iowa Code section 425.27.

441—62.16(425) Extension of time for filing a claim. The granting of an extension of time for filing a claim for reimbursement does not extend the time within which or the dates on or by which eligibility requirements must be satisfied.

This rule is intended to implement Iowa Code section 425.20.

441—62.17(425) Proration of claims. If the director or the director's designee determines that the amount of funding provided pursuant to Iowa Code section 425.39 will be insufficient to pay all rent reimbursement claims filed, the director or the director's designee will estimate the percentage at which the claims will be paid and will prorate the payment of each rent reimbursement claim by the same estimated percentage.

This rule is intended to implement Iowa Code sections 25B.7 and 425.39.

441—62.18(425) Unreasonable hardship. In order to avoid any unreasonable hardship to a claimant, the director or the director's designee may review the facts and circumstances of the claim as set forth by the claimant. The director or the director's designee may investigate all factors related to the specific case as deemed appropriate by the director or the director's designee. If the director or the director's designee is satisfied that the claim qualifies as an undue hardship for the claimant, the claim will be approved by the director or the director's designee.

This rule is intended to implement Iowa Code section 425.37.

441—62.19(425) Appeal. Notice of adverse action taken by the department shall be issued in accordance with 441—Chapter 16, and the right to appeal shall be given in accordance with 441—Chapter 7.

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

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9310C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to supplemental nutrition assistance program administration

The Department of Health and Human Services hereby rescinds Chapter 65, "Supplemental Nutrition Assistance Program Administration," 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 217.6 and 234.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 234; H.R.2. Agriculture Improvement Act of 2018; Food and Nutrition Act of 2008; 7 U.S.C. Section 2011 et seq. as amended through Public Law (PL) 115-334, enacted December 20, 2018; 7 CFR Parts 271, 272, 273, and 274; Title VI Appendix, pg. 275; PL 107-171; PL 102-237; and PL 99-603.

Purpose and Summary

This rulemaking was undertaken in response to Executive Order 10. The Supplemental Nutrition Assistance Program (SNAP) provides food benefits to eligible low-income families to supplement their food budget. This chapter is intended to structure, simplify, and provide familiarity with the Department's implementation of SNAP.

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 8534C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 65 and adopt the following **new** chapter in lieu thereof:

TITLE VII
FOOD PROGRAMS

CHAPTER 65
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ADMINISTRATION

441—65.1(234) Definitions.

"Notice of expiration" means a message printed on a form prescribed by the department, which is automatically issued to the household.

"Supplemental Nutrition Assistance Program" or *"SNAP"* means benefits provided by the federal program administered through 7 CFR Parts 270 through 283 (May 2, 2022).

441—65.2(234) Administration of program. SNAP will be administered in accordance with the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq. (August 1, 2024); 7 CFR Parts 270 through 283 (May 2, 2022); PL 99-603 (August 1, 2024); PL 104-193 (August 1, 2024); PL 107-171 (August 1, 2024); and

with 42 U.S.C. Chapter 7 (January 7, 2011). A copy of the federal law and regulations may be obtained at no more than the actual cost of reproduction by contacting the department.

441—65.3(234) State options. The state of Iowa has selected SNAP state options that are tailored to meet the state's operational considerations and policy preferences. These options can be viewed on the U.S Department of Agriculture website under the State Options Report.

441—65.4(234) Treatment centers and group living arrangements. Substance use treatment or rehabilitation centers and group living arrangements shall provide a list of participating residents to the department on a monthly basis.

441—65.5(234) Appeals. Fair hearings and appeals are provided according to 441—Chapter 7.

441—65.6(234) Proration of benefits. Benefits will be prorated using a 30-day month.

441—65.7(234) Notice of expiration issuance. Issuance of the automated Notice of Expiration will occur with the mailing of a form prescribed by the department.

441—65.8(234) Verification. Persons whose applications meet the initial criteria for error-prone cases may be subject to special verification procedures, including a face-to-face interview and additional documentation requirements in accordance with 481—Chapter 72.

Failure to cooperate with the investigations division of the department of inspections, appeals, and licensing in establishing eligibility factors will not result in denial or cancellation of the household's SNAP benefits. The investigations division will gather as much information as possible without the client's cooperation. If further information is needed based on those findings, a request for information must be sent to the household.

441—65.9(234) Prospective budgeting.

65.9(1) *Weekly or biweekly income.* The department will convert income and deductions that occur on a weekly or biweekly basis to monthly figures using family investment program (FIP) procedures.

65.9(2) *Income averaging.* The department will average income by anticipating income fluctuations over the certification period. The number of months used to arrive at the average income should be the number of months that are representative of the anticipated income fluctuation.

441—65.10(234) Effective date of change. A SNAP change caused by, or related to, a public assistance grant change will have the same effective date as the public assistance change.

441—65.11(234) Work requirements. As a condition of eligibility for SNAP benefits, each nonexempt household member must comply with SNAP work requirements.

65.11(1) *Deregistration.* Work registrants who obtain employment or otherwise become exempt from the work requirement subsequent to registration or who are no longer certified for participation are no longer considered registered.

65.11(2) *Employment and training (E&T) program.* The department will design and operate an employment and training program with the purpose of providing SNAP participants opportunities to gain skills, training, work, or experience that will increase their ability to obtain regular employment and meet state or local workforce needs in accordance with the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq. (August 1, 2024).

a. The employment and training program serves individuals who are:

(1) SNAP recipients or SNAP applicants.

(2) Not receiving FIP assistance or other cash assistance under Title IV, such as Tribal Temporary Assistance for Needy Families (TANF) or Refugee Cash Assistance.

(3) Physically and mentally able to work or will be able to work within the next one year.

b. The department or its designee shall serve as the provider of employment and training services for SNAP recipients who wish to volunteer, except for those who are also recipients of FIP benefits. Federal law prohibits FIP recipients from participating in any SNAP E&T program.

c. The program offers a range of services from basic skills to advanced occupational training in order to accommodate persons with various levels of need and abilities. The department or its designee may require a potential E&T participant to engage in aptitude or vocational testing activities when deemed necessary to determine if a component is appropriate for improving employability.

d. The E&T program will be designed in consultation with the state workforce development board or with private employers or employer organizations if the department determines the latter approach is more effective and efficient.

(1) The E&T program will be designed to include case management services and at least one or more or a combination of employment and training components.

(2) An E&T plan will be submitted to the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture annually, in accordance with 7 CFR 273.7(c)(6) (May 2, 2022), and will be amended as necessary within the required time frame prior to implementation.

441—65.12(234) Income. In determining eligibility, the department will exclude educational income, including any educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like excluded under Title XIX of the Social Security Act (42 U.S.C. Section 1396 2011 et seq. (August 1, 2024)) for the state's modified adjusted gross income (MAGI)-related medical assistance program, subject to subrule 65.12(4).

65.12(1) Notwithstanding anything to the contrary in these rules or regulations, the department will exclude educational income based on amounts earmarked by the institution, school, program, or other grantor as made available for the specific costs of tuition, mandatory fees, books, supplies, transportation, and miscellaneous personal expenses (other than living expenses).

65.12(2) If the institution, school, program, or other grantor does not earmark amounts made available for the allowable costs involved, students will receive an exclusion from educational income for educational assistance verified by the student as used for the allowable costs involved. Students can also verify the allowable costs involved when amounts earmarked are less than amounts that would be excluded by a strict earmarking policy.

65.12(3) For the purpose of this rule, mandatory fees include the rental or purchase of equipment, materials and supplies related to the course of study involved.

65.12(4) Certain types of student income will be treated as follows, regardless of how they are considered for MAGI-related medical assistance.

a. Wages are not excluded.

b. Federally funded work study is excluded.

c. State-funded work study is excluded up to the amount earmarked for educational expenses.

441—65.13(234) Deductions. A household in which all members are homeless may choose the homeless standard deduction in place of the shelter and utility expenses deduction.

65.13(1) Households choosing this option are not required to verify shelter-related expenses.

65.13(2) Households choosing this option are not eligible to receive a shelter or utility deduction.

65.13(3) The amount of the homeless standard deduction is determined by the FNS and adjusted annually.

441—65.14(234) Student resources. Any income excluded by rule 441—65.12(234) will be excluded from resources.

441—65.15(234) Reinstatement. When assistance has been canceled for failure to provide requested information, assistance will be reinstated without a new application if all information necessary to establish eligibility, including verification of any changes, is provided within 14 days of the effective date of cancellation and eligibility can be reestablished. If the fourteenth calendar day falls on a weekend

or state holiday, the client shall have until the next business day to provide the information. The effective date of assistance will be the date all information required to establish eligibility is provided.

These rules are intended to implement Iowa Code sections 234.12 and 234.6.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9311C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to emergency food assistance program

The Department of Health and Human Services hereby rescinds Chapter 66, "Emergency Food Assistance 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 section 234.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 234.12 and 7 CFR Parts 250 and 251.

Purpose and Summary

This rulemaking was undertaken pursuant to Executive Order 10. This chapter sets forth household eligibility criteria for The Emergency Food Assistance Program (TEFAP) in Iowa.

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 8473C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 66 and adopt the following **new** chapter in lieu thereof:

CHAPTER 66
EMERGENCY FOOD ASSISTANCE PROGRAM

441—66.1(234) Definitions.

"Household" means a single individual living alone or a group of related or nonrelated individuals who live together, who are not boarders or residents of an institution, and who purchase and prepare food for home consumption.

"TEFAP" means The Emergency Food Assistance Program as authorized by the Emergency Food Assistance Act of 1983 as amended through PL 107-249, enacted October 23, 2002.

441—66.2(234) Household eligibility. Household eligibility is determined by residence, household size, and income.

66.2(1) *Residence.* Household members must be residing in the state of Iowa.

66.2(2) *Household size.* Household size is determined by the number of people living in a dwelling, excluding boarders, as household is defined in rule 441—66.1(234).

66.2(3) *Income eligibility.* All earned and unearned income of the household must be considered in determining eligibility.

a. Income defined. Income means all income received by an individual from sources identified by the U.S. Census Bureau in computing median income and includes:

(1) Money wages or salary;
(2) Net income from nonfarm self-employment;
(3) Net income from farm self-employment;
(4) Dividends;
(5) Interest;
(6) Income from estates or trusts;
(7) Net rental income and royalties;
(8) Public assistance or welfare payments;
(9) Pensions and annuities;
(10) Workers' compensation;
(11) Alimony;
(12) Child support;
(13) Veterans' pensions;
(14) Social security;
(15) Railroad retirement;
(16) Supplemental security income;
(17) State or federal assistance;
(18) Veterans' benefits;
(19) Black lung benefits;

(20) All disability pensions;
(21) State supplementary assistance;
(22) Unemployment compensation benefits; and
(23) Income from minors under 16 years of age.

b. Determination of income. Earned or unearned income is the gross annual, monthly, or weekly income.

(1) Biweekly income is to be multiplied by 2.15 to determine monthly income.
(2) Adjusted gross self-employment income will be averaged over a 12-month period.
(3) Income received from interest and dividends will be averaged over a 12-month period.
(4) The amount of income that stops or starts during the month will be estimated based on the best information available.

c. Income exclusions. When calculating total household income for this program, all income must be excluded that is specifically excluded for food assistance by federal statute, especially those sources listed in federal regulations at 7 CFR 273.9(c)(10) as amended to May 2, 2022.

d. Income guidelines. Households are eligible for TEFAP when the countable household income is at or below 185 percent of the federal poverty guidelines. These federal guidelines are revised annually, effective every July 1.

These rules are intended to implement Iowa Code sections 234.6 and 234.12.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9312C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to services in psychiatric institutions

The Department of Health and Human Services hereby rescinds Chapter 85, "Services in Psychiatric Institutions," 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 chapter 249A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 249A.

Purpose and Summary

This rulemaking is in response to Executive Order 10. Inpatient psychiatric services are provided in three types of psychiatric facilities in addition to general hospitals with psychiatric units: acute care psychiatric hospitals, psychiatric medical institutions for children (PMICs), and nursing facilities for the mentally ill. Except for services in the State mental health institutes, Medicaid covers only persons under the age of 21 and persons aged 65 and older in acute care psychiatric hospitals. Medicaid covers only persons under the age of 21 in PMICs and only persons aged 65 and older in nursing facilities for the mentally ill. These rules establish conditions of participation for providers, recordkeeping requirements, reimbursement methodologies, and client eligibility requirements.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 25, 2024, as **ARC 8574C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

No one attended the public hearings. No public comments were received.

Changes from the Notice have been made to conform with amendments that became effective April 1, 2025. **ARC 8959C** (IAB 2/19/25) implemented 2024 Iowa Acts, House File 2402, which allowed a physician assistant or advanced registered nurse practitioner to serve as a member of the plan of care team for children admitted to a PMIC as a member who is experienced in child psychiatry or child psychology. The legislation also allowed a physician assistant or advanced registered nurse practitioner to be a member of the team to complete the certification of need for services for a PMIC placement.

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 85 and adopt the following **new** chapter in lieu thereof:

CHAPTER 85
SERVICES IN PSYCHIATRIC INSTITUTIONS

441—85.1(249A) Acute care in psychiatric hospitals. These rules do not apply to general hospitals with psychiatric units.

85.1(1) *Psychiatric hospitals serving persons aged 21 and older.* A psychiatric hospital serving persons aged 21 and older shall meet the federal criteria for an institution for mental disease and shall be licensed pursuant to rule 481—51.23(135B). An out-of-state facility shall be licensed as a psychiatric hospital, shall meet the federal criteria for an institution for mental disease, and shall be certified to participate in the Medicare program. An institution is an institution for mental disease only if its overall

character is that of a facility established and maintained primarily for the care and treatment of persons with mental diseases. The following guidelines are used by the department in evaluating the overall character of a facility. These guidelines are all useful in identifying institutions for mental disease; however, no single guideline is necessarily determinative in any given case.

a. The facility:

(1) Is licensed as a psychiatric facility for the care and treatment of persons with mental diseases.

(2) Advertises or holds itself out as a facility for the care and treatment of persons with mental diseases.

(3) Is accredited as a psychiatric facility by the Joint Commission or by any other federally recognized accrediting organization that has comparable standards or surveys and is approved by the department of inspections, appeals, and licensing.

(4) Specializes in providing psychiatric or psychological care and treatment. This may be ascertained through review of patients' records. It may also be indicated by the fact that an unusually large proportion of the staff has specialized psychiatric or psychological training or that a large proportion of the patients are receiving psychopharmacological drugs.

(5) Is under the jurisdiction of the department.

b. More than 50 percent of all the patients in the facility have mental diseases that require inpatient treatment according to the patient's medical records.

c. A large proportion of the patients in the facility has been transferred from a state mental institution for continuing treatment of their mental disorders.

d. Independent review teams report a preponderance of mental illness in the diagnoses of the patients in the facility.

e. The average patient age is significantly lower than that of a typical nursing home.

f. Part or all of the facility consists of locked wards.

85.1(2) *Psychiatric hospitals serving persons under the age of 21.* A psychiatric hospital serving persons under the age of 21 shall be licensed pursuant to rule 481—51.23(135B) or shall be licensed in another state as a hospital; shall be accredited by the Joint Commission, the Commission on Accreditation of Rehabilitation Facilities, the Council on Accreditation of Services for Children and Family Services, or by any other federally recognized accrediting organization that has comparable standards or surveys and is approved by the department of inspections, appeals, and licensing; and shall meet federal service requirements.

441—85.2(249A) Out-of-state placement. Placement in an out-of-state psychiatric hospital for acute care requires prior department approval and must be approved only if special services are not available in Iowa.

441—85.3(249A) Eligibility of persons under the age of 21.

85.3(1) *Age.* To be eligible for payment for the cost of care provided by a psychiatric hospital, the person shall be under 21 years of age. When treatment in the hospital is provided immediately preceding the person's twenty-first birthday, coverage continues to be available until the twenty-second birthday or until service is no longer required, whichever is earlier.

85.3(2) *Period of eligibility.* The person is considered to be an inpatient until unconditionally discharged. Coverage extends until the last day of the month of the discharge or the twenty-second birthday. While on inpatient status the eligible person is entitled to the full scope of Medicaid benefits.

85.3(3) *Certification of need for care.* For persons eligible for Medicaid prior to admission, the need for care shall be certified in accordance with 42 CFR 441.152 (as amended to August 1, 2024). A form prescribed by the department may be used to document these criteria.

a. For persons eligible for Medicaid prior to admission, this preadmission certification shall be performed within 45 days prior to the proposed date for admission to the facility by an independent team that includes a physician who has competence in diagnosis and treatment of mental illness, preferably in child psychiatry, and who has knowledge of the person's situation. If a social worker is a part of the

team, the social worker may be from the county office of the department. A physician's assistant or advanced registered nurse practitioner may also serve as a member of the plan of care team.

The evaluation must be submitted to the facility on or prior to the date of the patient's admission.

b. When a person makes application for Medicaid subsequent to admission or has an application in process at the time of admission, a certification by the team responsible for the plan of care shall be provided within 14 days after admission and shall cover any period prior to application for which claims are to be made.

c. For emergency admissions, a certification shall be provided by the team responsible for the plan of care within 14 days after admission.

85.3(4) *Financial eligibility for persons under the age of 21.* To be eligible for payments for the cost of care provided by a psychiatric facility, persons under the age of 21 must be eligible under one of the coverage groups listed in 441—Chapter 75.

441—85.4(249A) Eligibility of persons aged 65 and over. To be eligible for payment for the cost of care provided by an institution for mental disease, persons must be aged 65 or over and be eligible under one of the coverage groups listed in 441—Chapter 75.

441—85.5(249A) Client participation. The resident is not liable to pay client participation toward the cost of care, and no client participation amount shall be deducted from the state payment to the hospital.

441—85.6(249A) Responsibilities of hospitals.

85.6(1) *Medical record requirements.* The medical records maintained by the psychiatric hospital shall permit determination of the degree and intensity of the treatment provided to persons who are furnished services in the hospital.

a. Development of assessment and diagnostic data. Medical records shall stress the psychiatric components of the record, including history of findings and treatment provided for the psychiatric condition for which the patient is hospitalized.

(1) The identification data shall include the patient's legal status.

(2) A provisional or admitting diagnosis shall be made on every patient at the time of admission, and shall include the diagnoses of intercurrent diseases as well as the psychiatric diagnoses.

(3) The reasons for admission shall be clearly documented as stated by the patient or others significantly involved.

(4) The social service records, including reports of interviews with patients, family members, and others, shall provide an assessment of home plans and family attitudes and community resource contacts, as well as a social history.

(5) When indicated, a complete neurological examination shall be recorded at the time of the admission physical examination.

b. Psychiatric evaluation. Each patient shall receive a psychiatric evaluation that shall:

(1) Be completed within 60 hours of admission.

(2) Include a medical history.

(3) Contain a record of mental status.

(4) Note the onset of illness and the circumstances leading to admission.

(5) Describe attitudes and behavior.

(6) Estimate intellectual functioning, memory functioning, and orientation.

(7) Include an inventory of the patient's assets in descriptive, not interpretive, fashion.

c. Treatment plan.

(1) Each patient shall have an individual comprehensive treatment plan that shall be based on an inventory of the patient's strengths and disabilities. The written plan shall include a substantiated diagnosis, short-term and long-range goals, the specific treatment modalities utilized, the responsibilities of each member of the treatment team, and adequate documentation to justify the diagnosis and the treatment and rehabilitation activities carried out.

(2) The treatment received by the patient shall be documented in a way to ensure that all active therapeutic efforts are included.

d. Recording progress. Progress notes shall be recorded by the doctor of medicine or osteopathy responsible for the care of the patient, nurse, social worker and, when appropriate, others significantly involved in active treatment modalities. The frequency of progress notes is determined by the condition of the patient but shall be recorded at least weekly for the first two months and at least once a month thereafter and shall contain recommendations for revisions in the treatment plan as indicated, as well as a precise assessment of the patient's progress in accordance with the original or revised treatment plan.

e. Discharge planning and discharge summary. The record of each patient who has been discharged shall have a discharge summary that includes a recapitulation of the patient's hospitalization and recommendations from appropriate services concerning follow-up or aftercare, as well as a brief summary of the patient's condition on discharge.

f. The facility shall obtain a professional review organization (PRO) determination that the person requires acute psychiatric care when a person applying or eligible for Medicaid enters the facility, returns from an acute care general hospital, or enters the facility after 30 consecutive days of visitation.

85.6(2) *Fiscal records.*

a. A case activity report shall be submitted to the department whenever a Medicaid applicant or recipient enters the facility, changes level of care, is hospitalized in a general hospital, leaves for visitation, or is discharged from the facility.

b. The facility shall bill after each calendar month for the previous month's services.

85.6(3) *Additional requirements.* Additional requirements are mandated for persons under the age of 21.

a. Active treatment. Inpatient psychiatric services shall involve active treatment in accordance with 42 CFR 441.154 (as amended to August 1, 2024).

b. Individual plan of care. An individual plan of care shall be developed and implemented for each recipient in accordance with 42 CFR 441.155 (as amended to August 1, 2024).

c. Interdisciplinary team. The individual plan of care shall be developed by an interdisciplinary team of physicians and other personnel who are employed by the facility or who provide services to patients in the facility in accordance with 42 CFR 441.156 (as amended to August 1, 2024). The team may also include a physician's assistant or an advanced registered nurse practitioner.

441—85.7(249A) Psychiatric hospital reimbursement.

85.7(1) *Reimbursement formula.* Acute care in psychiatric hospitals will be reimbursed on a per diem rate based on Medicare principles.

a. The reimbursement principles follow and comply with the retrospective Principles of Medicare reimbursement found in Title 18 of the Social Security Act (as amended to August 1, 2024).

b. Allowable costs are those defined as allowable in 42 CFR, Subpart A, Sections 413.5 and 413.9 (as amended to August 1, 2024), and 42 CFR 447.250 (as amended to August 1, 2024). Only those costs are considered in calculating the Medicaid inpatient reimbursement.

c. Medicare and Medicaid principles of reimbursement require hospitals to be paid at the lower of customary charges or reasonable cost and to adhere to all Medicare cost principles in the calculation of the facility rates.

d. Payment for inpatient hospital care for recipients for whom the PRO has determined that the level of care that is medically necessary is only that of skilled care or nursing care will be made at a rate equal to the statewide average Medicaid skilled nursing facility rate or the average state nursing facility rate. Periodic PRO determinations of the need for continuing care are also required.

e. Each participating Medicaid provider shall file a CMS 2552 Medicare Cost Report or a substitute accepted by the Centers for Medicare and Medicaid Services (CMS). In addition, supplemental information sheets are furnished to all Medicaid providers to be filed with the annual cost report. This report must be filed with the department within 150 days after the close of the hospital's fiscal year.

f. Compensation for a disproportionate share of indigent patients is determined as described in 441—subrule 79.1(5).

g. Medicaid reimbursement will be reduced by any payments from a third party toward the cost of a patient's care.

85.7(2) *Medical necessity.* The medical necessity of admission and continued stay will be determined by the PRO. Payment shall not be made for admissions that are determined not to be medically necessary nor will payment be approved for stays beyond the time at which inpatient specialized hospital care at the acute level has been determined not to be medically necessary.

85.7(3) *Reserve bed day payment.* No reserve bed day payments are made to acute care psychiatric hospitals.

85.7(4) *Outpatient services.* No coverage is available for outpatient psychiatric hospital services.

These rules are intended to implement Iowa Code section 249A.4.

441—85.8(249A,81GA,ch167) Eligibility of persons aged 21 through 64.

85.8(1) *Facility.* Acute care in a psychiatric hospital is covered for persons aged 21 through 64 only at the state mental health institutes at Cherokee and Independence.

85.8(2) *Basis of eligibility.* To be eligible for payment for the cost of care provided by one of the covered facilities, a person aged 21 through 64 must be eligible for one of the coverage groups listed in 441—Chapter 75.

85.8(3) *Period of eligibility.* A person is considered to be an inpatient until unconditionally discharged. Coverage extends until the last day of the month of discharge.

85.8(4) *Extent of eligibility.* While on inpatient status, a person eligible under a coverage group listed in rule 441—75.1(249A) is entitled to the full scope of Medicaid benefits.

441—85.9(249A) Psychiatric medical institutions for children—conditions for participation. Psychiatric medical institutions for children will be issued a license by the department of inspections, appeals, and licensing under Iowa Code chapter 135H and will hold either a license from the department under Iowa Code section 237.3(2)*"a"*(3), or, for facilities that provide substance use disorder treatment, a license from the department under Iowa Code section 125.13.

This rule is intended to implement Iowa Code sections 135H.4 and 249A.4.

441—85.10(249A) Eligibility of persons under the age of 21.

85.10(1) *Age.* To be eligible for payment for the cost of care provided by a psychiatric medical institution for children, the person shall be under 21 years of age. When treatment in the facility is provided immediately preceding the individual's twenty-first birthday, coverage continues to be available until the twenty-second birthday or until service is no longer required, whichever is earlier.

85.10(2) *Period of eligibility.* The person is considered to be an inpatient until unconditionally discharged. Coverage extends until the last day of the month of the discharge or the twenty-second birthday. While on inpatient status, the eligible individual is entitled to the full scope of Medicaid benefits.

85.10(3) *Certification for need for care.* For persons eligible for Medicaid prior to admission, the need for care shall be certified in accordance with 42 CFR 441.152 (as amended to August 1, 2024). A form prescribed by the department may be used to document these criteria.

a. For persons determined eligible for Medicaid prior to admission, this preadmission certification shall be performed within 45 days prior to the proposed date for admission to the facility by an independent team that includes a physician who has competence in diagnosis and treatment of mental illness, preferably in child psychiatry, and who has knowledge of the person's situation. If a social worker is a part of the team, the social worker may be from the county office of the department. A physician's assistant or advanced registered nurse practitioner may also serve as a member of the plan of care team.

The evaluation will be submitted to the facility on or prior to the date of the patient's admission.

b. When a person makes application for Medicaid subsequent to admission or has an application in process at the time of admission, a certification by the team responsible for the plan of care shall be provided within 14 days after admission and shall cover any period prior to application for which claims are to be made.

c. For emergency admissions, a certification shall be provided by the team responsible for the plan of care within 14 days after admission.

85.10(4) *Financial eligibility for persons under the age of 21.* To be eligible for payments for the cost of care provided by psychiatric medical institutions, persons under the age of 21 shall be eligible under one of the coverage groups listed in 441—Chapter 75, except medically needy.

441—85.11(249A) Client participation. The resident's client participation and medical payments from a third party shall be paid toward the total cost of care on a monthly basis. The state will pay the balance of the cost of care for the month. The facility shall make arrangements directly with the resident for payment of client participation. Client participation is determined according to 441—Chapter 75.

441—85.12(249A) Responsibilities of facilities.

85.12(1) *Medical record requirements.* The medical records maintained by psychiatric medical institutions for children shall permit determination of the degree and intensity of the treatment provided to persons who are furnished services in the facility.

a. Development of assessment and diagnostic data. Medical records shall stress the psychiatric components of the record, including history of findings and treatment provided for the psychiatric condition for which the patient is admitted.

(1) The identification data shall include the patient's legal status.

(2) A provisional or admitting diagnosis shall be made on every patient at the time of admission, and shall include the diagnoses of intercurrent diseases as well as the psychiatric diagnoses.

(3) The reasons for admission shall be clearly documented as stated by the patient or others significantly involved.

(4) The social service records, including reports of interviews with patients, family members, and others, shall provide an assessment of home plans and family attitudes and community resource contacts, as well as a social history.

(5) When indicated, a complete neurological examination shall be recorded at the time of the admission physical examination.

b. Psychiatric evaluation. Each patient shall receive a psychiatric evaluation that shall:

(1) Be completed within seven days of admission.

(2) Include a medical history.

(3) Contain a record of mental status.

(4) Note the onset of illness and the circumstances leading to admission.

(5) Describe attitudes and behavior.

(6) Estimate intellectual functioning, memory functioning, and orientation.

(7) Include an inventory of the patient's assets in descriptive, not interpretive, fashion.

c. Treatment plan.

(1) Each patient shall have an individual comprehensive treatment plan that shall be based on an inventory of the patient's strengths and disabilities. The written plan shall include a substantiated diagnosis, short-term and long-range goals, the specific treatment modalities utilized, the responsibilities of each member of the treatment team, and adequate documentation to justify the diagnosis and the treatment and rehabilitation activities carried out.

(2) The treatment received by the patient shall be documented in a way to ensure that all active therapeutic efforts are included.

d. Recording progress. Progress notes shall be recorded by the doctor of medicine or osteopathy responsible for the care of the patient, nurse, social worker and, when appropriate, others significantly involved in active treatment modalities. The frequency of progress notes is determined by the condition of the patient but shall be recorded at least weekly for the first two months and at least once a month thereafter and shall contain recommendations for revisions in the treatment plan as indicated, as well as precise assessment of the patient's progress in accordance with the original or revised treatment plan.

e. Discharge planning and discharge summary. The record of each patient who has been discharged shall have a discharge summary that includes a recapitulation of the patient's stay at the facility and recommendations from appropriate services concerning follow-up or aftercare, as well as a brief summary of the patient's condition on discharge.

f. The facility shall obtain a PRO determination that the person requires psychiatric medical institution level of care when a person applying or eligible for Medicaid enters the facility, returns from an acute care hospital stay longer than 10 days, or enters the facility after 30 consecutive days of visitation. Periodic PRO determinations of the need for continuing care are also required.

85.12(2) *Fiscal records.*

a. A Case Activity Report shall be submitted to the department whenever a Medicaid applicant or recipient enters the facility, changes level of care, is hospitalized, leaves for visitation, or is discharged from the facility.

b. The facility shall bill after each calendar month for the previous month's services.

85.12(3) *Additional requirements.* Additional requirements are mandated for persons under the age of 21.

a. Active treatment. Inpatient psychiatric services shall involve active treatment in accordance with 42 CFR 441.154 (as amended to August 1, 2024).

b. Individual plan of care. An individual plan of care shall be developed and implemented for each recipient in accordance with 42 CFR 441.155 (as amended to August 1, 2024).

c. Interdisciplinary team. The individual plan of care shall be developed by an interdisciplinary team of physicians and other personnel who are employed by the facility or who provide services to patients in the facility in accordance with 42 CFR 441.156 (as amended to August 1, 2024). The team may also include a physician's assistant or an advanced registered nurse practitioner.

441—85.13(249A) Outpatient day treatment for persons aged 20 or under. Payment to a psychiatric medical institution for children will be approved for day treatment services for persons aged 20 or under if the psychiatric medical institution for children is certified by the department of inspections, appeals, and licensing for day treatment services and the services are provided on the licensed premises of the psychiatric medical institution for children.

EXCEPTION: Field trips away from the premises are a covered service when the trip is therapeutic and integrated into the day treatment program's description and milieu plan. All conditions for the day treatment program for persons aged 20 or under as outlined in 441—subrule 78.16(7) for community mental health centers shall apply to psychiatric medical institutions for children.

These rules are intended to implement Iowa Code section 249A.4.

441—85.14(249A) Conditions of participation. A nursing facility for persons with mental illness shall be licensed pursuant to 481—Chapter 65, or, if the facility is a distinct part of a hospital, pursuant to rule 481—51.24(135B). A distinct part of a general hospital may be considered a psychiatric institution. In addition, the facility shall be certified to participate in the Iowa Medicaid program as a nursing facility pursuant to 441—Chapter 81 and shall have 16 beds or more. The facility shall also meet the criteria set forth in subrule 85.1(1).

441—85.15(249A) Out-of-state placement. Placement in out-of-state nursing facilities for persons with mental illness is not payable.

441—85.16(249A) Eligibility of persons aged 65 and over. To be eligible for payment for the cost of care provided by nursing facilities for persons with mental illness, persons must be aged 65 or over and be eligible under one of the coverage groups listed in 441—Chapter 75, except for medically needy.

441—85.17(249A) Client participation. The resident's client participation and medical payments from a third party shall be paid toward the total cost of care on a monthly basis. The state will pay the balance of the cost of care for the month. The facility shall make arrangements directly with the resident for payment of client participation. Client participation is determined according to rule 441—75.16(249A).

441—85.18(249A) Responsibilities of nursing facility.

85.18(1) *Medical record requirements.* The facility shall obtain a PRO determination that a person requires psychiatric care when the person applying or eligible for Medicaid enters the facility, returns

from an acute care hospital stay longer than 10 days, or enters the facility after 30 consecutive days of visitation. Periodic PRO determinations of the need for continuing care are also required.

85.18(2) *Fiscal records.*

a. A Case Activity Report shall be submitted to the department whenever a Medicaid applicant or recipient enters the facility, changes level of care, is hospitalized, leaves for visitation, or is discharged from the facility.

b. The facility shall bill after each calendar month for the previous month's services.

441—85.19(249A) Policies governing reimbursement. Cost reporting, reserve bed day payment, and reimbursement shall be the same for nursing facilities for persons with mental illness as for nursing facilities as set forth in 441—Chapter 81.

441—85.20(249A) State-funded personal needs supplement. A Medicaid member living in an intermediate care facility for persons with mental illness who has countable income for purposes of rule 441—75.16(249A) of less than $50 per month will receive a state-funded payment from the department for the difference between that countable income and $50 if the legislature has appropriated funding specifically for this purpose. This payment shall not be considered a benefit under Title XIX of the Social Security Act (as amended to August 1, 2024).

This rule is intended to implement Iowa Code section 249A.30A.

These rules are intended to implement Iowa Code section 249A.4.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9313C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to debts due from transfers of assets

The Department of Health and Human Services hereby rescinds Chapter 89, "Debts Due from Transfers of Assets," 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 chapter 249F.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 249F, 42 U.S.C. Section 1396p(3), and PL 109-171, Sections 6011 and 6016.

Purpose and Summary

This rulemaking was undertaken in response to Executive Order 10. These rules allow the Department to establish a debt against a person who receives the transferred assets from a Medicaid applicant or recipient within five years prior to an application for medical assistance if the applicant is approved for Medicaid. The debt is established against the transferee in an amount equal to the medical assistance provided, but not in excess of the fair market value of the assets transferred.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 25, 2024, as **ARC 8660C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 89 and adopt the following **new** chapter in lieu thereof:

CHAPTER 89
DEBTS DUE FROM TRANSFERS OF ASSETS

441—89.1(249F) Definitions.

"Fair market value" means the price for which property or an item could have been sold on the open market at the time of transfer.

"Medical assistance" means the same as defined in Iowa Code section 249F.1.

"Property" means the same as defined in Iowa Code section 702.14.

"Transfer" means the disposal of property for less than fair market value through gifting, sale or any transfer or assignment of a legal or equitable interest in property.

"Transferee" means the person who receives a transfer or assignment of a legal or equitable interest in property for less than fair market value.

"Transferor" means the person who makes a transfer of a legal or equitable interest in property for less than fair market value.

441—89.2(249F) Creation of debt.

89.2(1) *Transfer of property.* Except as provided in rule 441—89.3(249F), any transfer of property for less than fair market value creates a debt due and owing to the department from the transferee if:

a. The transfer is made while the transferor is receiving medical assistance or within five years prior to application for medical assistance and between July 1, 1993, and December 31, 2018.

b. The transfer is made with the intent on the part of the transferee of enabling the transferor to obtain or maintain eligibility for medical assistance.

89.2(2) *Amount of debt.* The amount of the debt is the lesser of:

a. An amount equal to the medical assistance provided to or on behalf of the transferor on or after the date of the transfer.

b. The difference between the fair market value of the property at the time of transfer and the value of any consideration received.

441—89.3(249F) Exceptions. Notwithstanding rule 441—89.2(249F), transfers detailed in Iowa Code section 249F.1(3)*"b"* that occur on or after July 1, 1996, do not create a debt to the department.

441—89.4(249F) Presumption of intent. Any transfer of property for less than fair market consideration made while the transferor is receiving medical assistance or within five years prior to an application for medical assistance is presumed to be made with the intent, on the part of the transferee, of enabling the transferor to obtain or maintain eligibility for medical assistance. This presumption can be rebutted only by clear and convincing evidence that the transferor's eligibility or potential eligibility for medical assistance was no part of the transferee's reason for accepting the transfer of property.

441—89.5(249F) Notice of debt. The department may issue a notice establishing and demanding payment of an accrued or accruing debt due and owing to the department as provided in rule 441—89.2(249F) pursuant to Iowa Code section 249F.3(1).

441—89.6(249F) No timely request of a hearing. If a timely written request for hearing is not received by the department, the department may enter an order pursuant to Iowa Code section 249F.3(3) and 249F.3(4).

441—89.7(249F) Timely request for a hearing. If a timely written request for a hearing is received by the department, the department will certify the matter for hearing to the district court pursuant to Iowa Code section 249F.4.

441—89.8(249F) Department-requested hearing. The department may also request a hearing on its own motion regarding the determination of a debt at any time prior to entry of an administrative order.

441—89.9(249F) Filing and docketing of the order. An order may be filed pursuant to Iowa Code section 249F.5(1). The department's order shall be presented, ex parte, to the district court for review and approval.

441—89.10(249F) Exemption from Iowa Code chapter 17A. Actions initiated under Iowa Code chapter 249F are not subject to Iowa Code chapter 17A. Review by the district court shall be an original hearing before the district court.

These rules are intended to implement Iowa Code chapter 249F.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9314C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to Medicare drug subsidy

The Department of Health and Human Services hereby rescinds Chapter 91, "Medicare Drug Subsidy," 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 217.6 and 249A.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Section 1935(a) of the Social Security Act (42 U.S.C. Section 1396u-5).

Purpose and Summary

This rulemaking was undertaken in response to Executive Order 10. The purpose of this chapter is to identify and implement procedures for the Department to accept applications and determine eligibility for a Medicare drug subsidy.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 25, 2024, as **ARC 8573C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 91 and adopt the following **new** chapter in lieu thereof:

CHAPTER 91
MEDICARE DRUG SUBSIDY

441—91.1(249A) Definitions.

"Applicant" means a person applying for a Medicare drug subsidy through the department and includes a responsible person or authorized representative acting for an applicant, except for the purposes of subrule 91.2(2).

"Application" or *"Medicare drug subsidy application"* means the federal Social Security Administration's Form SSA-1020B-OCR-SM, Application for Help with Medicare Prescription Drug Plan Costs.

"Authorized representative" means a person representing an applicant or recipient as described in 441—subrule 76.9(2).

"Recipient" means a person receiving a Medicare drug subsidy based on an application filed with the department and includes a responsible person or authorized representative acting for a recipient, except for the purposes of subrule 91.2(2).

"Responsible person" means a person acting on an applicant's or recipient's behalf as described in 441—subrule 76.9(1).

441—91.2(249A) Application.

91.2(1) *Application filing.* Any person may apply for the Medicare drug subsidy through the department in accordance with 441—Chapter 76.

91.2(2) *Identifiable application and signature.*

a. An identifiable application is an application that contains:

(1) The legible name and address of the applicant; and

(2) The signature of the applicant, a responsible person, or an authorized representative on Form SSA-1020B-OCR-SM, Application for Help with Medicare Prescription Drug Plan Costs.

b. If an authorized representative signed the application forms on behalf of an applicant, the applicant or a responsible person must also sign the application forms before the application can be approved.

441—91.3(249A) Eligibility determination. The department will determine eligibility for the Medicare drug subsidy pursuant to Section 1860D-14 of the Social Security Act and implement federal regulations at 20 CFR Section 418 as amended to August 1, 2024.

91.3(1) *Cooperation.* An applicant must cooperate with the department in the application process. Cooperation may include providing additional information or verification of information, participating in an interview, or signing documents. Failure to cooperate in the application process shall be a basis for denial of an application.

91.3(2) Reserved.

441—91.4(249A) Effective date. The effective date of eligibility will be determined pursuant to 42 CFR Part 423 as amended to August 1, 2024.

441—91.5(249A) Changes in circumstances.

91.5(1) *Responsibility to report changes.* A Medicare drug subsidy applicant or recipient shall report to the department in a timely manner any changes in the following circumstances:

a. Care of dependents.
b. Household composition.
c. Household income.
d. Household resources.
e. Marital status.
f. Medicare eligibility or enrollment.
g. Place of residence.

91.5(2) *Effective date of change.* Changes in eligibility or level of subsidy will be effective the month following the month in which the change is reported.

441—91.6(249A) Reinvestigation. The department will reinvestigate eligibility as often as the recipient's circumstances indicate, but in no instance will the period between reinvestigations exceed 12 months.

91.6(1) *Application requested.* When requested to do so by the department, the recipient shall complete the Medicare drug subsidy application as part of the reinvestigation process. The application shall be completed within ten working days from the date a written request is issued. Failure to complete the application shall be a basis for cancellation or reduction of the subsidy.

91.6(2) *Additional information requested.* The recipient shall supply additional information needed to establish eligibility or level of subsidy pursuant to 441—Chapter 76.

441—91.7(249A) Appeals. An applicant or recipient shall have the right to appeal any adverse action by the department pursuant to 441—Chapter 7.

These rules are intended to implement Iowa Code sections 217.6 and 249A.4 and Section 1935(a) of the Social Security Act (42 U.S.C. Section 1396u-5).

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9315C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to practice of speech pathologists and audiologists

The Department of Inspections, Appeals, and Licensing hereby amends Chapter 741, "Practice of Speech Pathologists and Audiologists," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 147, 154F, and 272C.

State or Federal Law Implemented

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

Purpose and Summary

This rulemaking implements Iowa Code chapter 154A as amended by 2024 Iowa Acts, Senate File 2385. The rulemaking states that audiologists are not required to hold a hearing aid specialist license in order to dispense hearing aids. The intended benefit of this rule is to allow audiologists to hold one license to practice audiology and hearing aid dispensing. The rule is being adopted to comply with the

statutory changes from 2024 Iowa Acts, Senate File 2385, allowing an audiologist to dispense hearing aids without a hearing aid license.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025, as **ARC 8950C**. A public hearing was held on the following date(s):

- March 11, 2025

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 Board of Speech Pathology and Audiology on April 25, 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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** rule 481—741.2(147):

481—741.2(147) Hearing aid dispensing. A licensed audiologist may dispense hearing aids without a separate hearing aid specialist license if the services are provided in accordance with the following:

741.2(1) Definitions.

"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.

"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 board. These rules are not intended to regulate unlicensed persons 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.

741.2(2) An audiologist dispensing hearing aids will be held to the same standard of care as a licensed hearing aid specialist and will follow the rules in 481—Chapter 2062.

This rule is intended to implement Iowa Code chapters 147 and 154F.

[Filed 5/2/25, effective 7/2/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9316C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to continuing education for speech pathologists and audiologists

The Department of Inspections, Appeals, and Licensing hereby amends Chapter 742, "Continuing Education for Speech Pathologists and Audiologists," Iowa Administrative Code.

Legal Authority for Rulemaking

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

State or Federal Law Implemented

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

Purpose and Summary

This rulemaking implements Iowa Code chapter 154F and section 272C.2 as amended by 2024 Iowa Acts, House File 2686. Chapter 742 sets forth continuing education and training requirements for speech pathologists and audiologists. The intended benefit of this chapter is to ensure that licensees maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans. The Board of Speech Pathology and Audiology reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. Subrules 742.2(1) and 742.2(4) are 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 grants speech pathologists and audiologists the ability to carry over up to 13 hours of continuing education earned in excess of the 26 hours required every two years.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025, as **ARC 8952C**. A public hearing was held on the following date(s):

- March 11, 2025

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 Board on April 25, 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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 742.2(1) as follows:

742.2(1) The biennial continuing education compliance period will run concurrently with each two-year period between January 1 of each even-numbered year and December 31 of each odd-numbered year. Each biennium, a person who is licensed to practice as a speech pathology or audiology licensee in this state will be required to complete a minimum of 26 hours of continuing education approved by the board. A person holding licensure in both speech pathology and audiology must meet the requirements for each profession. ~~Continuing education hours do not carry over.~~ Licensees 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 13 hours from the previous renewal period.

ITEM 2. Amend subrule 742.2(4) as follows:

742.2(4) ~~No hours of continuing education will be carried over into the next biennium except as stated for second renewal.~~ A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

[Filed 5/2/25, effective 7/2/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9317C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to continuing education for sign language interpreters and transliterators

The Department of Inspections, Appeals, and Licensing hereby amends Chapter 962, "Continuing Education for Sign Language Interpreters and Transliterators," Iowa Administrative Code.

Legal Authority for Rulemaking

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

State or Federal Law Implemented

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

Purpose and Summary

This rulemaking implements Iowa Code chapter 154E and section 272C.2 as amended by 2024 Iowa Acts, House File 2686. Chapter 962 sets forth continuing education and training requirements for sign language interpreters and transliterators. The intended benefit of this chapter is to ensure that licensees maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans. The Board of Sign Language Interpreters and Transliterators reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. Subrule 962.2(6) 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 grants sign language interpreters and transliterators the ability to carry over up to 20 hours of continuing education earned in excess of the 40 hours required every two years.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025, as **ARC 8954C**. A public hearing was held on the following date(s):

- March 11, 2025

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 Board on April 28, 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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind subrule 962.2(6) and adopt the following **new** subrule in lieu thereof:

962.2(6) Licensees 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 20 hours from the previous renewal period.

[Filed 5/2/25, effective 7/2/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9318C

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rulemaking related to licensure of employers for sign language interpreters and transliterators

The Department of Inspections, Appeals, and Licensing hereby adopts new Chapter 965, "Licensure of Employers for Sign Language Interpreters and Transliterators," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 147, 154E, and 272C.

State or Federal Law Implemented

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

Purpose and Summary

This rulemaking implements Iowa Code chapter 154E as amended by 2024 Iowa Acts, House File 2232. Chapter 965 sets forth minimum licensure requirements for employers of sign language interpreters and transliterators. Iowa residents, licensees, and employers benefit from the rulemaking because it articulates the processes by which employers apply for licensure as employers of sign language interpreters or transliterators in the State of Iowa as directed by statute. This includes the processes for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that the employers employ individuals who have minimum competency. Requirements include the application process and examination.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 19, 2025, as **ARC 8955C**. A public hearing was held on the following date(s):

- March 11, 2025

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 Board of Sign Language Interpreters and Transliterators on April 28, 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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 481—Chapter 965:

CHAPTER 965
LICENSURE OF EMPLOYERS FOR SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

481—965.1(154E) Definition. For the purpose of these rules, the following definition will apply:

"Employer" means an employer that employs a person to provide interpreting or transliterating services to the employer's employees.

481—965.2(154E) Requirements for licensure.

965.2(1) A person employed by an employer licensed pursuant to this chapter to provide interpreting or transliterating services to the employer's employees is not required to be licensed pursuant to this chapter, but shall meet the requirements for licensure under Iowa Code section 154E.3. The interpreter will not interpret or transliterate prior to providing evidence of meeting licensure requirements to the employer.

965.2(2) The following criteria apply to licensure:

a. Employers will submit a completed online licensure application and pay the nonrefundable fee.

b. Employers will submit the following information pertaining to their employed interpreters or transliterators:

(1) First and last name.

(2) Address and telephone number.

(3) Proof of passing one of the examinations or proof of certification as outlined in 481—paragraph 961.2(1)*"b."*

c. Employers will submit required information for new interpreters or transliterators to the board office within 30 days of hire.

d. Consumers will be provided information to file a complaint with the department of inspections, appeals, and licensing to address any concerns with sign language interpretation or transliteration provided.

481—965.3(154E) License renewal.

965.3(1) The biennial license renewal period for a license will begin on July 1 of an odd-numbered year and end on June 30 of the next odd-numbered year. The licensee is responsible for renewing the license prior to its expiration.

965.3(2) A licensee 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.

965.3(3) A licensee applying for renewal will:

a. Provide attestation that the licensee's employees providing interpreting or transliterating services meet the continuing education requirements as provided in 481—Chapter 962, and

b. Submit the completed renewal application and renewal fee.

965.3(4) A two-year license will be issued after the requirements of this rule are met. 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.

965.3(5) 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 507.18(4). To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

965.3(6) Inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa but cannot practice until the license is reactivated.

481—965.4(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee needs to:

965.4(1) Submit a completed online licensure application and pay the nonrefundable fee, and

965.4(2) Submit the following information pertaining to the licensee's employed interpreters or transliterators:

a. First and last name.

b. Address and phone number.

c. Proof of passing one of the examinations or proof of certification as outlined in 481—paragraph 961.2(1)*"b."*

481—965.5(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive board-approved reinstatement of the license and must apply for and be granted reactivation of the license prior to employing sign language interpreters or transliterators in this state.

481—965.6(154E,272C) License discipline. The board may impose any of the disciplinary sanctions provided in Iowa Code section 272C.3 when the board determines that the licensee is guilty of any of the acts or offenses listed in 481—Chapter 504 or 481—Chapter 963.

These rules are intended to implement Iowa Code chapter 154E.

[Filed 5/2/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9319C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to congenital and inherited disorders

The Department of Health and Human Services hereby rescinds Chapter 4, "Center for Congenital and Inherited Disorders," and adopts a new Chapter 4, "Congenital and Inherited Disorders," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 136A.8 and 144.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 136A and 2024 Iowa Acts, Senate File 2385.

Purpose and Summary

This rulemaking provides the parameters for the administrative oversight of the Iowa Newborn Screening Program, Iowa Maternal Prenatal Screening Program (IMPSP), Regional Genetic Consultation Service, Neuromuscular and Related Genetic Disease Program, and Iowa Registry for Congenital and Inherited Disorders (IRCID).

The chapter also eliminates references to the Congenital and Inherited Disorders Advisory Committee pursuant to 2024 Iowa Acts, Senate File 2385.

Finally, a Red Tape Review was performed pursuant to Executive Order 10, which was scheduled to occur in calendar year 2025.

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 8543C**. A public hearing was held on the following date(s):

- January 16, 2025
- January 21, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
CONGENITAL AND INHERITED DISORDERS

641—4.1(136A) Definitions. For the purposes of this chapter, the following definitions apply:

"Anonymized specimen" means a specimen that cannot be traced back to or linked with the particular individual from whom the specimen was obtained.

"Attending health care provider" means the same as defined in Iowa Code section 136A.2.

"Birth defect" means any major structural abnormality or metabolic disorder that may adversely affect a child's health and development. The abnormality or disorder must be diagnosed or its signs and symptoms must be recognized within the first two years of life.

"Birthing facility" means a private or public facility licensed pursuant to Iowa Code chapter 135B that has a licensed obstetric unit or is licensed to provide obstetric services.

"Central laboratory" means the state hygienic laboratory (SHL), which is designated as the screening laboratory to perform testing and reporting for the Iowa newborn screening and Iowa maternal prenatal screening programs.

"Central registry" means the Iowa registry for congenital and inherited disorders (IRCID).

"Congenital condition" means a condition that exists at birth and may be hereditary, result from an action or exposure occurring during pregnancy or at birth, or may be due to a combination of both factors.

"Consulting physician" means a physician designated by the center for congenital and inherited disorders to interpret screen results and provide consultation to a licensed health care provider.

"Council" means the council on health and human services.

"Critical congenital heart disease" or *"CCHD"* means the presence of one or more of the following specific heart lesions: hypoplastic left heart syndrome, pulmonary atresia, tetralogy of Fallot, total anomalous pulmonary venous return, transposition of the great arteries, tricuspid atresia, and truncus arteriosus.

"Discharge" means a release of an infant from a hospital or birth center.

"Early ACCESS" means the statewide, comprehensive, interagency system of integrated early intervention services that supports eligible children and their families as defined in 281—Chapter 120.

"Early hearing detection and intervention program" means Iowa's newborn hearing screening and follow-up program, which ensures that all newborns and toddlers with hearing loss are identified as early as possible and provided with timely and appropriate audiological, educational and medical intervention and family support.

"Follow-up program" means the services provided to follow up on an abnormal screening result.

"Guardian" means a person who is not the parent of a minor child, but who has legal authority to make decisions regarding life or program issues for the child.

"Health care provider" means a licensed physician, nurse practitioner, certified nurse midwife, registered nurse, or physician assistant providing medical care to an individual.

"Iowa maternal prenatal screening program" or *"IMPSP"* means a program that provides a screening test designed to identify increased risk of having a baby with a congenital or inherited disorder or developing a problem later in pregnancy.

"Iowa newborn screening panel" or *"newborn screening panel"* means the list of disorders for which the department screens Iowa newborns.

"Iowa newborn screening program" or *"INSP"* means a program that provides screening of live-born Iowa newborns for the disorders listed on the Iowa newborn screening panel.

"Neuromuscular disorder" means Duchenne, Becker, congenital, distal, Emery-Dreifuss, facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophy.

"Newborn critical congenital heart disease (CCHD) screening" means the screening of newborns for seven targeted heart conditions (hypoplastic left heart syndrome, pulmonary atresia, tetralogy of

Fallot, total anomalous pulmonary venous return, transposition of the great arteries, tricuspid atresia, and truncus arteriosus) using pulse oximetry or other means to detect blood oxygen saturation levels.

"Primary health care provider" means a licensed physician, physician assistant, nurse practitioner, or certified nurse midwife providing ongoing primary medical care to a patient.

"Receiving facility" means the facility receiving an infant from a birthing facility.

"Residual maternal prenatal serum screening specimen" means the portion of the specimen that may be left over after all necessary activities of the Iowa maternal prenatal screening program are completed.

"Residual newborn screening specimen" means the portion of the dried blood spot specimen that may be left over after all activities necessary for the Iowa newborn screening program are completed.

"Specialty genetics provider" means a medical geneticist, genetic nurse, genetic physician assistant, genetic nurse practitioner, or genetic counselor.

"State hygienic laboratory" or *"SHL"* means the designated central testing laboratory.

"Stillbirth" means the same as defined in Iowa Code section 136A.2.

"Transferring facility" means the birthing facility that transfers the infant to another facility.

641—4.2(136A) Iowa newborn screening program (INSP). This program provides comprehensive newborn screening services for hereditary and congenital disorders for the state.

4.2(1) *Newborn screening policy.*

a. All newborns and infants born in the state of Iowa shall be screened for all congenital and inherited disorders on the Iowa newborn screening panel as specified by the department.

b. As new disorders are recognized and new technologies and tests become available, the department will develop and follow protocols for the addition of disorders to or the deletion of disorders from the screening panel.

c. The department may monitor individuals identified as having a genetic or metabolic disorder for the purpose of conducting public health surveillance or intervention and for determining whether early detection, treatment, and counseling lead to the amelioration or avoidance of the adverse outcomes of the disorder. Birthing facilities and health care providers shall provide patient data and records to the department upon request to facilitate the monitoring. Any identifying information provided to the department shall remain confidential pursuant to Iowa Code section 22.7(2).

d. For purposes of newborn screening, the department will collect newborn screening specimens and data, test the specimens for disorders on the universal screening panel, conduct follow-up on abnormal screening results, conduct quality improvement and quality assurance activities, and store specimens for a time period determined by its policies.

4.2(2) *Newborn blood spot screening procedure for facilities and providers.*

a. Educating parent or guardian. Before a specimen from an infant is obtained, a parent or guardian will be informed of the type of specimen, how it is obtained, the nature of the disorders for which the infant is being screened, the consequences of treatment and nontreatment, and the retention, use and disposition of residual specimens.

b. Refusal of screening. Should a parent or guardian refuse the screening, said refusal shall be documented in the infant's medical record, and the parent or guardian shall sign the refusal of screening form. The birthing facility or attending health care provider shall submit the signed refusal of screening form to the INSP within six days of the refusal. The birthing facility or attending health care provider may submit refusal forms via the courier service established for the transportation of newborn screening specimen collection forms or via secure fax.

c. Collection of specimens. A filter paper blood specimen shall be collected from the infant between 24 to 48 hours after the infant's birth. A specimen shall not be collected from an infant less than 24 hours after birth except as follows:

(1) A blood specimen must be collected before any initial transfusion, even if the infant is less than 24 hours old.

(2) A blood specimen must be collected before the infant leaves the hospital, whether by discharge or by transfer to another hospital, even if the infant is less than 24 hours old.

d. *Submission of specimens.* All specimens shall be delivered to the SHL via courier service or, if courier service is not available, overnight postage, overnight express delivery service, or other appropriate means within 24 hours after collection.

4.2(3) *Primary health care provider responsibility.*

a. The health care provider or a designee shall ensure that infants under the provider's care are screened.

b. Procedures for specimen collection for newborn blood spot screening shall be followed in accordance with subrule 4.2(2).

c. A physician or other health care professional who undertakes primary pediatric care of an infant delivered in Iowa shall arrange for the newborn screening if a newborn screening result is not in the infant's medical record.

d. The primary care provider of an infant delivered in Iowa shall discuss the newborn screening results with the parent or guardian of the newborn, including follow-up on abnormal results.

4.2(4) *Birthing facility.* The birthing facility shall ensure that all infants receive newborn screening.

a. Designee. Each birthing facility shall designate an employee to be responsible for the newborn screening program in that institution.

b. Procedures for specimen collection for newborn screening shall be followed in accordance with subrule 4.2(2).

c. Transfer. The following apply if an infant is transferred:

(1) If an infant is transferred within the hospital for acute care, the newborn nursery shall notify the acute care unit of the status of the newborn screening. The acute care unit shall then be responsible for the status of the newborn screening prior to discharge of the infant.

(2) If the infant is transferred to another facility within the state, the facility shall notify the receiving facility of the status of the newborn screening. The receiving facility shall then be responsible for completion of the newborn screening prior to discharge of the infant.

d. Discharge. Each birthing facility shall collect a newborn screening specimen on every infant prior to discharge, including under the following circumstances:

(1) The infant is discharged or transferred to another facility before the infant is 24 hours old.

(2) The infant is born with a condition that is incompatible with life.

(3) The infant has received a transfusion.

e. Notification. The birthing facility shall report the newborn screening results to the health care provider who has undertaken ongoing primary pediatric care of the infant.

4.2(5) *SHL responsibility.* The SHL will:

a. Contract with a courier service to provide transportation and delivery of newborn screening specimens.

b. Contact all birthing facilities to provide education on ordering specimen transport from the courier.

c. Process specimens within 24 hours of receipt.

d. Notify the submitting health care provider, birthing facility, or drawing laboratory of an unacceptable specimen and the need for another specimen.

e. Report a presumptive positive screen result within 24 hours to the consulting physician or the physician's designee.

f. Distribute specimen collection forms, specimen collection procedures, refusal of newborn screening forms, and other materials to drawing laboratories, birthing facilities, and health care providers.

g. Report normal and abnormal screening results to the submitting facility or provider.

h. Submit a written annual report of the previous calendar year to the department by July 1 of each year. This report will include:

(1) Number of infants screened,

(2) Number of repeat screens,

(3) Number of presumptive positive results by condition and disorder,

(4) Number of rejected specimens,

(5) Number of waivers,

(6) Results of quality assurance testing, including any updates to the INSP quality assurance policies, and

(7) Screening and educational activity details.

i. In collaboration with the program consulting physicians, submit a proposed budget and narrative justification for the upcoming state fiscal year by January 31 of each year.

j. Act as fiscal agent for program expenditures encompassing the analytical, technical, administrative, educational, and follow-up costs for the screening program.

k. Submit a fiscal expenditures report to the department within 90 days after the end of the state fiscal year.

4.2(6) *Follow-up program responsibility.* Follow-up programs will be available for all individuals identified by the newborn screening as having an abnormal screen result.

a. The follow-up activities will include care coordination, consultation, genetic counseling or recommendations for treatment when indicated, case management, education and quality assurance.

b. The follow-up programs shall submit a written annual report of the previous calendar year by July 1 of each year. The report shall include:

(1) The number of presumptive positive results and confirmed positive results by condition and disorder,

(2) Number of confirmed cases receiving follow-up,

(3) A written summary of educational and follow-up activities.

c. In collaboration with the SHL, the follow-up programs shall submit a proposed budget and narrative justification for the upcoming fiscal year to the department by January 31 of each year.

d. The follow-up programs shall submit a fiscal expenditures report to the department within 90 days of the end of the state fiscal year.

4.2(7) *Information sharing and confidentiality.* Reports, records, and other information collected by or provided to the Iowa newborn screening program relating to an infant's newborn screening results and follow-up information are confidential records pursuant to Iowa Code sections 22.7 and 136A.7. INSP data may be retained for 19 years.

a. Personnel of the program shall maintain the confidentiality of all information and records used in the review and analysis of newborn screening and follow-up, including information that is confidential under Iowa Code chapter 22 or any other provisions of state law.

b. The program shall not release confidential information, except to the following persons and entities under the following conditions:

(1) The parent or guardian of an infant or child or the adult individual for whom the report is made.

(2) A primary health care provider, birthing facility, or submitting laboratory.

(3) A representative of a state or federal agency or agents of tribes and tribal public health authorities to the extent that the information is necessary to perform a legally authorized function of that agency or the department. No data shall be furnished to state or federal agencies or agents of tribes or tribal public health agencies until the department has prepared in writing the conditions under which the data may be used and has received an agreement signed by a responsible agent of the state or federal agency agreeing to meet and conform to such conditions.

(4) A researcher, upon documentation of parental consent obtained by the researcher, and only to the extent that the information is necessary to perform research authorized by the department.

c. Newborn screening information shall not be released to any person or entity for commercial purposes or law enforcement purposes or to establish a database for forensic identification.

4.2(8) *Retention, use and disposition of residual newborn screening specimens.*

a. A newborn screening specimen collection form consists of a filter paper containing the dried blood spots (DBS) specimen and the attached requisition that contains information about the infant and birthing facility or drawing laboratory. The DBS specimen can be separated from the information contained in the requisition form. The INSP is the custodian of the specimens and related data for purposes of newborn screening, quality improvement and quality assurance activities.

(1) The residual DBS specimen shall be held for five years in a locked area at the SHL.

(2) The residual DBS specimen shall be stored for the first year at –75 to –80 degrees C.

(3) After one year, the residual DBS specimen shall be archived for four additional years at room temperature.

(4) The residual DBS specimen shall be incinerated after completion of the retention period.

b. The program shall not release a residual newborn screening specimen except to the following persons and entities:

(1) The parent or guardian of the infant or the individual adult upon whom the screening was performed.

(2) A health care provider acting on behalf of the patient.

(3) A medical examiner authorized to conduct an autopsy on a child or an investigation into the death of a child.

(4) A researcher, upon documentation of parental consent obtained by the researcher, and only to the extent that the information is necessary to perform research authorized by the department.

(5) The newborn screening program, for operations as provided in this rule.

c. Research. A residual newborn screening specimen may be released for research purposes only if written consent has been received by the researcher from a parent or guardian of the child, or the individual adult upon whom the screening was performed, and each of the following conditions is satisfied:

(1) Investigators shall submit proposals to use residual newborn screening specimens to the department. Any intended use of the requested specimens as part of the research study must be clearly delineated in the proposal.

(2) Before research can commence, proposals shall be approved by the researcher's institutional review board and the department.

(3) Research on residual newborn screening specimens shall be allowed only in instances where research would further: newborn screening activities; the health of an infant or child for whom no other specimens are available or readily attainable; general medical knowledge for existing public health surveillance activities; public health purposes; or medical knowledge to advance the public health.

d. Newborn screening program operations. Residual newborn screening specimens and related data may be used for activities, testing, and procedures directly related to the operation of the newborn screening program, including confirmatory testing, laboratory quality control assurance and improvement, equipment calibration, evaluation and improvement of the accuracy of newborn screening tests, and equipment and screening methods validation, and for the use of linked specimens in feasibility studies approved by the council for the purpose of incorporating new tests or evaluating new test methodologies.

e. Prohibited uses. A residual newborn screening specimen shall not be released to any person or entity for commercial purposes or law enforcement purposes or to establish a database for forensic identification.

f. Return or destruction of specimens. A parent or guardian may request return or destruction of the parent's or guardian's newborn's residual newborn screening specimen by contacting the department.

4.2(9) *Newborn screening for critical congenital heart disease.* All newborns and infants born in Iowa shall receive newborn screening for CCHD, by pulse oximetry or other means in accordance with subparagraph 4.2(9)*"b"*(3). The purpose of newborn screening for CCHD is to identify newborns with structural heart defects usually associated with hypoxia in the newborn period that could have significant morbidity or mortality early in life with the closing of the ductus arteriosus or other physiological changes early in life.

a. Newborn CCHD screening procedure for providers and facilities.

(1) Educating parent or guardian. Before newborn screening for CCHD on an infant is conducted, a parent or guardian shall be informed of the type of screening, how it is performed, the nature of the conditions and disorders for which the infant is being screened, and the follow-up procedure for an abnormal screen result.

(2) Refusal. Should a parent or guardian refuse the screening, said refusal shall be documented in the infant's medical record, and the parent or guardian shall sign the refusal of screening form. The

birthing facility or attending health care provider shall submit the signed refusal form to the central laboratory within six days of the refusal. The birthing facility or attending health care provider may submit refusal forms via the courier service established for the transportation of newborn screening specimen collection forms or via secure fax.

b. Newborn CCHD screening for newborns in low-risk or intermediate nurseries or out-of-hospital births.

(1) Screening should not begin until the newborn is at least 24 hours of age, or as late as possible if earlier discharge is planned, and should be completed on the second day of life.

(2) Screening shall be conducted using pulse oximeters or other means in accordance with subparagraph 4.2(9)*"b"*(3). Pulse oximeters shall:

1. Be motion tolerant;
2. Report functional oxygen saturation;
3. Be validated in low-perfusion conditions;
4. Be cleared by the Food and Drug Administration (FDA) for use on newborns; and
5. Have a 2 percent root-mean-square accuracy.

Disposable or reusable probes may be used. Reusable probes must be appropriately cleaned between uses according to manufacturer's instructions.

(3) Newborn CCHD screening shall be conducted by pulse oximetry or other means in accordance with the most recently published guidelines, algorithms, and protocols as outlined by the American Academy of Pediatrics, the American College of Cardiology Foundation and the American Heart Association, or subsequent guidance by the organizations listed in this subparagraph. Materials are available on the department's website.

c. Newborn CCHD screening for high-risk newborns in neonatal intensive care unit (NICU). Until such time that an evidence-based protocol for CCHD screening in infants discharged from the NICU is available, the attending health care provider shall conduct a comprehensive examination of the newborn to screen the infant for CCHD prior to discharge.

d. Primary health care provider responsibility. The health care provider shall ensure that infants under the provider's care are screened.

e. Reporting results of newborn CCHD screening. Results of newborn CCHD screening shall be reported in a manner consistent with other newborn screening reporting.

4.2(10) *INSP and IMPSP fees.*

a. In consultation with the department, the SHL shall establish the newborn screening fee schedule in a manner sufficient to support the newborn screening system of care, including but not limited to laboratory screening costs, short-term and long-term follow-up program costs, the newborn screening developmental fund, and the cost of the department's newborn screening data system.

b. The SHL shall include as part of the INSP fee an amount to fund the provision of special medical formula and foods for eligible individuals with inherited diseases of amino acids and organic acids who are identified through the programs.

c. Funds collected through newborn screening fees will be used for newborn screening program activities only.

d. Funds collected through maternal prenatal screening fees will be used for maternal prenatal screening activities only.

e. In order to support newborn and maternal prenatal screening activities, the department will authorize the expenditure and exchange of newborn screening and maternal prenatal screening developmental funds between the SHL (as designated fiscal agent) and the department.

f. A portion of INSP and IMPSP fees will be distributed to the department to support activities of the INSP and the IMPSP.

4.2(11) *Special medical formula and foods program.*

a. A special medical formula and foods program for individuals with inherited diseases of amino acids and organic acids who are identified through the Iowa newborn screening program is provided by the University of Iowa.

b. Payments received from clients based on third-party payment, sliding fee scales and donations shall be used to support the administration of and the purchase of special medical formula and foods.

c. The funding allocation from the Iowa newborn screening program fee will be used as the funder of last resort after all other available funding options have been pursued by the special medical formula and foods program.

d. Provisions of special medical formula and foods through this funding allocation shall be available to an individual only after the individual has shown that all benefits from third-party payers, including but not limited to health insurers; health maintenance organizations; Medicare; Medicaid; Special Supplemental Food Program for Women, Infants and Children program (WIC); and other government assistance programs have been exhausted. In addition, a full fee and a sliding fee scale shall be established and used for those persons able to pay all or part of the cost. Income and resources shall be considered in the application of the sliding fee scale. Individuals whose income is at or above 185 percent of the federal poverty level shall be charged a fee for the provision of special medical formula and foods. Placement of individuals on the sliding fee scale shall be determined and reviewed at least annually.

e. The SHL will act as the fiscal agent.

f. The University of Iowa Health Care Medical Center under the control of the state board of regents shall not receive indirect costs from state funds appropriated for this program.

641—4.3(136A) Iowa maternal prenatal screening program (IMPSP). This program provides comprehensive maternal prenatal screening services for the state.

4.3(1) *Maternal screening.* The IMPSP provides a risk assessment for certain congenital or inherited conditions and disorders of a newborn. The department will identify the minimum conditions included in the assessment on the department's website.

a. If a patient desires this screening test, the health care provider shall direct that a specimen be drawn and submitted to the SHL or a laboratory with the capacity to provide screening for the minimum type of prenatal screening services.

b. As new technologies and tests become available, the department will develop and follow protocols for the addition or deletion of conditions and disorders from the screening program.

4.3(2) *Maternal screening procedure.*

a. *Specimen collection.* A serum or clotted blood specimen shall be collected from the patient within the appropriate gestational range indicated by the requested screen.

b. *Specimen processing.* The SHL will test specimens within three working days of receipt.

c. *Reporting abnormal results.* Abnormal screen results shall be reported within 24 hours to the consulting physician or the physician's designee, who shall then notify the primary health care provider. On the next working day, this initial report shall be followed by a written report to the primary health care provider.

4.3(3) *Consulting physician responsibility.* A consulting physician shall be designated by the department to provide interpretation of screen results and consultation to the submitting health care provider. This physician shall provide consultation for abnormal screen results, assist with questions about management of identified cases, provide education and assist with quality assurance measures. The screening program, with assistance from the consulting physician, shall:

a. In collaboration with the SHL, submit a proposed budget and narrative justification for the upcoming fiscal year to the department by January 31 of each year, and

b. Submit a written annual report of the previous calendar year's activity to the department by July 1 of each year. The report will include:

(1) Number of persons screened,
(2) Number of repeat screens,
(3) Number of abnormal results by condition and disorder,
(4) Number of rejected specimens,
(5) Results of quality assurance testing, and
(6) Screening and educational activity details.

4.3(4) *SHL responsibility.* The SHL will:

a. Contract with a courier service to provide transportation and delivery of maternal prenatal serum specimens.

b. Contact all entities submitting specimens to recommend use of the courier service to transport specimens to the SHL.

c. Test specimens within seven working days of receipt.

d. Distribute specimen collection kits and other materials to health care provider offices and drawing facilities as required.

e. Inform the submitting health care provider or drawing facility of an unacceptable specimen and request another specimen.

f. Provide educational materials concerning specimen collection procedures to health care provider offices.

g. Have available for review a written quality assurance program covering all aspects of its screening activity.

h. Act as a fiscal agent for program charges encompassing the analytical, technical, administrative, educational and follow-up costs for the screening program.

4.3(5) *IMPSP fee determination.* The department will annually review and determine the fee to be charged for all activities associated with the IMPSP. The review and determination of the fee will be completed at least one month prior to the beginning of the fiscal year.

4.3(6) *Information sharing and confidentiality.* Reports, records, and other information collected by or provided to the IMPSP relating to a patient's maternal prenatal screening results and follow-up information are confidential records pursuant to Iowa Code section 22.7.

a. Personnel of the program shall maintain the confidentiality of all information and records used in the review and analysis of maternal serum screening and follow-up, including information that is confidential under Iowa Code chapter 22 or any other provisions of state law.

b. The program shall not release confidential information except to the following persons and entities, under the following conditions:

(1) The patient for whom the report is made.

(2) A primary health care provider or submitting laboratory.

(3) A representative of a state or federal agency, to the extent that the information is necessary to perform a legally authorized function of that agency or the department. The state or federal agency will be subject to confidentiality regulations that are the same as or more stringent than those in the state of Iowa.

c. Maternal prenatal information shall not be released to any person or entity for commercial purposes or law enforcement purposes or to establish a database for forensic identification.

4.3(7) *Retention, use and disposition of residual maternal prenatal screening specimens.* The residual serum specimens shall be held for a specified period of time in a locked area at the SHL in accordance with SHL policy and procedures.

641—4.4(136A) Regional genetic consultation service (RGCS). This program provides comprehensive genetic and genomic services statewide through outreach clinics.

4.4(1) Provision of comprehensive genetic and genomic services. The department will contract with the division of medical genetics and genomics within the department of pediatrics at the University of Iowa to provide genetic and genomic health care and education outreach services for individuals and families within Iowa.

4.4(2) The University of Iowa Health Care Medical Center under the control of the state board of regents shall not receive indirect costs from state funds appropriated for this program.

641—4.5(136A) Neuromuscular and other related genetic disease program (NMP). This program provides comprehensive services statewide for individuals and families with neuromuscular disorders through outreach clinics and statewide, active surveillance for selected neuromuscular disorders.

4.5(1) Comprehensive service provision. The department will contract with the department of pediatrics at the University of Iowa to provide neuromuscular health care, case management and education outreach services for individuals and families within Iowa.

4.5(2) The University of Iowa Health Care Medical Center under the control of the state board of regents shall not receive indirect costs from state funds appropriated for this program.

641—4.6(136A) Iowa registry for congenital and inherited disorders (IRCID). This program provides active statewide surveillance for congenital and inherited conditions and disorders. These may include birth defects, neuromuscular disorders, metabolic disorders, and all stillbirths. The program also may conduct active statewide surveillance of live births without a reportable congenital or inherited condition or disorder to serve as controls for epidemiological surveys. Surveillance activities for specific congenital and inherited conditions and disorders and maternal and congenital infections will be conducted for the period of time that adequate financial support is available.

A reportable congenital or inherited condition or disorder occurring in a miscarriage or pregnancy may be included in the IRCID.

4.6(1) *Surveillance policy.*

a. Congenital conditions and disorders, including birth defects, occurring in Iowa are reportable conditions, and records will be abstracted pursuant to rule 641—1.3(139A) and maintained in the IRCID. Congenital conditions and disorders surveillance will be performed in order to determine the occurrence and trends of such conditions and disorders, to determine co-occurring conditions and treatments through annual follow-up abstraction, to conduct thorough and complete epidemiological surveys to identify environmental and genetic risk factors for congenital conditions and disorders, to contribute to prevention strategies, and to assist in the planning for and provision of services to children with congenital conditions and disorders and their families.

b. Records for neuromuscular disorders will be abstracted pursuant to rule 641—1.3(139A) and maintained in the IRCID. Neuromuscular disorders surveillance for individuals of all ages shall be performed to determine the occurrence and trends of the selected neuromuscular disorders, to determine co-occurring conditions and treatments through annual follow-up abstraction, to conduct thorough and complete epidemiological surveys through annual long-term follow-up, and to assist in the planning for and provision of services to individuals with selected neuromuscular disorders and their families.

c. Stillbirths occurring in Iowa are reportable conditions, and records of these stillbirths will be abstracted pursuant to rule 641—1.3(139A) and maintained in the IRCID. Stillbirth surveillance will be performed to determine the occurrence and trends of stillbirths, to conduct thorough and complete epidemiological surveys to identify environmental and genetic risk factors for stillbirths, and to assist in the planning for and provision of services to prevent stillbirths.

4.6(2) *IRCID activities.*

a. The department will establish an agreement with the University of Iowa to implement the activities of the IRCID.

b. The IRCID will use the birth defects, neuromuscular disorders, and stillbirth coding schemes developed by the Centers for Disease Control and Prevention (CDC).

c. The IRCID staff will review hospital records, clinical charts, physician's records, vital records, prenatal records, and fetal death evaluation protocols pursuant to rule 641—1.3(139A), information from the INSP, RGCS, NMP, and the IMPSP, and any other information that the IRCID deems necessary and appropriate for congenital and inherited conditions and disorders surveillance.

4.6(3) *Department responsibility.*

a. When a live infant's medical records are ascertained by the IRCID, the department or its designee will inform the parent or legal guardian by letter that this information has been collected and provide the parent or guardian with information about services for which the child and family may be eligible.

b. The department and the IRCID will annually release aggregate medical and epidemiological information to medical personnel and appropriate state and local agencies for the planning and

monitoring of services for children with congenital or inherited conditions and disorders and their families.

4.6(4) *Confidentiality and disclosure of information.* Reports, records, and other information collected by or provided to the IRCID relating to a person known to have or suspected of having a congenital or inherited condition or disorder are confidential records pursuant to Iowa Code sections 22.7 and 136A.7.

a. Personnel of the IRCID and the department shall maintain the confidentiality of all information and records used in the review and analysis of congenital or inherited conditions and disorders, including information that is confidential under Iowa Code chapter 22 or any other provisions of state law.

b. IRCID staff are authorized pursuant to rule 641—1.3(139A) to gather all information relevant to the review and analysis of congenital or inherited conditions and disorders. IRCID staff are permitted to review hospital records, clinical charts, physician's records, vital records, and prenatal records, information from the INSP, RGCS, NMP, and IMPSP and any other information the IRCID deems necessary and appropriate for live births without a reportable congenital or inherited condition and disorder to serve as controls for epidemiological surveys.

c. No individual or organization providing information to the IRCID in accordance with this rule shall be deemed or held liable for divulging confidential information.

4.6(5) *Access to information in the IRCID.* The IRCID and the department shall not release confidential information except to the following, under the following conditions:

a. The parent or guardian of an infant or child for whom the report is made and who can demonstrate that the parent or guardian has received the notification letter.

b. An Early ACCESS service coordinator or an agency under contract with the department to administer the children with special health care needs program, upon receipt of written consent from the parent or guardian of the infant or child.

c. A local health care provider, upon receipt of written consent from the parent or guardian of the infant or child.

d. A representative of a federal agency, to the extent that the information is necessary to perform a legally authorized function of that agency or the department. The information provided shall not include the personal identifiers of an infant or child with a reportable congenital or inherited condition or disorder.

e. Researchers. All proposals for research using the IRCID data to be conducted by persons other than program staff shall first be submitted to and accepted by the researcher's institutional review board. Proposals shall then be reviewed and approved by the department before research can commence.

f. A representative of a state agency, to the extent that the information is necessary to perform a legally authorized function of that agency or the department. The state agency will be subject to confidentiality regulations that are the same as or more stringent than those in the state of Iowa.

These rules are intended to implement Iowa Code chapter 136A.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9320C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to oral health

The Department of Health and Human Services hereby rescinds Chapter 50, "Oral Health," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 135.14 and 135.15.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 135.14 and 135.15.

Purpose and Summary

This chapter was reviewed and is being rescinded as part of the Red Tape Review process laid out by Executive Order 10. The Department determined that rulemaking authority for this chapter is not explicit in the Iowa Code. Because the Department has established program priorities, policies, plans, and leadership, implementation will continue to occur in absence of administrative 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 8494C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **641—Chapter 50**.

[Filed 3/6/25, effective 8/1/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9321C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to dental screening

The Department of Health and Human Services hereby rescinds Chapter 51, "Dental Screening," 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 135.17.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 135.17.

Purpose and Summary

This chapter was reviewed and is rescinded and adopted new as part of the Red Tape Review process laid out by Executive Order 10. This chapter outlines the requirements and processes for ensuring children entering kindergarten and ninth grade submit proof of a dental screening to their school and the subsequent audit of screening certificates. The intended benefit is to improve the oral health of Iowa's children through prevention, education, care coordination and referral for treatment.

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 8507C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 51 and adopt the following **new** chapter in lieu thereof:

CHAPTER 51
DENTAL SCREENING

641—51.1(135) Definitions.

"Admitting official" means the superintendent of schools or the superintendent's designated representative if a public school; if an accredited nonpublic school, the governing official of the school.

"Applicant" means any person seeking first-time enrollment in kindergarten or ninth grade in a public or accredited nonpublic elementary school or high school in Iowa.

"Dental hygienist" means a person licensed to practice as a dental hygienist.

"Dentist" means a person licensed to practice as a dentist.

"Electronic signature" means a confidential personalized digital key, code, or number that is used for secure electronic data transmission and that identifies and authenticates the signatory.

"Elementary school" means kindergarten through grade six in an Iowa school district or accredited nonpublic school.

"Gum infection" means that gum (gingival) tissue is red, bleeding, or swollen.

"High school" means grades 9 through 12 in an Iowa school district or accredited nonpublic school.

"Injury" means soft tissue laceration or a broken or dislodged tooth.

"I-Smile" means the department program designed to increase access to dental care for children and to ensure a dental home.

"I-Smile coordinator" means a designated dental hygienist who is employed by or under contract with a local public health agency to administer the I-Smile dental home program.

"Local board of health" means a county, city, or district board of health as defined in Iowa Code section 137.102.

"Needs dental care" means that tooth decay or a white spot lesion is suspected in one or more teeth or that gum infection is suspected.

"Needs urgent dental care" means that obvious tooth decay is present in one or more teeth, there is evidence of injury or severe infection, or the child is experiencing pain.

"No obvious problems" means a child's hard and soft tissues appear to be visually healthy and there is no apparent reason for the child to be seen before the next routine dental checkup.

"Nurse" means a person licensed to practice as a registered nurse or advanced registered nurse practitioner.

"Physician" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery.

"Physician assistant" means a person licensed to practice as a physician assistant.

"Recorder" means a dentist, dental hygienist, physician, physician assistant, or nurse who is authorized to record screening information and sign the Certificate of Dental Screening form.

"Severe infection" means excessive bleeding, swelling, or pus discharge; or an abscess.

"Signature" means an original signature, or authorized use of stamped signature, or electronic signature of a dentist, dental hygienist, physician, physician assistant, or nurse.

"Tooth decay" means a visible cavity or hole in a tooth with brown or black coloration, or a retained root.

"White spot lesion" means a demineralized area of a tooth, usually appearing as a chalky, white spot or white line near the gum line. A white spot lesion is considered an early indicator of tooth decay, especially in primary teeth.

641—51.2(135) Persons included. The dental screening requirements specified in this chapter apply to all persons seeking first-time enrollment in kindergarten or ninth grade in a public or accredited nonpublic elementary school or high school in Iowa.

641—51.3(135) Persons excluded. Exclusions to these rules are permitted on an individual basis for religious and financial hardship reasons. Applicants approved for a religious or financial hardship exemption shall submit to the admitting official a valid department certificate of dental screening exemption.

51.3(1) Religious exemption. A religious exemption may be granted to an applicant if the dental screening conflicts with a genuine and sincere religious belief.

a. The certificate of dental screening exemption for religious reasons shall attest that the dental screening conflicts with a genuine and sincere religious belief and that the belief is in fact religious and not based merely on philosophical, scientific, moral, personal, or medical opposition to dental screenings.

b. The certificate of dental screening exemption for religious reasons shall be signed and dated by the applicant or, if the applicant is a minor, by the parent or guardian.

c. To be valid, the certificate of dental screening exemption for religious reasons shall be the department certificate or a form approved in writing by the department.

51.3(2) Financial hardship exemption. A financial hardship exemption may be granted to an applicant who is unduly burdened by the cost of a dental screening.

a. The certificate of dental screening exemption for financial hardship reasons shall attest that dental screening would cause a genuine financial burden to the applicant.

b. The certificate of dental screening exemption for financial hardship reasons shall be signed and dated by a dentist, dental hygienist, physician, physician assistant, or nurse.

c. The certificate of dental screening exemption for financial hardship reasons shall include the provider type and the provider's name, business address, and telephone number.

d. To be valid, the certificate of dental screening exemption for financial hardship reasons shall be the department certificate or a form approved in writing by the department.

51.3(3) A faxed copy, photocopy, or electronic copy of the valid certificate of dental screening exemption is acceptable.

641—51.4(135) Dental screening components.

51.4(1) A dental screening is a visual assessment and is noninvasive and nondiagnostic.

51.4(2) Dental instrumentation is not needed for a dental screening.

51.4(3) A dental screening can identify obvious or suspected oral health conditions that need or that might need examination by a dentist.

51.4(4) The dental screening shall include the following steps:

a. Visual inspection of the soft tissues, including the lips, cheeks, gums, tongue, floor of mouth, and roof of mouth, to assess infection or injury.

b. Visual inspection of all tooth surfaces to assess tooth decay, white spot lesions, or injury.

c. Documentation of the screening and treatment needs according to rule 641—51.8(135).

641—51.5(135) Dental screening providers.

51.5(1) *Elementary school.* A dental screening for elementary school enrollment shall be performed by a licensed dentist, a licensed dental hygienist, a licensed physician, a licensed physician assistant, or a licensed nurse.

51.5(2) *High school.* A dental screening for high school enrollment shall be provided by a licensed dentist or a licensed dental hygienist.

641—51.6(135) Timeline for valid dental screening.

51.6(1) Elementary school. To be valid, a minimum of one dental screening shall be performed on an applicant no earlier than three years of age but no later than four months after the enrollment date.

51.6(2) High school. To be valid, a minimum of one dental screening shall be performed on an applicant no earlier than one year prior to the enrollment date and no later than four months after the enrollment date.

51.6(3) A dental screening may also be deemed valid by the department if the department determines that the applicant has substantially complied with the dental screening requirements.

641—51.7(135) Proof of dental screening. The applicant or, if a minor, the parent or guardian of a child enrolled in elementary school or high school shall submit a valid department certificate of dental screening to the admitting official of the school district or accredited nonpublic elementary school in which the applicant wishes to enroll.

51.7(1) To be valid, the certificate of dental screening shall be the department certificate or a form approved in writing by the department.

a. The Certificate of Dental Screening form is available on the department's website or by calling the department.

b. The certificate of dental screening shall include all information required by rule 641—51.8(135).

c. The certificate of dental screening may also be deemed valid by the department if the department determines that the information on the certificate substantially complies with the dental screening requirements.

51.7(2) A faxed copy, photocopy, or electronic copy of the valid certificate of dental screening is acceptable.

641—51.8(135) Dental screening documentation.

51.8(1) *Student information.* A person authorized to perform a dental screening required by this chapter shall record the following student information or ensure that such information is recorded on the certificate of dental screening provided or approved in writing by the department in cooperation with the department of education:

a. Name (first and last); and

b. Birth date.

51.8(2) *Screening information.* A person authorized to perform a dental screening required by this chapter shall record the following screening information on the certificate of dental screening provided or approved in writing by the department in cooperation with the department of education:

a. Date of dental screening;

b. Treatment needs (no obvious problems, needs dental care, needs urgent dental care);

c. Provider type;

d. Provider name and telephone number; and

e. Provider or recorder signature and credentials.

641—51.9(135) Ensuring dental screening services. Each public and accredited nonpublic school, in collaboration with the department, shall ensure that the parent or guardian of a student enrolled in the school has complied with the dental screening requirement. Parents or guardians of students who do not have a valid certificate of dental screening shall be provided with community dental screening referral resources, including contact information for the I-Smile coordinator, the department, or a dental society.

641—51.10(135) Records. It shall be the duty of the admitting official of an elementary school or a high school to ensure that a valid certificate of dental screening or certificate of dental screening exemption is on file for each child enrolled.

51.10(1) The admitting official shall ensure that all certificates of dental screening are properly completed according to rule 641—51.7(135).

51.10(2) The admitting official shall ensure that all certificates of dental screening exemption are properly completed according to subrules 51.3(1) and 51.3(2).

51.10(3) The admitting official shall keep the certificates of dental screening or certificates of dental screening exemption on file at the school in which the applicant is enrolled and assist the applicant or the applicant's parent or guardian.

51.10(4) The local board of health or its designee, the department of education, and the department or its designee shall have the right to have access to the certificates of dental screening and certificates of dental screening exemption of students enrolled in elementary schools and high schools.

641—51.11(135) Reporting.

51.11(1) It shall be the duty of each local board of health or its designee to audit the certificates of dental screening and certificates of dental screening exemption in the schools within the local board's jurisdiction to determine compliance with Iowa Code section 135.17.

51.11(2) By May 31 annually, each local board of health shall furnish the department with evidence for the preceding school year that each child enrolled in any public or accredited nonpublic school within the local board's jurisdiction met the dental screening requirement.

51.11(3) The evidence shall be in the form of a report that includes:

a. Name of school,

b. Enrollments by grade,

c. The number of valid certificates of dental screening by grade,

d. The number of valid certificates for religious exemptions by grade, and

e. The number of valid certificates for financial hardship exemptions by grade.

641—51.12(135) Release of dental screening information.

51.12(1) *Between a dentist, dental hygienist, physician, physician assistant, or nurse, and the elementary school or high school that the child attends.* A dentist, dental hygienist, physician, physician assistant, or nurse shall disclose a student's dental screening information, including the student's name and date of birth; the name of the student's parent or guardian; the month, day and year of the screening; and the screening results and treatment needs to an elementary school or a high school upon written or verbal request from the elementary school or high school. Written or verbal permission from a student or the student's parent or guardian is not required to release this information to an elementary school or a high school.

51.12(2) *Among dentists, dental hygienists, physicians, physician assistants, or nurses.* Dental screening information, including the student's name, date of birth, name of parent or guardian, the month, day and year of the screening, and the screening results and treatment needs shall be provided by one dentist, dental hygienist, physician, physician assistant, or nurse to another health care provider without written or verbal permission from the student or the student's parent or guardian.

641—51.13(135) Referral requirements. Parents or guardians of students who need dental care or need urgent dental care shall be referred to the parent's or guardian's dentist of choice. Students without a dentist or who have difficulty accessing dental care shall be referred to a local I-Smile coordinator or local public health agency for assistance with completion of dental care. This assistance may include locating dentists, scheduling appointments, and identifying payment sources.

641—51.14(135) Provider training. For the purpose of quality assurance and consistency, the department will make training and training materials available for dental screening providers.

These rules are intended to implement Iowa Code section 135.17.

[Filed 3/6/25, effective 8/1/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9322C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to the advisory council on brain injuries

The Department of Health and Human Services hereby rescinds Chapter 55, "Advisory Council on Brain Injuries," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2024 Iowa Acts, Senate File 2385.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2024 Iowa Acts, Senate File 2385.

Purpose and Summary

This chapter was reviewed and is being rescinded as part of the Red Tape Review process laid out by Executive Order 10. This chapter is being rescinded to comply with 2024 Iowa Acts, Senate File 2385, which eliminated the Brain Injury Advisory Council.

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 8499C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **641—Chapter 55**.

[Filed 3/6/25, effective 8/1/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9323C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to public health response teams

The Department of Health and Human Services hereby rescinds Chapter 113, "Public Health Response Teams," 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 135.143.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 135.143.

Purpose and Summary

This rulemaking was undertaken as a result of Executive Order 10. The primary purpose of public health response teams is to respond to Iowa incidents and to provide support for Iowa medical and public health personnel, hospitals, and resources. A public health response team may also be requested to respond to an out-of-state disaster or emergency pursuant to the emergency management assistance compact in Iowa Code section 29C.21.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 25, 2024, as **ARC 8460C**. A public hearing was held on the following date(s):

- January 15, 2025
- January 21, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 113 and adopt the following **new** chapter in lieu thereof:

CHAPTER 113
PUBLIC HEALTH RESPONSE TEAMS

641—113.1(135) Definitions. For purposes of this chapter, the following definitions apply:

"Defend" means that the office of the Iowa attorney general shall provide a public health response team member with legal representation at no cost to the public health response team member.

"Disaster medical assistance team" or *"DMAT"* means a public health response team that is sponsored and approved by the department to provide medical assistance in the event of a disaster or threatened disaster or other incident as defined in Iowa Code section 135.143.

"Environmental health response team" or *"EHRT"* means a public health response team that is sponsored and approved by the department to provide environmental health expertise and assistance in the event of a disaster or threatened disaster or other incident defined in Iowa Code section 135.143.

"Indemnify" means the state of Iowa will pay all sums that a public health response team member is legally obligated to pay as damages because of any claim made against the public health response team member that arises out of the provision of direct medical care or other support services rendered or that should have been rendered during a disaster, threatened disaster, or other incident defined in Iowa Code section 135.143, or arising out of a training exercise to prepare for a disaster or other incident defined in Iowa Code section 135.143.

"Iowa mortuary operational response team" or *"IMORT"* means a public health response team that is sponsored and approved by the department to provide decedent care in the event of a mass fatality disaster or threatened disaster or other incident defined in Iowa Code section 135.143.

"Logistical support response team" or *"LSRT"* means a public health response team that is sponsored and approved by the department to provide logistical support and assistance in the event of a disaster or threatened disaster or other incident defined in Iowa Code section 135.143.

"Public health response team" or *"PHRT"* means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, that is sponsored and approved by the department to provide assistance in the event of a disaster or threatened disaster or other incident defined in Iowa Code section 135.143. "Public health response team" includes a disaster medical assistance team, an environmental health response

team, a logistical support response team, the Iowa mortuary operational response team, and other teams established and approved upon written order of the director to supplement and support disrupted or overburdened local medical and public health personnel, hospitals, and resources.

"Public health response team member" or *"PHRT member"* means an individual who has registered with the department and has received approval from the department to serve on a public health response team.

641—113.2(135) Public health response team members.

113.2(1) *Registration and approval.* An individual may apply to the department to be a public health response team member. The applicant shall apply on the Iowa statewide registry of volunteers (iSERV) website or on a form approved by the department and shall provide all requested information. The department will register and approve an individual to serve as a PHRT member when the department is satisfied that the individual satisfies the requirements of this chapter and will perform on a PHRT in compliance with Iowa Code section 135.143 and this chapter. Upon registration and approval of an individual, the department will provide the individual with written notification that the individual is registered with the department and has been approved to serve on a PHRT. The written notification will also include the effective date of the approval and the terms and conditions of approval.

113.2(2) *Denial and revocation.* The department may deny approval to an individual or may revoke an individual's approval if the department determines the individual has violated or failed to comply with Iowa Code section 135.143 or this chapter, any term or condition contained in the written approval notification from the department, any operational procedure, or state or federal law or has exposed or may expose the state to undue risk. The department will notify the individual of the department's decision in writing by certified mail, return receipt requested. In the event an individual is dissatisfied with the department's decision, the individual may submit a request for reconsideration to the department. Such request shall be delivered by certified mail, return receipt requested, within 20 days of the date of the denial or revocation notification, to the department. The department will review the matter and issue a written decision within 20 days of receipt of the request. The department's decision shall be final agency action. This appeal process does not constitute a contested case proceeding as defined in Iowa Code chapter 17A.

113.2(3) *Effect of revocation.* If the department revokes a public health response team member's approval, the action may preclude future eligibility but shall not negate defense and indemnification coverage or other protection for covered acts or omissions that occurred during the effective date of approval.

641—113.3(135) Public health response team.

113.3(1) *General requirements.*

a. An individual may make application to be a member of a PHRT pursuant to subrule 113.2(1).

b. The department established the Iowa Volunteer Public Health Response Team Operational Procedures Manual as amended to August 1, 2024. The operational procedures will be in writing and will be provided to each PHRT member. All PHRT members shall follow the PHRT operational procedures as established by the department. The Iowa Volunteer Public Health Response Team Operational Procedures Manual, as amended to August 1, 2024, is available from the department.

c. If the department notifies a PHRT member of a violation of Iowa Code section 135.143, this chapter, or an operational procedure, the PHRT member shall correct the deficiency or violation identified by the department within a time frame determined by the department. If a PHRT member fails to correct a deficiency or violation within the time frame identified by the department, or if the deficiency or violation constitutes an immediate danger to public health, safety, or welfare, the department may initiate action to revoke approval pursuant to subrule 113.2(2).

113.3(2) *Team composition.*

a. A PHRT shall be comprised of health care professionals and administrative personnel as identified in the Iowa Volunteer Public Health Response Team Operational Procedures Manual.

b. The department is responsible for maintaining adequate staffing.

113.3(3) *Licensure and educational requirements.*

a. Each PHRT member shall hold and maintain an active unrestricted license, registration, or certification to practice in Iowa (if applicable) in the member's respective medical or health care profession.

b. Each PHRT member shall complete required training as listed in the Iowa Volunteer Public Health Response Team Operational Procedures Manual, as amended to August 1, 2024, including training specified in respective team annexes.

c. The department may provide specific position training to PHRT members as determined to be necessary.

d. The department will develop and implement training exercises to test the team's notification process, deployment readiness, and response capabilities.

e. The department is responsible for documenting each PHRT member's completion of required training.

113.3(4) *Deployment and standdown.*

a. PHRTs shall prepare to deploy within two to four hours of notification by the department. PHRTs shall not self-deploy and shall not be covered by the provisions of Iowa Code section 135.143 and this chapter if the PHRTs self-deploy or are deployed by another agency or entity.

b. Deployment and standdown procedures are outlined in the Iowa Volunteer Public Health Response Team Operational Procedures Manual, as amended to August 1, 2024, and shall be followed by all PHRT members.

641—113.4(135) Legal and other protections. A PHRT member acting pursuant to Iowa Code section 135.143 and this chapter shall be considered an employee of the state under Iowa Code section 29C.21 and chapter 669; shall be afforded protection as an employee of the state under Iowa Code section 669.21 whom the state shall defend and indemnify; and shall be considered an employee of the state for purposes of workers' compensation, disability, and death benefits, provided that the member has done all of the following:

1. Registered with and received approval from the department pursuant to subrule 113.2(1) to serve on a PHRT.

2. Provided direct medical care or other support services during a disaster, threatened disaster, or other incident described in Iowa Code section 135.143(1); or participated in a training exercise to prepare for a disaster or other incident described in Iowa Code section 135.143(1).

641—113.5(135) Reporting requirements and duties.

113.5(1) Upon obtaining knowledge or becoming aware of any injury allegedly arising out of the negligent rendering of, or the negligent failure to render, medical or other services as a PHRT member, the member shall provide written notice to the department, as soon as practicable, containing to the extent obtainable the circumstance of the alleged injury, the name and address of the injured, and any other relevant information.

113.5(2) Upon obtaining knowledge or becoming aware of any injury as described in subrule 113.5(1), a PHRT member shall promptly take all reasonable steps to prevent further or additional injury from the same or similar circumstances, situations, or conditions.

113.5(3) A PHRT member shall immediately notify the office of the Iowa attorney general of service or receipt of an original petition, suit, or claim seeking damage from the PHRT member related to participation on a PHRT.

113.5(4) Each PHRT member shall fully cooperate with the state in the defense of any claim or suit related to participation on a PHRT, including attending hearings, depositions, and trials and assisting in securing and giving evidence, responding to discovery, and ensuring the attendance of witnesses.

113.5(5) Each PHRT member shall accept financial responsibility for personal expenses and costs incurred in the defense of any claim or suit related to participation on a PHRT, including travel, meals, and compensation for time and lost practice.

These rules are intended to implement Iowa Code section 135.143.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9324C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to anatomical gift public awareness and transplantation fund

The Department of Health and Human Services hereby rescinds Chapter 122, "Anatomical Gift Public Awareness and Transplantation Fund," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 142C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 142C.

Purpose and Summary

This rulemaking was undertaken as a result of Executive Order 10. This chapter is intended to provide clarification of expectations of the disbursement of anatomical gift funds, which are from moneys donated through the vehicle registration process. This chapter is being rescinded since there is no explicit rulemaking authority.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 25, 2024, as **ARC 8455C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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

There is no waiver provision because this chapter is being rescinded.

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 August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **641—Chapter 122**.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9325C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to emergency medical services advisory council

The Department of Health and Human Services hereby rescinds Chapter 130, "Emergency Medical Services Advisory Council," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2024 Iowa Acts, Senate File 2385.

Purpose and Summary

This rulemaking implements, in part, 2024 Iowa Acts, Senate File 2385, section 434, which amended Iowa Code section 147A.2, to eliminate the Emergency Medical Services Advisory Council. Chapter 130 is the chapter that describes the Emergency Medical Services Advisory Council and is therefore being rescinded.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 25, 2024, as **ARC 8461C**. A public hearing was held on the following date(s):

- January 14, 2025
- January 17, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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

There is no waiver provision in this rulemaking because the chapter is being rescinded.

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 August 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **641—Chapter 130**.

[Filed 5/7/25, effective 8/1/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9326C

REVENUE DEPARTMENT[701]

Adopted and Filed

Rulemaking related to Iowa estate tax, generation skipping transfer tax, and inheritance tax

The Revenue Department hereby rescinds Chapter 900, "Inheritance Tax"; adopts a new Chapter 900 with the same title; and rescinds Chapter 901, "Iowa Estate Tax," and Chapter 902, "Generation Skipping Transfer Tax," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 450.3, 450A.12 (repealed by 2014 Iowa Acts, chapter 1076), 450B.7, and 451.12 (repealed by 2014 Iowa Acts, chapter 1076).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 450.98 and 450B.8 as enacted by 2021 Acts, Senate File 619, sections 12 and 13, respectively, and 2014 Iowa Acts, House File 2435, section 25.

Purpose and Summary

The purpose of the rulemaking is to rescind and readopt Chapter 900 and rescind and reserve Chapters 901 and 902. These chapters focused on the administration and application of the State's inheritance tax, estate tax, and generation-skipping transfer tax, respectively. The Department is rescinding Chapters 901 and 902 because the underlying statutes regarding the State's estate and generation-skipping transfer taxes have been repealed. Further, the State's inheritance tax no longer

applies to deaths occurring on or after January 1, 2025 (2021 Iowa Acts, Senate File 619, sections 12 and 13), so keeping Chapter 900 in its entirety could lead to confusion. Therefore, the Department is readopting Chapter 900 with a reduction of the number of rules to one, which will provide guidance and direction to the public on the application of these taxes.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 2, 2025, as **ARC 9072C**. Public hearings were held on the following date:

- April 22, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 7, 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 rule 701—3.7(99G,123,421,17A).

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 701—Chapter 900 and adopt the following **new** chapter in lieu thereof:

TITLE X
INHERITANCE TAX

CHAPTER 900
INHERITANCE TAX

701—900.1(450,450B) Administration.

900.1(1) *State inheritance tax.* For deaths occurring on or after January 1, 2025, no state inheritance tax is imposed. For deaths occurring before January 1, 2025, the administrative rules in effect for the year of the death of the decedent contain more information.

900.1(2) *Estate tax.* For deaths occurring on or after January 1, 2005, no estate tax is imposed. For deaths occurring before January 1, 2005, the administrative rules in effect for the year of the death of the decedent contain more information.

900.1(3) *Generation-skipping transfer tax.* For deaths occurring on or after January 1, 2005, no generation-skipping transfer tax is imposed. For deaths occurring before January 1, 2005, the administrative rules in effect for the year of the death of the decedent contain more information.

900.1(4) *Other applicable federal or state law.* Nothing in this chapter shall be construed to affect the provisions of any other federal or state law applicable to a decedent or a decedent's estate.

This rule is intended to implement Iowa Code sections 450.98 and 450B.8 and 2014 Iowa Acts, House File 2435, section 25.

ITEM 2. Rescind and reserve **701—Chapter 901**.

ITEM 3. Rescind and reserve **701—Chapter 902**.

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9327C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Adopted and Filed

Rulemaking related to organization and administrative procedures

The School Budget Review Committee hereby rescinds Chapter 1, "Organization and Administrative Procedures," 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 257.30.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is pursuant to Executive Order 10. It streamlines the rules and removes unnecessarily restrictive terms.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 2, 2025, as **ARC 9054C**. Public hearings were held on the following date:

- April 22, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Committee on May 7, 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 Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 289—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION AND ADMINISTRATIVE PROCEDURES

289—1.1(257) School budget review committee. The school budget review committee (SBRC) is established to review and make recommendations on any rules, regulations, directives, or forms relating to budgeting and accounting in school districts and area education agencies (AEAs); to confer with local school districts and make recommendations on any budgeting or accounting matters; and to grant supplemental aid or to grant a modified allowable growth in the budget year for any school district or AEA that has unusual circumstances that create a need for additional funds for operations or that must abate an environmental hazard due to a state or federal regulation. The SBRC may grant use of the unexpended general fund moneys for facilities under certain circumstances specified in the Iowa Code. The SBRC has the authority to direct the director of the department of education or the director of the department of management to make studies and investigations of school costs in any school district.

1.1(1) *Membership.* The SBRC is composed of the following six members:

a. The director of the department of education, who will serve as chairperson and conduct all meetings unless another member of the committee is asked by the director of the department of education to assume this role. The director of the department of education is a nonvoting member of the committee.

b. The director of the department of management, who will serve as secretary unless another member of the committee, department of education staff, or department of management staff is asked by the director of the department of management to assume this role. The designated secretary is not a voting member unless the designee is a regular member of the committee.

c. Four public members who are knowledgeable in the areas of school finance or public finance issues and who are appointed by the governor to represent the public. All committee members shall perform their assigned duties until a replacement has been appointed.

d. A staff person who is not a member, employed by the department of education, will assist the SBRC.

1.1(2) *Qualifications of public members.* The four public members shall have general knowledge in the areas of Iowa school finance or public finance. At least one of the public members shall possess a master's or doctoral degree in which areas of school finance, economics or statistics are an integral component or shall have equivalent experience in an executive administrative or senior research position in the education or public administration field.

1.1(3) *Terms of office.* The public members appointed by the governor shall serve staggered three-year terms beginning and ending as provided in Iowa Code section 69.19. Members appointed by the governor are subject to senate confirmation as provided by Iowa Code section 2.32.

1.1(4) *Compensation.* The committee members representing the public are entitled to receive the committee members' necessary expenses while engaged in official duties. In addition, committee members shall be paid a per diem at the rate specified in Iowa Code section 7E.6. Per diem and expense payments shall be made from appropriations to the department of education.

289—1.2(257) Mailing address. The mailing address for all operations of the SBRC is Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146.

289—1.3(257) Information or submissions. Information inquiries or requests for hearings, for declaratory rulings, for participation in the rulemaking procedures of the SBRC, and for scheduling presentations to the committee should be addressed to the director of the department of education as chairperson of the SBRC.

289—1.4(257) Hearings.

1.4(1) *Number.* The committee shall meet and hold hearings each year and shall continue in session until it has reviewed budgets of school districts and completed other duties as found in Iowa Code sections 257.30 through 257.32 and 260C.18B. A minimum of three sessions to hold hearings shall be scheduled each fiscal year and shall be held during the months of October, December, and March. Revisions to these regularly scheduled sessions may be made if there are scheduling conflicts, if the SBRC determines that additional sessions are necessary, or if there are not sufficient hearing requests to hold a session.

1.4(2) *Notification to legislators and others.*

a. Legislators shall be notified of hearings of the SBRC for specific school districts, AEAs, or community colleges in their constituencies. Such notification may be written, oral, or electronic.

b. Public notice of all hearings scheduled by the SBRC shall be posted by the department of education on the department's website and on the first floor of the Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa.

1.4(3) *Hearing procedures.* The chairperson shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

1.4(4) *Quorum.*

a. Three voting members present constitute a quorum of the SBRC, and a quorum must be present to conduct a hearing at which official action is taken. Members may be present by electronic media.

b. If only three members are present, three favorable votes are necessary to pass a motion.

These rules are intended to implement Iowa Code sections 257.30 and 257.31.

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9328C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Adopted and Filed

Rulemaking related to petitions for rulemaking

The School Budget Review Committee hereby rescinds Chapter 2, "Petitions for Rule Making," and adopts a new Chapter 2, "Petitions for Rulemaking," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 257.30(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is pursuant to Executive Order 10. It streamlines the rules and removes unnecessarily restrictive terms.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 2, 2025, as **ARC 9057C**. Public hearings were held on the following date:

- April 22, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Committee on May 7, 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 Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 289—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
PETITIONS FOR RULEMAKING

The school budget review committee hereby adopts, with the following exceptions and amendments, the Uniform Rules of Agency Procedure relating to petitions for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

289—2.1(17A) Petition for rulemaking. In lieu of the words "(designated office)", insert "the School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146". In lieu of the words "(AGENCY NAME)", the heading on the petition form should read:

"SCHOOL BUDGET REVIEW COMMITTEE"

289—2.3(17A) Inquiries. In lieu of the words "(designate official by full title and address)", insert, "Chairperson, School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

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

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9329C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Adopted and Filed

Rulemaking related to declaratory orders

The School Budget Review Committee hereby rescinds Chapter 3, "Declaratory Rulings," and adopts a new Chapter 3, "Declaratory Orders," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 257.30.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is pursuant to Executive Order 10. It streamlines the rules and removes unnecessarily restrictive terms.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 2, 2025, as **ARC 9055C**. Public hearings were held on the following date:

- April 22, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Committee on May 7, 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 Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 289—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
DECLARATORY ORDERS

The school budget review committee hereby adopts, with the following exceptions and amendments, the Uniform Rules of Agency Procedure relating to declaratory orders, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

289—3.1(17A) Petition for declaratory order. In lieu of the words "(designate office)", insert "the School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146". In lieu of the words "(AGENCY NAME)", the heading on the petition should read:

"SCHOOL BUDGET REVIEW COMMITTEE"

289—3.5(17A) Inquiries. In lieu of the words "(designate official by full title and address)", insert "Chairperson, School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

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

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9330C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Adopted and Filed

Rulemaking related to agency procedure for rulemaking

The School Budget Review Committee hereby rescinds Chapter 4, "Agency Procedure for Rule Making," and adopts a new Chapter 4, "Agency Procedure for Rulemaking," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 257.30.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is adopted pursuant to Executive Order 10. The rulemaking streamlines the rules and removes unnecessarily restrictive terms.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 2, 2025, as **ARC 9058C**. Public hearings were held on the following date:

- April 22, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Committee on May 7, 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 Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 289—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

The school budget review committee hereby adopts, with the following exceptions and amendments, the Uniform Rules of Agency Procedure relating to agency procedure for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

289—4.3(17A) Public rulemaking docket.

4.3(2) *Anticipated rulemaking.* In lieu of the words "(commission, board, council, director)", insert "school budget review committee".

289—4.4(17A) Notice of proposed rulemaking.

4.4(3) *Copies of notices.* In lieu of the words "(specify time period)", insert "three years".

289—4.5(17A) Public participation.

4.5(1) *Written comments.* In lieu of the words "(identify office and address)", insert "the School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

289—4.6(17A) Regulatory analysis.

4.6(2) *Mailing list.* In lieu of the words "(designate office)" insert "the School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

289—4.10(17A) Exemptions from public rulemaking procedures. Delete subrule 4.10(2) entitled "Categories exempt".

289—4.11(17A) Concise statement of reasons.

4.11(1) *General.* In lieu of the words "(specify the office and address)", insert "the School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

289—4.13(17A) Agency rulemaking record.

4.13(2) *Contents.*

c. In lieu of the words "(agency head)", insert "chairperson".

These rules are intended to implement Iowa Code section 17A.4.

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9331C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Adopted and Filed

Rulemaking related to public records and fair information practices

The School Budget Review Committee hereby rescinds Chapter 5, "Public Records and Fair Information Practices," 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 257.30 through 257.32.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 17A.22.

Purpose and Summary

This rulemaking is adopted pursuant to Executive Order 10. The rulemaking streamlines the rules and removes unnecessarily restrictive terms.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 2, 2025, as **ARC 9056C**. Public hearings were held on the following date:

- April 22, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Committee on May 7, 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 Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 289—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The school budget review committee hereby adopts, with the following exceptions and amendments, the Uniform Rules of Agency Procedure relating to public records and fair information practices, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

289—5.1(17A) Definitions. As used in this chapter:

"Agency." In lieu of the words "(official or body issuing these rules)", insert "school budget review committee".

289—5.3(17A) Requests for access to records.

5.3(1) *Location of record.* In lieu of the words "(insert agency head)", insert "chairperson of the committee". In lieu of the words "(insert agency name and address)", insert "School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146".

5.3(2) *Office hours.* In lieu of the words "(insert customary hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)", insert "8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays".

5.3(7) *Fees.*

c. *Supervisory fee.* In lieu of the words "(specify time period)", insert "one-half hour". In lieu of the words "An agency wishing to deal with search fees authorized by law should do so here", insert "The committee will give advance notice to the requester if it will be necessary to use an employee with a higher hourly wage in order to find or supervise the particular records in question, and shall indicate the amount of that higher hourly wage to the requester".

289—5.6(17A) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words "(designate office)", insert "the office of the chairperson of this committee".

289—5.9(17A) Disclosures without the consent of the subject. Open records are routinely disclosed without the consent of the subject.

289—5.10(17A) Routine use.

5.10(1) "Routine use" means the disclosure of a record without the consent of the subject or subjects, for a purpose for which the record was collected. It includes disclosures required to be made by statute other than public records law, Iowa Code chapter 22.

5.10(2) To the extent allowed by law, the following uses are considered routine uses of all committee records:

a. Disclosure to those members of the committee who have a need for the record in the performance of their duties.

b. Information released to staff of federal and state entities for audit purposes or to determine whether the agency is operating a program lawfully.

289—5.11(17A) Availability of records. Agency records are open for public inspection and copying unless otherwise provided by rule or law.

289—5.12(17A) Rulemaking records. These records are routinely available to the public and may contain information about individuals making written or oral comments on proposed rules or proposing rules or rule amendments. This information is collected pursuant to Iowa Code sections 17A.3, 17A.4 and 17A.7. These records are stored on paper and not in an automated data processing system.

289—5.13(17A) Applicability. This chapter does not require the agency to index or retrieve records that contain information about individuals by that person's name or other personal identifier.

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

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9332C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Adopted and Filed

Rulemaking related to duties and operational procedures

The School Budget Review Committee hereby rescinds Chapter 6, "Duties and Operational Procedures," 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 257.30.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 257.30 through 257.32.

Purpose and Summary

This rulemaking is adopted pursuant to Executive Order 10. The rulemaking streamlines the rules and removes unnecessarily restrictive terms. It also provides greater flexibility for payment of certain special education administrative costs.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 2, 2025, as **ARC 9060C**. Public hearings were held on the following date:

- April 22, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Committee on May 7, 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 Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 289—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
DUTIES AND OPERATIONAL PROCEDURES

289—6.1(257) Definitions. For the purposes of this chapter, the following definitions apply.

"Area education agency" or *"AEA"* means an agency organized under Iowa Code chapter 273.

"Authorized budget" means the total dollars available as the expenditure limit for a school district for a specific fiscal year. This total is the combined district cost plus miscellaneous income actually received during the fiscal year, plus the unspent balance of the previous year.

"Base year" means the same as defined in Iowa Code section 257.2.

"Basis of accounting" means the accrual or modified accrual accounting basis under generally accepted accounting principles (GAAP) as defined by the Governmental Accounting Standards Board (GASB) and in effect on April 2, 2025.

"Basis of budgeting" means the accrual or modified accrual budgeting basis under GAAP as defined by GASB in effect on April 2, 2025.

"Budget year" means the same as defined in Iowa Code section 257.2.

"Certified budget" means the document that has been published and certified as provided for in Iowa Code chapter 24 and contains the amount proposed to be expended during the budget year.

"Collective action" means a situation that applies to multiple districts with the same or substantially similar needs and the committee has determined that the districts can be considered jointly in a single hearing.

"Committee" means the school budget review committee.

"Community college" means a publicly supported school organized under Iowa Code chapter 260C.

"Expenditures" means the total amounts paid from the general fund of a school corporation.

"Miscellaneous income" means the receipts deposited to the general fund of the school district but not including any of the following:

1. Foundation aid.
2. Revenue obtained from the foundation property tax as defined in Iowa Code section 257.3(1).
3. Cash reserve levy.
4. Revenue obtained from the additional property tax under Iowa Code section 257.4.

"Modified supplemental amount" means an amount expressed in dollars that is added to the district's authorized budget.

"School corporation" means a school district, AEA, or community college.

"School district" means a school corporation organized under Iowa Code chapter 274.

"Unexpended fund balance" means the school district's or AEA's fund balance in the general fund reported by the school district or AEA on the GAAP basis of accounting on its certified annual report.

"Unspent balance" means the amount of the authorized budget for the general fund less the amount expended during the budget year on the GAAP basis of budgeting as reported by the school district on its certified annual report.

289—6.2(257) Hearing procedures.

6.2(1) *Request for hearing.*

a. The board of a school corporation requesting a hearing before the committee is required to submit an electronic request to the committee stating the reason for the request for a hearing. The board is required to take official board action on the subject of the hearing, exhibits submitted to the committee, and the amount of the request, if applicable.

b. A request must be received by the committee at least one month prior to the date of the scheduled hearing.

c. School corporations with similar requests may appear and present their requests jointly at the discretion of the committee chairperson.

6.2(2) *Notification.*

a. An electronic confirmation of each request shall be provided to the school corporation upon receipt of the request for hearing.

b. The committee may require board members or employees of any school corporation to appear. School corporations required to have a board member or employee appear shall be notified no later than three weeks prior to the hearing.

c. School corporations scheduled for hearings shall be notified no later than one week prior to the hearing.

d. A school corporation desiring to withdraw its request to appear before the committee shall immediately inform the committee and the legislators within whose constituency the school corporation is located. A school corporation required to appear cannot withdraw without the approval of the committee.

6.2(3) *Material for the hearing.*

a. Any information requested by the committee must be provided within the timelines requested by the committee in order for the school corporation to be included on the schedule for a hearing. One full set of materials provided electronically in a format that can be cut and pasted into official documentation shall be submitted at least four weeks prior to the scheduled hearing. The committee chairperson may set an earlier due date for information if necessary for adequate review based on the quantity or complexity of hearings. If a school corporation's exhibits for a hearing the school corporation has requested are not received timely, the school corporation's hearing may be postponed to the next following regularly scheduled session. Where applicable, the committee will provide forms or checklists to school corporations to obtain uniform and comparable data for determining committee decisions.

b. School corporations shall include in their materials for the hearing a copy of the board minutes that include the official action taken by the applicable school corporation board on the subject of the hearing approving the district's hearing materials and authorizing the school corporation's administrative officials to request a modified supplemental amount or use of the unexpended fund balance.

c. It is the responsibility of the administrative officials and board members to present information and materials in support of their school corporation's request to the committee in a timely manner.

d. The committee may require staff of the department of education or department of management to appear or provide information for a hearing or for a study. The committee may require staff of any school corporation to provide information for a hearing related to another school corporation or for a study.

e. In order for the committee to have the information necessary to evaluate balances and budgets as required by the Iowa Code or to evaluate materials submitted by school districts or AEAs, all school districts and AEAs shall file financial and enrollment reports, including the certified annual report, in the manner, by the procedures, and by the dates prescribed by the department of education or department of management.

f. If the requirements in paragraph 6.2(3)*"e"* are not met, the committee may implement the procedures described in subrule 6.2(5).

g. Applications for any supplemental aid funding shall be filed by the due date established in the Iowa Code, an administrative rule, or otherwise by the department of education or department of management.

h. Applications for a modified supplemental amount for increased certified enrollment over the prior year's enrollment, applications for a modified supplemental amount to pay tuition costs for open-enrolled-out students who were not enrolled in the district on the certified enrollment date in the prior year, and applications for a modified supplemental amount for excess costs of instructional programs for English learner students must be received no later than December 1 of the budget year.

i. Applications for a modified supplemental amount for adopted program plans for at-risk students, secondary students who attend alternative programs and alternative schools, and returning dropouts and dropout prevention shall be filed by January 15 of the base year.

j. Requests to charge administrative costs to the special education program for the subsequent fiscal year must be received no later than February 1 of the base year.

k. Applications described in paragraph 6.2(3)*"g"* that are not timely filed will not be considered for supplemental aid or for a modified supplemental amount. Applications described in paragraphs 6.2(3)*"h"* and *"j"* that are not timely filed may be considered at the sole discretion of the committee. Applications described in paragraph 6.2(3)*"i"* that are submitted after January 15 but before March 1 of the budget year preceding the budget year during which the program will be offered may be considered at the sole discretion of the committee; applications received after March 1 shall not be considered by the committee for any reason.

6.2(4) *Permission to speak during the hearing.* Any person wishing to appear before the committee, other than the board member or school corporation employee representing the school corporation, shall submit a request in writing prior to the hearing date. Permission may be granted to a request made at the hearing upon a majority vote of the committee members present.

6.2(5) *Failure to appear or to provide information.* If any school corporation fails to appear as required by the committee or fails to provide any information requested by the committee, including the reports described in paragraph 6.2(3)*"e,"* the committee may direct the director of the department of management to withhold state foundation aid until the school corporation complies with the committee's request. When the school corporation satisfactorily complies with the committee request, the withheld state foundation aid will be released and paid to the school corporation with the next regularly scheduled payment of foundation aid.

6.2(6) *Decisions by the committee.*

a. A decision to table, deny, modify, or grant the request of a school corporation shall be made no later than the end of the day of the hearing.

b. The school corporation shall receive electronic notification when a summary of the final action taken by the committee is posted on the committee website.

c. The committee shall consider the intent of Iowa Code chapter 257 in making its decisions. The intent includes the following:

(1) Equalizing educational opportunities,

(2) Providing a good education to all Iowa children,

(3) Providing property tax relief,

(4) Decreasing the percentage of school costs paid by property tax, and

(5) Providing reasonable control of school costs.

d. In addition to the requirements in Iowa Code section 257.31, the committee shall also consider in making its decisions the following:

(1) The amount of unexpended fund balance available in all funds.

(2) The amount of unspent balance in the general fund.

e. In addition to the requirements in Iowa Code section 257.31, the committee may consider the following if materials are requested or provided by the department or school corporation:

(1) Local school district tax rates.

(2) Local taxpayer support for the request.

(3) Local effort to obtain alternative funding where available and applicable.

(4) Documented actual costs of the program or project that is the subject of the request not otherwise covered by funding for the same program or need.

(5) Sustainability of the program or need within the district or AEA budget without future requests.

(6) Number and cost of previous requests for the same need and the number and cost of all previous requests.

(7) Alternative procedures in the Iowa Code or administrative rules to provide funding for the same program or need.

(8) Life safety issues other than those covered in Iowa Code section 257.31(6) documented through an independent, authoritative source.

(9) Unusual or unique nature of the need.

(10) Any other information the committee members consider pertinent to the consideration of the request.

6.2(7) *Routine action by the committee.* School corporations do not need to be represented when action under consideration is for such items as cash reserve levies; timely filed requests of a modified supplemental amount for adopted program plans for at-risk students, secondary students who attend alternative programs and alternative schools, and returning dropouts and dropout prevention; special education balances; or other situations that are considered collective actions as determined by the committee.

6.2(8) *Basic policies.* The committee has established the following basic policies that it shall consider in rendering its decisions:

a. Modified supplemental amount requests shall be considered only for costs up through the budget year, except where the Iowa Code expressly authorizes a modified supplemental amount to be granted for a subsequent year.

b. Modified supplemental amount requests shall be considered only for expenditures permitted from the general fund pursuant to the Iowa Code.

c. Modified supplemental amount requests may be brought before the committee for unusual, unique or unforeseeable circumstances.

d. Modified supplemental amount requests shall be considered only to the extent of the actual, documented costs.

6.2(9) *Use of the unexpended fund balance.* If the committee approves use of the unexpended fund balance, the school district shall report to the committee as required by the committee an accounting of expenditures on the project until the project is completed. If any portion of the amount granted by the committee remains unexpended at the completion of the project, the school district shall notify the committee on or before the committee's next regularly scheduled meeting. Any portion of the amount granted by the committee that remains unexpended at the completion of the project shall be returned to the unexpended fund balance in the general fund.

6.2(10) *Modified supplemental amount to an AEA.* If the committee approves a modified supplemental amount for special education support services, approves an additional amount to be added to district costs for media services or educational services, or approves a modified supplemental amount for unusual circumstances, the amount shall be included in the budget of each district in the AEA for the subsequent budget year in the proportion that the appropriate enrollment of each district in the AEA bears to the total enrollment of all districts in the AEA.

289—6.3(257) General duties.

6.3(1) *Review of rules, regulations, directives and forms.* The committee may recommend the revision of any rules, regulations, directives, or forms relating to school district budgeting and accounting; confer with local school boards or their representatives and make recommendations relating to any budgeting or accounting matters; and direct the director of the department of education or the director of the department of management to make studies and investigations of school costs in any school district.

6.3(2) *Hearing decisions.* The committee shall maintain its decisions for each hearing. Materials provided by the requesting school corporation, materials provided by the department of education or department of management regarding each request, and the decisions of the committee are available for access by the public, including members of the general assembly.

289—6.4(257) Budgets.

6.4(1) *Generally accepted accounting principles.* All school districts and AEAs shall budget on the GAAP basis of budgeting as defined by GASB and as implemented in Uniform Financial Accounting for Iowa LEAs and AEAs (UFA) that is in effect on April 2, 2025. School districts and AEAs shall use the chart of accounts defined in the UFA.

6.4(2) *Accounting and reporting.* School districts and AEAs shall maintain financial records and prepare financial reports, including the certified annual report, in the manner and by the procedures prescribed by the department of education or department of management in the UFA and by GAAP. School districts and AEAs shall use the prescribed chart of accounts.

6.4(3) *Negative unspent balances (exceeding authorized budgets).* If the school district has incurred a negative unspent balance, it shall notify the committee no later than October 15 and begin developing its corrective action plan to avoid future negative unspent balances.

a. A listing of the unspent balance as well as the unexpended fund balance of each school district for each fiscal year shall be reviewed by the committee. The unspent balance and the unexpended fund balance shall be presented on the GAAP basis.

b. The amount of any negative unspent balance shall be automatically subtracted from the authorized budget of a given school district during the subsequent fiscal year.

c. The state board of education may be notified of the school districts with negative unspent balances each year. The notification shall include the amount by which the school district exceeded its authorized budget.

d. The board president of each school district with a negative unspent balance shall be notified of the amount by which the school district exceeded its authorized budget. The school districts shall inform the committee at the committee's next regularly scheduled session of the plans that are being implemented to avoid future negative unspent balances.

e. The committee may require the district to continue to report progress on the district's plans at regular intervals as determined by the committee until the committee is satisfied that the district's financial condition concerns have been resolved.

6.4(4) *Cash reserve levy.*

a. Annually the school budget review committee shall review the amount of property tax levied by each school district for the cash reserve authorized in Iowa Code section 298.10.

b. If, in the committee's judgment, the amount of a district's cash reserve levy is unreasonably high or is in excess of the amount necessary for operations, the committee shall instruct the district to use the unexpended fund balance in lieu of levying property taxes and shall direct the director of the department of management to limit that school district's cash reserve levy to a level that is not excessive as determined by the committee and does not exceed the cash reserve limitation in paragraph 6.4(4)*"c."*

c. The cash reserve levies for the budget year shall not exceed 20 percent of the general fund expenditures for the year previous to the base year minus the general fund unexpended fund balance for the year previous to the base year. The expenditures and the fund balances shall be determined on the GAAP basis. For purposes of this subrule, "unexpended fund balance" shall mean the combined assigned and unassigned fund balances in the general fund.

d. A reduction in a district's property tax levy for a budget year for cash reserve shall not affect the school district's authorized budget.

289—6.5(257) Sharing. The committee may recommend that two or more school districts jointly employ and share the services of any school personnel or acquire and share the use of classrooms, laboratories, equipment, and facilities as specified in Iowa Code section 280.15.

289—6.6(257) Special education administrative costs.

6.6(1) When a school district presents evidence of unusual circumstances that would justify charging administrative costs to the special education program, the committee may authorize such expenditures.

6.6(2) The committee shall use the following criteria in evaluating the evidence presented by the district:

a. The school district has a separate facility for special education that has a sufficient student population to warrant a certified special education administrator. In this case, the district, after it has received approval from the committee, may bill the prorated cost of the special education administrator to other resident districts as well as include the prorated portion related to its own resident students in the special education program expenditures.

b. The school district has one or more private facilities located within the district with a sufficient special education student population that is served by the district. In this case, the district, after it has received approval from the committee, may include the lower of the prorated actual administrative costs or the prorated approved administrative costs in the billing to other resident districts in proportion to each district's resident students in the program and the prorated portion related to its own resident students in the special education program expenditures.

c. Districts making a request for administrative costs under this rule are limited to requesting the percentage of the employee(s) actual work time engaged in administrative work of the special education program offered at the private facility.

289—6.7(257) Area education agency budget review. Year-end special education support services assigned and unassigned fund balances exceeding 10 percent of the special education support services

expenditures for that fiscal year may be reverted and reduced to 10 percent. The AEA shall report the necessary information for this calculation on its certified annual report to the department. The committee shall review the recommended reversion calculated by the department of education and shall make a recommendation to the department regarding final amounts to be reverted. The components of fund balances shall be determined in compliance with department of education guidance and GAAP.

These rules are intended to implement Iowa Code sections 257.30, 257.31, 257.32, 257.40, and 298.10 and chapter 260C.

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.

ARC 9333C

SCHOOL BUDGET REVIEW COMMITTEE[289]

Adopted and Filed

Rulemaking related to waivers from administrative rules

The School Budget Review Committee hereby rescinds Chapter 8, "Waivers from Administrative Rules," 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 257.30.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 17A.9A.

Purpose and Summary

This rulemaking is adopted pursuant to Executive Order 10. The rulemaking streamlines the rules and removes unnecessarily restrictive terms.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 2, 2025, as **ARC 9059C**. Public hearings were held on the following date:

- April 22, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Committee on May 7, 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 Committee for a waiver of the discretionary provisions, if any, pursuant to 289—Chapter 8.

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 July 2, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 289—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
WAIVERS FROM ADMINISTRATIVE RULES

289—8.1(17A,ExecOrd11) Definitions. For purposes of this chapter:

"Committee" means the school budget review committee.

"Person" means an individual, school corporation, government or governmental subdivision or agency, nonpublic school, partnership or association, or any legal entity.

"Waiver" means action by the director that suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

289—8.2(17A,ExecOrd11) Scope. This chapter outlines generally applicable standards and a uniform process for the granting of individual waivers from rules in situations where no other more specifically applicable law provides for waivers. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision supersedes this chapter with respect to any waiver from that rule.

289—8.3(17A,ExecOrd11) Applicability. A waiver from a rule may be granted only if the committee has jurisdiction over the rule and the requested waiver is consistent with applicable statutes, constitutional provisions, or other provisions of law. Statutory duties or requirements created by statute will not be waived.

289—8.4(17A,ExecOrd11) Criteria for waiver. In response to a petition completed pursuant to rule 289—8.6(17A,ExecOrd11), the committee may, in the committee's sole discretion, issue an order waiving in whole or in part the requirements of a rule if the committee finds, based on clear and convincing evidence, all of the following:

8.4(1) The application of the rule to the person at issue would result in an undue hardship on the person for whom the waiver is requested;

8.4(2) The waiver from the requirement of the rule in the specific case would not prejudice the substantial legal rights of any person;

8.4(3) The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law;

8.4(4) 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; and

8.4(5) The waiver from the requirements of the rule in the specific case would not have a negative impact on the student achievement of any person affected by the waiver.

289—8.5(17A,ExecOrd11) Filing of petition. All petitions for waiver must be submitted in writing to the School Budget Review Committee, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146. If the petition relates to a pending contested case, the petition shall be filed in the contested case proceeding, using the caption of the contested case.

289—8.6(17A,ExecOrd11) Content of petition. A petition for waiver shall include the following information where applicable and known to the requester:

8.6(1) The name, address, and telephone number of the person for whom a waiver is being requested and the case number of any related contested case.

8.6(2) A description and citation of the specific rule from which a waiver is requested.

8.6(3) The specific waiver requested, including the precise scope and duration.

8.6(4) The relevant facts that the petitioner believes would justify a waiver under each of the five criteria described in rule 289—8.4(17A,ExecOrd11). This statement shall include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.

8.6(5) A history of any prior contacts between the board, the committee, and the petitioner relating to the regulated activity, license, or grant affected by the proposed waiver, including a description of each affected item held by the requester, any notices of violation, any contested case hearings, or any investigative reports relating to the regulated activity, license, or grant within the last five years.

8.6(6) A detailed statement of the impact on student achievement for any person affected by the granting of a waiver.

8.6(7) Any information known to the requester regarding the board's or committee's treatment of similar cases.

8.6(8) The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

8.6(9) The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

8.6(10) Signed releases of information authorizing persons with knowledge regarding the request to furnish the committee with information relevant to the waiver.

289—8.7(17A,ExecOrd11) Additional information. Prior to issuing an order granting or denying a waiver, the committee may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the committee may, on its own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the committee.

289—8.8(17A,ExecOrd11) Notice. The committee shall acknowledge a petition upon receipt. The committee shall ensure that notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law within 30 days of the receipt of the petition. In addition, the committee may give notice to other persons. To accomplish this notice provision, the committee may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the committee attesting that notice has been provided.

289—8.9(17A,ExecOrd11) Hearing procedures. The provisions of Iowa Code sections 17A.10 through 17A.18A regarding contested case hearings apply in three situations:

8.9(1) To any petition for a waiver filed within a contested case;

8.9(2) When provided by rule or order; or

8.9(3) When required to do so by statute.

289—8.10(17A,ExecOrd11) Ruling. An order granting or denying a waiver shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and the reasons upon which the action is based, and a description of the precise scope and operative period of the waiver if one is issued.

8.10(1) *Discretion.* The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the committee, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the committee based on the unique, individual circumstances set out in the petition.

8.10(2) *Burden of persuasion.* The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the committee should exercise the committee's discretion to grant a waiver from a rule.

8.10(3) *Narrowly tailored exception.* A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

8.10(4) *Administrative deadlines.* When the rule from which a waiver is sought establishes administrative deadlines, the committee shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

8.10(5) *Conditions.* The committee may place any condition on a waiver that the committee finds desirable to protect the public health, safety, and welfare.

8.10(6) *Time period of waiver.* A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the committee, a waiver may be renewed if the committee finds that grounds for a waiver continue to exist.

8.10(7) *Time for ruling.* The committee shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so 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 committee shall grant or deny the petition no later than the time at which the final decision in that contested case is issued.

8.10(8) *When deemed denied.* Failure of the committee to grant or deny a petition within the required time period shall be deemed a denial of that petition by the committee. However, the committee shall remain responsible for issuing an order denying a waiver.

8.10(9) *Service of order.* Within seven days of its issuance, any order issued under this rule 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.

289—8.11(17A,ExecOrd11) Public availability. All orders granting a waiver petition shall be indexed, filed, and available for public inspection as provided in Iowa Code section 17A.3. Petitions for a waiver and orders granting or denying waiver petitions are public records under Iowa Code chapter 22. The committee may accordingly redact confidential information from petitions or orders prior to public inspection.

289—8.12(17A,ExecOrd11) Cancellation. A waiver issued pursuant to this chapter may be withdrawn, canceled, or modified if, after appropriate notice and hearing, the committee issues an order finding any of the following:

8.12(1) The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver;

8.12(2) The alternative means for ensuring that public health, safety, and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or

8.12(3) The subject of the waiver order has failed to comply with all conditions contained in the order.

289—8.13(17A,ExecOrd11) Violations. Violation of conditions in the waiver approval is the equivalent of violation of the particular rule for which the waiver is granted. As a result, the recipient of a waiver

under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

289—8.14(17A,ExecOrd11) Defense. After the committee 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.

289—8.15(17A,ExecOrd11) Judicial review. Judicial review of the committee's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

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

[Filed 5/7/25, effective 7/2/25]
[Published 5/28/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/28/25.