



IOWA ADMINISTRATIVE BULLETIN

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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 2024

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	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 20 '23	Jan. 10 '24	Jan. 30 '24	Feb. 14 '24	Feb. 16 '24	Mar. 6 '24	Apr. 10 '24	July 8 '24
Jan. 3	Jan. 24	Feb. 13	Feb. 28	Mar. 1	Mar. 20	Apr. 24	July 22
Jan. 19	Feb. 7	Feb. 27	Mar. 13	Mar. 15	Apr. 3	May 8	Aug. 5
Feb. 2	Feb. 21	Mar. 12	Mar. 27	Mar. 29	Apr. 17	May 22	Aug. 19
Feb. 16	Mar. 6	Mar. 26	Apr. 10	Apr. 12	May 1	June 5	Sep. 2
Mar. 1	Mar. 20	Apr. 9	Apr. 24	Apr. 26	May 15	June 19	Sep. 16
Mar. 15	Apr. 3	Apr. 23	May 8	**May 8**	May 29	July 3	Sep. 30
Mar. 29	Apr. 17	May 7	May 22	May 24	June 12	July 17	Oct. 14
Apr. 12	May 1	May 21	June 5	June 7	June 26	July 31	Oct. 28
Apr. 26	May 15	June 4	June 19	**June 19**	July 10	Aug. 14	Nov. 11
May 8	May 29	June 18	July 3	July 5	July 24	Aug. 28	Nov. 25
May 24	June 12	July 2	July 17	July 19	Aug. 7	Sep. 11	Dec. 9
June 7	June 26	July 16	July 31	Aug. 2	Aug. 21	Sep. 25	Dec. 23
June 19	July 10	July 30	Aug. 14	**Aug. 14**	Sep. 4	Oct. 9	Jan. 6 '25
July 5	July 24	Aug. 13	Aug. 28	Aug. 30	Sep. 18	Oct. 23	Jan. 20 '25
July 19	Aug. 7	Aug. 27	Sep. 11	Sep. 13	Oct. 2	Nov. 6	Feb. 3 '25
Aug. 2	Aug. 21	Sep. 10	Sep. 25	Sep. 27	Oct. 16	Nov. 20	Feb. 17 '25
Aug. 14	Sep. 4	Sep. 24	Oct. 9	Oct. 11	Oct. 30	Dec. 4	Mar. 3 '25
Aug. 30	Sep. 18	Oct. 8	Oct. 23	**Oct. 23**	Nov. 13	Dec. 18	Mar. 17 '25
Sep. 13	Oct. 2	Oct. 22	Nov. 6	**Nov. 6**	Nov. 27	Jan. 1 '25	Mar. 31 '25
Sep. 27	Oct. 16	Nov. 5	Nov. 20	**Nov. 20**	Dec. 11	Jan. 15 '25	Apr. 14 '25
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Dec. 18	Jan. 8 '25	Jan. 28 '25	Feb. 12 '25	Feb. 14 '25	Mar. 5 '25	Apr. 9 '25	July 7 '25

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
1	Wednesday, June 19, 2024	July 10, 2024
2	Friday, July 5, 2024	July 24, 2024
3	Friday, July 19, 2024	August 7, 2024

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 Monday 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 working days in advance of the deadline.

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

EDUCATIONAL EXAMINERS BOARD[282]

Authorizations—career and technical cluster endorsement, 22.9(3)“c”
IAB 6/12/24 **ARC 8062C**
(See also **ARC 8061C**)

Board Room, Suite A
701 East Court Avenue
Des Moines, Iowa

July 3, 2024
9 to 10 a.m.

IOWA FINANCE AUTHORITY[265]

Home- and community-based services rent subsidy program, ch 24
IAB 5/29/24
Regulatory Analysis

1963 Bell Avenue
Des Moines, Iowa

June 18, 2024
1:30 to 1:45 p.m.

PAROLE BOARD[205]

Organization and general administration, ch 1; fair information practices, ch 5; public communications and records, ch 6; victim notification, ch 7; parole and work release considerations, ch 8; certificates of employability, ch 9; parole and work release supervision, ch 10; parole revocation, ch 11; parole discharge, ch 12; executive clemency, ch 13; appeal of decisions, ch 14; waivers, ch 15
IAB 5/29/24
Regulatory Analysis

Via videoconference:
meet.google.com/pvt-bsxs-urf

June 18, 2024
3:30 p.m.

PUBLIC HEALTH DEPARTMENT[641]

Consumable hemp products, ch 156
IAB 6/12/24 **ARC 8064C**

Via Zoom:
www.zoomgov.com/webinar/register/WN_4v-kXwUvQ7Od-RqURA3hKQ

July 2, 2024
3 to 4 p.m.

Via Zoom:
www.zoomgov.com/webinar/register/WN_4we0tvLHQ7m_Ap4MV65ExA

July 8, 2024
10 to 11 a.m.

PUBLIC SAFETY DEPARTMENT[661]

Educator professional permit to carry weapons, amendments to chs 91, 121
IAB 6/12/24
Regulatory Analysis

First Floor Public Conference Room 125
Oran Pape State Office Building
Des Moines, Iowa

July 2, 2024
8 to 8:30 a.m.

SECRETARY OF STATE[721]

Proposed constitutional amendments, 21.200
IAB 5/29/24 **ARC 8027C**

Room 19
Iowa Capitol Building
Des Moines, Iowa

July 1, 2024
10 to 11 a.m.
(If requested)

TRANSPORTATION DEPARTMENT[761]

Contested cases, ch 13 IAB 6/12/24 Regulatory Analysis	Microsoft Teams Link Or dial: 515.817.6093 Conference ID: 447 468 064#	July 8, 2024 9 to 9:30 a.m.
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UTILITIES DIVISION[199]

Practice and procedure, ch 7 IAB 5/15/24 ARC 7939C	Board Hearing Room 1375 East Court Avenue Des Moines, Iowa	June 12, 2024 9 to 10 a.m.
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June 27, 2024
9 to 10 a.m.

Hazardous liquid pipelines and underground storage, ch 13 IAB 6/12/24 Regulatory Analysis	Board Hearing Room 1375 East Court Avenue Des Moines, Iowa	July 30, 2024 1 p.m.
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Assessments, ch 17 IAB 5/15/24 ARC 7938C	Board Hearing Room 1375 East Court Avenue Des Moines, Iowa	June 12, 2024 9 a.m. to 12 noon
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June 27, 2024
9 a.m. to 12 noon

Management efficiency evaluation, ch 29 IAB 5/29/24 ARC 8030C	Board Hearing Room 1375 East Court Avenue Des Moines, Iowa	June 18, 2024 9 to 11 a.m.
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July 2, 2024
9 to 11 a.m.

Competitive bidding process, rescind ch 40 IAB 5/29/24 ARC 8029C	Board Hearing Room 1375 East Court Avenue Des Moines, Iowa	July 16, 2024 9 to 10 a.m.
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July 30, 2024
9 to 10 a.m.

Electric interconnection of distributed generation facilities, ch 45 IAB 6/12/24 Regulatory Analysis	Board Hearing Room 1375 East Court Avenue Des Moines, Iowa	July 18, 2024 2 p.m.
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WORKFORCE DEVELOPMENT DEPARTMENT[871]

Administration, ch 1 IAB 5/29/24 Regulatory Analysis	1000 East Grand Avenue Des Moines, Iowa	June 18, 2024 10 a.m.
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Customer and administrative services division, rescind ch 2 IAB 5/29/24 Regulatory Analysis	1000 East Grand Avenue Des Moines, Iowa	June 18, 2024 10:30 a.m.
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WORKFORCE DEVELOPMENT DEPARTMENT[871](cont'd)

Research and information services division, ch 10 IAB 6/12/24 ARC 8065C	Capitol View Room 1000 East Grand Avenue Des Moines, Iowa	July 2, 2024 9 to 10 a.m. July 2, 2024 10 to 11 a.m.
New employment opportunities fund, rescind ch 13 IAB 5/29/24 Regulatory Analysis	1000 East Grand Avenue Des Moines, Iowa	June 18, 2024 11 a.m.
New Iowan centers, rescind ch 14 IAB 5/29/24 Regulatory Analysis	1000 East Grand Avenue Des Moines, Iowa	June 18, 2024 11:30 a.m.
Employer innovation fund, rescind ch 16 IAB 5/29/24 Regulatory Analysis	1000 East Grand Avenue Des Moines, Iowa	June 18, 2024 8:30 a.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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Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 661—91.1(724), 661—91.2(724), 91.4(1)“b,” 91.5(1), 91.7(1), 661—91.10(724) to 661—91.19(724), 661—121.2(80A), and 661—121.25(80A)

“Training Requirements for Educator Professional Permit to Carry Weapons”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 724.6 as amended by 2024 Iowa Acts, House File 2652

State or federal law(s) implemented by the rulemaking: Iowa Code section 724.6 as amended by 2024 Iowa Acts, House File 2652

Public Hearing

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

July 2, 2024
8 to 8:30 a.m.

First Floor Public Conference Room 125
Oran Pape State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department of Public Safety no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

This proposed rulemaking establishes training and curriculum requirements for a school employee to obtain an educator professional permit to carry a weapon on school grounds in accordance with 2024 Iowa Acts, House File 2652. This rulemaking includes an outline of requirements for persons or organizations interested in providing training(s) to be approved by the Department. Additionally, this rulemaking sets forth the requirement for a private school security officer who is employed or retained by a school district to participate in annual and quarterly firearms training.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
School districts and permit holders who choose to apply for an educator professional permit will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
School districts and school employees interested in applying for an educator professional permit will benefit.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

School districts and permit holders who choose to seek an educator professional permit will bear the cost of approved training in order to qualify. Private school security officers and their employing school districts will also be responsible for the cost of required training.

- Qualitative description of impact:

This rulemaking establishes the framework for training requirements school staff must meet in order to qualify for an educator professional permit. Persons or organizations interested in providing training(s) can also find information on the necessary training obligations.

3. Costs to the State:

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

The Department will utilize the additional full-time equivalent (FTE) position provided under 2024 Iowa Acts, House File 2693, to review and approve training plans and documentation.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues.

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

The Iowa Code directs the Department to adopt rules to establish training requirements for a school employee to obtain an educator professional permit. Without rules in place, staff will be unable to apply for a permit.

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

The Department has determined that this is the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

6. Alternative methods considered by the agency:

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

None were identified.

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

Not applicable.

Small Business Impact

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

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

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

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

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

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

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

This proposed rulemaking will not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** definitions of “Annual,” “Approved educator professional permit training,” “Educator professional permit,” “Initial familiarization firearm and course of fire training,” “Qualification course of fire,” “Qualifying on a firing range for educator professional permits” and “Quarterly” in rule **661—91.1(724)**:

“*Annual*” means once per calendar year.

“*Approved educator professional permit training*” means any training that has satisfied the requirements to provide educational-setting training in Iowa for the purpose of obtaining an Iowa educator professional permit and has been approved by the commissioner.

“*Educator professional permit*” means a permit issued to a school employee pursuant to Iowa Code section 724.6(1) “a” (3) as enacted by 2024 Iowa Acts, House File 2652, to allow for the concealed carry of a firearm.

“*Initial familiarization firearm and course of fire training*” means a training course of fire with a handgun, which is intended to familiarize, exercise, and improve a person’s judgment, reaction, and firearms proficiency under stress when various conditions are present. A variety of scenarios and exercises may be utilized during familiarization course exercises.

“*Qualification course of fire*” means a specifically designated course of fire with the firearm the person will carry in the person’s capacity as an educator professional permit holder that measures and documents the firearms proficiency level of the person. A pre-established qualifying score determines the proficiency that impacts the educator professional permit holder’s authorization to carry the firearm in the course of the person’s duties as an educator professional permit holder. The qualification course of fire standards are the standards adopted by the Iowa law enforcement academy for certified law enforcement in-service handgun qualification.

“*Qualifying on a firing range for educator professional permits*” means successful completion of an approved initial familiarization firearm and course of fire training and subsequent quarterly requirements of live fire on a firing range.

“*Quarterly*” means a period of three calendar months ending on March 31, June 30, September 30, or December 31.

ITEM 2. Amend rule **661—91.1(724)**, definitions of “Firearm training documentation,” “Firearm training program,” “New application,” “Professional permit to carry weapons” and “Qualifying on a firing range,” as follows:

“*Firearm training documentation for professional permit*” means a photocopy of a certificate of completion or any similar document indicating completion of any firearm training program course; an affidavit from the instructor, school, organization or group that conducted or taught a firearm training program; a copy of or the display of an honorable discharge or general discharge under honorable conditions or Form DD-214 for personnel released or retired from active duty with the armed forces of the United States; or possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification for active duty personnel in the armed forces of the United States.

“*Firearm training program*” means any National Rifle Association handgun safety training course; any handgun safety training course available to the general public utilizing instructors certified by the National Rifle Association, an organization approved by the Iowa department of public safety pursuant to Iowa Code section 724.9A ~~as enacted by 2021 Iowa Acts, House File 756, section 20,~~ or the Iowa law enforcement academy or another state’s department of public safety, state police department, or similar certifying body; any handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency approved by the Iowa department of public safety; or completion of small arms training while serving with the armed forces of the United States. Any person or entity seeking approval by the Iowa department of public safety for a handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency, other than those certified by the National Rifle Association, the Iowa department of public safety, or the Iowa law

enforcement academy or courses conducted by instructors certified by the National Rifle Association or the Iowa law enforcement academy, shall submit a detailed description of the course content to the commissioner for review. Any handgun safety training course submitted for review shall be reviewed by the commissioner.

“New application” means an application for an Iowa professional permit to carry weapons or an educator professional permit that is filed when the applicant does not currently hold an Iowa permit to carry weapons or an educator professional permit or when the applicant does not file the application at least 30 days prior to the expiration of a currently held Iowa permit to carry weapons.

“Professional permit to carry weapons” means a permit to carry weapons issued to a person whose employment in a private investigation business or private security business licensed under Iowa Code chapter 80A, or whose employment as a peace officer, correctional officer with the Iowa department of corrections, private security officer, bank messenger or other person transporting property of a value requiring security, or whose employment in police work reasonably justifies that person’s going armed. Property of value includes large quantities of cash transported in an armored car, negotiable instruments, gems, other high-value items transported by couriers, and other high-value property that may be vulnerable. Such a permit is valid only while the permitted person is engaged in the employment stated on the permit and while the person is traveling to and from that employment. A professional permit to carry weapons does not include an educator professional permit.

“Qualifying on a firing range for professional permits to carry weapons” means successful completion of a course of live fire on a firing range under the supervision of an instructor certified by the National Rifle Association, the Iowa law enforcement academy, or another state’s department of public safety, state police department, or similar certifying body.

ITEM 3. Amend rule 661—91.2(724) as follows:

661—91.2(724) Forms. The following forms, the use of which is required by provisions of this chapter, are provided by the commissioner to Iowa sheriffs:

1. Form WP1. Professional Permit to Carry Weapons.
2. Form WP2. Nonprofessional Permit to Carry Weapons.
3. Form WP3. Application for Annual Permit to Acquire Pistols or Revolvers.
4. Form WP4. Annual Permit to Acquire Pistols or Revolvers.
5. Form WP5. Application for Permit to Carry Weapons.
6. Form WP6. Revocation/Cancellation of Permit to Carry/Permit to Acquire Weapons.
7. Form WP7. Certified Peace Officer Permit to Carry Weapons.
8. Form WP8. Reserve Peace Officer Permit to Carry Weapons.
9. to 11. No change.
12. Form WP12. Educator Professional Permit.
13. Form WP13. Application for Educator Professional Permit.
14. Form WP14. Notification of Completion of Required Quarterly Training Recruitments for Educator Professional Permit.
15. Form WP15. Application for Approval of Educator Professional Permit Curriculum.
16. Form WP16. Handgun Marksmanship Training Drills.

ITEM 4. Amend paragraph **91.4(1)“b”** as follows:

b. Submit firearm training documentation for a professional permit. For a new application, training may have occurred at any time prior to the submission of the application. For a renewal application, training must have occurred within the 12-month period prior to the expiration date displayed on the applicant’s current permit.

ITEM 5. Amend subrule 91.5(1) as follows:

91.5(1) Upon receipt of a completed application for a permit to carry weapons, a professional permit to carry weapons, or an educator professional permit, the commissioner shall conduct a background check to determine that issuance of a permit to the applicant is not prohibited pursuant to rule 661—91.3(724).

ITEM 6. Amend subrule 91.7(1) as follows:

91.7(1) If the commissioner denies, suspends or revokes a professional permit to carry weapons or an educator professional permit for any reason other than the federal disqualifiers in subrule 91.3(1) or 91.3(2) or the reasons in paragraph 91.3(3) “e” or “f,” the applicant or permit holder may file an appeal with an administrative law judge by filing a copy of the denial, suspension, or revocation notice with a written statement that clearly states the applicant’s reasons rebutting the denial, suspension, or revocation.

ITEM 7. Amend rule 661—91.10(724), catchwords, as follows:

661—91.10(724) Application for approved training organization for permits to carry weapons.

ITEM 8. Adopt the following new rule 661—91.11(724):

661—91.11(724) Application procedures for an Iowa educator professional permit.

91.11(1) A person who is an employee of a school district, a private school, or an institution of higher education as defined in Iowa Code section 722.11 may apply to the commissioner for an educator professional permit. The applicant shall comply with all of the following:

a. Submit a fully and accurately completed and signed application for a permit to carry weapons or proof of a current permit to carry weapons, including documentation of the firearm safety training course offered pursuant to Iowa Code section 724.9(1).

b. Submit firearm training documentation from the initial live familiarization firearm and course of fire training. For a new application, training must have occurred within the 12-month period prior to the application.

c. Submit documentation of the training required by Iowa Code section 724.6(1) “a”(3) as enacted by 2024 Iowa Acts, House File 2652.

d. Submit the required fee of \$50 per application.

e. Display identification documentation as defined in rule 661—91.1(724) or provide a photocopy thereof.

91.11(2) The commissioner will return an incomplete application to the applicant.

ITEM 9. Adopt the following new rule 661—91.12(724):

661—91.12(724) Suspension or revocation of an educator professional permit.

91.12(1) When the commissioner finds that a person who has been issued an educator professional permit has been arrested for a disqualifying offense or is the subject of proceedings that could lead to the person’s ineligibility for such permit, the commissioner may immediately suspend the permit.

a. If the arrest or proceeding does not result in a disqualifying conviction or finding against the permit holder, the commissioner shall immediately reinstate the educator professional permit upon proof of the matter’s final disposition and shall return the permit to the permit holder.

b. If the arrest or proceeding results in a disqualifying conviction or finding against the permit holder, the commissioner shall revoke the permit.

91.12(2) When the commissioner discovers that a person has failed to provide the required annual and quarterly training records in a timely manner, the commissioner will suspend the educator professional permit and may, at the commissioner’s discretion, provide the person seven days to provide the required training documentation. If training documentation is not received after the seventh day, the commissioner shall revoke the educator professional permit.

a. If the suspension was for failing to provide training records, and training records indicating training was completed in accordance with Iowa Code section 724.6 as amended by 2024 Iowa Acts, House File 2652, are subsequently provided to the Iowa department of public safety within seven days after the educator professional permit holder was notified of the suspension, the commissioner will immediately reinstate the educator professional permit and return the permit to the permit holder.

b. If the educator professional permit holder fails to complete the training required under these rules or fails to provide training documentation to the Iowa department of public safety, the commissioner will revoke the permit.

91.12(3) An educator professional permit holder will be notified immediately of such suspension by personal service or certified mail. The suspension becomes effective upon the educator permit holder's receipt of such notice. If notified by personal service, the educator professional permit will be surrendered to the person serving such notice for return to the commissioner. If notified by certified mail, the educator professional permit holder will be instructed to return the permit to the commissioner.

91.12(4) Notification of an educator professional permit suspension or revocation will be provided to the superintendent of the school in which the educator professional permit holder is employed.

ITEM 10. Adopt the following **new** rule 661—91.13(724):

661—91.13(724) Approval of required training for educator professional permit. Persons or organizations may provide one or more of the trainings required for an educator professional permit. Persons or organizations seeking approval by the Iowa department of public safety to provide training required by Iowa Code section 279.84(2), 279.84(3), or 724.6(1) "a"(3) as enacted by 2024 Iowa Acts, House File 2652, will submit the following on department of public safety Form WP15:

91.13(1) The course syllabi or lesson plans and the goals or objectives for student courses as outlined, which demonstrate that students will receive the basic requirements for the required course.

91.13(2) Identification of the person providing the training and sufficient information to determine that the person is competent to provide the training.

ITEM 11. Adopt the following **new** rule 661—91.14(724):

661—91.14(724) Educator professional permit training requirements.

91.14(1) To receive an educator professional permit, the applicant must submit proof of successful completion of the following training courses:

- a. One-time in-person legal training as described in rule 661—91.15(724).
- b. In-person emergency medical training as described in rule 661—91.16(724).
- c. In-person communication training as described in rule 661—91.17(724).
- d. In-person live scenario training as described in rule 661—91.18(724).
- e. Initial live familiarization firearm and course of fire training as described in rule 661—91.19(724).

91.14(2) To maintain an educator professional permit, the permit holder must submit proof of successful completion of the following annual training:

- a. Annual in-person emergency medical training as described in rule 661—91.16(724).
- b. Annual in-person communication training as described in rule 661—91.17(724).
- c. Annual in-person live scenario training as described in rule 661—91.18(724).

91.14(3) To maintain an educator professional permit, in addition to the above requirements, the permit holder must submit proof of successful completion of quarterly live firearm training, including successful completion of the prescribed qualification course.

91.14(4) All trainings shall be submitted to the Iowa department of public safety program services bureau via email at wpinfo@dps.state.ia.us.

ITEM 12. Adopt the following **new** rule 661—91.15(724):

661—91.15(724) Curriculum for one-time legal training for an educator professional permit. The one-time, in-person legal training for an educator professional permit shall be at minimum three hours and shall include all of the following information:

1. Parameters and limitations of the educator professional permit, including areas of potential liability, and requirements to maintain the permit.
2. State and federal law regarding legal principles of use of force and use of force generally, including modern principles of continuum of force.

3. State and federal laws regarding qualified immunity.
4. State law regarding the Iowa municipal tort claims Act.
5. Workers' compensation law with regard to school critical incidents.

ITEM 13. Adopt the following new rule 661—91.16(724):

661—91.16(724) Curriculum for annual emergency medical training for an educator professional permit.

91.16(1) Annual live, in-person emergency medical training for an educator professional permit shall be at minimum three hours and will include all of the following information and practical experience:

- a. Cardiopulmonary resuscitation (CPR) and cardiac arrest management, including the use of an automated external defibrillator (AED).
- b. Basic knowledge of first aid and trauma care, including casualty assessment, hemorrhage control, and assessment and initial treating of penetrating chest and abdominal wounds.
- c. Basic knowledge and skills necessary to stop/slow life-threatening blood loss.

91.16(2) A current certification for CPR and first aid shall satisfy two hours of the required training.

ITEM 14. Adopt the following new rule 661—91.17(724):

661—91.17(724) Curriculum for annual communication training for an educator professional permit. The annual in-person communication training for an educator professional permit shall be at minimum two hours and shall include all of the following information:

1. De-escalation techniques, crisis intervention techniques, and the applicability and limitations of those techniques.
2. Communication capabilities and coordination, including principles of proper communication to first responders, such as communication of location, condition(s), actions, and needs.
3. Reporting of potential school threats, including to the governor's school safety bureau of the department of public safety and the Safe+Sound app.

ITEM 15. Adopt the following new rule 661—91.18(724):

661—91.18(724) Curriculum for annual live scenario training for an educator professional permit. The annual in-person live scenario training for an educator professional permit shall be at minimum 12 hours and will include all of the following information and practical experience:

1. Psychology of critical incidents.
2. Tactics of responding to critical incidents in schools.
3. Weapon retention.
4. Scenario-based or simulated training exercises, including both close-quarters and hallway scenarios.

ITEM 16. Adopt the following new rule 661—91.19(724):

661—91.19(724) Curriculum for firearms training for an educator professional permit. In-person firearms training for an educator professional permit shall consist of an initial live familiarization firearm and course of fire training for new educator professional permit applicants and quarterly continued training after the completion of the initial training.

91.19(1) Educator professional permit holders shall meet the minimum level of proficiency as established by Iowa department of public safety rules in the use of any weapon used in the capacity as an educator professional permit holder.

91.19(2) Initial live familiarization firearms and course of fire training, not including the qualification course of fire, will be at minimum 20 hours and will include all of the following:

- a. Weapon safety, including but not limited to:
 - (1) Treating all firearms as if they are loaded,
 - (2) Pointing the muzzle in a safe direction at all times,

- (3) Keeping fingers outside the trigger guard until the person's aim is on target and the person has decided to fire, and
- (4) Being sure of the target and what is beyond.
 - b. Principals of good marksmanship, including but not limited to:
 - (1) Sight picture,
 - (2) Trigger squeeze,
 - (3) Proper stance,
 - (4) Drawing of the weapon,
 - (5) Grip of the weapon,
 - (6) Breathing,
 - (7) Follow-through, and
 - (8) Recovery.
 - c. Dry drills, including but not limited to:
 - (1) Administrative load,
 - (2) Combat load,
 - (3) Tactical load,
 - (4) Temporary stoppage drill,
 - (5) Double feed drill, and
 - (6) Holstering and reholstering.
 - d. Handgun marksmanship training, including but not limited to the drills prescribed by the Iowa department of public safety on Form WP16.

91.19(3) The qualification course of fire will be completed at the end of the initial live familiarization course and at each subsequent quarterly firearms training. This course must be completed utilizing the firearm that will be used in the capacity as an educator professional permit holder. The qualification course consists of the standards adopted by the Iowa law enforcement academy for the certified officer in-service handgun qualification course.

91.19(4) If a person fails to successfully satisfy the qualification course of fire after the second attempt, the person must retake the initial familiarization firearm and course of fire training and attempt the qualification course of fire again. If the person fails to successfully satisfy the qualification course of fire after the remedial training, the person must wait until the following quarter and may attempt again as if the person is a first-time applicant.

ITEM 17. Adopt the following **new** definition of "Private school security officer" in rule **661—121.2(80A)**:

"Private school security officer" means a person described in Iowa Code section 279.84 as enacted by 2024 Iowa Acts, House File 2652.

ITEM 18. Adopt the following **new** rule 661—121.25(80A):

661—121.25(80A) Private school security officer training requirements. A private school security officer shall participate in annual live scenario training as described in rule 661—91.18(724) and shall participate in an initial familiarization firearm and course of fire training and subsequent quarterly live firearm training as described in rule 661—91.19(724).

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 761—Chapter 13
“Contested Cases”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A and section 10A.801

Public Hearing

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

July 8, 2024
9 to 9:30 a.m.

[Microsoft Teams Link](#)
Or dial: 515.817.6093
Conference ID: 447 468 064#

Public Comment

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

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: tracy.george@iowadot.us

Purpose and Summary

This proposed chapter provides the minimum procedural requirements for Department involvement in contested cases and informal settlements.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

All persons and parties entitled to, requesting, or involved in a contested case or informal settlement will bear the costs. While such persons and parties may incur costs during these proceedings, the costs are primarily caused by the underlying nature and course of the proceeding. This chapter is intended to lessen the costs and time required to participate in these proceedings by providing clarity and consistency on the proceedings.

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

Persons and entities that participate in Department contested cases and other proceedings will benefit from additional clarity on the process to request and participate in an informal settlement, contested case, or appeal of a presiding officer’s decision.

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

- Quantitative description of impact:

Chapter 13 explains the process that those affected by this chapter will use and is intended to ensure that these proceedings are fairly and efficiently conducted. There may be costs incurred by the public to

participate in these proceedings; however, the costs are caused by the nature and course of the issue that required the proceeding. The processes established in Chapter 13 are intended to minimize the time spent and expenses incurred by the public; the Department; the Attorney General's Office; and the Department of Inspections, Appeals, and Licensing.

Additionally, since many of the Department decisions that are disputed by a public individual or entity are monetary in nature, the disputing party may realize a positive quantitative impact by having the monetary impact reduced as a result of the informal settlement, contested case proceeding, appeal, or judicial review.

- Qualitative description of impact:

This chapter explains the process to those who wish to participate in contested cases or informal hearings and ensures they are aware of the process.

3. Costs to the State:

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

There are no costs to implement and enforce this chapter beyond the costs required to comply with the underlying statute. The costs to the Department are the costs for providing written notices and decisions and the staff time needed to respond to a contested case request or informal settlement, prepare for a contested case or informal settlement, participate in a contested case, respond to an appeal to a contested case, and prepare a written decision to the appeal.

The costs to the Attorney General's Office are the staff time to prepare for a contested case and an appeal to a contested case, participation in a contested case and possible appeal, and possible judicial review.

The costs to the Department of Inspections, Appeals, and Licensing are the staff time involved in the contested case and the preparation of a written decision.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues.

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

The major purpose of this chapter is to explain the process, which benefits all involved and aids in the reduction of costs to the public and others affected by contestable Department action.

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

There are no less costly methods or less intrusive methods for achieving the purpose of this chapter. This chapter is required within Iowa Code chapter 17A.

6. Alternative methods considered by the agency:

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

No alternatives were seriously considered by the Department.

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

The chapter is necessary. The Department needs to have its own rules concerning contested case procedures.

Small Business Impact

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

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

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

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

There is minimal or no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13
CONTESTED CASES

761—13.1(17A) Definitions. The definitions in Iowa Code section 17A.2 are hereby adopted. In addition:

“*Department*” means the Iowa department of transportation.

“*Director*” means the director of transportation or the director’s designee.

761—13.2(17A) Applicability.

13.2(1) This chapter provides the minimum procedural requirements for department involvement in contested cases under Iowa Code chapter 17A.

13.2(2) Rules that apply to a particular type of contested case take precedence over this chapter. If there are no other rules applicable to a particular type of contested case, it will be conducted in accordance with this chapter.

761—13.3(17A) Submission of request for informal settlement or hearing.

13.3(1) A person who is aggrieved by an action of the department and who is entitled to a contested case hearing may:

- a. Unless prohibited by statute, request an informal settlement.
- b. Initiate a contested case by submitting a request for a contested case hearing.
- c. Use both procedures.

13.3(2) A request for an informal settlement or a contested case hearing shall be submitted in writing to the director of the bureau or division of the department that administers the matter at issue.

13.3(3) The request shall include complete names, mailing addresses to be used for communications with the department, and telephone numbers for all persons involved and any attorneys representing them.

13.3(4) A statute or rule may provide for submission of requests within a specified time period. A request shall be considered timely submitted if it is postmarked or delivered to the appropriate bureau or division of the department within the time period specified. Timely submission of a request shall be jurisdictional.

761—13.4(17A) Informal settlement.

13.4(1) An informal settlement may be handled by telephone.

13.4(2) If an informal settlement cannot be reached within a reasonable period of time, the department will notify the person in writing that there has been a failure to reach an informal settlement, that the department’s action or decision is sustained, and that the person may request a contested case hearing.

761—13.5(17A) Contested case.**13.5(1) Procedures.**

a. The department may initiate a contested case proceeding. Prior to initiating the contested case proceeding, the department, unless disallowed by statute, may attempt to settle the matter informally.

b. After a contested case hearing, a written decision will be issued by the presiding officer.

13.5(2) Hearing.

a. The department may be represented by legal assistants, paralegals, or designated attorney general staff at contested case hearings. Any such person is under the supervision of the attorney general transportation section chief.

b. The department may designate staff not under the supervision of the attorney general's office to appear at contested case hearings as witnesses. Staff so designated may appear to testify about matters including but not limited to clarifying the record, providing additional information, providing justification for the department's action, or answering questions of the appellants and presiding officer.

c. The department may submit certified copies of records admitted pursuant to Iowa Code section 321.10 in lieu of either legal representation or participation by a department employee.

13.5(3) Appeal of contested case decision.

a. A decision by a presiding officer shall become the final decision of the department and is binding on the department and the party whose legal rights, duties and privileges are being determined unless either appeals the decision as provided in this subrule.

b. No additional evidence is to be presented on appeal that is decided on the basis of the record made before the presiding officer in the contested case hearing.

c. The appeal is to include a statement of the specific issues presented for review and the precise ruling or relief requested.

d. An appeal of a presiding officer's decision is to be submitted in writing to the director of the bureau or division that administers the matter being contested. The appeal is deemed timely submitted if it is postmarked or delivered to the director of the appropriate bureau or division of the department within 20 days after the date of the presiding officer's decision unless otherwise provided in rule or statute.

e. The director of the administering bureau or division will forward the appeal to the director.

f. Failure to timely appeal a presiding officer's decision is considered a failure to exhaust administrative remedies.

g. The director may make a decision affirming, modifying or reversing the presiding officer's decision, or may remand the case to the presiding officer.

h. The decision of the director is the final decision of the department and constitutes final agency action for purposes of judicial review. No further steps are necessary to exhaust administrative remedies.

761—13.6(17A) Motion for review. The director may, on the director's own motion, review the presiding officer's decision. The motion for review is subject to the same time limits as an appeal from a presiding officer's decision. If there is a motion for review, paragraphs 13.5(3) "g" and "h" apply.

761—13.7(17A) Rehearings. An application for rehearing of a final decision under Iowa Code section 17A.16 shall be filed with the director.

761—13.8(17A) Maintenance of records. The department shall retain for at least five years from the date of the final decision copies of the record made before the presiding officer, the decision received from the presiding officer, the decision issued by the director, and related correspondence.

761—13.9(17A) Communications.

13.9(1) Each party to a contested case is to keep the department informed of the party's current address and telephone number; the name, address and telephone number of the party's attorney, if any; and the mailing address to be used for communications from the department.

13.9(2) Mailed notices, communications and decisions regarding the contested case are to be sent by first class or certified mail to the latest address that each party has provided to the department.

13.9(3) Notwithstanding subrule 13.9(2), the department of inspections, appeals, and licensing may communicate with the party or the party's attorney by email and may file and serve documents through the division of administrative hearings' administrative electronic management system.

761—13.10(17A) Default.

13.10(1) A party may move for default against another party that has requested the contested case proceeding and that has failed to appear after proper service is served.

13.10(2) Notwithstanding subrule 13.10(1), no default may be entered against the department for failure to appear; rather, the presiding officer may either continue the matter or proceed with the hearing and render a decision in the absence of the department.

13.10(3) A default decision or a decision rendered on the merits after a party has failed to appear or participate in a contested case proceeding becomes final agency action unless, within 20 days after the date of the decision, either a motion to vacate is filed and served on the presiding officer and the other parties or an appeal of a decision on the merits is timely submitted in accordance with rule 761—13.5(17A). A motion to vacate is to state all facts relied upon by the moving party that establish that good cause existed for that party's failure to appear or participate.

13.10(4) The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

13.10(5) Timely filed motions to vacate are to be granted only for good cause shown. The burden of proof is on the moving party. Adverse parties have ten days to respond to a motion to vacate.

13.10(6) "Good cause," for the purpose of this rule, means surprise, excusable neglect or unavoidable casualty.

13.10(7) A decision denying a motion to vacate is subject to further appeal in accordance with rule 761—13.5(17A).

13.10(8) A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party in accordance with subrule 13.5(3).

13.10(9) If a motion to vacate is granted and no timely interlocutory appeal has been taken, the presiding officer is to issue another notice of hearing and the contested case will proceed accordingly.

761—13.11(17A) Additional procedures when the department is not a party.

13.11(1) *Jurisdiction.* When the department is obligated by statute to administer a controversy to which it is not a party, the following additional procedures apply.

13.11(2) *Request.*

a. A person who has an interest in a controversy and who is entitled to a contested case hearing may submit a written request to the department to resolve the controversy.

b. An acceptable request will contain a statement of facts alleged and the relief sought by the requestor, the name and address of the persons involved and any attorneys representing them, the requestor's telephone number, and the mailing address to be used for all communications to the requestor from the department.

13.11(3) *Informal settlement.*

a. The department will contact the persons involved, either by telephone or letter, and will offer to assist the parties to reach an informal settlement of the controversy.

b. A controversy may be settled informally by the persons involved.

c. When a controversy is settled informally, the persons involved will each notify the department by telephone and confirming letter that the controversy has been resolved.

13.11(4) *Contested case.* When the department is notified by a person involved in the controversy that there has been a failure to reach an informal settlement, or when the department determines that no progress toward a settlement is being made, the department will send a written notice to the persons involved specifying that if the department is not notified of a settlement within 20 days after the notice is mailed, the department will initiate a contested case proceeding.

These rules are intended to implement Iowa Code chapter 17A and section 10A.801.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 199—Chapter 13
“Hazardous Liquid Pipelines and Underground Storage”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 479B
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 479B

Public Hearing

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

July 30, 2024
1 p.m.

Board Hearing Room
1375 East Court Avenue
Des Moines, Iowa

Public Comment

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

IT Support
Iowa Utilities Board
Phone: 515.725.7300
Email: ITsupport@iub.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to set forth the requirements for requesting a Board-issued permit for the construction, operation, and maintenance of a hazardous liquid pipeline or hazardous liquid underground storage facility in Iowa and the procedures governing hazardous liquid pipeline or hazardous liquid underground storage facility contested cases.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

The proposed chapter applies to all persons requesting a Board-issued permit for a hazardous liquid pipeline or a hazardous liquid underground storage facility. Those persons requesting the permit may incur costs during the course of the proceeding; however, the cases are primarily caused by the underlying nature and course of the proceeding.

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

The proposed chapter benefits persons who seek to construct, operate, or maintain a hazardous liquid pipeline or hazardous liquid underground storage facility in Iowa, as well as persons who have already constructed and are operating and maintaining a hazardous liquid pipeline or hazardous liquid underground storage facility in Iowa. The process also benefits Iowans and landowners who seek to participate in the permitting process.

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

- Quantitative description of impact:

The proposed rules are intended to assist persons seeking a Board-issued hazardous liquid pipeline or a hazardous liquid underground storage facility permit and other persons wishing to participate in permit

proceedings by describing and detailing the rules governing such proceedings. The rules are further intended to ensure that Board permitting proceedings are fairly and efficiently conducted. While there may be costs incurred by persons participating in Board permitting proceedings, those costs are more directly caused by the nature and course of such a proceeding.

- Qualitative description of impact:

The proposed rules assist Iowans and other persons choosing to participate in a hazardous liquid pipeline or a hazardous liquid underground storage facility permit proceeding. The proposed rules ensure that such persons are aware of the proceeding expectations and procedures.

3. Costs to the State:

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

The Board incurs costs in conducting hazardous liquid pipeline or hazardous liquid underground storage contested case proceedings; however, the requirement that the Board conducts these types of proceedings is not imposed by these proposed rules but instead is required by Iowa Code chapter 479B. Additionally, pursuant to Iowa Code sections 476.10 and 479B.10, Board costs incurred in a particular franchise or permit proceeding may be assessed to the person requesting the permit.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues.

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

Because these proposed rules merely provide the framework for the Board's hazardous liquid pipeline or hazardous liquid underground storage facility permit proceedings and because the public benefits from the availability of the information contained within the chapter, the benefits of providing the information outweigh the costs. Inaction is not advised because the public would not be aware of what is needed to initiate and participate in hazardous liquid pipeline or hazardous liquid underground storage facility permit proceedings. The rules are especially beneficial since those who participate under Chapter 13 may not often participate in Board proceedings.

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

The Board does not believe there are any less costly methods of addressing the purpose of this proposed chapter.

6. Alternative methods considered by the agency:

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

Inaction was considered by the agency.

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

Inaction is not advisable because there is value in informing the public of the hazardous liquid pipeline and hazardous liquid underground storage facility permitting procedures.

Small Business Impact

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

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

- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

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

The Board does not believe the proposed rulemaking will have an adverse impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 199—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13
HAZARDOUS LIQUID PIPELINES AND UNDERGROUND STORAGE

199—13.1(479B) General information.

13.1(1) Purpose and authority. The purpose of this chapter is to implement Iowa Code chapter 479B and to establish procedures and filing requirements for a permit to construct, maintain, and operate an interstate hazardous liquid pipeline; for an amendment to an existing permit; and for renewal of an existing permit. This chapter also implements Iowa Code chapter 479B for permits for underground storage of hazardous liquids. The rules in this chapter relating to hazardous liquid pipelines and underground storage of hazardous liquids are adopted by the Iowa utilities board pursuant to Iowa Code chapter 479B.

13.1(2) When a permit is required. A hazardous liquid pipeline permit is needed for any hazardous liquid pipeline to be constructed in Iowa, regardless of length or operating pressure of the pipeline.

13.1(3) Definitions. The definitions listed in Iowa Code section 479B.2 are incorporated herein by reference. Words and terms not otherwise defined in this chapter or Iowa Code section 479B.2 will have their usual meaning. For the administration and interpretation of this chapter, the following words and terms will have the following meanings:

“*Affected person*” means any person with a legal right or interest in the property, including but not limited to a landowner, a contract purchaser of record, a person possessing the property under a lease, a record lienholder, and a record encumbrancer of the property.

“*Amendment of permit*” means changes to the pipeline permit or pipeline that require the filing of a petition to amend an existing pipeline permit as described in rule 199—13.9(479B).

“*Approximate right angle*” means within 5 degrees of a 90-degree angle.

“*CFR*” means the Code of Federal Regulations, which contains the general administrative rules adopted by federal departments and agencies, in effect as of [effective date of these rules], unless a separate effective date is identified in a specific rule.

“*County inspector*” means a professional engineer licensed under Iowa Code chapter 542B, familiar with agricultural and environmental inspection requirements, who has been employed by a county board of supervisors to do an on-site inspection of a proposed pipeline for compliance with 199—Chapter 9 and Iowa Code chapter 479B.

“*Multiple line crossing*” means a point at which a proposed pipeline will either cross over or under an existing pipeline.

“*Negotiating*” means contact between a pipeline company and a person with authority to negotiate an easement or other interest in land that involves the location, damages, compensation, or other matter that is restricted by Iowa Code section 479B.4(6). Contact for purposes of obtaining addresses and other contact information from a landowner or tenant is not considered negotiation.

“*Permit*” means a new, amended, or renewal permit issued by the board.

“*Person*” means an individual, a corporation, a limited liability company, a government or governmental subdivision or agency, a business trust, an estate, a trust, a partnership or association, or any other legal entity as defined in Iowa Code section 4.1(20).

199—13.2(479B) Informational meetings. Informational meetings shall be held for any proposed pipeline project five miles or more in length, including both the current project and future anticipated extensions, that is to be operated at a pressure in excess of 150 pounds per square inch. A separate informational meeting shall be held in each county in which real property or property rights would be affected.

13.2(1) Time frame for holding meeting. Informational meetings shall be held not less than 30 days nor more than two years prior to the filing of the petition for pipeline permit.

13.2(2) Facilities. A pipeline company is responsible for all negotiations and compensation for a suitable facility to be used for each informational meeting, including but not limited to a building or facility that is in substantial compliance with the Americans with Disabilities Act Standards for Accessible Design, including both Title II regulations at 28 CFR part 36, subpart D, and the 2004 Americans with Disabilities Act Accessibility Guidelines at 36 CFR part 1191, appendices B and D, where such a building or facility is reasonably available.

13.2(3) Location. The informational meeting location shall be reasonably accessible to all persons who may be affected by the granting of a permit or who have an interest in the proposed pipeline.

13.2(4) Board approval. A pipeline company proposing to schedule an informational meeting shall file a request to schedule the informational meeting with the board and include a proposed date and time for the informational meeting, an alternate time and date, and a description of the proposed project and map of the route, including the notification corridor. The pipeline company may be notified within ten days of the filing of the request whether the request is approved or alternate times and dates are required. Not less than 30 days prior to the informational meeting, the pipeline company is to file with the board the location of the informational meeting. Not less than 14 days prior to the informational meeting, the pipeline company is to file with the board a copy of its informational meeting presentation.

13.2(5) Notices. Notice by mailed and published notice of each informational meeting shall be given to persons as listed on the tax assessment rolls as responsible for payment of real estate taxes imposed on the property and those persons in possession of or residing on the property in the corridor in which the pipeline company intends to seek easements.

a. The notice includes the information listed in Iowa Code section 479B.4(5) “*a*,” as well as the following:

(1) The possibility that the right-of-way may be acquired by condemnation if approved by the board;

(2) The following statement: “Persons with disabilities requiring assistive services or devices to observe or participate should contact the board at 515.725.7300 in advance of the scheduled date to request accommodations”; and

(3) A copy of the statement of damage claims described in paragraph 13.3(3) “*b*.”

b. The pipeline company shall cause a written copy of the meeting notice to be served, by certified United States mail with return receipt requested, on all persons as listed on the tax assessment rolls as responsible for payment of real estate taxes imposed on the property and persons in possession of or residing on the property, whose addresses are known. The certified meeting notice shall be deposited in the United States mail not less than 30 days prior to the date of the meeting.

c. The pipeline company shall cause the meeting notice, including the map, to be published once in a newspaper of general circulation in each county where the pipeline is proposed to be located at least one week and not more than three weeks prior to the date of the meeting. Publication is considered as notice to affected persons listed on the tax assessment rolls as responsible for paying the real estate taxes imposed on the property and persons in possession of or residing on the property whose addresses are not known, provided a good faith effort to obtain the address can be demonstrated by the pipeline company. The map used in the published notice should clearly delineate the pipeline route.

d. The pipeline company shall file, prior to the informational meeting, an affidavit that describes the good faith effort the pipeline company undertook to locate the addresses of all affected persons. The affidavit is to be signed by a corporate officer or an attorney representing the pipeline company.

13.2(6) Personnel. The pipeline company shall provide qualified personnel to present the following information at the informational meeting:

- a. Service requirements and planning that have resulted in the proposed project.
- b. When the pipeline is proposed to be constructed.
- c. In general terms, the elements involved in pipeline construction.
- d. In general terms, the rights the pipeline company will seek to acquire through easements.
- e. Procedures to be followed in contacting the affected persons for specific negotiations in acquiring voluntary easements.
- f. Methods and factors used in arriving at an offered price for voluntary easements, including the range of cash amount for each component.
- g. Manner in which voluntary easement payments are made, including discussion of conditional easements, signing fees, and time of payment.
- h. Other factors or damages not included in the easement for which compensation is made, including features of interest to affected persons but not limited to computation of amounts and manner of payment.

13.2(7) Notice to county board of supervisors. The pipeline company is responsible for sending notice of the request for an informational meeting to the county board of supervisors in each county where the proposed pipeline is to be located. The pipeline company is to request from the board of supervisors the name of the county inspector, a professional engineer who will conduct the on-site inspection required by Iowa Code section 479B.20(2). The pipeline company will provide the name and contact information of the county inspector to the board, landowners, and other affected persons at the meeting, if known.

199—13.3(479B) Petition for permit.

13.3(1) A petition for a permit shall be filed with the board upon the form prescribed and may include all required exhibits. The petition is to be attested to by an officer, official, or attorney with authority to represent the pipeline company. Exhibits shall be in the following form:

- a. *Exhibit A.* A legal description showing, at minimum:
 - (1) The beginning and ending points of the proposed pipeline.
 - (2) The general direction of the proposed route through each quarter section of land to be crossed, including township and range.
 - (3) Whether the proposed pipeline will be located on private or public property, public highway, or railroad right-of-way.
 - (4) Other pertinent information.
 - (5) When the route is in or adjacent to the right-of-way of a named road or a railroad, the exhibit should specifically identify the road or railroad by name.
- b. *Exhibit B.* Maps showing the proposed routing of the pipeline. The maps may be to any scale appropriate for the level of detail to be shown, but not smaller than one inch to the mile, and should be legible when printed on paper no larger than 11 by 17 inches. Maps based on satellite imagery are preferred. An additional map of the entire route, if the route is located in more than one county or there is more than one map for a county, is to be filed in this exhibit and should be legible when printed on paper no larger than 11 by 17 inches without regard to scale. The pipeline company should include necessary data files showing the proposed route of the pipeline. The following minimum information shall be provided on the maps:
 - (1) The route of the pipeline that is the subject of the petition, including the starting and ending points, and when paralleling a road or railroad, which side the pipeline is on. Multiple pipelines on the same right-of-way shall be indicated, and the distance between paralleling pipelines shall be shown.
 - (2) The name of the county, county lines, section lines, section numbers, township numbers, and range numbers.
 - (3) The location and identity of adjacent or crossed public roads, railroads, named streams or bodies of water, and other pertinent natural or man-made features influencing the route.
 - (4) The name and corporate limits of cities and the name and boundaries of any public lands or parks.
 - (5) Other pipelines and the identity of the owner.
 - (6) Any buildings or places of public assembly within six tenths of a mile of the pipeline.

c. Exhibit C. A showing of engineering specifications covering the engineering features, materials, and manner of construction of the proposed pipeline; its approximate length, diameter, and the name and location of each railroad and primary highway, if any; and such other information as may be deemed pertinent on forms prescribed by the board, which are located on the board's website. In addition, the maximum and normal operating pressure and maximum capacity of the proposed pipeline shall be provided.

d. Exhibit D. Satisfactory proof of solvency and financial ability to pay damages in the sum of \$250,000 or more; or surety bond satisfactory to the board in the penal sum of \$250,000 with surety approved by the board, conditioned that the pipeline company will pay any and all damages legally recovered against the pipeline company growing out of the construction and operation of its pipeline or hazardous liquid storage facilities in the state of Iowa; security satisfactory to the board as a guarantee for the payment of damages in the sum of \$250,000; or satisfactory proofs that the company has property subject to execution within this state, other than pipelines, of a value in excess of \$250,000. The board may require additional surety or insurance policies to ensure the payment of damages resulting from the construction and operation of a hazardous liquid pipeline or hazardous liquid storage facility in a county.

e. Exhibit E.

(1) Consent or documentation of appropriate public highway authorities, or railroad companies, where the pipeline will be placed longitudinally on, over or under, or at other than an approximate right angle to railroad tracks or highway, when consent is obtained prior to filing of the petition, will be filed with the petition.

(2) If any consent is not obtained at the time the petition is filed, the pipeline company will file a statement that it will obtain all necessary consents or file other documentation of the right to commence construction prior to commencement of construction of the pipeline. A pipeline company may request board approval to begin construction on a segment of a pipeline prior to obtaining all necessary consents for construction of the entire pipeline.

(3) Whether there are permits that will be required from other state agencies for construction of the pipeline and, if so, a description of the permit required and whether the permit has been obtained will be included.

(4) Whether there are permits from federal agencies that will be required for construction of the pipeline and, if so, a description of the permit required and whether the permit has been obtained will be included.

f. Exhibit F. This exhibit will contain the following information:

(1) A statement of the purpose of the project and a description of how the services rendered by the pipeline will promote the public convenience and necessity.

(2) A general statement covering each of the following topics:

1. The nature of the lands, waters, and public or private facilities to be crossed;
2. The possible use of alternative routes;
3. The relationship of the proposed pipeline to present and future land use and zoning ordinances;

and

4. The inconvenience or undue injury that may result to property owners as a result of the proposed project.

(3) For an existing pipeline, the year of original construction and a description of any amendments or reportable changes since the permit or latest renewal permit was issued.

g. Exhibit G. If informational meetings were required, an affidavit that the meetings were held in each county affected by the proposed project and the time and place of each meeting. Copies of the mailed notice letter, the corridor map, and the published notice(s) of the informational meeting will be attached to the affidavit.

h. Exhibit H. This exhibit is required only if the petition requests the right of eminent domain. The extent of the eminent domain request may be uncertain at the time the petition is filed. The exhibit must be in final form prior to issuance of the official notice by the board and approval of eminent domain notice. The exhibit will consist of a map of the route showing the location of each property for which the right of eminent domain is sought and the following information for each property:

- (1) The legal description of the property.
- (2) The legal description of the desired easement.
- (3) A specific description of the easement rights being sought.
- (4) The names and addresses of all affected persons for the property over which eminent domain is requested based upon a good faith effort to identify all affected persons.

(5) A map drawn to an appropriate scale showing the boundaries of the property, the boundaries and dimensions of the proposed easement, the location of pipelines or pipeline facilities within the proposed easement, the location of and distance to any building within 300 feet of the proposed pipeline, and any other features pertinent to the location of the pipeline to the rights being sought.

(6) An overview map showing the location of the property over which eminent domain is requested, with the property identified in accordance with 199—Chapter 9.

(7) An updated electronic file required by paragraph 13.3(1)“b” to show the locations and boundaries of the property and the easements boundaries for which the pipeline company is seeking eminent domain.

i. Exhibit I. If pipeline construction on agricultural land as defined in 199—subrule 9.1(3) is proposed, a land restoration plan is to be prepared and filed as provided for in rule 199—9.2(479,479B). The name and contact information of each county inspector designated by county boards of supervisors pursuant to Iowa Code section 479B.20(2) shall be included in the land restoration plan, when known.

j. Underground storage. If permission is sought to construct, maintain, and operate facilities for underground storage of hazardous liquid, the petition will include maps showing the information described in Iowa Code section 479B.4(2), as well as a description of the public or private highways, grounds, waters, streams, and private lands of any kind under which the storage is proposed, together with a map.

k. Exhibit K. The pipeline company shall file the additional information as follows:

(1) An affidavit describing the good faith effort the company has undertaken to identify all affected persons in the property for all parcels over which the pipeline is proposed to be located before easements were signed or eminent domain requested. The affidavit is to be signed by an attorney or officer representing the pipeline company.

(2) Whether any private easements will be required for the proposed pipeline and, if a private easement will be required, when the easement negotiations will be completed and whether all affected persons associated with the property have been notified.

(3) Whether there are permits that will be required from other state agencies for the construction of the pipeline and, if so, a description of the permit required and whether the permit has been obtained.

(4) Whether there are permits from federal agencies that will be required for construction of the pipeline and, if so, a description of the permit required and whether the permit has been obtained.

(5) Whether there are any agreements or additional facilities that need to be constructed to transport or receive hazardous liquids.

(6) Projected date when construction of the pipeline will begin.

l. Exhibit L. Other exhibits. The board may require filing of additional exhibits if further information on a particular project is deemed necessary.

13.3(2) Construction on an existing easement.

a. Petitions proposing new pipeline construction on an existing easement where the pipeline company has previously constructed a pipeline shall include a statement indicating whether any unresolved damage claims remain from the previous pipeline construction and, if so, include the name of each landowner or tenant, a legal description of the property involved, and the status of proceedings to settle the claim.

b. A petition for permit proposing a new pipeline construction on an existing easement where the pipeline company has previously constructed a pipeline will not be acted upon by the board if a damage claim from the installation of the previous pipeline has not been resolved by negotiation, arbitration, or court action. The board may take action on the petition if the damage claim is under litigation or arbitration.

13.3(3) Statement of damage claims.

a. A petition for permit proposing new pipeline construction will not be acted upon by the board if the pipeline company does not file with the board a written statement in compliance with Iowa Code chapter 479B as to how damages resulting from the construction of the pipeline will be determined and paid.

b. The statement contains the following information: the type of damages that will be compensated, how the amount of damages will be determined, the procedures by which disputes may be resolved, the manner of payment, and the procedures that the affected person is required to follow to obtain a determination of damages by a county compensation commission.

c. The statement may be amended as necessary to reflect changes in the law, company policy, or the needs of a specific project.

d. A copy of this statement is to be mailed with the notice of informational meeting as provided for in Iowa Code section 479B.4. If no informational meeting is required, a copy shall be provided to each affected person prior to entering into negotiations for payment of damages.

e. Nothing in this rule prevents a person from negotiating with the pipeline company for terms that are different, more specific, or in addition to the statement filed with the board.

13.3(4) Negotiation of easements. The pipeline company is not prohibited from responding to inquiries concerning existing easements or from requesting and collecting tenant and affected person information, provided that the pipeline company is not “negotiating” as defined in subrule 13.1(3).

199—13.4(479B) Notice of hearing.

13.4(1) When a petition for permit is filed with the board, the petition will be reviewed by the board. Once the board has completed its review of the proposed pipeline and petition, the petition may be set for hearing. This subrule does not apply to renewal petitions filed pursuant to rule 199—13.8(479B), which may not require a hearing.

13.4(2) The pipeline company will be furnished copies of the official notice of hearing, which the pipeline company shall cause to be published once each week for two consecutive weeks in a newspaper of general circulation in each county in or through which construction is proposed. The second publication cannot be less than 10 and no more than 30 days prior to the date of the hearing. Proof of publication will be filed with the board prior to the hearing.

13.4(3) The published notice will include a map showing either the pipeline route or the area affected by underground hazardous liquid storage, or a telephone number and an address through which interested persons may obtain a copy of a map from the pipeline company at no charge. If a map other than that filed as Exhibit B will be published or provided, a copy will be filed with the petition.

13.4(4) If a petition for permit seeks the right of eminent domain, the pipeline company shall, in addition to the published notice of hearing, serve a copy of the notice of hearing on the landowners and any affected person with an interest in the property over which eminent domain is sought. A copy of the Exhibit H filed with the board for the affected property will accompany the notice. Service shall be by certified United States mail, return receipt requested, addressed to the person’s last-known address, and this notice shall be mailed no later than the first day of publication of the official notice of hearing on the petition. Not less than five days prior to the date of the hearing, the pipeline company will file with the board a certificate of service showing all persons and addresses to which notice was sent by certified mail, the date of the mailing, and an affidavit that all affected persons were served.

13.4(5) If a petition does not seek the right of eminent domain, but all required interests in private property have not yet been obtained at the time the petition is filed, a copy of the notice of hearing shall be served upon any affected person with interests in the property. Service shall be by ordinary mail, addressed to the last-known address, and mailed no later than the first day of publication of the official notice. A copy of each letter of notification, or one copy of the letter accompanied by a written statement listing all persons to whom the notice was mailed, the date of mailing, and an affidavit that all affected persons were served, will be filed with the board not less than five days prior to the hearing.

199—13.5(479B) Objections. Any person whose rights or interests may be affected by a proposed pipeline or underground storage facility may file a written objection with the board consistent with Iowa Code section 479B.7.

199—13.6(479B) Hearing. Hearings required under this chapter will comply with Iowa Code section 479B.6 and 199—Chapter 7.

199—13.7(479B) Pipeline permit.

13.7(1) A pipeline permit will be issued once an order granting the permit is final and the compliance requirements have been met. A pipeline company may request board approval to delay obtaining consent to cross railroad rights-of-way until after the pipeline permit is issued.

13.7(2) The issuance of the permit authorizes construction on the route or location as approved by the board, subject to deviation within the permanent route easement right-of-way. If a deviation outside the permanent route easement right-of-way becomes necessary, construction of the line in that location shall be suspended and the pipeline company will follow the procedures for filing a petition for amendment of a permit, except that the pipeline company need only file Exhibits A, B, C, E, and F, reflecting the proposed deviation. In case of any deviation from the approved permanent route easement, the pipeline company will secure the necessary easements before construction may commence on the altered route. The right of eminent domain shall not be used to acquire any such easement except as specifically approved by the board, and a hearing will not be required unless the board determines a hearing is necessary to complete a review of the petition for amendment.

13.7(3) If the construction of facilities authorized by a permit is not commenced within two years of the date the permit is granted, or within two years after final disposition of judicial review of a permit or of condemnation proceedings, the permit may be forfeited unless the board grants an extension of the permit filed prior to the expiration of the two-year period.

13.7(4) Upon completion of the proposed construction, maps accurately showing the final routing of the pipeline, in compliance with 199—Chapter 9, and revised Exhibits A, B, and C, will be filed with the board.

13.7(5) The board will set the term of the permit. The term of the permit may be less than but will not exceed 25 years from the date of issuance.

199—13.8(479B) Renewal permits.

13.8(1) A petition for renewal of an original or previously renewed pipeline permit may be filed at any time subsequent to issuance of the permit but no later than at least one year prior to expiration of the permit. The petition will be made on the forms prescribed by the board. Instructions for the petition are included as part of the form, which is available on the board's website. The petition includes the name of the pipeline company requesting renewal of the permit, the pipeline company's principal office and place of business, a description of any amendment or reportable change since the permit or previous renewal permit was issued, and Exhibits A, B, C, and D. The board may request additional information be filed during the review of the renewal petition and exhibits. The petition is to be attested to by an officer, official, or attorney with authority to represent the pipeline company.

13.8(2) The procedure for a petition for permit will be followed with respect to publication of notice, objections, and assessment of costs.

13.8(3) If there are unresolved issues of fact or law, or if an objection is filed within 20 days of the second publication of the published notice, the board may set the matter for hearing. If a hearing is not required, and the petition satisfies the requirements of this rule, a renewal permit will be issued upon the filing of the proof of publication as required by rule 199—13.4(479B).

13.8(4) The board will set the term of a renewal permit. The term may be less than but may not exceed 25 years from the date of issuance. The same procedure will be followed in subsequent renewals. A renewal permit may be issued by an authorized employee of the board.

199—13.9(479B) Amendment of permits.

13.9(1) An amendment of a pipeline permit by the board is required in any of the following circumstances:

a. Construction of an additional pipeline paralleling all or part of an existing pipeline of the pipeline company with a valid permit.

b. Extension of an existing pipeline of the pipeline company outside of the permitted permanent route easement.

c. Relocation or replacement of an existing pipeline of the pipeline company that:

(1) Relocates the pipeline outside of the permitted permanent route easement approved by the board; or

(2) Involves relocation or replacement requiring new or additional interests in property. If the relocation or replacement is for five miles or more of pipe to be operated in excess of 150 pounds per square inch gauge, an informational meeting, as provided in rule 199—13.2(479B), will be held.

d. Contiguous extension of an underground storage area of the pipeline company.

e. Modification of any condition or limitation placed on the construction or operation of the pipeline in the final order granting the pipeline permit or previous renewal of the permit.

13.9(2) Petition for amendment.

a. The petition for amendment shall include the docket number and issue date of the permit for which amendment is sought and clearly state the purpose of the petition. If the petition is for construction of additional pipeline facilities, or expansion of an underground storage area, the same exhibits as required for a petition for permit are to be attached.

b. The applicable procedures for petition for permit, including hearing, will be followed. Upon appropriate determination by the board, an amendment to a permit may be issued. The amendment will be subject to the same conditions with respect to commencement of construction within two years and the filing of final routing maps as required for pipeline permits.

199—13.10(479B) Fees and expenses. The pipeline company will pay the actual unrecovered cost incurred by the board attributable to the informational meeting, processing, investigation, hearing, inspection related to a petition requesting a pipeline permit, and any other activity of the board related to a pipeline permit, pursuant to 199—Chapter 17.

199—13.11(479B) Land restoration. Pipelines shall be constructed in compliance with Iowa Code section 479B.20 and 199—Chapter 9.

199—13.12(479B) Crossings of highways, railroads, and rivers.

13.12(1) Iowa Code chapter 479B gives the board primary authority over the routing of pipelines. However, highway and railroad authorities and environmental agencies may have a jurisdictional interest in the routing of the pipeline, including requirements that permits or other authorizations be obtained prior to construction for crossings of highway or railroad right-of-way, or rivers or other bodies of water.

13.12(2) Approval of other authorities need not be obtained prior to petitioning the board for a pipeline permit. The pipeline company will file with the petition information that shows the pipeline company contacted the other necessary authorities in advance of filing the petition to determine what restrictions or conditions may be placed on the crossing by those authorities and to obtain information on any proposed reconstruction or relocation of existing facilities that may impact the routing of the pipeline. Approvals and any restrictions, conditions, or relocations of existing facilities are required to be filed with the board prior to the grant of the permit. A pipeline company may request board approval to begin construction on a segment of a pipeline prior to obtaining all necessary consents for construction of the entire pipeline.

13.12(3) Pipeline routes that include crossings of highway or railroad right-of-way at other than an approximate right angle, or longitudinally on the right-of-way, will not be constructed unless a showing of consent by the appropriate authority has been provided by the pipeline company as required in paragraph 13.3(1)“e.”

199—13.13(479B) Reportable changes to pipelines under permit.

13.13(1) A pipeline company shall file prior notice with the board of any of the following actions affecting a pipeline under permit:

- a.* Abandonment or removal from service. The pipeline company will also notify the landowners of the abandonment or removal of the pipeline from service.
- b.* Pressure test or increase in maximum allowable operating pressure.
- c.* Replacement of a pipeline or significant portion thereof that meets or exceeds the minimum strength criteria of the original pipe.

13.13(2) The notice shall include the docket and permit numbers of the pipeline; the location involved; a description of the proposed activity; anticipated dates of commencement and completion; revised maps and facility descriptions, where appropriate; and the name and telephone number of a person to contact for additional information.

199—13.14(479B) Sale or transfer of permit.

13.14(1) No permit shall be sold or transferred without written approval of the board. A petition for approval of the sale or transfer is to be jointly filed by the buyer, or transferee, and the seller, or transferor, and include assurances that the buyer, or transferee, is authorized to transact business in the state of Iowa and is willing and able to construct, operate, and maintain the pipeline in accordance with these rules. If the sale, or transfer, is prior to completion of construction of the pipeline, the buyer, or transferee, shall demonstrate it has the financial ability to pay, for damages associated with construction or operation of the pipeline, up to \$250,000 or any other amount the board determined necessary when granting the permit.

13.14(2) The reassignment of a pipeline permit as part of a name change or a corporate restructuring, with no change in pipeline operating personnel or procedures, is considered a transfer for the purposes of this rule.

199—13.15(479B) Reports to federal agencies.

13.15(1) Upon submission of any incident, annual, or other report to the U.S. Department of Transportation pursuant to 49 CFR Part 195, a pipeline company is to file a copy of the report with the board. The board is to be advised of any telephonic incident report made by the pipeline company. The pipeline company will notify the board, as soon as possible, of any incident by emailing the duty officer at dutyofficer@iub.iowa.gov or, if email is not available, by calling the board duty officer at 515.745.2332.

13.15(2) Pipeline companies operating in other states will provide the board data for Iowa only.

199—13.16(479B) Termination of petition for pipeline permit proceedings. If a pipeline company fails to correct an identified deficiency within six months after written notification by the board, or after such shorter period as the board may specify in the written notification, to cure an incomplete or deficient permit petition, or a pipeline company fails to publish the official notice within 90 days after the official notice is provided by the board, the board may dismiss the petition.

These rules are intended to implement Iowa Code chapter 479B.

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 199—Chapter 45
“Electric Interconnection of Distributed Generation Facilities”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 476.1 and 476.8

State or federal law(s) implemented by the rulemaking: Iowa Code sections 476.1 and 476.8; and Section 211 of the Public Utilities Regulatory Policies Act of 1978 as amended by the Energy Policy Act of 2005

Public Hearing

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

July 18, 2024
2 p.m.

Board Hearing Room
1375 East Court Avenue
Des Moines, Iowa

Public Comment

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

IT Support
Iowa Utilities Board
Phone: 515.725.7300
Email: ITsupport@iub.iowa.gov

Purpose and Summary

The purpose of this proposed chapter is to review interconnection of distributed generation facilities seeking to operate in parallel with utilities.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

The utilities will bear the costs of providing the information for review of the interconnection requests.

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

The utilities will benefit from review of the interconnection requests by having another party reviewing the requests to identify issues that may arise, while customers receive the benefit of having the generation facilities reviewed prior to interconnection.

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

- Quantitative description of impact:

There will be additional costs for those requesting interconnection of facilities since the interconnection requests will have to undergo review and the utilities will provide the appropriate information for that review. Those costs will be borne by those companies requesting the interconnection review, as well as some cost for the Board to review these interconnection requests; however, the costs of the Board are everyday costs of the Board and Board staff to complete the Board’s work and will be billed and assessed to companies as required under statute and Board rules.

- Qualitative description of impact:

The review is providing additional checks on generation facilities and interconnections within the electrical grid to provide customers assurance the electrical grid is secure and reliable.

3. Costs to the State:

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

As stated above, the costs borne by the agency are part of the everyday costs of the Board and will be billed and assessed as required under statute and Board rules.

- Anticipated effect on state revenues:

There is no anticipated effect on state revenues.

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

Inaction would allow for no oversight on the interconnection of generation into the electrical grid, which could lead to insecurity and unreliability in the state's electrical grid. While there are relatively minor additional costs for the Board to review the facilities covered by this chapter, those costs are outweighed by the benefits of a reliable electrical grid.

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

There is no less costly method to review these interconnection facilities because the less costly method is inaction and not reviewing them.

6. Alternative methods considered by the agency:

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

The alternative method was to review all facilities for interconnection that could be reviewed.

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

This alternative, inaction, was rejected since it was overly burdensome and would have negative impacts on generation facilities and generation as a whole within Iowa.

Small Business Impact

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

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

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

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

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

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

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

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 199—Chapter 45 and adopt the following new chapter in lieu thereof:

CHAPTER 45
ELECTRIC INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES

199—45.1(476) Definitions. Terms defined in the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. 2601 et seq., in effect as of [effective date of chapter] will have the same meaning for purposes of these rules as the terms have under PURPA unless further defined in this chapter.

“*Adverse system impact*” means a negative effect that compromises the safety or reliability of the electric distribution system or materially affects the quality of electric service provided by the utility to other customers.

“*AEP facility*” means an AEP facility, as defined in 199—Chapter 15, used by an interconnection customer to generate electricity that operates in parallel with the electric distribution system. An AEP facility typically includes an electric generator and the interconnection equipment required to interconnect safely with the electric distribution system or local electric power system.

“*Affected system*” means an electric system not owned or operated by the utility reviewing the interconnection request that could suffer an adverse system impact from the proposed interconnection.

“*Applicant*” means a person (or entity) who has submitted an interconnection request to interconnect a distributed generation facility to a utility’s electric distribution system.

“*Area network*” means a type of electric distribution system served by multiple transformers interconnected in an electrical network circuit, generally used in large, densely populated metropolitan areas.

“*Board*” means the Iowa utilities board.

“*Certificate of completion*” means the Certificate of Completion form that contains information about the interconnection equipment to be used, its installation, and local inspections.

“*CFR*” means the Code of Federal Regulations, which contains the general administrative rules adopted by federal departments and agencies, in effect as of [effective date of chapter], unless a separate effective date is identified in a specific rule.

“*Commissioning test*” means a test applied to a distributed generation facility by the applicant after construction is completed to verify that the facility does not create adverse system impacts and performs to the submitted specifications. At a minimum, the scope of the commissioning tests performed will include the commissioning test specified in Institute of Electrical and Electronics Engineers Inc. (IEEE) Standard 1547, Section 11 “Test and Verification Requirements.”

“*Distributed generation facility*” means a qualifying facility, an AEP facility, or an energy storage facility.

“*Distribution upgrade*” means a required addition or modification to the electric distribution system to accommodate the interconnection of the distributed generation facility. Distribution upgrades do not include interconnection facilities.

“*Electric distribution system*” means the facilities and equipment owned and operated by the utility and used to transmit electricity to ultimate usage points, such as homes and industries, from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at which electric distribution systems operate differ among areas but generally operate at less than 100 kilovolts of electricity. “Electric distribution system” has the same meaning as the term “Area EPS,” as defined in Section 3.1 of IEEE Standard 1547.

“*Fault current*” is the electrical current that flows through a circuit during an electrical fault condition. A fault condition occurs when one or more electrical conductors contact ground or each other. Types of faults include phase to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase. Often, a fault current is several times larger in magnitude than the current that normally flows through a circuit.

“*IEEE Standard 1547*” is the IEEE, 3 Park Avenue, New York, NY 10016-5997, Standard 1547 (2018), as amended on March 9, 2020, “Standard for Interconnection and Interoperability of Distributed Energy Resources and Associated Electric Power System Interfaces.”

“*IEEE Standard 1547.1*” is the IEEE Standard 1547.1 (2005) “Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems.”

“*Interconnection equipment*” means a group of components or an integrated system owned and operated by the interconnection customer that connects an electric generator with a local electric power system, as that term is defined in Section 3.1 of IEEE Standard 1547, or with the electric distribution system. Interconnection equipment is all interface equipment, including switchgear, protective devices, inverters, or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.

“*Interconnection facilities*” means facilities and equipment required by the utility to accommodate the interconnection of a distributed generation facility. Collectively, interconnection facilities include all facilities and equipment between the distributed generation facility’s interconnection equipment and the point of interconnection, including any modifications, additions, or upgrades necessary to physically and electrically interconnect the distributed generation facility to the electric distribution system. Interconnection facilities are sole-use facilities and do not include distribution upgrades.

“*Interconnection request*” means an applicant’s request, in a form approved by the board, for interconnection of a new distributed generation facility or to change the capacity or other operating characteristics of an existing distributed generation facility already interconnected with the electric distribution system.

“*Interconnection study*” is any study described in rule 199—45.11(476).

“*Lab-certified*” means a designation that the interconnection equipment meets the requirements set forth in rule 199—45.6(476).

“*Line section*” is that portion of an electric distribution system connected to an interconnection customer’s site, bounded by automatic sectionalizing devices or the end of the distribution line, or both.

“*Local electric power system*” means facilities that deliver electric power to a load that is contained entirely within a single premises or group of premises and has the same meaning as that term as defined in Section 3.1 of IEEE Standard 1547.

“*Nameplate capacity*” is the maximum rated output of a generator, prime mover, or other electric power production equipment under specific conditions designated by the manufacturer and is usually indicated on a nameplate physically attached to the power production equipment.

“*Nationally recognized testing laboratory*” or “*NRTL*” means a qualified private organization that meets the requirements of the Occupational Safety and Health Administration’s (OSHA’s) regulations. More information is contained in 29 CFR 1910.7 as amended through February 18, 2020. NRTLs perform independent safety testing and product certification.

“*Parallel operation*” or “*parallel*” means a distributed generation facility that is connected electrically to the electric distribution system for longer than 100 milliseconds continuously.

“*Point of interconnection*” has the same meaning as the term “point of common coupling” as defined in Section 3.1 of IEEE Standard 1547.

“*Primary line*” means an electric distribution system line operating at greater than 600 volts.

“*Qualifying facility*” means a cogeneration facility or a small power production facility that is a qualifying facility under 18 CFR Part 292, Subpart B, used by an interconnection customer to generate electricity that operates in parallel with the electric distribution system.

“*Radial distribution circuit*” means a circuit configuration in which independent feeders branch out radially from a common source of supply.

“*Review order position*” means, for each distribution circuit or line section, the order of a completed interconnection request relative to all other pending completed interconnection requests on that distribution circuit or line section. The review order position is established by the date that the utility receives the completed interconnection request.

“*Scoping meeting*” means a meeting between representatives of the applicant and utility conducted for the purpose of discussing interconnection issues and exchanging relevant information.

“*Secondary line*” means an electric distribution system line, or service line, operating at 600 volts or less.

“*Shared transformer*” means a transformer that supplies secondary voltage to more than one customer.

“*Spot network*” means a type of electric distribution system that uses two or more inter-tied transformers to supply an electrical network circuit and is generally used to supply power to a single customer or a small group of customers. “Spot network” has the same meaning as the term “spot network” as defined in Section 9 “DER on distribution secondary grid/area/street (grid) networks and spot networks” of IEEE Standard 1547.

“*UL Standard 1741*” means the standard titled “Inverters, Converters, Controllers, and Interconnection System Equipment for Use with Distributed Energy Resources,” January 28, 2010, edition, Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, IL 60062-2096.

“*Utility*” means an electric utility that is subject to rate regulation by the Iowa utilities board.

“*Witness test*” for lab-certified equipment means a verification either by an on-site observation or review of documents that the interconnection installation evaluation and the commissioning test required by IEEE Standard 1547, Section 11, have been adequately performed. For interconnection equipment that has not been lab-certified, the witness test also includes verification of the on-site design tests and production tests required by IEEE Standard 1547, Section 11. All verified tests are to be performed in accordance with the test procedures specified by IEEE Standard 1547.1.

199—45.2(476) Scope.

45.2(1) This chapter applies to utilities, and distributed generation facilities seeking to operate in parallel with utilities, provided the facilities are not subject to the interconnection requirements of an affected system, the Federal Energy Regulatory Commission (FERC), the Midcontinent Independent System Operator Inc. (MISO), the Southwest Power Pool (SPP), the Midwest Reliability Organization (MRO), or the SERC Reliability Corporation (SERC).

45.2(2) If the nameplate capacity of the facility is greater than 10 megavolt amps (MVA), the interconnection customer and the utility shall start with the Level 4 review process and agreements under rule 199—45.11(476) and modify the process and agreements as needed by mutual agreement. In addition, the interconnection customer and the utility shall start with the technical standards under rule 199—45.3(476) and modify the standards as needed by mutual agreement. If the interconnection customer and the utility cannot reach mutual agreement, the interconnection customer may seek resolution through the dispute process in rule 199—45.12(476).

199—45.3(476) Technical standards. The technical standard to be used in evaluating interconnection requests governed by this chapter is IEEE Standard 1547 unless otherwise noted.

45.3(1) *Acceptable standards.* The interconnection of distributed generation facilities and associated interconnection equipment to an electric utility system shall meet the applicable provisions of the publications listed below:

a. Standard for Interconnection and Interoperability of Distributed Energy Resources and Associated Electric Power System Interfaces, IEEE Standard 1547. For guidance in applying IEEE Standard 1547, the utility may refer to:

(1) IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems—IEEE Standard 519-2022, as approved May 13, 2022; and

(2) IEC/TR3 61000-3-7 Assessment of Emission Limits for Fluctuating Loads in MV and HV Power Systems, as published on March 4, 2024.

b. Iowa Electrical Safety Code, as defined in 199—Chapter 25.

c. National Electrical Code, ANSI/NFPA 70-2023, as effective on September 1, 2022.

45.3(2) *Interconnection facilities.*

a. A distributed generation facility placed in service after July 1, 2015, is required to have installed a disconnection device that is installed, owned, and maintained by the owner of the distributed generation facility and is easily visible and adjacent to an interconnection customer’s electric meter at the facility. Disconnection devices are considered easily visible: for a home or business, the clearly identified container holding the disconnection device is within the line of sight of the meter, at a height

of 30 inches to 72 inches above final grade; or for large areas with multiple buildings that require electric service, the clearly identified container holding the disconnection device is within the line of sight of the meter, at a height of 30 inches to 72 inches above final grade. Disconnection devices are considered adjacent to the interconnection customer's electric meter: for a home or business, within 10 feet with nothing blocking access between the disconnection device and electric meter; or for large areas with multiple buildings that require electric service, within 30 feet with nothing blocking access between the disconnection device and electric meter. The disconnection device shall be labeled with a permanently attached sign with clearly visible letters that give procedures/directions for disconnecting the distributed generation facility.

(1) If an interconnection customer with distributed generation facilities installed prior to July 1, 2015, adds generation capacity to its existing system that does not require upgrades to the electric meter or electrical service, a disconnection device is not required, unless required by the electric utility's tariff. The customer must notify the electric utility before the generation capacity is added to the existing system.

(2) If an interconnection customer with distributed generation facilities installed prior to July 1, 2015, upgrades or changes its electric service, the new or modified electric service must meet all current utility electric service rule requirements.

b. For all distributed generation installations, the customer shall provide and place a permanent placard no more than ten feet away from the electric meter. The placard must be visible from the electric meter, clearly identify the presence and location of the disconnection device for the distributed generation facilities on the property, be made of material that is suitable for the environment, and be designed to last for the duration of the anticipated operating life of the distributed generation facility. If no disconnection device is present, the placard shall state "no disconnection device."

If the distributed generation facility is not installed near the electric meter, an additional placard must be placed at the electric meter to provide specific information regarding the distributed generation facility and the disconnection device.

c. The interconnection shall include overcurrent devices on the facility to automatically disconnect the facility at all currents that exceed the full-load current rating of the facility.

d. Distributed generation facilities with a design capacity of 100 kilovolt-amperes (kVA) or less must be equipped with automatic disconnection upon loss of electric utility-supplied voltage.

e. Those facilities that produce a terminal voltage prior to the closure of the interconnection shall be provided with synchronism-check devices to prevent closure of the interconnection under conditions other than a reasonable degree of synchronization between the voltages on each side of the interconnection switch.

45.3(3) Access. If a disconnection device is required, the operator of the distributed generation facility, the utility, and emergency personnel shall have access to the disconnection device at all times. For distributed generation facilities installed prior to July 1, 2015, an interconnection customer may elect to provide the utility with access to a disconnection device that is contained in a building or area that may be unoccupied and locked or not otherwise accessible to the utility by installing a lockbox provided by the utility that allows ready access to the disconnection device. In consultation with the customer, the utility will determine the location of the lockbox, which will be accessible by the utility. The interconnection customer shall permit the utility to affix a placard in a location of the utility's choosing that provides instructions to utility operating personnel for accessing the disconnection device. If the utility needs to isolate the distributed generation facility, the utility shall not be held liable for any damages resulting from the actions necessary to isolate the generation facility.

45.3(4) Inspections and testing. The operator of the distributed generation facility shall adopt a program of inspection and testing of the generator and its appurtenances and the interconnection facilities in order to determine necessity for replacement and repair. Such a program includes all periodic tests and maintenance prescribed by the manufacturer. If the periodic testing of interconnection-related protective functions is not specified by the manufacturer, periodic testing will occur at least once every five years. All interconnection-related protective functions shall be periodically tested, and a system that depends upon a battery for trip power shall be checked and logged. The operator shall maintain test reports and

make them available upon request by the electric utility. Representatives of the utility shall have access at all reasonable hours to the interconnection equipment specified in subrule 45.3(2) for inspection and testing with reasonable prior notice to the applicant.

45.3(5) *Emergency disconnection.* In the event that an electric utility or its customers experience problems of a type that could be caused by the presence of alternating currents or voltages with a frequency higher than 60 Hertz, the utility shall be permitted to open and lock the interconnection switch pending a complete investigation of the problem. Where the utility believes the condition creates a hazard to the public or to property, the disconnection may be made without prior notice. However, the utility shall notify the operator of the distributed generation facility by written notice and, where possible, verbal notice as soon as practicable after the disconnections.

45.3(6) *Notification.* When the distributed generation facility is placed in service, owners of interconnected distributed generation facilities are required to notify local fire departments via U.S. mail of the location of distributed generation facilities and the associated disconnection device(s). The owner is required to provide any information related to the distributed generation facility as reasonably required by that local fire department, including but not limited to:

a. A site map showing property address; service point from utility company; distributed generation facility and disconnect location(s); location of rapid shutdown and battery disconnect(s), if applicable; property owner's or owner's representative's emergency contact information; utility company's emergency telephone number; and size of the distributed generation facility.

b. Information to access the disconnection device.

c. A statement from the owner verifying that the distributed generation facility was installed in accordance with the current state-adopted National Electrical Code.

45.3(7) *Disconnections.* If an interconnection customer fails to comply with the foregoing requirements of rule 199—45.3(476), the electric utility may require disconnection of the applicant's distributed generation facility until the facility complies with rule 199—45.3(476). The disconnection process shall be specified in individual electric utility tariffs or in the interconnection agreement. If separate disconnection of only the distributed generation facility is not feasible or safe, the customer's electric service may be disconnected as provided in 199—Chapter 20.

45.3(8) *Reconnections.* If a customer's distributed generation facility or electric service is disconnected due to noncompliance with rule 199—45.3(476), the customer shall be responsible for payment of any costs associated with reconnection once the facility is in compliance with the rules.

199—45.4(476) Interconnection requests.

45.4(1) Applicants seeking to interconnect a distributed generation facility shall submit an interconnection request to the utility that owns the electric distribution system to which interconnection is sought; identify in the application if the applicants are representing a group of customers that are located in the same vicinity and whether the application requires a group interconnection study; and use the board-approved interconnection request forms and agreements that are provided on the board's website, iub.iowa.gov.

45.4(2) Preapplication request. Applicants may request a preapplication report from the utility using the following process:

a. The utility shall designate an employee or office from which information on the application process and on the affected system can be obtained through an informal request from the applicant presenting a proposed project for a specific site, which may include multiple proposed individual interconnections in close proximity and related to one project, such as a residential or commercial development proposing rooftop solar on each premises or a multiturbine wind project. The name, telephone number, and email address of such contact employee or office shall be made available on the utility's website. Electric system information provided to the applicant should include, to the extent such provision does not violate confidentiality provisions of prior agreements or critical infrastructure requirements, relevant, available system studies, interconnection studies, and other materials useful for gaining an understanding of an interconnection at a particular point on the utility's electric distribution system. The utility shall comply with reasonable requests for such information.

b. In addition to the information described in paragraph 45.4(2)“a,” which may be provided in response to an informal request, an applicant may submit a formal written request form along with a nonrefundable fee of \$300 for a preapplication report on a proposed project at a specific site. The utility shall provide the preapplication data described in paragraph 45.4(2)“a” to the applicant within 20 business days of receipt of the completed request form and payment of the \$300 fee. The preapplication report produced by the utility is nonbinding, it does not confer any rights, and the applicant must still successfully apply to interconnect to the utility’s system. The written preapplication report request form requires the inclusion of the following information to clearly and sufficiently identify the location of the proposed point of interconnection:

- (1) Proposed distributed generation facility owner’s contact information, including name, address, telephone number, and email address.
- (2) Project location (street address with nearby cross streets and name of town).
- (3) Meter number, pole number, or other equivalent information identifying the proposed point of interconnection, if available.
- (4) Generator type (e.g., solar, wind, combined heat and power).
- (5) Size (alternating current kW).
- (6) Single or three-phase generator configuration.
- (7) Stand-alone generator (whether or not there is on-site load, not including station service).
- (8) Whether or not new service is requested. If there is existing service, include the customer account number, site minimum and maximum current or proposed electric loads in kW (if available), and specify if the load is expected to change.

c. Using the information provided in the preapplication report request form in paragraph 45.4(2)“b,” the utility will identify the substation/area bus, bank, or circuit likely to serve the proposed point of interconnection. This selection by the utility does not necessarily indicate, after application of the screens or study or both, that this would be the circuit to which the distributed generation facility ultimately will be connected or that interconnection will occur. The applicant must request additional preapplication reports if information about multiple points of interconnection is requested. Subject to paragraph 45.4(2)“d” and other confidentiality concerns identified by the utility, the preapplication report will include the following information:

- (1) Total capacity (in MW) of substation/area bus, bank, or circuit based on normal or operating ratings likely to serve the proposed point of interconnection.
- (2) Existing aggregate generation capacity (in MW) interconnected to a substation/area bus, bank or circuit (i.e., amount of generation online) likely to serve the proposed point of interconnection.
- (3) Aggregate queued generation capacity (in MW) for a substation/area bus, bank, or circuit (i.e., amount of generation in the queue) likely to serve the proposed point of interconnection.
- (4) Available capacity (in MW) of substation/area bus, bank, or circuit likely to serve the proposed point of interconnection (i.e., total capacity less the sum of existing aggregate generation capacity and aggregate queued generation capacity).
- (5) Substation nominal distribution voltage or transmission nominal voltage or both if applicable.
- (6) Nominal distribution circuit voltage at the proposed point of interconnection.
- (7) Approximate circuit distance between the proposed point of interconnection and the substation.
- (8) Actual or estimated peak load and minimum load data, including daytime minimum load and absolute minimum load, when applicable, for relevant line sections.
- (9) Number and rating of protective devices and number and type (standard, bi-directional) of voltage-regulating devices between the proposed point of interconnection and the substation/area and whether or not the substation has a load tap changer.
- (10) Number of phases available at the proposed point of interconnection. If it is a single phase, distance from the three-phase circuit.
- (11) Limiting conductor ratings from the proposed point of interconnection to the distribution substation.
- (12) Whether the point of interconnection is located on a spot network, grid network, or radial supply.

(13) Based on the proposed point of interconnection, existing or known constraints, such as but not limited to electrical dependencies at that location, short-circuit interrupting capacity issues, power quality or stability issues on the circuit, capacity constraints, or secondary networks.

d. The preapplication report need only include existing data. A preapplication report request does not obligate the utility to conduct a study or other analysis of the proposed generator in the event that data is not readily available. If the utility cannot complete all or some of the preapplication report due to lack of available data, the utility shall provide the applicant with a preapplication report that includes the data that is available. The provision of information on “available capacity” pursuant to subparagraph 45.4(2) “c”(4) does not imply that an interconnection up to this level may be completed without impacts because there are many variables studied as part of the interconnection review process and data provided in the preapplication report may become outdated at the time of the submission of the complete interconnection request. Notwithstanding any of the provisions of this subrule, the utility shall, in good faith, include data in the preapplication report that represents the best available information at the time of reporting.

45.4(3) Utilities shall specify the fee by level that the applicant shall remit to process the interconnection request. The fee shall be specified in the interconnection request forms. The utilities shall not charge more than the fees as specified below:

a. Level 1 - \$125 application fee and up to an additional \$125 if the utility performs a witness test as specified in subrule 45.5(10).

b. Level 2 - \$250 application fee plus \$1 per kVA and up to an additional \$125 if the utility performs a witness test as specified in subrule 45.5(10).

c. Level 3 - \$500 application fee plus \$2 per kVA.

d. Level 4 - \$1,000 application fee plus \$2 per kVA.

45.4(4) Interconnection requests may be submitted electronically, if agreed to by the parties.

199—45.5(476) General requirements.

45.5(1) When an interconnection request for a distributed generation facility includes multiple energy production devices at a site for which the applicant seeks a single point of interconnection, the interconnection request shall be evaluated on the basis of the aggregate nameplate capacity of the multiple devices.

45.5(2) When an interconnection request is for an increase in capacity for an existing distributed generation facility, the interconnection request shall be evaluated on the basis of the new total nameplate capacity of the distributed generation facility.

45.5(3) The utility will provide a designated point of contact with contact information on the utility’s website. The point of contact will direct applicant questions concerning interconnection request submissions and the interconnection request process to knowledgeable individuals within the utility.

45.5(4) The information that the utility makes available to potential applicants can include previously existing utility studies that help applicants understand whether it is feasible to interconnect a distributed generation facility at a particular point on the utility’s electric distribution system. However, the utility is not required to provide the information to the extent that providing it violates security requirements or confidentiality agreements, or is contrary to state or federal law. In appropriate circumstances, the utility may require a confidentiality agreement prior to release of this information.

45.5(5) When an interconnection request is deemed complete by the utility, any modification that is not agreed to by the utility requires submission of a new interconnection request.

45.5(6) The applicant shall provide, upon utility request, proof of the applicant’s legal right to control the site(s) that may be demonstrated through:

a. Ownership of, a leasehold interest in, or a right to develop a site for the purpose of constructing, the distributed generation facility;

b. An option to purchase or acquire a leasehold site for such purpose; or

c. Exclusivity or other business relationship between the interconnection customer and the entity having the right to sell, lease, or grant the interconnection customer the right to possess or occupy a site for such purpose.

45.5(7) To minimize the cost to interconnect multiple distributed generation facilities, the utility or the applicant may propose a single point of interconnection for multiple distributed generation facilities located at an interconnection customer site that is on contiguous property. If the applicant rejects the utility's proposal for a single point of interconnection, the applicant shall pay any additional cost to provide a separate point of interconnection for each distributed generation facility. If the utility, without written technical explanation, rejects the customer's proposal for a single point of interconnection, the utility shall pay any additional cost to provide separate points of interconnection for each distributed generation facility.

45.5(8) Any metering required for a distributed generation interconnection shall be installed, operated, and maintained in accordance with the utility's metering rules and inspection and testing practices defined in 199—Chapter 20. Any such metering requirements shall be identified in the Level 1 Interconnection Request Application form and Distributed Generation Interconnection Agreement or the Levels 2 to 4 Distributed Generation Interconnection Request Agreement executed between the interconnection customer and the utility.

45.5(9) Utility requirements for monitoring and control of distributed generation facilities are permitted only when the nameplate capacity rating is greater than 1 MVA. Monitoring and control requirements shall be reasonable, consistent with the utility's published requirements, and clearly identified in the interconnection agreement between the interconnection customer and the utility. Transfer trip is not considered utility monitoring and control when required and installed to protect the electric distribution system or an affected system against adverse system impacts.

45.5(10) The utility may require a witness test after the distributed generation facility is constructed. The applicant shall provide the utility with at least 15 business days' notice of the planned commissioning test for the distributed generation facility. The applicant and utility will schedule the witness test at a mutually agreeable time. If the witness test results are not acceptable to the utility, the applicant shall be granted 30 business days to address and resolve any deficiencies. The time period for addressing and resolving any deficiencies may be extended upon the mutual agreement of the utility and the applicant prior to the end of the 30 business days. An initial request for extension shall not be denied by the utility; subsequent requests may be denied. If the applicant fails to address and resolve the deficiencies to the utility's satisfaction, the interconnection request shall be deemed withdrawn. Even if the utility or an entity approved by the utility does not witness a commissioning test, the applicant remains obligated to satisfy the interconnection test specifications and requirements set forth in IEEE Standard 1547, Section 11. The applicant shall, if requested by the utility, provide a copy of all documentation in its possession regarding testing conducted pursuant to IEEE Standard 1547.1.

199—45.6(476) Lab-certified equipment. An interconnection request may be eligible for expedited interconnection review under rule 199—45.8(476), 199—45.9(476), or 199—45.10(476) (as described in rule 199—45.7(476)) if the distributed generation facility uses interconnection equipment that is lab-certified.

45.6(1) Interconnection equipment is deemed lab-certified if:

a. The interconnection equipment has been successfully tested in accordance with IEEE Standard 1547.1 (as appropriate for lab testing) or complies with UL Standard 1741, as demonstrated by any NRTL recognized by OSHA to test and certify interconnection equipment;

b. The interconnection equipment has been labeled and is publicly listed by the NRTL at the time of the interconnection application;

c. The applicant's proposed use of the interconnection equipment falls within the use or uses for which the interconnection equipment was labeled and listed by the NRTL; and

d. The generator, other electric sources, and interface components being utilized are compatible with the interconnection equipment and are consistent with the testing and listing specified by the NRTL for this type of interconnection equipment.

45.6(2) Lab-certified interconnection equipment does not require further design testing or production testing, as specified by IEEE Standard 1547, Section 11, or additional interconnection equipment modification to meet the requirements for expedited review; however, the applicant shall

conduct all commissioning tests or periodic testing as specified by IEEE Standard 1547, Section 11. The utility may conduct additional witness tests, but no more frequently than annually.

199—45.7(476) Determining the review level. A utility shall determine whether an interconnection request should be processed under the Level 1, 2, 3, or 4 procedures by using the following screens.

45.7(1) Level 1 procedures are used to evaluate all interconnection requests to connect a distributed generation facility when:

- a. The applicant has filed a Level 1 application;
- b. The distributed generation facility has a nameplate capacity rating of 20 kVA or less;
- c. The distributed generation facility is inverter-based;
- d. The customer interconnection equipment proposed for the distributed generation facility is lab-certified; and
- e. The utility is not required to construct facilities to accommodate the distributed generation facility.

45.7(2) Level 2 procedures are used for evaluating interconnection requests when:

- a. The applicant has filed a Level 2 application;
- b. The nameplate capacity rating is 2 MVA or less for non-inverter-based systems. The Level 2 eligibility for inverter-based systems can be based on the following table.

Line Voltage	Level 2 Eligibility Regardless of Location	Level 2 Eligibility on a Mainline and < 2.5 Electrical Circuit Miles from Substation
< 5 kV	< 500 kVA	< 500 kVA
> 5 kV and < 15 kV	< 2 MVA	< 3 MVA
> 15 kV and < 30 kV	< 3 MVA	< 4 MVA
> 30 kV and < 69 kV	< 4 MVA	< 5 MVA

For purposes of this table, a mainline is the three-phase backbone of a circuit;

- c. The interconnection equipment proposed for the distributed generation facility is lab-certified;
- d. The proposed interconnection is to a radial distribution circuit or a spot network limited to serving one customer; and
- e. The utility is not required to construct facilities to accommodate the distributed generation facility, other than minor modifications provided for in subrule 45.9(6).

45.7(3) Level 3 review procedures are used for evaluating interconnection requests to area networks and radial distribution circuits where power will not be exported based on the following criteria.

a. For interconnection requests to the load side of an area network, the following criteria shall be satisfied to qualify for a Level 3 expedited review:

- (1) The applicant has filed a Level 3 application;
- (2) The nameplate capacity rating of the distributed generation facility is 50 kVA or less;
- (3) The proposed distributed generation facility uses a lab-certified, inverter-based equipment package;
- (4) The distributed generation facility will use reverse power relays or other protection functions that prevent the export of power into the area network;
- (5) The aggregate of all generation on the area network does not exceed the lower of 5 percent of an area network's maximum load or 50 kVA; and
- (6) The utility is not required to construct facilities to accommodate the distributed generation facility.

b. For interconnection requests to a radial distribution circuit, the following criteria shall be satisfied to qualify for a Level 3 expedited review:

- (1) The applicant has filed a Level 3 application;

- (2) The aggregated total of the nameplate capacity ratings of all of the generators on the circuit, including the proposed distributed generation facility, is 10 MVA or less;
- (3) The distributed generation facility will use reverse power relays or other protection functions that prevent power flow onto the electric distribution system;
- (4) The distributed generation facility is not served by a shared transformer; and
- (5) The utility is not required to construct facilities on its own system to accommodate the distributed generation facility.

45.7(4) Level 4 study review procedures are used for evaluating interconnection requests when:

- a. The applicant has filed a Level 4 application;
- b. The nameplate capacity rating of the small generation facility is 10 MVA or less; and
- c. Not all of the interconnection equipment or distributed generation facilities being used for the application are lab-certified.

199—45.8(476) Level 1 expedited review. A utility shall use the Level 1 interconnection review procedures for an interconnection request that meets the requirements specified in subrule 45.7(1). A utility will not impose additional requirements on Level 1 reviews that are not specifically authorized under this rule or rule 199—45.3(476) unless the applicant agrees.

45.8(1) The utility shall evaluate the potential for adverse system impacts using the following screens, which shall be satisfied:

a. For interconnection of a proposed distributed generation facility to a radial distribution circuit, the total distributed generation connected to the distribution circuit, including the proposed distributed generation facility, will not exceed 15 percent of the maximum load normally supplied by the distribution circuit.

b. For interconnection within a spot network, the distributed generation facility must use a minimum import relay or other protective scheme that will ensure that power imported from the utility to the network will, during normal utility operations, remain above 1 percent of the network's maximum load over the past year, or will remain above a point reasonably set by the utility in good faith. At the utility's discretion, the requirement for minimum import relays or other protective schemes may be waived and alternative screening criteria may be applied.

c. When a proposed distributed generation facility is to be interconnected on a single-phase shared secondary line, the aggregate generation capacity on the shared secondary line, including the proposed distributed generation facility, does not exceed 20 kVA.

d. When a proposed distributed generation facility is single-phase and is to be interconnected on a center tap neutral of a 240-volt service, its addition will not create an imbalance between the two sides of the 240-volt service of more than 20 percent of the nameplate rating of the service transformer.

The utility is not required to construct facilities on its own system to accommodate the distributed generation facility's interconnection.

45.8(2) The Level 1 interconnection utilizes the following procedures:

a. The applicant submits an interconnection request using the Level 1 Interconnection Request Application form and Distributed Generation Interconnection Agreement along with the Level 1 application fee.

b. Within seven business days after receipt of the interconnection request, the utility shall inform the applicant whether the interconnection request is complete. If the request is incomplete, the utility shall specify what information is missing and the applicant has ten business days after receiving notice from the utility to provide the missing information or the interconnection request shall be deemed withdrawn.

c. Within 15 business days after the utility notifies the applicant that its interconnection request is complete, the utility shall verify whether the distributed generation facility passes all the relevant Level 1 screens.

d. If the utility determines and demonstrates that a distributed generation facility does not pass all relevant Level 1 screens, the utility shall provide a letter to the applicant explaining the reasons that the facility did not pass the screens.

e. Otherwise, the utility shall approve the interconnection request and provide to the applicant a signed version of the standard Conditional Agreement to Interconnect Distributed Generation Facility in the Level 1 Interconnection Request Application form and Distributed Generation Interconnection Agreement subject to the following conditions:

(1) The distributed generation facility has been approved by local or municipal electric code officials with jurisdiction over the interconnection;

(2) The Certificate of Completion form has been returned to the utility. Completion of local inspections may be designated on inspection forms used by local inspecting authorities;

(3) The witness test has either been successfully completed or waived by the utility in accordance with Section (2)(c)(ii) of the Terms and Conditions for Interconnection in the Level 1 Interconnection Request Application form and Distributed Generation Interconnection Agreement; and

(4) The applicant has signed the standard Conditional Agreement to Interconnect Distributed Generation Facility in the Level 1 Interconnection Request Application form and Distributed Generation Interconnection Agreement. When an applicant does not sign the agreement within 30 business days after receipt of the agreement from the utility, the interconnection request is deemed withdrawn unless the applicant requests to have the deadline extended for no more than 15 business days. An initial request for extension shall not be denied by the utility, but subsequent requests may be denied.

f. If a distributed generation facility is not approved under a Level 1 review and the utility's reasons for denying Level 1 status are not subject to dispute, the applicant may submit a new interconnection request for consideration under Level 2, Level 3, or Level 4 procedures. The date of the completed Level 1 interconnection request shall be retained and used to determine the review order position for subsequent Level 2 to 4 applications, provided the applicant makes the request within 15 business days after being notified that the Level 1 interconnection request is denied.

199—45.9(476) Level 2 expedited review. A utility shall use the Level 2 review procedure for interconnection requests that meet the Level 2 criteria in subrule 45.7(2). A utility will not impose additional requirements for Level 2 reviews that are not specifically authorized under this rule or rule 199—45.3(476) or subrule 45.5(9) unless the applicant agrees.

45.9(1) The utility shall evaluate the potential for adverse system impacts using the following screens, which shall be satisfied:

a. For interconnection of a proposed distributed generation facility to a radial distribution circuit, the total distributed generation connected to the distribution circuit, including the proposed distributed generation facility, will not exceed 15 percent of the maximum normal load normally supplied by the distribution circuit.

b. For interconnection of a proposed distributed generation facility within a spot network, the proposed distributed generation facility must be inverter-based and use a minimum import relay or other protective scheme that will ensure that power imported from the utility to the network will, during normal utility operations, remain above 1 percent of the network's maximum load over the past year, or will remain above a point reasonably set by the utility in good faith. At the utility's discretion, the requirement for minimum import relays or other protective schemes may be waived and alternative screening criteria may be applied.

c. The proposed distributed generation facility, in aggregation with other generation on the distribution circuit, will not contribute more than 10 percent to the distribution circuit's maximum fault current at the point on the primary line nearest the point of interconnection.

d. Any proposed distributed generation facility, in aggregate with other generation on the distribution circuit, shall not cause any electric utility distribution devices to be exposed to fault currents exceeding 90 percent of the electric utility distribution devices' short-circuit interrupting capability. Interconnection of a non-inverter-based distributed generation facility will not occur under Level 2 if equipment on the utility's distribution circuit is already exposed to fault currents of between 90 and 100 percent of the utility's equipment short-circuit interrupting capability. However, if fault currents exceed 100 percent of the utility's equipment short-circuit interrupting capability even without the

distributed generation being interconnected, the utility shall replace the equipment at its own expense, and interconnection may proceed under Level 2.

e. When a customer-generator facility is to be connected to 3-phase, 3-wire primary utility distribution lines, a 3-phase or single-phase generator shall be connected phase-to-phase.

f. When a customer-generator facility is to be connected to 3-phase, 4-wire primary utility distribution lines, a 3-phase or single-phase generator shall be connected line-to-neutral and shall be grounded.

g. When the proposed distributed generation facility is to be interconnected on a single-phase shared secondary line, the aggregate generation capacity on the shared secondary line, including the proposed distributed generation facility, will not exceed 20 kVA.

h. When a proposed distributed generation facility is single-phase and is to be interconnected on a center tap neutral of a 240-volt service, its addition will not create an imbalance between the two sides of the 240-volt service of more than 20 percent of the nameplate rating of the service transformer.

i. A distributed generation facility, in aggregate with other generation interconnected to the distribution side of a substation transformer feeding the circuit where the distributed generation facility proposes to interconnect, will not exceed 10 MVA in an area where there are transient stability limitations to generating units located in the general electrical vicinity, as publicly posted by the MRO, the SERC, the MISO or the SPP.

j. Except as permitted by additional review in subrule 45.9(6), the utility shall not be required to construct any facilities on its own system to accommodate the distributed generation facility's interconnection.

45.9(2) The Level 2 interconnection shall use the following procedures:

a. The applicant submits an interconnection request using the Levels 2 to 4 Interconnection Request Application form along with the Level 2 application fee.

b. Within ten business days after receiving the interconnection request, the utility shall inform the applicant as to whether the interconnection request is complete. If the request is incomplete, the utility shall specify what materials are missing and the applicant has ten business days to provide the missing information or the interconnection request shall be deemed withdrawn.

c. After an interconnection request is deemed complete, the utility shall assign a review order position based upon the date that the interconnection request is determined to be complete. The utility shall then inform the applicant of its review order position.

d. If, after determining that the interconnection request is complete, the utility determines that it needs additional information to evaluate the distributed generation facility's adverse system impact, it shall request this information. The utility will not restart the review process or alter the applicant's review order position because it requires the additional information. The utility can extend the time to finish its evaluation only to the extent of the delay required for receipt of the additional information. If the additional information is not provided by the applicant within 15 business days, the interconnection request shall be deemed withdrawn.

e. Within 20 business days after the utility notifies the applicant it has received a completed interconnection request, the utility shall:

(1) Evaluate the interconnection request using the Level 2 screening criteria; and

(2) Provide the applicant with the utility's evaluation, including a written technical explanation. If a utility does not have a record of receipt of the interconnection request and the applicant can demonstrate that the original interconnection request was delivered, the utility shall complete the evaluation of the interconnection request within 20 business days after applicant's demonstration.

45.9(3) When a utility determines that the interconnection request passes the Level 2 screening criteria, or the utility determines that the distributed generation facility can be interconnected safely and will not cause adverse system impacts, even if the facility fails one or more of the Level 2 screening criteria, the utility shall provide the applicant with the Levels 2 to 4 Distributed Generation Interconnection Agreement within three business days of the date the utility makes its determination.

45.9(4) Within 30 business days after the utility issues the Levels 2 to 4 Distributed Generation Interconnection Agreement, the applicant shall sign and return the agreement to the utility. If the

applicant does not sign and return the agreement within 30 business days, the interconnection request shall be deemed withdrawn unless the applicant requests a 15-business-day extension in writing before the end of the 30-day period. The initial request for extension will not be denied by the utility. When the utility conducts an additional review under the provisions of subrule 45.9(6), the interconnection of the distributed generation facility shall proceed according to milestones agreed to by the parties in the Levels 2 to 4 Distributed Generation Interconnection Agreement.

45.9(5) The Levels 2 to 4 Distributed Generation Interconnection Agreement is not final until:

- a. All requirements in the agreement are satisfied;
- b. The distributed generation facility is approved by the electric code officials with jurisdiction over the interconnection;
- c. The applicant provides the Certificate of Completion form to the utility. Completion of local inspections may be designated on inspection forms used by local inspecting authorities; and
- d. The witness test has either been successfully completed or waived by the utility in accordance with Article 2.1.1 of the Levels 2 to 4 Distributed Generation Interconnection Agreement.

45.9(6) Supplemental review may be appropriate when a distributed generation facility fails to meet one or more of the Level 2 screens. The utility shall offer to perform a supplemental review to determine whether there are minor modifications to the distributed generation facility or electric distribution system that would enable the interconnection to be made safely without causing adverse system impacts. To accept the offer of a supplemental review, the applicant shall agree in writing and submit a deposit for the estimated costs of the supplemental review in the amount of the utility's good-faith nonbinding estimate of the costs for such review, both within 15 business days of the offer. If the written agreement and deposit have not been received by the utility within that time frame, the interconnection request shall continue to be evaluated under the applicable study process unless it is withdrawn by the applicant.

a. The applicant may specify the order in which the utility will complete the screens described in paragraph 45.9(6) "d."

b. The applicant is responsible for the utility's actual costs for conducting the supplemental review. The applicant must pay any supplemental review costs that exceed the deposit within 20 business days of receipt of the invoice or resolution of any dispute. If the deposit exceeds the invoiced costs, the utility will return such excess within 20 business days of the date of the invoice without interest.

c. Within 30 business days following receipt of the deposit for a supplemental review, the utility shall:

- (1) Perform a supplemental review using the screens set forth below;
- (2) Notify the applicant in writing of the results; and
- (3) Provide copies of the analysis and data underlying the utility's determinations based on the screens.

d. Unless the applicant provided instructions on how to respond to the failure of any of the supplemental review screens identified below at the time the applicant accepted the offer of a supplemental review, the utility shall notify the applicant following the failure of any of the screens; or, if the utility is unable to perform the screen described in subparagraph 45.9(6) "d"(1) within 2 business days of making such determination, the utility shall obtain the applicant's permission to: (a) continue evaluating the proposed interconnection under this subparagraph; (b) terminate the supplemental review and continue evaluating the small generating facility; or (c) terminate the supplemental review upon withdrawal of the interconnection request by the applicant.

(1) Minimum Load Screen: Where 12 months of line section minimum load data (including onsite load but not station service load served by the proposed small generating facility) are available, can be calculated, can be estimated from existing data, or can be determined from a power flow model, the aggregate generating facility capacity on the line section must be less than 100 percent of the minimum load for all line sections bounded by automatic sectionalizing devices upstream of the proposed small generating facility. If minimum load data is not available, or cannot be calculated, estimated or determined, the utility shall include the reason(s) that it is unable to calculate, estimate or determine minimum load in its supplemental review results notification under paragraph 45.9(6) "c" above.

1. The type of generation used by the proposed small generating facility will be taken into account when calculating, estimating, or determining circuit or line section minimum load relevant for the application of screen. Solar photovoltaic (PV) generation systems with no battery storage use daytime minimum load (i.e., 10 a.m. to 4 p.m. for fixed panel systems and 8 a.m. to 6 p.m. for PV systems utilizing tracking systems), while all other types of generation use absolute minimum load.

2. When this screen is being applied to a small generating facility that serves some station service load, only the net injection into the utility's electric system will be considered as part of the aggregate generation.

3. Utility will not consider generating facility capacity known to be already reflected in the minimum load data as part of the aggregate generation for purposes of this screen.

(2) Voltage and Power Quality Screen: In aggregate with existing generation on the line section: (1) the voltage regulation on the line section can be maintained in compliance with relevant requirements under all system conditions; (2) the voltage fluctuation is within acceptable limits as defined by the IEEE Standard 1453-2022, as approved on June 16, 2022, or utility practice similar to IEEE Standard 1453; and (3) the harmonic levels meet IEEE Standard 519-2022, as approved on May 13, 2022, limits.

(3) Safety and Reliability Screen: The location of the proposed small generating facility and the aggregate generation capacity on the line section do not create impacts to safety or reliability that cannot be adequately addressed without application of the study process. The utility shall give due consideration to the following and other factors in determining potential impacts to safety and reliability in applying this screen.

1. Whether the line section has significant minimum load levels dominated by a small number of customers (e.g., several large commercial customers).

2. Whether the load along the line section is uniform or even.

3. Whether the proposed small generating facility is located in close proximity to the substation (i.e., less than 2.5 electrical circuit miles) and whether the line section from the substation to the point of interconnection is a mainline rated for normal and emergency ampacity.

4. Whether the proposed small generating facility incorporates a time delay function to prevent reconnection of the generator to the system until system voltage and frequency are within normal limits for a prescribed time.

5. Whether operational flexibility is reduced by the proposed small generating facility, such that transfer of the line section(s) of the small generating facility to a neighboring distribution circuit/substation may trigger overloads or voltage issues.

6. Whether the proposed small generating facility employs equipment or systems certified by a recognized standards organization to address technical issues, such as but not limited to islanding, reverse power flow, or voltage quality.

e. If the proposed interconnection passes the supplemental screens described in subparagraphs 45.9(6) "d"(1), (2), and (3), the interconnection request shall be approved and the utility will provide the applicant with an executable interconnection agreement within the time frames established in paragraphs 45.9(6) "f" and "g." If the proposed interconnection fails any of the supplemental review screens and the applicant does not withdraw the applicant's interconnection request, the applicant shall continue to be evaluated under the Level 4 study process consistent with rule 199—45.11(476).

f. If the proposed interconnection passes the supplemental screens described in subparagraphs 45.9(6) "d"(1), (2), and (3) and does not require construction of facilities by the utility on the utility's own system, the interconnection agreement shall be provided within 10 business days after the notification of the supplemental review results.

g. If interconnection facilities or minor modifications to the utility's system are required for the proposed interconnection to pass the supplemental screens described in subparagraphs 45.9(6) "d"(1), (2), and (3) and the applicant agrees to pay for the modifications to the utility's electric system, the interconnection agreement, along with a nonbinding good-faith estimate for the interconnection facilities or minor modifications or both, shall be provided to the applicant within 15 business days after receiving written notification of the supplemental review results.

h. If the proposed interconnection would require more than interconnection facilities or minor modifications to the utility's system to pass the supplemental screens described in subparagraphs 45.9(6) "d"(1), (2), and (3), the utility shall notify the applicant at the same time the utility notifies the applicant with the supplemental review results, that the interconnection request shall be evaluated under the Level 4 study process unless the applicant withdraws the applicant's small generating facility.

45.9(7) If the distributed generation facility is not approved under a Level 2 review, the utility shall provide the applicant with written notification explaining the utility's reasons for denying the interconnection request. The applicant may submit a new interconnection request for consideration under a Level 4 interconnection review. The review order position assigned to the Level 2 interconnection request shall be retained, provided that the request is made by the applicant within 15 business days after notification that the current interconnection request is denied.

199—45.10(476) Level 3 expedited review. A utility shall use the Level 3 expedited review procedure for an interconnection request that meets the criteria in subrule 45.7(3) or 45.7(4). A utility will not impose additional requirements for Level 3 reviews not specifically authorized under this rule or rule 199—45.3(476) unless the applicant agrees.

45.10(1) A Level 3 interconnection will utilize the following procedures:

a. The applicant will submit an interconnection request using the Levels 2 to 4 Interconnection Request Application form along with the Level 3 application fee.

b. Within ten business days after receiving the interconnection request, the utility shall inform the applicant as to whether the interconnection request is complete. If the request is incomplete, the utility shall specify what materials are missing and the applicant has ten business days to provide the missing information, or the interconnection request shall be deemed withdrawn.

c. After an interconnection request is deemed complete, the utility shall assign a review order position to it based upon the date the interconnection request is determined to be complete. The utility shall then inform the applicant of its review order position.

d. If, after determining that the interconnection request is complete, the utility determines that the utility needs additional information to evaluate the distributed generation facility's adverse system impact, the utility shall request this information. The utility will not restart the review process or alter the applicant's review order position because the utility requires the additional information. The utility can extend the time to finish its evaluation only to the extent the delay is required for receipt of the additional information. If this additional information is not provided by the applicant within 15 business days, the interconnection request shall be deemed withdrawn.

e. Interconnection requests meeting the requirements set forth in paragraph 45.7(3) "a" for nonexporting distributed generation facilities interconnecting to an area network are presumed to be appropriate for interconnection. The utility shall process the interconnection requests using the following procedures:

(1) The utility shall evaluate the interconnection request under Level 2 interconnection review procedures as set forth in subrule 45.9(1) except that the utility has 25 business days to evaluate the interconnection request against the screens to determine whether interconnecting the distributed generation facility to the utility's area network has any potential adverse system impacts.

(2) If the Level 2 screens for area networks identify potential adverse system impacts, the utility may determine at its sole discretion that it is inappropriate for the distributed generation facility to interconnect to the area network under Level 3 review, and the interconnection request is denied. The applicant may submit a new interconnection request for consideration under Level 4 procedures at the review order position assigned to the Level 3 interconnection request, if the request is made within 15 business days after notification that the current application is denied.

f. For interconnection requests that meet the requirements of paragraph 45.7(3) "b" for nonexporting distributed generation facilities interconnecting to a radial distribution circuit, the utility shall evaluate the interconnection request under the Level 2 expedited review in subrule 45.9(1), except for the screen in paragraph 45.9(1) "a."

45.10(2) For a distributed generation facility that satisfies the criteria in paragraph 45.10(1) “e” or “f,” the utility shall approve the interconnection request and provide the applicant with the Levels 2 to 4 Distributed Generation Interconnection Agreement within three business days of the date the utility makes its determination.

45.10(3) Within 30 business days after the utility issues the Levels 2 to 4 Distributed Generation Interconnection Agreement, the applicant will complete, sign, and return the agreement to the utility. If the applicant does not sign the agreement within 30 business days, the request shall be deemed withdrawn, unless the applicant requests a 15-business-day extension in writing before the end of the 30-day period. An initial request for extension will not be denied by the utility. After the agreement is signed by the parties, interconnection of the distributed generation facility shall proceed according to any milestones agreed to by the parties in the Levels 2 to 4 Distributed Generation Interconnection Agreement.

45.10(4) The Levels 2 to 4 Distributed Generation Interconnection Agreement is not final until:

- a. All requirements in the agreement are satisfied; and
- b. The distributed generation facility is approved by the electric code officials with jurisdiction over the distributed generation facility; and
- c. The applicant provides the Certificate of Completion form to the utility; and
- d. The witness test has either been successfully completed or waived by the utility in accordance with Article 2.1.1 of the Levels 2 to 4 Distributed Generation Interconnection Agreement.

45.10(5) If the distributed generation facility is not approved under a Level 3 review, the utility shall provide the applicant with written notification explaining the utility’s reasons for denying the interconnection request. The applicant may submit a new interconnection request for consideration under a Level 4 interconnection review. The review order position assigned to the Level 3 interconnection request shall be retained, provided that the request is made within 15 business days after notification that the current interconnection request is denied.

199—45.11(476) Level 4 review. A utility shall use the following Level 4 study review procedures for an interconnection request that meets the criteria in subrule 45.7(4).

45.11(1) The applicant submits an interconnection request using the Levels 2 to 4 Interconnection Request Application form along with the Level 4 application fee.

45.11(2) Within ten business days after receipt of an interconnection request, the utility shall notify the applicant whether the request is complete. When the interconnection request is not complete, the utility shall provide the applicant with a written list detailing the information required to complete the interconnection request. The applicant has ten business days to provide the required information or the interconnection request is considered withdrawn. The parties may agree to extend the time for receipt of the additional information. The interconnection request is deemed complete when the required information has been provided by the applicant, or the parties have agreed that the applicant may provide additional information at a later time.

45.11(3) After an interconnection request is deemed complete, the utility shall assign a review order position to it based upon the date the interconnection request is determined to be complete. When assigning a review order position, a utility may consider whether there are any other interconnection projects on the same distribution circuit. If there are other interconnection projects on the same distribution circuit, the utility may consider them together. If a utility assigns a review order position based on the existence of interconnection projects on the same distribution circuit, the utility shall notify the applicant of that fact when the utility assigns the review order position. The review order position of an interconnection request is used to determine the cost responsibility for the facilities necessary to accommodate the interconnection. The utility shall notify the applicant as to the applicant’s position in the review order. If the interconnection request is subsequently amended, the applicant shall receive a new review order position based on the date that the interconnection request was amended.

45.11(4) Level 4 study review procedures. After the interconnection request has been assigned to the review order, a Level 4 study review shall be conducted:

a. Waiver or combination of standard Level 4 study review procedures. By mutual agreement of the parties in writing, the scoping meeting, feasibility study, system impact study, or facilities study in paragraph 45.11(4) “*b*” may be waived or combined with other studies. Otherwise, the standard Level 4 study review procedures in paragraph 45.11(4) “*b*” shall apply.

b. Standard Level 4 study review procedures include:

(1) Scoping meeting. Unless waived or combined with other studies pursuant to paragraph 45.11(4) “*a*,” a scoping meeting shall be held with the applicant on a mutually agreed-upon date and time, after the utility has notified the applicant that the Level 4 interconnection request is deemed complete, or after the applicant has requested that the applicant’s interconnection request proceed under Level 4 review after failing the requirements of a Level 1, Level 2, or Level 3 review. The purpose of the meeting is to review the interconnection request, any existing studies relevant to the interconnection request, and the results of any Level 1, Level 2, or Level 3 screening criteria.

(2) Feasibility study. Unless waived or combined with other studies pursuant to paragraph 45.11(4) “*a*,” an interconnection feasibility study (subrule 45.11(5)) shall be performed.

1. The utility shall provide the applicant a copy of the Interconnection Feasibility Study Agreement or a mutually agreed-upon alternative form, plus a description of the study and a nonbinding estimate of the cost to perform the study.

2. The utility shall provide the study agreement and information no later than ten business days after the following have occurred, as applicable:

- Receipt of a complete interconnection request; and
- The scoping meeting (if held).

3. If the applicant does not sign and return the study agreement with payment of the estimated costs of the study within 15 business days, the application shall be deemed withdrawn.

(3) System impact study. Unless waived or combined with other studies pursuant to paragraph 45.11(4) “*a*,” an interconnection system impact study (subrule 45.11(6)) shall be performed.

1. The utility shall provide the applicant a copy of the Interconnection System Impact Study Agreement or a mutually agreed-upon alternative form, plus an outline of the scope of the study and a nonbinding estimate of the cost to perform the study.

2. The utility shall provide the study agreement and information no later than ten business days after the following have occurred, as applicable:

- Receipt of a complete interconnection request;
- The scoping meeting (if held); and
- Transmittal of the interconnection feasibility study (if performed).

3. If the applicant does not sign and return the study agreement with payment of the estimated costs of the study within 15 business days, the application shall be deemed withdrawn.

(4) Facilities study. Unless waived or combined with other studies pursuant to paragraph 45.11(4) “*a*,” an interconnection facilities study (subrule 45.11(7)) shall be performed.

1. The utility shall provide the applicant a copy of the Interconnection Facilities Study Agreement or a mutually agreed-upon alternative form, plus an outline of the scope of the study and a nonbinding estimate of the cost to perform the study.

2. The utility shall provide the study agreement and information no later than ten business days after the following have occurred, as applicable:

- Receipt of a complete interconnection request;
- The scoping meeting (if held);
- Transmittal of the interconnection feasibility study (if performed); and
- Transmittal of the interconnection system impact study (if performed).

3. If the applicant does not sign and return the study agreement with payment of the estimated costs of the study within 15 business days, the application is deemed withdrawn.

45.11(5) Interconnection feasibility study.

a. Unless waived or combined with other studies by agreement of the parties pursuant to paragraph 45.11(4) “*a*,” the interconnection feasibility study shall include any necessary analyses for the purpose

of identifying potential adverse system impacts to the utility's electric system that would result from the interconnection from among the following:

(1) Initial identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection;

(2) Initial identification of any thermal overload or voltage limit violations resulting from the interconnection; and

(3) Initial review of grounding requirements and system protection.

b. Before performing the study, the utility shall provide the applicant a description of the study and a nonbinding estimate of the cost to perform the study.

c. If an applicant requests that the interconnection feasibility study evaluate multiple potential points of interconnection, additional evaluations may be required that will be paid for by the applicant.

d. An interconnection system impact study is not required when the interconnection feasibility study concludes that there is no adverse system impact, or when the study identifies an adverse system impact, but the utility is able to identify a remedy without the need for an interconnection system impact study.

e. Either party can require that the Interconnection Feasibility Study Agreement be used. However, if both parties agree, an alternative form can be used.

45.11(6) Interconnection system impact study. An interconnection system impact study evaluates the impact of the proposed interconnection on both the safety and reliability of the utility's electric distribution system. The interconnection impact study identifies and details the system impacts that interconnecting the distributed generation facility to the utility's electric system has if there are no system modifications. The interconnection system impact study focuses on the potential or actual adverse system impacts identified in the interconnection feasibility study, including those that were identified in the scoping meeting. The interconnection system impact study shall consider all other distributed generation facilities that, on the date the interconnection system impact study is commenced, are directly interconnected with the utility's system, have a pending higher review order position to interconnect to the electric distribution system, or have signed an interconnection agreement. The utility shall coordinate with any affected system owners regarding potential impacts to affected systems in a timely manner and include the results of such studies along with the system impacts study.

a. Unless waived or combined with other studies by agreement of the parties pursuant to paragraph 45.11(4) "a," an interconnection system impact study shall be performed when either a potential adverse system impact is identified in the interconnection feasibility study, or an interconnection feasibility study has not been performed. Before performing the interconnection feasibility study, the utility shall provide the applicant an outline of the scope of the study and a nonbinding estimate of the cost to perform the study. The interconnection system impact study shall include any pertinent elements from among the following:

(1) A load flow study;

(2) Identification of affected systems and any subsequent affected system study;

(3) An analysis of equipment interrupting ratings;

(4) A protection coordination study;

(5) Voltage drop and flicker studies;

(6) Protection and set point coordination studies;

(7) Grounding reviews; and

(8) Impact on system operation.

b. An interconnection system impact study shall consider any necessary criteria from among the following:

(1) A short-circuit analysis;

(2) A stability analysis;

(3) Alternatives for mitigating adverse system impacts on affected systems;

(4) Voltage drop and flicker studies;

(5) Protection and set point coordination studies;

(6) Grounding reviews; and

(7) Results from the affected system study.

c. The final interconnection system impact study shall provide the following:

- (1) The underlying assumptions of the study;
- (2) The results of the analyses;
- (3) A list of any potential impediments to providing the requested interconnection service;
- (4) Required distribution upgrades; and
- (5) A nonbinding estimate of cost and time to construct any required distribution upgrades.

d. Either party can require that the Interconnection System Impact Study Agreement be used. However, if both parties agree, an alternative form can be used.

45.11(7) Interconnection facilities study. Unless waived or combined with other studies by agreement of the parties pursuant to paragraph 45.11(4) “a,” an interconnection facilities study shall be performed as follows:

a. Before performing the interconnection facilities study, the utility shall provide the applicant an outline of the scope of the study and a nonbinding estimate of the cost to perform the study.

b. The interconnection facilities study shall estimate the cost of the equipment, engineering, procurement and construction work, including overheads, needed to implement the conclusions of the interconnection feasibility study and the interconnection system impact study. The interconnection facilities study shall identify:

(1) The electrical switching configuration of the equipment, including transformer, switchgear, meters and other station equipment;

(2) The nature and estimated cost of the utility’s interconnection facilities and distribution upgrades necessary to accomplish the interconnection; and

(3) An estimate for the time required to complete the construction and installation of the interconnection facilities and distribution upgrades.

c. The utility may agree to permit an applicant to arrange separately for a third party to design and construct the required interconnection facilities. In such a case, when the applicant agrees to separately arrange for design and construction, and to comply with security and confidentiality requirements, the utility shall make all relevant information and required specifications available to the applicant to permit the applicant to obtain an independent design and cost estimate for the facilities, which shall be built in accordance with the utility’s specifications.

d. Upon completion of the interconnection facilities study, and after the applicant agrees to pay for the interconnection facilities and distribution upgrades identified in the interconnection facilities study, the utility shall provide the applicant with the Levels 2 to 4 Distributed Generation Interconnection Agreement within three business days of the date the utility makes its determination.

e. In the event that distribution upgrades are identified in the interconnection system impact study that shall be added only in the event that customers with higher review order positions not yet interconnected eventually complete and interconnect the customers’ generation facilities, the applicant may elect to interconnect without paying the estimate for such upgrades at the time of the interconnection, provided that the applicant pays for such upgrades prior to commencement of construction of such upgrades to be completed by the time the customer with higher review order position is ready to interconnect. If the applicant does not pay for such upgrades at that time, the utility shall require the applicant to immediately disconnect the applicant’s distributed generation facility to accommodate the customer with higher review order position.

f. Either party can require that the Interconnection Facilities Study Agreement be used. However, if both parties agree, an alternative form can be used.

45.11(8) When a utility determines, as a result of the studies conducted under a Level 4 review, that it is appropriate to interconnect the distributed generation facility, the utility shall provide the applicant with the Levels 2 to 4 Distributed Generation Interconnection Agreement. If the interconnection request is denied, the utility shall provide the applicant with a written explanation as to the utility’s reasons for denying interconnection. If denied, the interconnection request does not retain its position in the review order.

45.11(9) Within 30 business days after receipt of the Levels 2 to 4 Distributed Generation Interconnection Agreement, the applicant shall provide all necessary information required of the applicant by the agreement, and the utility shall develop all other information required of the utility by the agreement. After completing the agreement with the additional information, the utility will transmit the completed agreement to the applicant. Within 30 business days after receipt of the completed agreement, the applicant shall sign and return the completed agreement to the utility. If the applicant does not sign and return the agreement within 30 business days after receipt, the interconnection request shall be deemed withdrawn, unless the applicant requests in writing to have the deadline extended by no more than 15 business days, prior to the expiration of the 30-business-day period. The initial request for extension will not be denied by the utility. If the applicant does not sign and return the agreement after the 15-business-day extension, the interconnection request shall be deemed withdrawn. If withdrawn, the interconnection request does not retain its position in the review order. When construction is required, the interconnection of the distributed generation facility shall proceed according to milestones agreed to by the parties in the Levels 2 to 4 Distributed Generation Interconnection Agreement.

45.11(10) The Levels 2 to 4 Distributed Generation Interconnection Agreement is not final until:

- a. The requirements of the agreement are satisfied; and
- b. The distributed generation facility is approved by electric code officials with jurisdiction over the interconnection; and
- c. The applicant provides the Certificate of Completion form to the utility. Completion of local inspections may be designated on inspection forms used by local inspecting authorities; and
- d. The witness test has either been successfully completed or waived by the utility in accordance with Article 2.1.1 of the Levels 2 to 4 Distributed Generation Interconnection Agreement.

199—45.12(476) Disputes.

45.12(1) A party shall attempt to resolve all disputes regarding interconnection promptly and in a good-faith manner. A party shall provide prompt written notice of the existence of the dispute, including sufficient detail to identify the scope of the dispute, to the other party in order to attempt to resolve the dispute in a good-faith manner.

45.12(2) An informal meeting between the parties is to be held within ten business days after receipt of the written notice. Persons with decision-making authority from each party shall attend such meeting. In the event said dispute involves technical issues, persons with sufficient technical expertise and familiarity with the issue in dispute from each party shall also attend the informal meeting. If the parties agree, such a meeting may be conducted by teleconference.

45.12(3) Subsequent to the informal meeting referred to in subrule 45.12(2), a party may seek resolution of any disputes through the 199—Chapter 6 complaint procedures of the board. Dispute resolution under these procedures will initially be conducted informally under rules 199—6.2(476) through 199—6.4(476) to reach resolution with minimal cost and delay. If any party is dissatisfied with the outcome of the informal process, the party may file a formal complaint with the board under rule 199—6.5(476).

45.12(4) Pursuit of dispute resolution shall not affect an interconnection applicant with regard to consideration of an interconnection request or an interconnection applicant's position in the utility's interconnection review order.

199—45.13(476) Records and reports.

45.13(1) For each completed interconnection request received by the utility, the utility shall maintain records of the following for a minimum of three years:

- a. The date the interconnection application was received as complete, the total AC nameplate capacity, and the fuel type of the distributed generation facility;
- b. The level of review received (Level 1, Level 2, Level 3, or Level 4) and whether the project failed any initial screens, and if so and readily determinable, which screens; whether the facility received a supplemental review; and whether any impact or facility study was conducted;

c. Whether the interconnection was approved, denied, or withdrawn and the date of that action; and

d. Whether the facility is operational and, if so, the date the electric utility authorized the facility to begin operation.

45.13(2) Each utility shall file a report by May 1 of each year detailing the information required in subrule 45.13(1) for the previous calendar year.

45.13(3) Each utility shall retain copies of studies the utility performs to determine the feasibility of, system impacts of, or facilities required by the interconnection of any distributed generation facility. The utility shall provide the applicant copies of any studies performed in analyzing the applicant's interconnection request upon applicant request. However, a utility has no obligation to provide any future applicants any information regarding prior interconnection requests to the extent that providing the information would violate security requirements or confidentiality agreements, or is contrary to state or federal law. In appropriate circumstances, the utility may require a confidentiality agreement prior to release of this information.

These rules are intended to implement Iowa Code sections 476.1 and 476.8 and Section 211 of the Public Utilities Regulatory Policies Act of 1978 as amended by the Energy Policy Act of 2005.

ADMINISTRATIVE SERVICES DEPARTMENT

Public Notice

NOTICE OF OFFICIAL PUBLICATION RATE INCREASE FOR THE FISCAL YEAR
COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025

In accordance with Iowa Code section 618.11, the Iowa Department of Administrative Services Director hereby publishes the lineage rate* for newspaper publications of any order, citation, or other publication required or allowed by law (also known as official publications) for the period commencing on July 1, 2024, and ending on June 30, 2025, in the following amounts:

* Lineage rate: "...each line of eight point type two inches in length, or its equivalent." (Iowa Code section 618.11)

One insertion = 61.5 cents
Each subsequent insertion = 41.5 cents

The rate becomes effective on July 1, 2024. The rate was determined by applying the formula specified in the statute. According to the federal Department of Labor, Bureau of Labor Statistics, the consumer price index for all urban consumers increased 3.4% for the 12 months ended April 2024. The April index was the most recent index available as of May 15, 2024, the date this notice was submitted for publication.

Pursuant to Iowa Code section 618.11, the calculation and publication of the rate by the Director of the Department of Administrative Services shall be exempt from the provisions of Iowa Code chapters 17A and 25B.

If you have questions regarding this notice, please contact:

Adam Steen, Director
Department of Administrative Services
1305 East Walnut Street, Third Floor
Des Moines, Iowa 50319
Telephone: 515.720.6176
Email: adam.steen@iowa.gov

ARC 8047C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to major economic growth attraction program and providing an opportunity for public comment

The Economic Development Authority hereby proposes to adopt Chapter 67, "Major Economic Growth Attraction (MEGA) Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 15.106A and 2024 Iowa Acts, Senate File 574.

State or Federal Law Implemented

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

This rulemaking implements, in whole or in part, 2024 Iowa Acts, Senate File 574.

Purpose and Summary

2024 Iowa Acts, Senate File 574, establishes the MEGA Program. The program is intended to attract investments in the state exceeding \$1 billion by advanced manufacturing, bioscience, and research businesses. Businesses must create jobs that will pay 140 percent of the laborshed wage to be eligible for the program.

The proposed Chapter 67 describes how the program will be implemented by the Authority. Senate File 574, section 14, directs the Authority to adopt emergency rules and file a Notice of Intended Action within 60 days of the effective date of the legislation. The Authority was directed to initiate this rulemaking by the Administrative Rules Coordinator on May 2, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa beyond that of the legislation it is intended to implement.

Jobs Impact

Businesses that participate in the program will be required to create jobs.

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.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Authority no later than 4:30 p.m. on July 2, 2024. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

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

Review by Administrative Rules Review Committee

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

Emergency Rulemaking Adopted by Reference

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 8046C**, IAB 6/12/24). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

ARC 8062C

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

**Proposing rulemaking related to the career and technical cluster endorsement
and providing an opportunity for public comment**

The Educational Examiners Board hereby proposes to amend Chapter 22, “Authorizations,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256.146 and 2024 Iowa Acts, Senate File 2411.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.146.

Purpose and Summary

This proposed amendment creates a new endorsement option for career and technical authorizations.

Fiscal Impact

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

Jobs Impact

This rulemaking provides a benefit to jobs by expanding eligibility for the career and technical authorization teacher pathway.

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 282—Chapter 6.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Board no later than 4:30 p.m. on July 2, 2024. Comments should be directed to:

Beth Myers
Board of Educational Examiners
701 East Court Avenue, Suite A
Des Moines, Iowa 50309

Public Hearing

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

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

July 3, 2024
9 to 10 a.m.

Board Room, Suite A
701 East Court Avenue
Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 8061C**, IAB 6/12/24). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

ARC 8064C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

**Proposing rulemaking related to consumable hemp products
and providing an opportunity for public comment**

The Department of Health and Human Services (HHS) hereby proposes to rescind Chapter 156, "Consumable Hemp Products," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 204.7 and 2024 Iowa Acts, House File 2605.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 204 and 2024 Iowa Acts, House File 2605.

Purpose and Summary

This proposed rulemaking implements 2024 Iowa Acts, House File 2605. The legislation requires the maximum consumable hemp product tetrahydrocannabinol (THC) concentration to be less than or equal to the lesser of 0.3 percent on a dry weight basis or four milligrams per serving and ten milligrams per container on a dry weight basis. It also requires HHS to adopt rules for consumable hemp product packaging and labeling requirements (including a requirement for an affixed notice advising consumers regarding risks associated with its use) and requirements for manufacturing, selling, or consuming a consumable hemp product.

Fiscal Impact

PUBLIC HEALTH DEPARTMENT[641](cont'd)

This rulemaking has a fiscal impact to the State of Iowa. House File 2605 imposes new regulations on the consumable hemp industry, including serving and container THC limits and new warning labeling requirements. These rules implement those new limits and may impact manufacturing of consumable hemp products to be sold within the state. It is uncertain whether the manufacturing impacts will be realized in Iowa or in other states. HHS has received feedback indicating proposed serving and container limits in these regulations will have a significant fiscal impact to the consumable hemp industry in Iowa, although forecasting the actual impact is difficult since manufacturing consumable hemp products that meet the requirements of House File 2605 and these regulations is still possible.

Jobs Impact

HHS has received feedback indicating proposed serving and container limits in these regulations will have a significant fiscal impact to the consumable hemp industry in Iowa, although forecasting the actual impact is difficult since manufacturing consumable hemp products that meet the requirements of House File 2605 and these regulations is still possible. Because this rulemaking will have a fiscal impact, it is feasible that there may also be a jobs impact, whether in Iowa or in other states.

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 HHS for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Public Comment

Any interested person may submit comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by HHS no later than 4:30 p.m. on July 8, 2024. Comments should be directed to:

Victoria Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

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

July 2, 2024
3 to 4 p.m.

Via Zoom:
[www.zoomgov.com/webinar/register/
WN_4v-kXwUvQ7Od-RqURA3hKQ](https://www.zoomgov.com/webinar/register/WN_4v-kXwUvQ7Od-RqURA3hKQ)

July 8, 2024
10 to 11 a.m.

Via Zoom:
[www.zoomgov.com/webinar/register/
WN_4we0tvLHQ7m_Ap4MV65ExA](https://www.zoomgov.com/webinar/register/WN_4we0tvLHQ7m_Ap4MV65ExA)

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 HHS 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

PUBLIC HEALTH DEPARTMENT[641](cont'd)

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 641—Chapter 156 and adopt the following **new** chapter in lieu thereof:

CHAPTER 156
CONSUMABLE HEMP PRODUCTS

641—156.1(204) Definitions. For the purpose of these rules, the following terms have the meanings indicated in this chapter. The definitions set out in Iowa Code section 204.2 are incorporated verbatim herein.

“Accredited laboratory” means a laboratory accredited in accordance with the International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Standard 17025:2017 for the analyses performed on consumable hemp products.

“Adulterated” means the same as in the 21 U.S.C. Section 342(a)(4) (August 10, 2005), except that a consumable hemp product is not deemed “adulterated” pursuant to this chapter solely because it contains a hemp product not generally recognized as safe by the federal Food and Drug Administration.

“Approved hemp source” means a manufacturer of a consumable hemp product that is engaged in the wholesale or retail sale of the product and that is:

1. Located in this state and manufactures the consumable hemp product in compliance with Iowa Code chapter 204 and these rules; or
2. Located in a state that has a state hemp plan approved by the United States Department of Agriculture under 7 U.S.C. Chapter 38, Subchapter VII (December 20, 2018).

“Batch” means a specific quantity of a consumable hemp product that contains a lot number; is uniform and intended to meet specifications for identity, strength, purity, and composition; and that is manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling record.

“Cannabidiol” or *“CBD”* means the specific chemical compound with the Chemical Abstracts Service number 13956-29-1.

“Certificate of analysis” or *“COA”* means an official document released by an accredited laboratory following an analysis of a consumable hemp product. The certificate of analysis contains all of the concentrations of cannabinoids, pesticides, residual solvents, metals, harmful pathogens, toxicants, and synthetic or semisynthetic cannabinoids, including data on levels of total delta-9 tetrahydrocannabinol content concentration and whether a sample passed or failed any limits related to these analyses.

“Certificate of free sale” means a government certification that products such as food, drugs, medicine, or cosmetics are approved for unrestricted sale in the jurisdiction in which they originate.

“Consumable hemp establishment” means an individual or entity engaged in manufacturing, processing, packing, holding, preparing, distributing, or selling a consumable hemp product in Iowa or to purchasers located in Iowa. A consumable hemp establishment does not include an individual or entity manufacturing, processing, packing, holding, preparing, distributing, or selling a consumable hemp product containing only hemp seed or hemp seed-derived food ingredients generally recognized as safe (GRAS) under the conditions of use by the federal Food and Drug Administration.

“Consumable hemp manufacturer” means a consumable hemp establishment engaged in manufacturing, processing, packing, holding, preparing, distributing, or selling a consumable hemp product on a wholesale basis. A consumable hemp manufacturer includes individuals and entities outside of Iowa that distribute consumable hemp products in Iowa. A consumable hemp manufacturer does not include individuals or entities exclusively engaged in the harvesting, storage, or distribution of raw hemp.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

“*Consumable hemp retailer*” means a consumable hemp establishment selling consumable hemp product to consumers on a retail basis. A consumable hemp retailer includes an establishment selling consumable hemp products online.

“*Container*” means the object that holds one or more servings of a consumable hemp product.

“*Delta-9 tetrahydrocannabinol*” or “*THC*” means the specific chemical compound with the Chemical Abstracts Service number 1972-08-3.

“*Expiration date*” means the month and year as determined by the manufacturer, packer, or distributor on the basis of tests showing that the product, until that date, under the conditions of handling, storage, preparation, and use per label directions, will, when consumed, contain not less than the quantity of each ingredient as set forth on its label.

“*Food*” means the same as defined in Iowa Code section 137F.1. Food includes human dietary supplements and alcoholic beverages.

“*Harvesting*” applies to farms and farm mixed-type facilities and means activities that are traditionally performed on farms for the purpose of removing raw agricultural commodities from the place they were grown or raised and preparing them for use as food. Harvesting is limited to activities performed on raw agricultural commodities, or on processed foods created by drying/dehydrating a raw agricultural commodity without additional manufacturing/processing, on a farm. Harvesting does not include activities that transform a raw agricultural commodity into a processed food as defined in Section 201(gg) of the Federal Food, Drug, and Cosmetic Act (as amended through P.L. 118-15, enacted September 30, 2023).

“*Jurisdiction of origin*” means the federal, state, or local regulatory jurisdiction that has the authority to conduct inspections of the facility in which a consumable hemp product was most recently subject to a manufacturing/processing activity.

“*Lot number*” means a specific quantity of raw hemp or processed hemp product that is uniform and intended to meet specifications for identity, strength, purity, and composition that contains the manufacturer’s, processor’s, or distributor’s number and a sequence to allow for inventory, traceability, and identification of the plant batches used in the production of consumable hemp products.

“*Manufacturing/processing*” means making food from one or more ingredients or synthesizing, preparing, treating, modifying or manipulating food, including food crops or ingredients. For farms and farm mixed-type facilities, manufacturing/processing does not include activities that are part of harvesting, packing, or holding.

“*Misbranded*” means a food that violates 21 U.S.C. Section 343 (March 23, 2010).

“*QR code*” means a quick response machine-readable code that can be read by a camera, consisting of an array of black and white squares used for storing information or directing or leading a user to product information regarding manufacturer data and accredited laboratory certificates of analysis.

“*Raw agricultural commodity*” means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

“*Raw hemp*” means an unprocessed hemp plant, or any part of the hemp plant, in its raw or natural state. Raw hemp is a raw agricultural commodity.

“*Serving*” means the size or portion customarily consumed per eating occasion, expressed in a common household measure as established in table 2 of 21 CFR 101.12 (as amended through May 27, 2016). If a solid consumable hemp product is packaged in a manner that includes more than a single serving, each serving must be clearly identified and severable from the other servings in the container. If a liquid consumable hemp product is packaged in a manner that includes more than a single serving, the number of servings must be conspicuously labeled. Liquid consumable hemp products shall be packaged in a container that holds a minimum of 12 fluid ounces.

“*Synthetic consumable hemp products*” means products containing synthetic or semisynthetic cannabinoids. Synthetic and semisynthetic cannabinoids refer to a class of cannabinoids that are created through a chemical process and are structurally similar to naturally occurring cannabinoids or cannabinoids that may occur in very small amounts naturally. Examples of synthetic consumable hemp products include but may not be limited to delta-8 tetrahydrocannabinol, delta-10 tetrahydrocannabinol,

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hexahydrocannabinol (HHC), tetrahydrocannabiphorol (THC-P), and tetrahydrocannabinol-O-acetate (THC-O).

“*Tetrahydrocannabinolic acid*” or “*THCA*” means the specific chemical compound with the Chemical Abstracts Service number 23978-85-0.

“*Total delta-9 tetrahydrocannabinol*” or “*total THC*” means 87.7 percent of the amount of tetrahydrocannabinolic acid plus the amount of delta-9 tetrahydrocannabinol.

641—156.2(204) Registration and posting. A consumable hemp establishment shall not engage in manufacturing, processing, packing, holding, preparing, distributing, or selling a consumable hemp product in Iowa or to purchasers located in Iowa until it has submitted a consumable hemp registration that is approved by the department.

156.2(1) Consumable hemp manufactures/distributors. At least 30 days prior to manufacturing, processing, packing, holding, preparing, distributing, or selling any consumable hemp product in Iowa or to purchasers located in Iowa, a consumable hemp manufacturer shall:

- a. Complete the online registration form prescribed by the department;
- b. Remit the registration fee set by the department in accordance with Iowa Code section 204.7; and
- c. Submit a complete list of all consumable hemp products the consumable hemp manufacturer intends to manufacture, process, pack, hold, prepare, distribute, or sell, along with documentation of the jurisdiction of origin for each consumable hemp product.

156.2(2) Consumable hemp retailers. At least 30 days prior to selling any consumable hemp product in Iowa or to purchasers located in Iowa, a consumable hemp retailer shall register with the department by doing the following:

- a. Complete the online registration form prescribed by the department;
- b. Remit the registration fee set by the department in accordance with Iowa Code section 204.7; and
- c. Submit a complete list of all consumable hemp products the consumable hemp retailer intends to sell, along with documentation of the jurisdiction of origin for each consumable hemp product.

156.2(3) Combined consumable hemp manufacturers and retailers. A consumable hemp establishment engaged in activities of a consumable hemp manufacturer and a consumable hemp retailer shall register separately for each activity. A registered consumable hemp manufacturer that exclusively sells consumable hemp products it has manufactured to consumers on a retail basis is not mandated to register as a consumable hemp retailer.

156.2(4) Physical location. A consumable hemp establishment’s registration is valid for one physical location. A consumable hemp establishment that manufactures, processes, packs, holds, prepares, distributes, or sells a consumable hemp product at more than one physical location shall separately register each physical location.

156.2(5) Expiration and renewal. A consumable hemp registration, unless sooner suspended or revoked, expires one year after the registration is approved by the department. A consumable hemp registration may be renewed annually through the department’s online registration system, accompanied by the registration fee, at least 30 days prior to expiration. Consumable hemp registrations that are expired more than 60 days will be revoked without notice.

156.2(6) Transferability. A consumable hemp registration is not transferable to a new owner or new physical location.

156.2(7) Posting of registrations. A valid registration shall be posted on the premises of the consumable hemp establishment in a location that is visible to the public. An image of the valid registration must also be posted on any website or online point of sale in a location that is visible to the public prior to payment.

156.2(8) Returned payments. The department will attempt to redeem a payment submitted for a consumable hemp registration that is not honored by the bank on which it is drafted. The department will notify the applicant of the need to provide sufficient payment. An additional fee of \$25 shall be

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assessed for each dishonored payment. If the department does not receive payment, the establishment will be operating without a valid registration and is subject to penalties set forth in rule 641—156.7(204).

641—156.3(204) Testing requirements and documentation.

156.3(1) *Approved hemp source; certificate of analysis.* A consumable hemp product cannot be distributed or sold unless:

a. The consumable hemp product is from an approved hemp source and is accompanied by documentation that identifies the jurisdiction of origin. Documentation that identifies the jurisdiction of origin includes:

- (1) Certificate of free sale issued by the jurisdiction of origin;
- (2) Product label statements, provided the product label identifies the jurisdiction of origin; or
- (3) Other documentation that identifies the jurisdiction of origin and also identifies the following:
 1. Brand name;
 2. Product name;
 3. Serving and container size in terms of net quantity of contents; and
 4. Lot number for the batch.

b. The consumable hemp product has a certificate of analysis prepared by an independent accredited laboratory that verifies and states:

(1) The consumable hemp product is from a batch that has been tested by the independent accredited laboratory consistent with generally accepted industry standards for herbal and botanical substances;

(2) The presence and concentration of cannabinoids, including delta-9 tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol, and any other cannabinoids for which the product is being marketed;

(3) The consumable hemp product is from a batch that contained a total delta-9 tetrahydrocannabinol concentration that did not exceed 0.3 percent on a dry weight basis as calculated pursuant to an official postdecarboxylation analysis, as provided in Iowa Code section 204.8;

(4) The consumable hemp product is from a batch that has been tested for, and does not contain more than trace amounts of, pesticides, residual solvents, metals, harmful pathogens, and toxicants; and

(5) The batch does not contain synthetic or semisynthetic cannabinoids as described in these rules.

The certificate of analysis shall not be considered valid and usable for the batch of consumable hemp if its issuance date is greater than one year old.

156.3(2) *Toxicant limits.* If a testing sample is found to contain greater than trace amounts of any pesticide, residual solvent, metal, harmful pathogen, or toxicants, the product is considered adulterated and cannot enter commerce.

156.3(3) *Examination of records.* All documentation mandated by this rule shall be maintained by the consumable hemp establishment and provided to the department or other regulatory authority immediately upon request.

156.3(4) *Independent accredited laboratory.*

a. A consumable hemp establishment cannot utilize an accredited laboratory in which it has an ownership interest unless the consumable hemp establishment holds less than a 10 percent ownership interest in the accredited laboratory if the accredited laboratory is a publicly traded company.

b. The department of health and human services may determine that any testing laboratory that does not operate formal management systems under the International Organization for Standardization is not an accredited laboratory and may require that a representative sample of a batch of the product be retested by a testing laboratory that meets this requirement.

641—156.4(204) Packaging and labeling.

156.4(1) *Contents.* Each consumable hemp product intended for individual retail sale is labeled such that a reasonable consumer would plainly identify the product as a consumable hemp product and contains the following information:

- a.* Lot number for the batch;
- b.* Expiration date;

PUBLIC HEALTH DEPARTMENT[641](cont'd)

- c.* Brand name;
- d.* Product name;
- e.* List of ingredients;
- f.* Name, telephone number, and email address of the product manufacturer. If the registered manufacturer uses a contracted third party or white label manufacturer, the name of that entity must also be included on the container or label and is not proprietary or confidential under Iowa Code section 22.7;
- g.* If specific cannabinoids are contained within or marketed for the product, the number of milligrams of each cannabinoid per serving and serving size;
- h.* A certificate of analysis that the batch contained a total THC concentration that did not exceed 0.3 percent on a dry weight basis as calculated pursuant to an official test as provided in Iowa Code section 204.8.
- i.* A declaration of the net quantity of contents indicating the number of servings and total THC per serving and per container in compliance with Iowa Code section 204.2.
- j.* A warning label with the following information. This warning label may be divided into multiple sections on a label, provided all information is present on the container:

“This product has not been analyzed or approved by the United States Food and Drug Administration. There is limited information on the side effects of using this product, and there may be associated health risks and medication interactions. This product may cause the consumer to fail a drug test for THC. Products containing THC may cause impairment and a consumer’s ability to operate a vehicle. This product is not recommended for use by pregnant or breastfeeding women. KEEP THIS PRODUCT OUT OF REACH OF CHILDREN.”

The labeling must not contain any claim that the product may be used or is effective for the prevention, treatment, or cure of a disease or that it may be used to alter the structure or function of human or animal bodies unless the claim has been approved by the federal Food and Drug Administration.

156.4(2) Form. The labeling mandated in paragraphs 156.4(1) “*f*” and “*h*” may be in the form of:

- a.* A uniform resource locator (URL) for the manufacturer’s Internet website that provides or links to the information mandated by this rule; or
- b.* A QR code or other bar code that may be scanned and that leads to the information required on the label.

641—156.5(204) Applicability of other laws and regulations.

156.5(1) A consumable hemp establishment shall comply with all relevant Iowa laws and regulations applicable to the manufacturing, processing, storage, distribution, and sale of food, including but not limited to Iowa Code chapter 137F, Iowa Code chapter 137D, and regulations promulgated under those chapters.

156.5(2) An individual or entity subject to Iowa Code chapter 123 shall not introduce any consumable hemp product into the alcoholic beverage product for which the individual or entity is subject to Iowa Code chapter 123 unless the consumable hemp product is generally recognized as safe by the federal Food and Drug Administration and is thus not deemed adulterated.

156.5(3) An individual or entity subject to Iowa Code chapter 189A shall not introduce any consumable hemp product into the meat or poultry product for which the individual or entity is subject to Iowa Code chapter 189A unless the consumable hemp product is generally recognized as safe by the federal Food and Drug Administration and is thus not deemed adulterated. A consumable hemp retailer may introduce any consumable hemp product into meat or poultry sold to consumers on a retail basis in intrastate commerce.

156.5(4) An individual or entity subject to Iowa Code chapters 190 through 192 shall not introduce any consumable hemp product into the dairy product for which the individual or entity is subject to Iowa Code chapters 190 through 192 unless the consumable hemp product is generally recognized as safe by the federal Food and Drug Administration and is thus not deemed adulterated. A consumable hemp retailer may introduce any consumable hemp products into dairy products sold to consumers on a retail basis in intrastate commerce.

PUBLIC HEALTH DEPARTMENT[641](cont'd)

156.5(5) Consumable hemp products in interstate commerce are subject to federal law. Compliance with Iowa Code chapter 204 and this chapter does not represent compliance with federal law.

641—156.6(204) Prohibitions.

156.6(1) A consumable hemp establishment cannot manufacture, process, pack, hold, prepare, distribute, or sell consumable hemp products:

a. On the premises of a private residence, except a portion of a private residence that is distinctly separate from any living space, that is dedicated to the production or sale of food, and that meets all applicable state and local regulations;

b. On the premises of a temporary location, including but not limited to a food stand, roadside stand, temporary booth, or any other temporary structure;

c. Door to door;

d. Through vending machines; or

e. At private parties.

156.6(2) A consumable hemp product may be sold at a stand at a farmers market, provided:

a. The farmers market is listed on the Iowa department of agriculture and land stewardship's farmers market directory;

b. The individual selling the consumable hemp maintains a valid consumable hemp retailer registration at any location where consumable hemp is stored;

c. The consumable hemp establishment registration is posted in plain sight at the farmers market stand; and

d. All consumable hemp products sold are listed and maintained up to date with the department.

156.6(3) A consumable hemp product label and any associated marketing materials shall not contain any claims that the consumable hemp product can be used in the diagnosis, cure, mitigation, treatment, or prevention of disease or is intended to affect the structure or any function of the body.

156.6(4) A consumable hemp retailer cannot manufacture, process, package, repackage, relabel, mix, blend, or otherwise manipulate a consumable hemp product. This subrule does not apply to a food service establishment that utilizes a consumable hemp product from an approved hemp source as a food ingredient intended for immediate consumption by the consumer, provided that the food service establishment discloses all label information mandated by rule 641—156.4(204) to the consumer through the menu, menu board, placard, table tent, or other effective means.

156.6(5) A consumable hemp product that does not conform to this chapter is considered adulterated or misbranded and cannot enter commerce.

156.6(6) A consumable hemp retailer or manufacturer shall not sell or distribute consumable hemp products to person under 21 years of age, subject to verification. Proof of age may be established by a valid driver's license, identification card issued by Iowa or another state, or other form of government issued identification and must include the photograph and date of birth of the person.

641—156.7(204) Violations and enforcement.

156.7(1) Any consumable hemp product introduced into commerce by an individual or entity without a consumable hemp registration approved by the department in accordance with rule 641—156.2(204) is subject to immediate embargo.

156.7(2) A consumable hemp product that is adulterated or misbranded when introduced into commerce is subject to immediate embargo.

156.7(3) A consumable hemp product that the department reasonably believes may be injurious to public health or that has entered commerce and is not in conformance with this chapter is subject to immediate embargo.

156.7(4) The embargo of a consumable hemp product is effective until such a time as the violation is remedied or the product is disposed of in a reasonable manner as determined by the department. If the violation cannot be remedied and disposal is necessary, the cost of disposal is the responsibility of the consumable hemp establishment. Disposal shall be observed by a person approved by the department. The embargo of a consumable hemp product may be appealed in accordance with rule 641—156.8(204).

PUBLIC HEALTH DEPARTMENT[641](cont'd)

156.7(5) A consumable hemp manufacturer will conduct a recall of a consumable hemp product lot that has been tested and found to be adulterated. The cost of a recall or disposal of the product is the responsibility of the consumable hemp manufacturer.

641—156.8(204) Denial, suspension, or revocation of registration. The department may deny, suspend, or revoke a registration in any case where the department finds there has been repeated failure on the part of the consumable hemp establishment to comply with the provisions of this chapter, or for any of the following reasons:

156.8(1) Failure to register. An individual or entity that introduces a consumable hemp product into commerce without a consumable hemp registration approved by the department in accordance with rule 641—156.2(204) may be denied a consumable hemp registration for a period of up to 30 days for a first violation, up to one year for a second violation, and up to five years for a third or any subsequent violation.

156.8(2) Nonconforming consumable hemp product. A registered consumable hemp establishment that introduces a consumable hemp product into commerce that is not in conformance with Iowa Code chapter 204 or this chapter is subject to the immediate revocation of its registration.

156.8(3) Qualifying criminal offense.

a. The conviction of any individual with an ownership interest in a consumable hemp establishment constituting a felony, serious misdemeanor, or aggravated misdemeanor and resulting from an activity constituting a criminal offense in the consumable hemp establishment may result in the denial, suspension, or revocation of the registration.

b. A conviction for committing a criminal offense involving a controlled substance as described in Iowa Code section 204.7 may result in the denial, suspension, or revocation of the registration.

c. A certified copy of the final order or judgment of conviction or plea of guilty shall be conclusive evidence of the conviction of the registration holder.

d. A deferred judgment, until discharged, is considered a conviction for purposes of this rule.

156.8(4) False or misleading information. Providing false or misleading information to the department under this chapter, including by submitting a false registration, may result in the denial, suspension, or revocation of the registration.

156.8(5) Failure to comply. Failing to comply with an order issued by the department under this chapter may result in the denial, suspension, or revocation of the registration.

156.8(6) Successive violations. A third violation of any provision of this chapter in a five-year period will result in the denial, suspension, or revocation of the registration. The department will disapprove any registration of the consumable hemp establishment for a five-year period following the date of the last violation.

156.8(7) Materially false information supplied. An individual or entity that materially falsifies any information contained in a consumable hemp registration is ineligible for registration.

641—156.9(204) Inspection and access to records. The department may enter a consumable hemp establishment at any reasonable hour to assess compliance with Iowa Code chapter 204 and these rules. The manager or person in charge of the consumable hemp establishment will afford free access to every part of the premises, including access to records related to consumable hemp products, and render all aid and assistance necessary to enable the regulatory authority to make a thorough and complete assessment.

641—156.10(204) Public examination of records.

156.10(1) *Public information.* Generally, information collected by the department and contractors is considered public information. Records are stored in computer files and are not matched with any other data system. Information is available for public review and will be provided when requested from the department.

156.10(2) *Confidential information.*

a. The following are examples of confidential records:

PUBLIC HEALTH DEPARTMENT[641](cont'd)

- (1) Trade secrets and proprietary information including items such as formulations, processes, policies and procedures, and customer lists;
 - (2) Health information related to foodborne illness complaints and outbreaks;
 - (3) The name or any identifying information of a person who files a complaint with the department;
- and
- (4) Other state or federal agencies' records.

b. A party claiming that information submitted to the department contains trade secrets or proprietary information should clearly mark those portions of the submission as confidential/trade secret.

641—156.11(204) Appeals. All decisions of the department may be contested by an adversely affected party in accordance with 441—Chapter 7.

These rules are intended to implement Iowa Code section 124.506 and Iowa Code chapter 204 as amended by 2024 Iowa Acts, House File 2605.

ARC 8065C**WORKFORCE DEVELOPMENT DEPARTMENT[871]****Notice of Intended Action****Proposing rulemaking related to research and information services division
and providing an opportunity for public comment**

The Workforce Development Department hereby proposes to rescind Chapter 10, “Research and Information Services Division,” 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 chapter 17A and chapter 84A as amended by 2023 Iowa Acts, Senate File 514.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A; Iowa Code chapter 84A as amended by 2023 Iowa Acts, Senate File 514; and Executive Order 10.

Purpose and Summary

Chapter 10 provides administrative rules for the Research and Information Services Division of the Department. The chapter offers guidance on the Department’s mission and organization as well as the responsibilities of its two bureaus, the Research and Reporting Bureau and the Labor Statistics Bureau.

As part of the Department’s review of rules under Executive Order 10, the Department identified several instances where the current chapter duplicated statutory language and used restrictive terms. Such text has been removed in the proposed 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

WORKFORCE DEVELOPMENT DEPARTMENT[871](cont'd)

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

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on July 2, 2024. Comments should be directed to:

Rebecca Stonawski
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.802.9425
Email: rebecca.stonawski@iwd.iowa.gov

Public Hearing

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

July 2, 2024 9 to 10 a.m.	Capitol View Room 1000 East Grand Avenue Des Moines, Iowa
July 2, 2024 10 to 11 a.m.	Capitol View Room 1000 East Grand Avenue Des Moines, Iowa

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the 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 871—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
RESEARCH AND INFORMATION SERVICES DIVISION

871—10.1(84A) Mission and organization.

10.1(1) Mission. The labor market information division conducts research, develops labor market information, and provides information services in support of the department of workforce development's mission.

10.1(2) Operation and administration. The division is under the direction of a division administrator who reports to the deputy director. The division functions include planning, researching, analyzing, and

WORKFORCE DEVELOPMENT DEPARTMENT[871](cont'd)

reporting labor market information. The division administrator directs and leads labor market research, workforce data collection, and related projects.

871—10.2(84A) Research and reporting bureau. The bureau is under the direction of the division administrator and is responsible for research and reporting functions of the unemployment compensation program in Iowa. The bureau is responsible for:

1. Calculating the financial impact of proposed changes to Iowa's unemployment compensation system with regard to the unemployment compensation fund, employer tax rates, and claimant benefits.
2. Monitoring the unemployment compensation fund solvency and writing legislative proposals recommending revisions to the tax and benefits sections in Iowa Code chapter 96.
3. Producing required and special reports analyzing and reporting the unemployment compensation system workload activities, employer compensation payments, and claimant benefit payments.
4. Calculating the contribution rate tables for private employers and the base rate for nonprofit and government employers.
5. Preparing, analyzing and distributing projected industry and occupational employment information for the state and service delivery areas.
6. Preparing and distributing economic analyses of the Iowa labor market in hard copy and electronic formats and by in-person presentations.
7. Conducting labor market research using surveys and secondary and administrative data to provide understanding of the labor supply and demand.
8. Collecting and reporting workplace injury, illness, and fatality statistics.
9. Providing training in the uses of occupational and labor market information to school counselors, teachers and labor market intermediaries.

871—10.3(84A) Labor statistics bureau. The bureau is under the direction of a chief who assists the division administrator in planning, directing and coordinating the production of employment data for Iowa and the counties. The bureau is responsible for:

1. Collecting, analyzing and summarizing data and producing monthly employment and earnings estimates for Iowa, metropolitan statistical areas (MSAs) in Iowa, and counties in Iowa.
2. Collecting, analyzing and summarizing employment and wage data from Iowa employers subject to the unemployment insurance law to produce statewide and county data by industrial groups.
3. Providing occupational and training information to planners of vocational and other training programs.
4. Paying special attention to the career development and labor market information needs of Iowans.
5. Providing training in the uses of occupational and labor market information to school counselors, teachers and labor market intermediaries.
6. Collecting, preparing, analyzing and distributing labor force, unemployment, unemployment rate and total employment information for the state, MSAs, counties and selected cities in Iowa.
7. Collecting, preparing, analyzing and distributing occupational employment and occupational wage information for the state, MSAs and the balance of the state.
8. Developing and maintaining a national reporting system for the Current Employment Statistics program.

These rules are intended to implement Iowa Code chapter 84A.

ARC 8046C

ECONOMIC DEVELOPMENT AUTHORITY[261]**Adopted and Filed Emergency****Rulemaking related to major economic growth attraction program**

The Economic Development Authority hereby adopts new Chapter 67, “Major Economic Growth Attraction (MEGA) Program,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 15.106A and 2024 Iowa Acts, Senate File 574.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2024 Iowa Acts, Senate File 574.

Purpose and Summary

2024 Iowa Acts, Senate File 574, establishes the MEGA Program. The program is intended to attract investments in the state exceeding \$1 billion by advanced manufacturing, bioscience, and research businesses. Businesses must create jobs that will pay 140 percent of the laborshed wage to be eligible for the program.

New Chapter 67 describes how the program will be implemented by the Authority. Senate File 574, section 14, directs the Authority to adopt emergency rules and submit a Notice of Intended Action within 60 days of the effective date of the legislation. The Authority was directed to initiate this rulemaking by the Administrative Rules Coordinator on May 2, 2024.

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

Pursuant to Iowa Code section 17A.4(3), the Authority finds that notice and public participation are unnecessary or impractical because statute so provides.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a) and (b), the Authority also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on May 17, 2024, because 2024 Iowa Acts, Senate File 574, creates a new incentive program that will benefit eligible businesses. The legislation directs the Authority to adopt emergency rules and further directs that the rules shall be effective immediately upon filing unless a later date is specified in the rules.

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on May 17, 2024.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 8047C** to allow for public comment.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa beyond that of the legislation it is intended to implement.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

Jobs Impact

Businesses that participate in the program will be required to create jobs.

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 became effective on May 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 261—Chapter 67:

CHAPTER 67

MAJOR ECONOMIC GROWTH ATTRACTION (MEGA) PROGRAM

261—67.1(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Agricultural land*” means the same as defined in Iowa Code section 15.491(1A) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Authority*” means the same as defined in Iowa Code section 15.102(1).

“*Award date*” means the date the board approved an application for program benefits.

“*Base employment level*” means the same as defined in Iowa Code section 15.491(2) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Benefit*” means the same as defined in Iowa Code section 15.491(3) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Board*” means the same as defined in Iowa Code section 15.102(4).

“*Business*” means a corporation or other business entity organized for profit under the laws of the state of Iowa or another state, under federal statutes, or under the laws of another country.

“*Certified site*” means the same as defined in Iowa Code section 15.491(4) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Community*” means the same as defined in Iowa Code section 15.491(5) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Created job*” or “*create jobs*” means the same as defined in Iowa Code section 15.491(8) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Eligible business*” means a business that meets the conditions of Iowa Code section 15.492 as enacted by 2024 Iowa Acts, Senate File 574, section 4.

“*Foreign business*” means the same as defined in Iowa Code section 9I.1.

“*Full-time equivalent position*” means the same as defined in Iowa Code section 15.491(12) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Maintenance period*” means the same as defined in Iowa Code section 15.491(13) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Maintenance period completion date*” means the same as defined in Iowa Code section 15.491(14) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

“*Program*” means the same as defined in Iowa Code section 15.491(16) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Program benefits*” means tax incentives or an exemption to restrictions on agricultural land holdings authorized by the board pursuant to Iowa Code section 15.493(3) or 15.493(4) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Project*” means the same as defined in Iowa Code section 15.491(17) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Project completion date*” means the same as defined in Iowa Code section 15.491(18) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Project completion period*” means the same as defined in Iowa Code section 15.491(19) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Qualified jobs*” means created jobs that meet the applicable wage requirements established in Iowa Code section 15.492 as enacted by 2024 Iowa Acts, Senate File 574, section 4.

“*Qualifying investment*” means the same as defined in Iowa Code section 15.491(20) as enacted by 2024 Iowa Acts, Senate File 574, section 3. “Qualifying investment” includes machinery and equipment and infrastructure costs incurred by the business.

“*Qualifying wage threshold*” means the same as defined in Iowa Code section 15.491(21) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

“*Tax incentive*” means the same as defined in Iowa Code section 15.491(23) as enacted by 2024 Iowa Acts, Senate File 574, section 3.

261—67.2(15) Eligibility requirements.

67.2(1) *Project requirements.* The business’ proposed project site and qualifying investment in the project must meet the requirements of Iowa Code section 15.492(1) “a” and “b” as enacted by 2024 Iowa Acts, Senate File 574, section 4. The authority will not accept an application from a business that proposes a project at a location that is not a certified site or that the business does not currently have a controlling interest in at the time of application. The authority may accept an application from a business that proposes a project on a certified site that is not currently greater than 250 acres if the process to certify additional acres has been initiated and the certified site will exceed 250 acres following certification of the additional acres. The authority will determine whether a site is suitable for a project based on the following factors:

- a. Community approval of the project as required by subrule 67.2(2).
- b. The impact of the project on surrounding businesses and residents.
- c. The availability of or proposed plans to develop the necessary infrastructure to support the project.

67.2(2) *Community approval and local match.* Community approval of the project by ordinance or resolution is required as specified in Iowa Code section 15.492(1) “c” as enacted by 2024 Iowa Acts, Senate File 574, section 4. Local match may be required from the community or other relevant entity.

67.2(3) *Business type.*

a. The business must be an eligible business type as identified in Iowa Code section 15.492(1) “d” as enacted by 2024 Iowa Acts, Senate File 574, section 4.

b. For the purposes of determining whether a business is an ineligible retail business pursuant to Iowa Code section 15.492(1) “d” as enacted by 2024 Iowa Acts, Senate File 574, section 4, “retail business” means any business engaged in the business of sale at retail of tangible personal property or taxable services in this state or online. “Sale at retail” means the same as defined in Iowa Code section 423.1(46). Any business obligated to collect sales or use tax under Iowa Code chapter 423 is an ineligible retail business. A service business is not eligible for the program unless a significant proportion of its sales, as determined by the authority, are outside this state.

67.2(4) *Relocations and reductions in operations.* The authority will determine whether a business is ineligible due to a relocation or reduction in operations pursuant to Iowa Code section 15.492(1) “e” as enacted by 2024 Iowa Acts, Senate File 574, section 4.

67.2(5) *Jobs.* A business must propose to create qualified jobs.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

67.2(6) *Determination of comprehensive benefits.* The benefits package provided pursuant to Iowa Code section 15.492(1) “g” as enacted by 2024 Iowa Acts, Senate File 574, section 4, shall meet the criteria established by the board. The board will periodically approve such criteria to reflect the most current benefits package typically offered by employers. The criteria established by the board may include but not be limited to premium percentages to be paid by the business, deductible amounts, and other such criteria as determined necessary to the evaluation of benefits offered by a business. A business shall provide comprehensive benefits to all jobs included in the base employment level.

67.2(7) *Violations of law.* If the authority finds that a business has a record of violations of law over a period of time that tends to show a consistent pattern as described in Iowa Code section 15.492(1) “h” as enacted by 2024 Iowa Acts, Senate File 574, section 4, the business shall not qualify for the program.

67.2(8) *Applicant’s past or current performance.* If an applicant received a prior award or other benefit through any program administered by the authority, the authority and board will consider the applicant’s past or current performance under the prior award or benefit.

67.2(9) *Results of due diligence review.* The authority will complete a due diligence review, including but not limited to lien searches, reports of violations, lawsuits and other relevant information about the applicant. A business may be ineligible based on results of the review.

67.2(10) *Other factors.*

a. The authority shall consider any applicable additional factors pursuant to Iowa Code section 15.492(2) as enacted by 2024 Iowa Acts, Senate File 574, section 4, to determine whether a business or a business’s project should be considered eligible or ineligible for the program.

b. In evaluating the economic impact of a project pursuant to Iowa Code section 15.492(2) “a”(3) as enacted by 2024 Iowa Acts, Senate File 574, section 4, the authority will primarily measure economic impact by an independent analysis conducted by a contractor chosen by the authority.

c. The following businesses may be considered ineligible for the program:

(1) Businesses that have not proposed a sufficient number of created jobs or qualified jobs to justify program benefits.

(2) Businesses that do not clearly identify ownership and affiliated businesses to the authority’s satisfaction.

(3) Businesses that do not have significant market share or national recognition in their industry.

67.2(11) *Ineligible projects.* A project representing solely acquisition of a business as a going concern that does not include qualified jobs and qualifying investment at the acquired business facility is not eligible for the program. A qualified project that occurs following acquisition of a business as a going concern may be eligible for the program.

67.2(12) *Project initiation.* The authority will not accept applications for projects that have been initiated or will be initiated prior to board consideration of the business’s application for the program unless the business establishes that not initiating the project prior to board consideration of the application would result in undue hardship or that extenuating circumstances necessitate initiating the project prior to board consideration of the business’s application for the program. Whether an undue hardship or extenuating circumstance exists will be determined by the authority.

a. Any one of the following may indicate that a project has been initiated:

(1) The start of construction of new or expanded buildings;

(2) The start of rehabilitation of existing buildings;

(3) The purchase or leasing of existing buildings; or

(4) The installation of new machinery and equipment or new computers to be used in the operation of the business’s project.

b. The following shall not indicate a project has been initiated:

(1) The purchase of land or signing an option to purchase land;

(2) Earthmoving or other site development activities not involving actual building construction, expansion or rehabilitation; or

(3) Acquisition of a business as a going concern.

c. Any costs incurred prior to the award date are not eligible qualifying investment expenses.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

261—67.3(15) Application process and review.**67.3(1) Application.**

a. Businesses may be invited to submit applications for the program to the authority. Businesses shall utilize a standardized application developed by the authority. A signature from an official authorized to represent the affected local community is required to indicate that the community supports the project. The application shall include an ordinance or resolution of the community's governing body approving the project.

b. An applicant shall provide any information requested by a contractor selected by the authority to evaluate the economic impact of the project pursuant to subrule 67.2(10). Such information will be held confidential by the authority to the extent allowed by Iowa Code sections 15.118 and 22.7 or other applicable laws.

c. During the application process, the authority will identify any assistance previously awarded for which an applicant would no longer be eligible pursuant to Iowa Code section 15.499(1) as enacted by 2024 Iowa Acts, Senate File 574, section 11. The authority may also identify assistance the applicant may be prohibited from receiving in the future pursuant to Iowa Code section 15.499(1) as enacted by 2024 Iowa Acts, Senate File 574, section 11, during the application process or may identify such prohibition at a later time.

67.3(2) Fee.

a. The application fee required by Iowa Code section 15.493 as enacted by 2024 Iowa Acts, Senate File 574, section 5, shall equal the sum of the following:

(1) The actual cost incurred by the authority to conduct an independent analysis of the economic impact of the project, not to exceed \$50,000; and

(2) One half of 1 percent of the amount of tax incentives approved.

b. The authority shall issue an invoice for the portion of the fee assessed pursuant to subparagraph 67.3(2) "a"(1) following completion of the independent analysis. Payment shall be due within 30 days after the date the invoice is issued or a later date identified in writing by the authority.

c. The authority shall issue an invoice for the portion of the fee assessed pursuant to subparagraph 67.3(2) "a"(2) following board approval of tax incentives. Payment shall be equally divided over the term of the contract entered into pursuant to Iowa Code section 15.494 as enacted by 2024 Iowa Acts, Senate File 574, section 6. Payments shall be due by the dates identified by the authority in the invoice or a later date identified in writing by the authority.

67.3(3) Applicability of wage requirements. The qualifying wage threshold applicable to a project is the threshold in effect on the date the fully completed project application is received by the authority. If such an application is received but not acted upon by the board before the qualifying wage thresholds are updated, the thresholds in effect on the date the application was received will remain in effect for a period of three months after the month the thresholds were updated. The authority shall have sole discretion to determine whether an application is fully completed. Qualifying wage thresholds will be calculated and applied as described in rule 261—67.8(15).

67.3(4) Job requirements. Job requirements applicable to a project, identified as described in rule 261—67.7(15), will be established at the time of application. Job requirements will be based on the base employment level as of the date the application was fully completed and submitted to the authority and eligible business's job projections and will be utilized to determine eligibility and the amount of tax incentives.

67.3(5) Investment requirements. The investment requirements applicable to a project will be established at the time of application. Investment requirements are based on an eligible business's estimates of project costs and will be utilized to determine eligibility and the amount of tax incentives.

67.3(6) Negotiations. Authority staff and the board may negotiate with an applicant concerning dollar amounts, terms, conditions of award, or any other elements of the proposed award. All program benefits available under the program are subject to negotiation. The board and the authority will attempt to treat similarly situated applicants similarly. However, the amount, type, and terms of program benefits are necessarily dependent on many factors, and awards shall be entirely at the discretion of the board. The board, in consultation with authority staff, will attempt to determine the appropriate program benefits,

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and the board will make a good-faith effort to provide only the amount of program benefits necessary to facilitate the project.

The authority shall consider all of the following factors in negotiating with the business:

a. Level of need. The authority will determine a project's level of need based on the following factors:

(1) Whether the likely returns of the project are inadequate to motivate a company decision maker to proceed with the project in Iowa.

(2) Whether the business is deciding between an Iowa site and a site in another state for its project and the cost of completing the project at the out-of-state site is demonstrably lower, including if any form of incentives have been offered by another state or local government. Such a condition indicates that tax incentives may be needed to equalize the cost differential between the two sites. The authority will attempt to quantify the cost differential between the sites.

(3) The amount of state and local assistance available to the business from sources other than the program.

b. Number of and quality of jobs. The authority will determine the quality of jobs consistent with the factors listed in Iowa Code section 15.492(2)“a”(1) as enacted by 2024 Iowa Acts, Senate File 574, section 4.

c. Percentage of created jobs that are qualified jobs. The authority will consider the number of qualifying jobs in proportion to the total number of created jobs.

d. Amount of investment. The authority will consider the total amount of qualifying investment proposed by the business.

e. Economic impact. Economic impact will be primarily measured by an independent analysis conducted by a contractor chosen by the authority.

f. Effect on likely suppliers to the applicant business. The authority will consider whether a project increases demand for goods or services offered by other businesses in the state.

67.3(7) Board approval and notice.

a. Authority staff will review applications to ensure program eligibility requirements are satisfied. Authority staff may request additional information from the business or may use other resources to obtain the needed information.

Complete and eligible applications and supporting documentation will be submitted to the board for its consideration. Authority staff will generate and submit to the board a report that summarizes the project and provide a recommendation on the amount of tax incentives to be offered to the business and whether the business should be offered an exemption to restrictions on agricultural land holdings pursuant to Iowa Code section 15.498 as enacted by 2024 Iowa Acts, Senate File 574, section 10.

b. Staff may provide the board additional information or documentation as determined by staff. The board may offer an award in a lesser amount or that is structured in a manner different from that requested or recommended by authority staff. Meeting eligibility requirements does not guarantee that an award will be offered or provided in the form sought by the applicant.

c. The due diligence committee of the board established pursuant to 261—subrule 1.3(7) will review applications and make recommendations regarding the size, combination of program benefits, and conditions of awards. The board may accept or reject recommendations from the due diligence committee.

d. If the board approves an award, an applicant will be notified in writing, including any conditions and terms of the approval. If the board approves an application prior to certification of additional acres to qualify the project site pursuant to subrule 67.2(1), such approval shall be contingent upon certification of the additional acres.

67.3(8) Restrictions on board. The authority will reject any application received that would violate the restrictions on the board in Iowa Code section 15.501 as enacted by 2024 Iowa Acts, Senate File 574, section 13.

261—67.4(15) Tax incentives. The authority may approve a business to receive any combination of applicable tax incentives allowed through the program pursuant to Iowa Code section 15.495, 15.496,

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or 15.497 as enacted by 2024 Iowa Acts, Senate File 574. An approved business shall not claim a tax incentive in excess of the amount specified in an agreement entered into pursuant to Iowa Code section 15.494 as enacted by 2024 Iowa Acts, Senate File 574, section 6. No tax incentive may be utilized by an approved business until all conditions of such tax incentive established by the authority or the department of revenue have been satisfied.

67.4(1) Property tax exemption. If a community approves an exemption from taxation pursuant to Iowa Code section 15.500 as enacted by 2024 Iowa Acts, Senate File 574, section 12, the community shall provide the authority and the local assessor with a copy of the resolution adopted by the community's governing body that indicates the estimated value and duration of the authorized exemption.

67.4(2) Investment tax credit. An approved business shall provide adequate documentation to the authority to document that the conditions for issuance of a tax credit certificate in Iowa Code section 15.496 as enacted by 2024 Iowa Acts, Senate File 574, section 8, have been satisfied.

67.4(3) Maximum tax incentives available. The maximum amount of tax incentives for a business's project will be established based on the factors identified in subrule 67.3(6).

261—67.5(15) Acquisition of agricultural land by foreign businesses. The authority may authorize an exemption to restrictions on agricultural land holdings pursuant to Iowa Code sections 9I.3(3) "f" and 15.498 as enacted by 2024 Iowa Acts, Senate File 574. Whether to approve or deny a request for an exemption is solely within the board's discretion.

67.5(1) To be considered for an exemption, an applicant shall provide detailed documentation of ownership and affiliated businesses; evidence of compliance with Iowa Code chapter 9I as amended by 2024 Iowa Acts, Senate File 2204; and any other information requested by the authority to document the business's eligibility for the exemption to the authority's satisfaction. An applicant must demonstrate that the number of acres for which an exemption is requested is necessary for the completion of the business's project. The number of acres for which an exemption is approved is subject to negotiation.

67.5(2) A request for an extension authorized pursuant to Iowa Code section 15.498(2) "b" as enacted by 2024 Iowa Acts, Senate File 574, section 10, must be made in writing and received by the authority at least 60 days prior to expiration of the applicable deadline imposed by Iowa Code section 9I.4 or as previously extended by the authority. The request shall include steps taken by the recipient to convert the land to a purpose other than farming, the estimated date by which the required conversion is expected to occur, and any other information required by the authority to determine whether an extension is warranted. Whether to approve or deny a request for an extension is solely within the board's discretion.

261—67.6(15) Agreements and compliance.

67.6(1) Execution. Successful applicants will be required to execute an agreement with the authority within 180 days of the award date. The time limit for execution may be extended by the authority director for an additional 180 days for good cause shown. Upon expiration of the time limit, including any extensions approved pursuant to this subrule, the board may approve additional extensions or rescind the award.

67.6(2) Requirements. An agreement shall meet all requirements of and be administered pursuant to Iowa Code section 15.494 as enacted by 2024 Iowa Acts, Senate File 574, section 6.

67.6(3) Jobs. An agreement will specify the number of created jobs the business has pledged to create in addition to the base employment level and the number of qualified jobs. Job obligations will be established and monitored pursuant to subrule 67.2(5) and rule 261—67.7(15).

67.6(4) Investment. An agreement will describe the project and specify the qualifying investment the business proposes to make.

67.6(5) Project completion date. An agreement will specify the project completion date. The project completion date will be the date on which a program recipient has agreed to meet all the terms and obligations contained in an agreement with the authority, including but not limited to completing the project and creating jobs. The project completion period will be at least three years. The project completion date is calculated by the authority from the end of the month during which an award is

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made. For example, if an award is made on June 13, 2024, the three-year project completion date will be calculated from June 30, 2024. The project completion date for this award would be June 30, 2027.

67.6(6) Maintenance period completion date. An agreement will specify the maintenance period completion date. The maintenance period completion date will be used to establish the period during which the project and the created jobs must be maintained. The total contract length, including the maintenance period, will be at least five years.

67.6(7) Conditions to issuance of tax credit certificate. An agreement will specify the conditions of issuance of a tax credit certificate, including but not limited to compliance with the requirements of Iowa Code section 15A.1(3) "b" regarding solid and hazardous waste and verification that the project completion and qualified job threshold specified in Iowa Code section 15.496 as enacted by 2024 Iowa Acts, Senate File 574, section 8, has been met, if applicable.

67.6(8) Monitoring and reports. The authority shall ensure that program recipients comply with contracts entered into pursuant to this rule. An agreement will specify the reports a program recipient must submit to the authority and due dates for such reports. Reports shall be provided in form and content acceptable to the authority.

a. Recipients shall report annually to the authority about the status of the funded project, including but not limited to employment, wages, benefits, project costs, qualifying investment, and compliance with the contract. The authority will use the data it collects in the authority's annual report to the general assembly.

b. Recipients shall submit a report to the authority following the project completion date and the maintenance period completion date to verify compliance with the agreement. On-site or remote monitoring may be conducted following the project completion date as deemed appropriate by the authority. On-site or remote monitoring may be conducted following the maintenance period completion date as deemed appropriate by the authority.

67.6(9) Default. An agreement will specify events of default and the remedies available to the authority.

a. Tax incentives. If the authority determines that a recipient is in default, the authority may seek recovery of all state tax incentives by notifying the department of revenue of the event of default and the required repayment amount. The repayment amount is subject to applicable interest and penalties as determined by the department of revenue. Negotiated settlements are subject to approval by the board. The department of revenue will undertake collection efforts. If the business is an entity that has elected pass-through taxation status for income tax purposes, the department of revenue may undertake collection efforts against members, individuals, or shareholders to whom the tax incentives were passed through. If the agreement provides for local tax incentives, the authority will notify the community that provided incentives.

b. Calculation of repayment due or reduction of tax incentives.

(1) Job shortfall. If a business does not meet its job requirements, the repayment amount or reduction of tax incentives shall be the same proportion as the amount of the job shortfall. For example, if the business creates 50 percent of the jobs required, the business shall repay 50 percent of the tax incentives received or incentives will be reduced by 50 percent.

(2) Qualifying investment shortfall. If a business does not meet the qualifying investment requirement, the repayment amount or reduction of tax incentives shall be the same proportion as the amount of the shortfall in required qualifying investment. For example, if the business meets 75 percent of the amount of required qualifying investment, the business shall repay 25 percent of the amount of the tax incentives received or incentives will be reduced by 25 percent.

(3) Job and qualifying investment shortfalls. If a business has a shortfall in both qualifying investment and job requirements, the repayment amount or reduction of tax incentives shall be the same proportion as the greater of the two shortfalls. For example, if a business creates 50 percent of the required jobs and meets 75 percent of the required qualifying investment, the business shall repay 50 percent of the amount of the tax incentives received or tax incentives will be reduced by 50 percent.

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(4) Benefits. Notwithstanding any other provision in this subrule, if a business fails to comply with the benefit requirements of the agreement, the business shall repay all of the tax incentives received or tax incentives will be fully revoked.

(5) Minimum eligibility. Notwithstanding any other provision in this subrule, if a business fails to maintain eligibility for the program, the business shall repay all of the tax incentives received or tax incentives will be fully revoked.

c. Notification of default. The authority will notify a business and community of an event of default as described in the agreement.

67.6(10) Amendments. Agreement amendments must comply with Iowa Code sections 15.490 through 15.501 as enacted by 2024 Iowa Acts, Senate File 574, and this chapter. Recipients may submit requests for amendments to authority staff.

a. Except as provided in paragraph 67.6(10)“*b*,” requests for amendments shall not be effective unless approved by the due diligence committee established pursuant to 261—subrule 1.3(7) and the board.

b. Authority staff may approve nonsubstantive changes, including but not limited to the following:

- (1) Recipient name, address and similar changes.
- (2) Line item budget changes that do not reduce overall total project costs.
- (3) Changes to tax credit amortization schedules.

261—67.7(15) Job counting.

67.7(1) Overview. The authority will count created jobs using a base employment analysis comparing the base employment level to employment at another date. The business’s base employment level will be established at the time of application for the program. The number of qualified jobs the business has pledged to create shall be in addition to the base employment level.

67.7(2) Base employment level.

a. Base employment level will include the number of full-time equivalent positions employed at the project location. If the project occurs at more than one physical location, the business’s base employment level will include the total number of full-time equivalent positions working at the identified locations. Base employment level may include the business’s full-time equivalent positions as identified by the authority who are employed in this state but are not employed at the project location.

b. The authority will collect payroll documents to calculate and verify base employment level used in each award. Payroll documents must include a name or employee identification number and the hourly rate of pay for all full-time equivalent positions.

67.7(3) Verification. At the project completion date, during the maintenance period, and following the maintenance period completion date, payroll documents will be used to calculate and verify compliance with job obligations. The person who submits the documents must, under penalty of perjury, verify that the information contained in the documents is true and correct.

67.7(4) Full-time equivalent positions. Only a full-time equivalent position filled by an individual will be considered an employee of the business for the purpose of establishing the base employment level or created jobs. The authority will not consider “job sharing” or any other means of aggregation or combination of hours worked by more than one natural person in counting jobs. The authority will verify that full-time equivalent positions constitute the employment of one person for:

a. Eight hours per day for a five-day, 40-hour workweek for 52 weeks per year, including paid holidays, vacations and other paid leave; or

b. The number of hours or days per week, including paid holidays, vacations and other paid leave, currently established by schedule, custom, or otherwise, as constituting a week of full-time work for the kind of service an individual performs for an employing unit, provided that the number of hours per week is at least 32 hours per week for 52 weeks per year, including paid holidays, vacations, and other paid leave.

If employees at the facility do not typically work 40 hours per week, the business will be required to provide documentation outlining what the business considers a full-time workweek and how

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the business's interpretation fits within the norms of its industry standards. Whether to accept this interpretation is within the sole discretion of the authority.

67.7(5) *Contract employees.* A business's leased or contract employee may be included in the base employment level or as a created job only if the following requirements are met:

a. The business receiving the program benefits has a legally binding contract with a third-party provider to provide the leased or contract employee.

b. The contract between the third-party provider and the business specifically requires the third-party provider to pay the wages and benefits at the levels required and for the time period required by the authority as conditions of the award to the business.

c. The contract between the third-party provider and the business specifically requires the third-party provider to submit payroll records to the authority, in form and content and as frequently as required by the authority, for purposes of verifying that the business's created job and benefit requirements are being met.

d. The contract between the third-party provider and the business specifically authorizes the authority, or its authorized representatives, to access the third-party provider's records related to the funded project.

e. The business receiving the program benefits agrees to be contractually liable to the authority for the performance or nonperformance of the third-party provider.

67.7(6) *Displaced employees.* Pursuant to Iowa Code section 15.492(2) "a"(2) as enacted by 2024 Iowa Acts, Senate File 574, section 4, the authority shall reduce a business's job projections by the number of jobs displaced from competing businesses based on a good-faith estimate of such number of such displaced jobs when it determines the proposed number of created jobs applicable to a project. The authority shall have sole discretion to determine whether a job is displaced from a competing business.

261—67.8(15) Authority procedure for establishing wage requirements. Created jobs shall meet the qualifying wage threshold requirements as established pursuant to this rule and as indicated in an agreement entered into pursuant to Iowa Code section 15.494 as enacted by 2024 Iowa Acts, Senate File 574, section 6. Jobs that do not meet the qualifying wage threshold requirements will not be counted toward a business's job obligations.

67.8(1) For the purposes of establishing qualifying wage threshold as defined in Iowa Code section 15.491 as enacted by 2024 Iowa Acts, Senate File 574, section 3, "laborshed area" means the geographic area surrounding an employment center from which the employment center draws its commuting workers as defined by the department of workforce development.

67.8(2) The authority will update the qualifying wage thresholds annually each fiscal year. The thresholds will take effect on September 1 of each fiscal year and remain in effect until August 31 of the following fiscal year. If the authority determines that the laborshed wage of a laborshed area would increase by more than one dollar per hour, the authority will limit the increase to the qualifying wage threshold for that laborshed area for that annual update to one dollar per hour.

67.8(3) The authority will calculate the laborshed wage as follows:

a. The most current covered wage and employment data available from the department of workforce development will be used.

b. The wage will be computed as a mean wage figure and represented in terms of an hourly wage rate.

c. Only the wages paid by employers for jobs performed within the first two zones of a laborshed area will be included.

d. The wages paid by employers in the following categories will be excluded from the calculation: government, retail trade, health care and social assistance, and accommodations and food service. The wages paid by employers in all other categories will be included in the calculation.

e. To the extent that a laborshed area includes zip codes from states other than Iowa, the wages paid by employers in those zip codes may be included if the department of workforce development has finalized a data-sharing agreement with the state in question and has received the necessary data.

f. Only those wages within two standard deviations from the mean wage will be included.

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67.8(4) To determine the wages paid to the employees of an eligible business, the authority will include only monetary compensation, represented in terms of an hourly rate, paid by an employer to an employee for work or services provided, typically on a weekly or biweekly basis. The wage will not include nonregular forms of compensation, such as bonuses, unusual overtime pay, commissions, stock options, pensions, retirement or death benefits, unemployment benefits, life or other insurance, or other fringe benefits.

These rules are intended to implement Iowa Code sections 15.490 through 15.501 as enacted by 2024 Iowa Acts, Senate File 574, and Iowa Code section 15A.1.

[Filed Emergency 5/17/24, effective 5/17/24]

[Published 6/12/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8061C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed Emergency

Rulemaking related to the career and technical cluster endorsement

The Educational Examiners Board hereby amends Chapter 22, "Authorizations," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256.146 and 2024 Iowa Acts, Senate File 2411.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.146.

Purpose and Summary

This amendment creates a new endorsement option for career and technical authorizations.

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

Pursuant to Iowa Code section 17A.4(3)"a," the Board recognizes that 2024 Iowa Acts, Senate File 2411, includes language for emergency rulemaking, which allows the new career and technical endorsement pathway to be established in a timely manner to accommodate the hiring process and the start of the academic year.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)"b"(1)(a), the Board also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on May 23, 2024, because 2024 Iowa Acts, Senate File 2411, includes language for emergency rulemaking. There is a significant benefit to the public because the earlier effective date will allow applicants to obtain the career and technical authorization prior to the start of the academic year so that teachers can be hired and courses can be provided to Iowa students immediately.

Adoption of Rulemaking

This rulemaking was adopted by the Board on May 17, 2024.

Concurrent Publication of Notice of Intended Action

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 8062C** to allow for public comment.

Fiscal Impact

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

Jobs Impact

This rulemaking provides a benefit to jobs by expanding eligibility for the career and technical authorization teacher pathway.

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 282—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 became effective on May 23, 2024.

The following rulemaking action is adopted:

ITEM 1. Amend paragraph **22.9(3)“c”** as follows:

c. Applicants ~~shall~~ will meet one of the following qualifications:

- (1) 6,000 hours of recent and relevant experience;
- (2) 4,000 hours of recent and relevant experience if the applicant holds a baccalaureate degree;
- (3) 3,000 hours of recent and relevant experience if the applicant holds an associate's degree in the teaching endorsement area sought, if such a degree is considered terminal for that field of instruction;
- (4) Hold a baccalaureate or graduate degree or closely related degree in the teaching endorsement area sought; or
- (5) Hold a baccalaureate degree in any area of study if at least 18 of the credit hours were completed in the teaching endorsement area sought.

(6) For a career and technical cluster endorsement, meet one of the above qualifications and at least 2,000 hours of recent and relevant experience or 9 semester hours each in two additional areas within the cluster endorsement. Combinations of experience and education may be approved by the executive director.

Recent and relevant experience ~~shall~~ will have been accrued within the ten years prior to the date of application. Experience that does not meet these criteria may be considered at the discretion of the executive director. In subjects for which state registration, certification or licensure is required, the applicant ~~must~~ will hold the appropriate license, registration or certificate before the initial career and technical secondary authorization or the career and technical secondary authorization will be issued.

[Filed Emergency 5/22/24, effective 5/23/24]

[Published 6/12/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8056C**INSURANCE DIVISION[191]****Adopted and Filed Emergency After Notice****Rulemaking related to property and casualty insurance**

The Insurance Division hereby amends Chapter 20, “Property and Casualty Insurance,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 515F.37.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 515, 515A and 515F.

Purpose and Summary

The amendment to rule 191—20.11(515) corrects language that was erroneously omitted when the chapter was rescinded and new Chapter 20 was adopted pursuant to Executive Order 10 (January 10, 2023). Insurers were previously exempt from filing rates for the lines of insurance listed in the rule. The amendment ensures that the exemption continues.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 17, 2024, as **ARC 7884C**. Public hearings were held on May 8, 2024, at 10 a.m. and 3 p.m. at 1963 Bell Avenue, Suite 100, Des Moines, Iowa. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Division finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on May 22, 2024, because the corrected language restores the requirement that no form and rate filing by insurers is necessary for the exempted lines of insurance.

Adoption of Rulemaking

This rulemaking was adopted by Douglas Ommen, Iowa Insurance Commissioner, on May 22, 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 Division for a waiver of the discretionary provisions, if any, pursuant to 191—Chapter 4.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s

INSURANCE DIVISION[191](cont'd)

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking became effective on May 22, 2024.

The following rulemaking action is adopted:

ITEM 1. Amend rule 191—20.11(515) as follows:

191—20.11(515) Exemption from form and rate filing requirements.

20.11(1) The following lines of insurance shall be exempt from the form and rate filing requirements of Iowa Code section 515.102:

- a.* Aircraft hull and aviation liability.
- b.* Difference-in-conditions.
- c.* Kidnap-ransom.
- d.* Manuscript policies and endorsements issued to not more than two insureds in Iowa.
- e.* Political risk.
- f.* Reinsurance.
- g.* Terrorism.
- h.* War risk.
- i.* Weather insurance.

20.11(2) No change.

[Filed Emergency After Notice 5/22/24, effective 5/22/24]

[Published 6/12/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8048C**EDUCATION DEPARTMENT[281]****Adopted and Filed****Rulemaking related to senior year plus program**

The State Board of Education hereby rescinds Chapter 22, “Senior Year Plus 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 261E.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 261E.

Purpose and Summary

This rulemaking is pursuant to Executive Order 10 review. The Department of Education has removed unduly restrictive rule language, removed outdated or obsolete programs, incorporated statutory language by reference when available, and renumbered rules. The adopted rules have provided additional flexibility to families in private instruction.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 7, 2024, as **ARC 7586C**. Public hearings were held on February 27, 2024, at 9:30 a.m. in Room B100 and at 1:30 p.m. in Room B50, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa.

Three persons attended the hearings. One gave public comments and also submitted written comments. The commenter objected to the application of the dual enrollment course limit in 281—Chapter 33 to enrollment in community college coursework under Division III of Chapter 22. Similar concerns were raised in public comments for 281—Chapter 33.

After considering this comment, the Department agrees. Students in independent private instruction may access coursework under Division III and are not subject to any course limitation. It would be counterintuitive to apply an enrollment limitation to one manner of private instruction and not the other. To put students receiving independent private instruction and competent private instruction on an even footing, the Department has added new subrule 22.7(4).

The Department has also made a technical change to the definition of “dually enrolled” in rule 281—22.1(261E).

Adoption of Rulemaking

This rulemaking was adopted by the State Board on May 9, 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 State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

EDUCATION DEPARTMENT[281](cont'd)

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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 281—Chapter 22 and adopt the following **new** chapter in lieu thereof:

CHAPTER 22
SENIOR YEAR PLUS PROGRAM

DIVISION I
GENERAL PROVISIONS

281—22.1(261E) Definitions. For the purposes of this chapter, the indicated terms are defined as follows:

“*Concurrent enrollment*” means the same as defined in Iowa Code section 261E.2(1).

“*Department*” means the department of education.

“*Director*” means the director of the department of education.

“*Dually enrolled*” means the status of a student who receives competent private instruction under Iowa Code chapter 299A and whose parent, guardian, or legal custodian has registered the student pursuant to Iowa Code section 299A.8 in a school district for any of the purposes listed therein, including, for purposes of these rules, participation in any part of the senior year plus program on the same basis as public school students but subject to the enrollment limitation contained in 281—Chapter 33.

“*Eligible postsecondary institution*” means the same as defined in Iowa Code section 261E.2(4).

“*Institution*” means the same as defined in Iowa Code section 261E.2(5).

“*School board*” means the board of directors of a school district or a collaboration of boards of directors of school districts.

“*State board*” means the state board of education.

“*Student*” means the same as defined in Iowa Code section 261E.2(8).

281—22.2(261E) Student eligibility. A student is eligible if the student satisfies the provisions of Iowa Code section 261E.3(1). If the student was absent for the most recent administration of the statewide assessment, and such absence was not excused by the student's school of enrollment, the student is deemed not to be proficient in any of the content areas. Measures of college readiness may be jointly agreed upon by the school board and the eligible postsecondary institution that allow a student to demonstrate competency in one or all of the required subject areas. Institutions will ensure the following:

22.2(1) The measures of college readiness align with the proficiency levels established for the statewide assessment and reflect the competence of entering first-year students at the postsecondary institution.

22.2(2) The measures of college readiness are specified in a contract entered into by the participating institutions.

281—22.3(261E) Teacher eligibility, responsibilities. A teacher employed to provide instruction under this chapter is eligible if the teacher satisfies the criteria and responsibilities of Iowa Code section 261E.3(2). The background investigation also applies to a teacher or instructor who is employed by an

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eligible postsecondary institution if the teacher or instructor provides instruction under this chapter at a school district facility, an accredited nonpublic school facility, or a neutral site. For purposes of this rule, “neutral site” means the same as defined in Iowa Code section 261E.3(2).

281—22.4(261E) Institutional eligibility, responsibilities.

22.4(1) General. Institutions are governed by the provisions of Iowa Code section 261E.3(3).

a. If a fee is charged to other students of the eligible postsecondary institution for any of the services specified in Iowa Code section 261E.3(3) “*b*,” that fee may also be charged to participating secondary students on the same basis as it is charged to postsecondary students.

b. The institutions will provide the teacher or instructor appropriate orientation and training in secondary and postsecondary professional development related to curriculum, pedagogy, assessment, policy implementation, technology, and discipline issues.

c. The institutions will provide the teacher or instructor adequate notification of an assignment to teach a course under this chapter, as well as adequate preparation time to ensure that the course is taught at the college level. The specifics of this paragraph are locally determined.

22.4(2) Requirements of school district or accredited nonpublic school only.

a. Except as provided under Iowa Code sections 257.11(3) “*c*,” 261E.8(2) “*b*,” and 279.50A, the school district or accredited nonpublic school shall certify annually to the department, as an assurance in the district’s or accredited nonpublic school’s basic education data survey, that the course provided to a high school student for postsecondary credit in accordance with this chapter supplements, and does not supplant, a course provided by the school district or accredited nonpublic school in which the student is enrolled. For purposes of these rules, to comply with the supplement-not-supplant requirement, the content of a course provided to a high school student for postsecondary credit is not to consist of substantially the same concepts and skills as the content of a course provided by the school district or accredited nonpublic school.

b. If the teacher or instructor is employed by an eligible postsecondary institution, the school district or accredited nonpublic school will pay for the background investigation but may request reimbursement of the actual cost to the eligible postsecondary institution.

22.4(3) Requirements of eligible postsecondary institution only.

a. All eligible postsecondary institutions providing programming under this chapter will include the unique student identifier assigned to students while in the kindergarten through grade 12 system as a part of the institution’s student data management system.

(1) Eligible postsecondary institutions providing programming under this chapter will cooperate with the department on data requests related to the programming.

(2) All eligible postsecondary institutions providing programming under this chapter are to collect data and report to the department on the proportion of females and minorities enrolled in science-, technology-, engineering-, and mathematics-oriented educational opportunities provided in accordance with this chapter.

b. The eligible postsecondary institution will provide the teacher or instructor with ongoing communication and access to instructional resources and support and encourage the teacher or instructor to participate in the postsecondary institution’s academic departmental activities.

DIVISION II
ADVANCED PLACEMENT PROGRAM

281—22.5(261E) School district obligations. School districts will make advanced placement courses available to students under the terms of Iowa Code section 261E.4, including making such coursework available to a dually enrolled student under competent private instruction or to a student enrolled in an accredited nonpublic school located in the district if the student meets the same criteria as a regularly enrolled student of the district. An international baccalaureate program is not an advanced placement program.

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281—22.6(261E) Obligations regarding registration for advanced placement examinations. The board of directors of a school district or authorities in charge of an accredited nonpublic school are governed by Iowa Code section 261E.5.

DIVISION III
CONCURRENT ENROLLMENT PROGRAM

281—22.7(261E) Applicability. The concurrent enrollment program, also known as district-to-community college sharing, is subject to the provisions of Iowa Code section 261E.8. A student enrolled in a career and technical course under this division does not have to meet the proficiency requirements set forth in Iowa Code section 261E.3(1)“e.”

22.7(1) Auditing not allowed. Students are not permitted to audit a concurrent enrollment course; students are to take the course for credit.

22.7(2) Funding. Regardless of whether a district receives supplementary weighted funding, the district will not charge tuition to any of its students who participate in a concurrent enrollment course.

22.7(3) Data collection. Institutions participating in the program established by this rule will comply with data reporting and verification processes established by the department, including the data elements set forth in Iowa Code section 261E.8(9).

22.7(4) Private instruction. Students in independent private instruction or in competent private instruction under Iowa Code chapter 299A may access courses under this division without the course limit contained in 281—Chapter 33.

281—22.8(261E) Accredited nonpublic school concurrent enrollment option.

22.8(1) Authorization. In addition to enrollment through a school district as authorized under rule 281—22.7(261E), students enrolled at an accredited nonpublic school may access concurrent enrollment coursework through a direct contract between the authorities in charge of an accredited nonpublic school and a community college.

22.8(2) General. For any coursework delivered through a contract established pursuant to this rule, students, institutions, and instructors will meet the requirements for concurrent enrollment established under rule 281—22.7(261E). However, such coursework is not eligible for funding under that rule.

22.8(3) Funding. Subject to the appropriation of funds by the Iowa legislature for such purposes, coursework delivered through a contract between the authorities in charge of an accredited nonpublic school and a community college pursuant to this rule may be eligible for funding under rule 281—97.7(257).

22.8(4) Data collection. Institutions participating in a contract pursuant to this rule are to comply with data reporting and verification processes established by the department.

DIVISION IV
POSTSECONDARY ENROLLMENT OPTIONS PROGRAM

281—22.9(261E) Postsecondary enrollment options program—general. The postsecondary enrollment options (PSEO) program is established pursuant to the terms of Iowa Code section 261E.6. PSEO programming provided by a school district pursuant to this division may be but is not required to be available to students on a year-round basis.

281—22.10(261E) Student eligibility. Student eligibility is described in Iowa Code section 261E.6(6). Persons who have graduated from high school are not eligible for this program. Students who are not residents of Iowa are not eligible.

22.10(1) A student enrolled in an accredited nonpublic school who meets all eligibility requirements may apply to take courses under this division in the school district where the accredited nonpublic school is located, provided that neither the accredited nonpublic school nor the school district offers a comparable course.

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22.10(2) A student under competent private instruction who meets the eligibility requirements in this chapter may apply to take courses under this division through the public school district in which the student is dually enrolled, provided that the resident school district does not offer a comparable course.

22.10(3) Postsecondary institutions may require students to meet appropriate standards or requirements for entrance into a course, which may include prerequisite courses, scores on national academic aptitude and achievement tests, or other evaluation procedures to determine competency. Acceptance of a student into a course by a postsecondary institution is not a guarantee that a student will be enrolled in all requested courses. Priority may be given to postsecondary students before eligible secondary students are enrolled in courses. However, once an eligible secondary student has enrolled in a postsecondary course, the student cannot be displaced by another student for the duration of the course. Students must take the course for credit (no auditing of courses allowed) and meet all of the requirements of the course that are required of postsecondary students.

281—22.11(261E) Eligible postsecondary courses. These rules are intended to implement the policy of the state to promote rigorous academic pursuits.

22.11(1) Postsecondary courses eligible for students to enroll in under this division are limited to:

- a. Nonsectarian courses;
- b. Courses that are not comparable to courses offered by the school district where the student attends that are defined in rules adopted by the board of directors of the public school district. For purposes of these rules, “comparable” is not synonymous with “identical,” but means that the content of a course provided to a high school student for postsecondary credit consists of substantially the same concepts and skills as the content of a course provided by the school district or accredited nonpublic school;
- c. Credit-bearing courses that lead to an educational degree;
- d. Courses in the discipline areas of mathematics, science, social sciences, humanities, and vocational-technical education; and also the courses in career option programs offered by area schools established under the authorization provided in Iowa Code chapter 260C.

22.11(2) A school district or accredited nonpublic school will grant academic or vocational-technical credit to an eligible student enrolled in an eligible postsecondary course.

22.11(3) A course is ineligible for purposes of this rule if the school district has a contractual agreement with the eligible postsecondary institution under Iowa Code section 261E.8 that meets the requirements of Iowa Code section 257.11(3) and if the course may be delivered through such an agreement in accordance with Iowa Code section 257.11(3).

22.11(4) Matters pertaining to the granting and awarding of credit are set forth in Iowa Code section 261E.6(4).

281—22.12(261E) Application process. The application process is set forth in Iowa Code section 261E.6(3).

281—22.13(261E) Transportation. The parent or guardian of an eligible student who has enrolled in and is attending an eligible postsecondary institution under this division is solely responsible to furnish transportation to and from the postsecondary institution for the student.

281—22.14(261E) Payments, claims, and reimbursements. Payments, claims, and reimbursements, including reimbursements and adjustments, under this division are set forth in Iowa Code section 261E.7.

DIVISION V
CAREER ACADEMIES

281—22.15(261E) Career academies. A career academy is defined in Iowa Code section 258.6. Career academies are established and governed by Iowa Code section 261E.10, which is incorporated by this reference. A course offered by a career academy will not qualify as a regional academy course.

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DIVISION VI
REGIONAL ACADEMIES

281—22.16(261E) Regional academies. A regional academy is a program established and governed by Iowa Code section 261E.9, which is incorporated by this reference. School districts participating in a regional academy pursuant to this rule are to comply with the application and verification processes established by the department.

DIVISION VII
INTERNET-BASED COURSEWORK

281—22.17(261E) Internet-based coursework. The programming in this chapter may be delivered as specified in Iowa Code section 261E.11.

DIVISION VIII
PROJECT LEAD THE WAY

281—22.18(261E) Project lead the way.

22.18(1) Program established. A project lead the way program is established to be administered by the department to promote rigorous science, technology, engineering, and mathematics pursuits.

22.18(2) Notification. A school district shall provide descriptions of the project lead the way courses available to students using a course registration handbook. The handbook is to identify which courses, if successfully completed, generate college credit under the program. Information about available project lead the way courses is to be provided to every junior high school student or middle school student prior to the development of a core curriculum plan pursuant to Iowa Code section 279.61.

22.18(3) Access. Students from accredited nonpublic schools and students receiving competent private instruction under Iowa Code chapter 299A may access the program through the school district in which the accredited nonpublic school or private institution is located.

22.18(4) Curriculum. A school district offering a project lead the way program will offer the curriculum developed by the national organization that administers the project lead the way program.

22.18(5) Instructor. A school district will ensure that a teacher or instructor employed to provide instruction under this rule meets the following additional criteria:

a. The teacher has successfully completed the training required by the national organization that administers the project lead the way program.

b. The teacher meets the minimum requirements of the national organization that administers the project lead the way program.

c. The teacher participates, on a regular basis, in available professional development provided by the national organization that administers the project lead the way program.

22.18(6) Accreditation standards.

a. A project lead the way course may apply toward high school program accreditation standards pursuant to 281—Chapter 12. To meet the requirement, the instructor must be appropriately licensed and endorsed by the board of educational examiners to teach the subject area of the accreditation standard.

b. If the project lead the way course being taught is within a career and technical education program or is one in a sequence of project lead the way courses that collectively are used to meet one of the career and technical education sequential unit requirements of 281—Chapter 12, the program must be approved by the department pursuant to 281—Chapter 46.

22.18(7) Collaborative project lead the way courses.

a. A collaborative program for project lead the way courses is established to be administered by the department to promote rigorous science, technology, engineering, and mathematics pursuits in partnership with a community college established under Iowa Code chapter 260C. The program is to be made available to all resident students in grades 9 through 12.

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b. A comparable course, as defined in rules adopted by the board of directors of the school district consistent with department administrative rule, is not offered by the school district or accredited nonpublic school the student attends.

c. A school district is to be certified by the national organization that administers the project lead the way program and have a signed agreement with that organization.

d. To be eligible, institutions, instructors, and students are to meet the provisions of Iowa Code section 261E.3.

e. A school district may set additional eligibility requirements to ensure student readiness to achieve success. All students in the shared course are to meet the expectations of the national organization that administers the project lead the way program and be registered for college credit.

f. A district-to-community college sharing program for project lead the way courses that meets the requirements of 281—subrule 97.2(6) is eligible for funding under that provision for collaborative project lead the way career and technical education courses.

22.18(8) Credit.

a. The school district shall grant high school credit to a student enrolled in a project lead the way course not offered by a community college. At a school district's discretion, a project lead the way course may count toward a school district's graduation requirements provided that the teacher is licensed by the board of educational examiners and endorsed within the subject area of the graduation requirement.

b. The school district shall grant high school credit to a student enrolled in a project lead the way course for college credit under this chapter if the student successfully completes the course as determined by the community college and the course was previously approved by the school board pursuant to Iowa Code section 261E.8(3). If a student is not successful in completing a project lead the way course as determined by the community college, the student's high school transcript will reflect the failing grade. The board of directors of the school district determines the number of high school credits to be granted to a student who successfully completes a project lead the way course.

c. The school district may offer a project lead the way course as an articulated course. Articulated courses are offered through an agreement between the district and the postsecondary institution that allows students to receive college credit at the postsecondary institution upon matriculation based on the demonstrated mastery of concepts in the high school course. An articulated course shall not be delivered by a postsecondary institution.

DIVISION IX
SUMMER COLLEGE CREDIT PROGRAM

281—22.19(261E) Summer college credit program.

22.19(1) Program established. A summer college credit program is established to expand access for high school students to high-quality career and technical education experiences aligned with career pathways leading to postsecondary credentials and high-demand jobs. Programs approved under subrule 22.19(3) will be offered during the summer term of an eligible postsecondary institution.

22.19(2) Type of coursework offered. The following provisions apply to coursework delivered through an approved program under this rule:

a. Coursework eligible to be offered through an approved program under this rule will be technical core coursework within and prerequisite coursework for a career and technical education program approved under 281—subrule 21.4(3).

b. The career and technical education program is to be aligned with in-demand occupations identified by the state workforce development board and community colleges pursuant to Iowa Code section 84A.1B(14).

c. Coursework delivered under this rule shall comply with Iowa Code section 257.11(3). The course will not be eligible for supplementary weighting under that section.

22.19(3) Program proposals. The department will establish an annual process for the submission and review of proposals for summer college credit programs. A postsecondary institution eligible to offer programming under Division III of this chapter may submit program proposals to the department.

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a. Minimum components. The proposal will detail the following components:

(1) A program description, including the course or courses to be made available through the program; total number of credit hours; additional cocurricular experiences and activities including project-, problem-, and work-based learning opportunities; additional support services to be made available through the program; and any other pertinent program information.

(2) The total number of students that the program is capable of serving.

(3) The start date and duration of the program.

b. Enrollment threshold. The postsecondary institution will propose, and the department will approve, a minimum program enrollment threshold. Programs that surpass the minimum enrollment threshold shall be eligible for funding under paragraph 22.19(4) "b."

c. Review of proposals. The department will establish a review process to evaluate all program proposals. In reviewing proposals, the department will give priority consideration to program proposals that will ensure equitable geographic disbursement of approved programs. The department will consider additional criteria including number of students served; alignment with in-demand occupations; the inclusion of extracurricular experiences with an emphasis on project-, problem-, and work-based learning opportunities; and the inclusion of provisions that address and remove barriers to participation for nontraditional students, underrepresented minority students, and low-income students.

d. Funding of proposals. A program proposal approved under this rule is funded under paragraph 22.19(4) "a" for the amount described under paragraph 22.19(3) "a."

22.19(4) Disbursement of funds. Subject to the appropriation of funds, the department will disburse funds to a postsecondary institution offering an approved program in the following manner. All funds received under this rule shall be used to support and sustain the approved program.

a. Base funding. The amount of funds reserved for base funding as specified in paragraph 22.19(4) "c" will be distributed equally between approved programs.

b. Enrollment. Any funds not distributed under paragraph 22.19(4) "a" will be distributed to postsecondary institutions offering an approved program with student enrollment greater than the minimum enrollment threshold.

(1) An approved program shall gather a count of students enrolled in the program on the third day following the start date of the program, and submit this count to the department in a manner prescribed by the department.

(2) Enrollment funding shall be calculated by the department for each program with enrollment greater than the minimum enrollment threshold. For purposes of this rule, the portion of enrollment funding to be received by a postsecondary institution offering an approved program is equal to the total student enrollment in the approved program divided by the total student enrollments statewide.

c. Subsequent years. In each of the subsequent three years following the implementation year, the portion of the allocation distributed based on enrollment will increase by 10 percent each year until the minimum amount awarded based on enrollment is equal to 80 percent of the total allocation.

22.19(5) Availability. A postsecondary institution offering an approved program shall enter into a contract with a school district interested in making the program available to eligible students of the school district. The program will be made available to any eligible student from a participating school district. An institution offering programming to a student under this rule will comply with Division III of this chapter.

a. Student eligibility. To participate in an approved program, a student will comply with the criteria established under rules 281—22.2(261E) and 281—22.7(261E).

b. Teacher eligibility. A teacher assigned to provide instruction under this rule will comply with the criteria established under rule 281—22.3(261E) and be a community college-employed instructor.

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c. Institutional eligibility. Institutions offering an approved program under this rule will comply with the criteria established under rule 281—22.4(261E).

These rules are intended to implement Iowa Code chapter 261E.

[Filed 5/14/24, effective 7/17/24]

[Published 6/12/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8049C

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rulemaking related to private instruction and dual enrollment

The State Board of Education hereby rescinds Chapter 31, “Private Instruction and Dual Enrollment,” 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 299A.10.

State or Federal Law Implemented

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

Purpose and Summary

This rulemaking is pursuant to Executive Order 10 review. The Department of Education has removed unduly restrictive rule language, removed inflexible rule language, and incorporated statutory language by reference when available. After public comment, the Department is also providing additional flexibilities to families participating in home instruction.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 7, 2024, as **ARC 7587C**. Public hearings were held on February 27, 2024, at 11:30 a.m. in Room B100 and at 3:30 p.m. in Room B50, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa. At least 50 people attended the public hearings, with 15 individuals providing oral comment. The Department received over 800 written public comments.

General. The purpose of Executive Order 10 and the Notice was to remove regulatory burdens and unnecessary language; some commenters understood the Notice as removing rights from parents who choose private instruction as an option. That understanding is incorrect. The Department appreciated the opportunity to explain the purpose of the proposed rules to many commenters and advocates. The Department looks forward to working with those commenters and advocates in implementing these final rules.

Several commenters recommended restoration of language that did not add legal value, such as language that restates statutory requirements verbatim, including items specifically discussed in the paragraphs that follow. No changes have been made based on these comments; however, an inference that this substantively changes rights, powers, or duties under Iowa Code chapter 299A or this chapter is neither intended nor proper.

Special education evaluations. Several commenters requested that the rules retain references to the rights of parents choosing home instruction to refuse consent to special education evaluations or services. This is unnecessary because that principle is completely addressed in 281—paragraph 41.300(4)“d.” No changes have been made based on these comments.

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Definition of “adequate progress.” Several commenters requested that the Department provide greater clarity in the definition of “adequate progress.” The rules incorporate the statutory definition of “adequate progress” by reference. The commenters are concerned that this would limit the manner in which families could demonstrate that their children made the progress required by Iowa Code chapter 299A. The concern is misplaced. The rules and statute retain multiple ways of demonstrating adequate academic progress, which are not limited to performance on standardized tests. No changes have been made based on these comments.

Competent private instruction by a privately retained practitioner. Several commenters asked the Department to further refine subrule 31.3(1) to clarify that privately retained practitioners have a different set of obligations than practitioners employed by public school districts. The crux of the concern is the obligation to refer children who might be eligible for special education. The commenters assert that this only applies to public employees. The commenters are incorrect. Under Iowa Code section 299A.9(2), any child receiving competent private instruction who might be eligible for special education must be referred for a special education evaluation. The statute does not distinguish based on the employment status of the supervising teacher. For that reason, the subrule is a correct statement of the law. While the public agencies receiving the referral decide whether an evaluation is warranted, and while the parents may refuse their consent to an evaluation (see above), this does not change the duty of practitioners to make necessary referrals. No changes have been made based on these comments.

Options under Iowa Code section 299A.3. Several commenters objected to proposed subrule 31.3(2), which purported to require parents providing private instruction to meet three requirements that, by statute (Iowa Code section 299A.3), are optional. These concerns are valid. While the option is laid out in subrule 31.7(5), the word “will” in subrule 31.3(2) has been changed to “may.” The Department has also made conforming changes to subrule 31.7(5).

Annual achievement evaluations. Several commenters requested additional language and clarification in rule 281—31.4(299,299A). This additional language is duplicative of statutory texts and is unnecessary. No changes have been made based on these comments.

Dual enrollment. Several commenters requested additional language related to concurrent enrollment in community college courses. The concerns are valid; however, they will be addressed in another rule chapter, which was presented to the State Board at the same May 2024 meeting as this chapter. The commenters also requested that the Department remove the requirement that children may dual enroll for no more than three-quarters of the school day. The commenters suggested that the current language is arbitrary and the rule ought to reflect the language in the Department’s Declaratory Order #44 (1993), which states that a child may not use dual enrollment to access all courses but one. The Department concurs with this suggestion. The 75-percent rule was an attempt to approximate typical course schedules; however, what constitutes a course and the number offered by a school are matters of local decision making. For some dual-enrolled students, this will result in the ability to enroll in more courses; for others, fewer. This is properly a matter of local governance. Subrule 31.5(4) has been revised accordingly.

Home School Assistance Programs (HSAPs). Several commenters asked for substantial revisions to the rule related to HSAPs. The rule has already been streamlined by incorporating statutory requirements by reference. The remaining rules are necessary to ensure a minimum level of quality instruction from HSAPs. The commenters also suggested that the language provided in proposed subrule 31.3(1) would be more appropriately located in the rule related to HSAPs. Licensed practitioners may provide services through an HSAP, but they also may provide services through public schools but not through an HSAP, or they may provide services through unaccredited schools. The current rule structure accurately reflects the law. No changes have been made based on these comments.

Miscellaneous provisions. Several commenters made helpful suggestions for improvement. The Department has removed the word “competent” from subrule 31.7(4) related to driver education, corrected a cross-reference in subrule 31.7(5), and updated subrule 31.7(6) to align with other provisions of the chapter.

Several commenters requested that subrule 31.7(1) contain a reference to Iowa Code chapter 256B. Since that Iowa Code chapter is referenced in Iowa Code section 299A.9, which is referenced in the

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subrule, the requested reference would not add value. No changes have been made based on these comments.

Several commenters requested access to teacher editions and answer keys for tests under subrule 31.7(3) based on the assertion that a textbook is not useful without the teacher edition and a test is not useful without the answer key. The subrule requires instructional materials that are available to be offered to home schooling families, which is a fact-specific and context-specific inquiry. The textbook adoption agreement with a publisher may limit who has access to teacher editions and answer keys, and test security concerns may provide additional constraints on availability. If those concerns are adequately addressed in a particular case, those materials become available for purposes of this subrule. Because this is fact- and context-dependent, the Department was unable to make the change requested.

Several commenters requested that a new subrule be added to rule 281—31.7(299,299A) to address concurrent enrollment in community college coursework. The suggested change has been made in 281—Chapter 22 in a concurrently published rulemaking (**ARC 8048C**). No changes to this chapter have been made based on these comments.

Other comments. Any comment not specifically addressed is beyond the statutory authority of the Department to adopt, is addressed by the changes already made, or is not germane to this rulemaking. No changes have been made based on these comments.

Adoption of Rulemaking

This rulemaking was adopted by the State Board on May 9, 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 State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on July 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 281—Chapter 31 and adopt the following **new** chapter in lieu thereof:

TITLE V
NONTRADITIONAL STUDENTS
CHAPTER 31
PRIVATE INSTRUCTION AND DUAL ENROLLMENT

281—31.1(299,299A) General. Any parent, guardian, or legal custodian of a child of compulsory attendance age may place the child under competent private instruction or independent private

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instruction in adherence to all provisions within Iowa Code chapter 299A. This includes any child identified as requiring special education under Iowa Code chapter 256B. If a child's performance indicates a need for special education, the child will be referred and evaluated as indicated in Iowa Code section 299A.9.

281—31.2(299,299A) Definitions. For purposes of this chapter:

31.2(1) The following terms apply as defined in Iowa Code section 299A.1:

“Competent private instruction.”

“Independent private instruction.”

“Private instruction.”

31.2(2) The following term applies as defined in Iowa Code section 299A.6:

“Adequate progress.”

281—31.3(299,299A) Competent private instruction.

31.3(1) *By licensed practitioner.* Competent private instruction by a licensed practitioner complies with this chapter.

a. Instruction under this subrule may include a home school assistance program. A home school assistance program is provided by instructional assistance and supervision to a parent, guardian, or legal custodian providing instruction to a child through an accredited nonpublic school or public school district by an appropriately certified or licensed educator.

b. If instruction is provided through a public school district:

(1) The child will be enrolled and included in the basic enrollment of the school district.

(2) Iowa Code sections 299A.3 through 299A.7 do not apply in this circumstance, with the exception of the reporting provision in Iowa Code section 299A.3(1).

c. If a person is a privately retained licensed practitioner (who possesses a valid Iowa teaching certificate or practitioner license, including a substitute teacher's license or a substitute authorization that is appropriate to the grade level of the student), that practitioner may provide competent private instruction.

(1) The duties of a licensed teacher who instructs or provides instructional supervision of a student include the following:

1. Contact with the student and the student's parent, guardian, or legal or actual custodian at least twice per 45 days of instruction, during which time the teacher practitioner fulfills the duties described below. One of every two contacts will be face-to-face with the student.

2. Consulting with and advising the student's parent, guardian, or legal or actual custodian as requested by the student's parent, guardian, or legal or actual custodian or as deemed necessary in the professional judgment of the practitioner.

3. Providing formal and informal assessments of the student's progress to the student and the student's parent, guardian, or legal or actual custodian.

4. Annually maintaining a diary, record, or log of visitations and assistance provided.

5. Referring to the child's district of residence for evaluation a child who the practitioner has reason to believe may need special education.

(2) A licensed Iowa practitioner who is employed under this rule will not serve in that capacity on behalf of more than 25 families, or more than 50 children of compulsory attendance age, in an academic year unless the service is provided pursuant to the teacher's employment with a nonaccredited nonpublic entity.

A licensed practitioner may seek exemption from the above limitation by submitting a written request to the director of the department of education. Exemptions will be granted when the director is satisfied that the limitation will impose a substantial hardship on the person or the school providing instruction or instructional supervision and that the best interests of all children being served by the practitioner will continue to be met.

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31.3(2) *By parent, guardian, or legal custodian.* A parent, guardian, or legal custodian without a current Iowa teaching license providing competent private instruction for any child of compulsory age may:

- a. Provide a report to the school district of residence of the child within 30 days of commencing instruction under this rule, which report demonstrates compliance with Iowa Code chapter 299A and this chapter.
- b. Annually evaluate the child to determine whether the child is making adequate progress.
- c. Report the child's annual evaluation to the school district of residence of the child and to the department of education by August 1.

281—31.4(299,299A) Annual achievement evaluations.

31.4(1) *General.* Each child receiving competent private instruction will be evaluated annually by May 31 through the use of:

- a. A nationally recognized standardized achievement evaluation; or
- b. Another assessment tool selected by the child's parent, guardian, or legal custodian from an approved list provided by the department of education, which will include:
 - (1) The costs and administration time of listed evaluations, and
 - (2) A process to approve new or alternate assessments that meet the provisions of Iowa Code chapter 299A.

31.4(2) *Duties of educational agencies.* The director of the department of education, or the director's designee, which may include a school district or an area education agency (AEA), will:

- a. Conduct annual evaluations at a time and place determined by the person responsible for conducting the evaluation, which includes but is not limited to purchasing of evaluation materials, giving the evaluations, scoring and interpreting the evaluations, and reporting the evaluation results; and
- b. Provide for the parent, guardian, or legal custodian of the child to be present when the child is evaluated.

31.4(3) *Additional testing.* If requested, the school district or AEA will conduct annual evaluations at no cost to the parent, guardian, or legal custodian. Further:

- a. The parent, guardian, or legal custodian under competent private instruction is not required to reimburse any of the evaluation costs; and
- b. The annual achievement evaluation does not meet dual enrollment purposes under Iowa Code section 299A.8.

31.4(4) *Additional evidence of progress.* A parent, guardian, or legal custodian of a child may submit, as evidence of adequate academic progress, completed assessment evaluations, other than the annual achievement evaluation, if assessment evaluations are administered as part of the competent private instruction.

a. A parent, guardian, or legal or actual custodian of a child subject to the annual assessment requirement may arrange to have an appropriately licensed Iowa practitioner review a portfolio of evidence of the child's progress annually by May 31.

(1) A single evaluator will be designated by the parent, guardian, or legal or actual custodian who has selected the portfolio evaluation option for annual assessment. The evaluator so identified will be approved by the superintendent of the local school district or the superintendent's designee and will hold a valid Iowa practitioner license or teacher certificate appropriate to the ages and grade levels of the children whose portfolios are being assessed.

(2) The child's portfolio will contain evidence of academic progress in the minimum curriculum areas of reading, language arts, and mathematics if the child is in grades 1 through 5. For children in grades 6 through 12, the portfolio will contain evidence in the minimum curriculum areas of reading, language arts, mathematics, science, and social studies.

b. For a child subject to annual assessment under this rule who is enrolled as a student of a correspondence school that is a member of an accrediting association recognized by the federal Department of Education and accredited for elementary and secondary education, the district of residence and the department will accept the annual report of progress (report card) sent by the

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correspondence school to the child's parent, guardian, or legal or actual custodian if the annual report of progress includes a listing of subjects taken and grades received. A passing grade in all content areas for which annual assessment is required is deemed evidence of adequate progress for the purpose of annual assessment.

31.4(5) Reporting of evaluation results. Evaluation results will be handled pursuant to Iowa Code section 22.7(1) and reported by the evaluation administrator to the child's parent, guardian, or legal custodian; the school district of residence of the child; and the department of education.

31.4(6) Failure to make adequate progress—notice to parents. If annual evaluation results indicate the child has not made adequate progress:

a. The director of the department of education, or the director's designee, will notify the parent, guardian, or custodian of the child that the child is required to attend an accredited public or nonpublic school.

b. The child will attend an accredited public or nonpublic school at the start of the next school year until evaluation results indicate the child has made adequate progress, unless, before the beginning of the next school year, the director or director's designee grants approval for competent private instruction to continue under a plan for remediation.

31.4(7) Rules of construction.

a. Nothing in this section requires or prohibits testing in any way other than what is set forth in Iowa Code section 256.7(21)“b”(2).

b. The parent, guardian, or custodian of students who are receiving independent private instruction are responsible for the cost of annual assessment if requested, through the local school district or AEA.

c. The parent, guardian, or legal or actual custodian of a child subject to this rule and who has a physical or mental disability so significant that the results of a standardized test would not yield relevant results for assessment purposes may request the department's approval of an alternative evaluation.

281—31.5(299,299A) Dual enrollment.

31.5(1) If a parent, guardian, or legal custodian submits a request, the child will be registered in a public school for dual enrollment purposes and included in the public school's basic enrollment under Iowa Code section 257.6.

31.5(2) A child who is dual enrolled will:

a. Be permitted to participate in any academic activities in the district;

b. Be permitted to participate in any extracurricular activities on the same basis as any public school child; and

c. Be counted under Iowa Code section 257.6(1)“a”(6); or

d. In the case of a child in grades 9 through 12, be counted in the same manner as a shared-time pupil under Iowa Code section 257.6(1)“a”(3).

31.5(3) Enrollment of a child solely for purposes of accessing the annual achievement evaluation does not constitute dual enrollment.

31.5(4) A child under competent private instruction will not be able to access all courses except one in a district's academic schedule.

281—31.6(299,299A) Home school assistance program. The board of directors of a school district will expend funds received pursuant to Iowa Code section 257.6(1)“a”(5), and amounts designated from the school district's flexibility account under Iowa Code section 298A.2(2), for providing a home school assistance program. Funds will be expended for intended purposes identified in Iowa Code sections 299A.12(2) through 299A.12(4). A district will not employ as a home school assistance program instructor a person who currently holds only a substitute authorization. A home school assistance program teacher will have contact with the student and the student's parent, guardian, or legal or actual custodian at least four times per 45 days of instruction. One of every two contacts will be face-to-face with the student.

281—31.7(299,299A) Miscellaneous provisions.

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31.7(1) *Special education.* Special education services to students in competent private instruction, including dual enrollment for special education services, are governed by Iowa Code section 299A.9.

31.7(2) *Open enrollment.* Open enrollment for a student under this chapter is governed by Iowa Code section 282.18. A receiving district may only bill a resident district if the receiving district complies with the provisions of this chapter.

31.7(3) *Instructional materials.*

a. A school district will not make monetary payments, including cash and cash equivalents, or give publicly funded resources, directly or indirectly, to the parent, guardian, or legal or actual custodian or to a child receiving competent private instruction. A school district will not purchase texts or supplementary materials for or on behalf of a child receiving competent private instruction if such texts or supplementary materials are not appropriate for use by regularly enrolled students of the school district.

b. A district may provide to children receiving competent private instruction available texts or supplementary materials on the same basis as they are provided to enrolled students and will provide available texts or supplemental instructional materials on the same basis as they are provided to enrolled students when a child is under dual enrollment or in a home school assistance program. If a fee, such as a textbook or towel rental fee, is charged to regularly enrolled students for participation in a class or extracurricular activity, that fee may also be charged to dual-enrolled students on the same basis as it is charged to enrolled students, but only for the specific class or extracurricular activity.

c. The parent, guardian, or legal or actual custodian who provides competent private instruction to a child of compulsory attendance age may access the services and materials available from the AEA by requesting assistance through the school district of residence. The AEA will make services and materials available to the child on the same basis as they are available to regularly enrolled students of the district if the child is dual enrolled or enrolled in a home school assistance program. The district of residence will act as liaison between the parent, guardian, or legal or actual custodian of a child who is receiving competent private instruction and the AEA.

31.7(4) *Driver education.* The public school district will offer or make available to all resident students, including those receiving private instruction on an equal basis with students enrolled in the district, an approved course in driver education pursuant to Iowa Code section 321.178(1)“c.”

31.7(5) *Private instruction reporting exemption.* The options provided in subrule 31.3(2) are not available to any parent, guardian, or legal or actual custodian who requests services from a school district or AEA under this chapter, including the provision of instructional materials, assistance from a home school assistance program, dual enrollment, open enrollment, or special education services. Parents who elect the reporting option under this subrule and who request testing assistance or an approved course in driver education under subrule 31.7(4) need not complete any particular form, but must demonstrate that the child is receiving competent private instruction pursuant to this chapter.

31.7(6) *Independent private instruction—services available.* For students under independent private instruction, only the following services are available: an approved course in driver education; annual achievement testing under paragraph 31.4(7)“b”; and concurrent enrollment programs, also known as district-to-community college sharing, subject to the terms of Iowa Code section 261E.8.

31.7(7) *Student records confidential.* Personal information in records pursuant to this chapter will be kept confidential in compliance with district student directory policy in accordance with Iowa Code section 22.7(1).

These rules are intended to implement Iowa Code chapters 299 and 299A.

[Filed 5/14/24, effective 7/17/24]

[Published 6/12/24]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8050C**EDUCATION DEPARTMENT[281]****Adopted and Filed****Rulemaking related to practitioner and administrator preparation programs**

The State Board of Education hereby rescinds Chapter 77, “Standards for Teacher Intern Preparation Programs,” and Chapter 79, “Standards for Practitioner and Administrator Preparation Programs,” Iowa Administrative Code, and adopts a new Chapter 79 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 256.16.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 256.16.

Purpose and Summary

This rulemaking is in response to Executive Order 10. It consolidates two chapters (Chapter 77 and Chapter 79) that have common and overlapping provisions, while retaining requirements that have the most demonstrable link to student success.

The status quo rules contained many instances of overly restrictive language and language that duplicated statutory text verbatim. This rulemaking eliminates that language.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 13, 2023, as **ARC 7166C**. Public hearings were held on January 3, 2024, at 2 p.m. and January 4, 2024, at 10 a.m. in the State Board Room, Second Floor, Grimes State Office Building, Des Moines, Iowa. No one attended the public hearings.

The Department received written public comments from four individuals, all of whom are faculty members or administrators at Iowa educator preparation programs. Their comments focused on the unintended consequences of merging two chapters. They sought greater clarity on how the combined chapter would apply to various types of practitioner preparation programs, such as teacher intern programs and programs offered by consortia of institutes of higher education. Based on these public comments, the following changes from the Notice have been made:

- In rule 281—79.2(256), the definition of “faculty” was revised, the definition of “intern program” was not adopted because it was unnecessary, and the definition of “intern” was added.
- Rule 281—79.10(256) was revised by restoring provisions related to a program’s use of part-time faculty and graduate students and restoring the requirement for the program to have an appeals process.
- In rule 281—79.13(256), a new subrule 79.13(7) was added to describe the process for candidate assessment in teacher intern programs.
- Subrule 79.14(1) was revised to more clearly articulate the requirements for high-quality clinical experiences.
- Rule 281—79.22(256) was revised by updating the catchwords and incorporating text from other rules by reference.
- Subrule 79.24(8) was revised to clarify the learning outcome expected of those completing a teacher intern program.
- Rule 281—79.25(256) was revised to account for content in new subrule 79.13(7).
- Links to the Department’s web page were corrected.

Adoption of Rulemaking

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This rulemaking was adopted by the State Board on May 9, 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

The rules in this chapter are not subject to the waiver provisions set out in 281—Chapter 4 pursuant to Iowa Code section 256.7(3)“b.”

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 17, 2024.

The following rulemaking action is adopted:

- ITEM 1. Rescind and reserve **281—Chapter 77**.
- ITEM 2. Rescind 281—Chapter 79 and adopt the following new chapter in lieu thereof:

CHAPTER 79

STANDARDS FOR PRACTITIONER AND ADMINISTRATOR PREPARATION PROGRAMS

DIVISION I

GENERAL STANDARDS APPLICABLE TO ALL PRACTITIONER PREPARATION PROGRAMS

281—79.1(256) General statement. Programs of practitioner and administrator preparation leading to licensure in Iowa are subject to approval by the state board of education as provided in Iowa Code chapter 256. All programs having accreditation on August 31, 2001, are presumed accredited unless or until the state board takes formal action to remove accreditation.

281—79.2(256) Definitions. For purposes of clarity, the following definitions are used throughout the chapter:

“*Administrator candidates*” means individuals who are enrolled in practitioner preparation programs leading to administrator licensure.

“*Administrator preparation programs*” means the programs of practitioner preparation leading to licensure of administrators.

“*Area education agency*” or “*AEA*” means a regional service agency that provides school improvement services for students, families, teachers, administrators and the community.

“*BOEE*” means the board of educational examiners, the board responsible for establishing licensure requirements and issuing licenses.

“*Candidates*” means individuals who are preparing to become educational practitioners through a practitioner preparation program.

“*Clinical experiences*” means a candidate’s direct experiences in PK-12 schools. “Clinical experiences” includes field experiences and student teaching or internships.

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“College/university supervisors” means qualified employees or individuals contracted by the college or university offering educator preparation who provide guidance and supervision to candidates during the candidates’ clinical experiences in the schools.

“Cooperating administrators” means school administrators who provide guidance and supervision to administrator candidates during the candidates’ clinical experiences in the schools.

“Cooperating teachers” means appropriately licensed classroom teachers of record who provide guidance and supervision to teacher candidates in the cooperating teachers’ classrooms during the candidates’ field experiences in the schools.

“Delivery model” means the form in which the educator preparation program is delivered to candidates and may include conventional campus-based, face-to-face models, distance learning models, off-campus models, programs delivered through consortia arrangements, and programs or elements delivered by contracted outside providers.

“Department” means the department of education.

“Director” means director of the department.

“Distance learning” means a formal education process in which the major portion of the instruction occurs when the learner and the instructor are not in the same place at the same time and occurs through virtually any media, including printed or digital materials, a learning management system (LMS) or online communications.

“Distance learning program” means a program in which over half of the required courses in the program occur when the learner and the instructor are not in the same place at the same time (more information is contained in the definition of “distance learning”). These programs include those offered by the professional educational unit through a contract with an outside vendor or in a consortium arrangement with other higher education institutions, area education agencies, or other entities.

“Diverse groups” means one or more groups of individuals possessing certain traits or characteristics, including age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status or familial status.

“Educator preparation program” means practitioner preparation program.

“Facility” means a residential or other setting for a child in which the child receives an appropriate educational program. “Facility” includes a foster care facility as defined in Iowa Code section 237.1, a facility that provides residential treatment pursuant to Iowa Code chapter 125, an approved or licensed shelter care home as defined in Iowa Code section 232.2(34), an approved juvenile detention home as defined in Iowa Code section 232.2(32) and a psychiatric medical institution for children as defined in Iowa Code section 135H.1.

“Faculty” means the teaching and supervising staff of a university or college responsible for delivering instruction or providing supervision and feedback to the candidates.

“Institution” means a college or university in Iowa offering practitioner preparation or an educational organization offering administrator preparation and seeking state board approval of its practitioner preparation program.

“Institutional accrediting agency” means an institutional accrediting agency recognized by the U.S. Department of Education. Agencies include regional and national accreditors. The department will maintain a web link to a list of currently approved accreditors on the department’s practitioner preparation web page.

“InTASC” means Interstate Teacher Assessment and Support Consortium, the source of national standards for teachers.

“Intern” means an individual who is enrolled in a teacher intern preparation program and is currently employed as an intern by an Iowa school district.

“Iowa core” means a legislatively mandated state initiative that provides local school districts and nonpublic schools a guide to delivering instruction to students based on consistent, challenging and meaningful content.

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“Iowa teaching standards” represents a set of knowledge and skills that reflect evidence of best practices regarding effective teaching as listed in rule 281—83.4(284). The standards serve as the basis for comprehensive evaluations of teachers and professional development plans.

“Leadership preparation program” means an administrator preparation program.

“Mentor” means an experienced educator who provides guidance to a practitioner, administrator candidate or novice educator. For intern programs, “mentor” means an individual employed by a school district or area education agency as a classroom teacher, or a retired teacher, who holds a valid license issued under Iowa Code chapter 272. The individual must have a four-year record of successful teaching practice with at least two of the four years on a nonprobationary basis and demonstrate professional commitment to both the improvement of teaching and learning and the development of beginning teachers or teacher interns.

“National professional standards” means standards developed by nationally recognized organizations that establish best practices for education.

“NELP standards” means the National Educational Leadership Preparation standards for administrator preparation.

“Novice” means an individual in an educational position who has no previous experience in the role of that position or who is newly licensed by the BOEE.

“Off-campus program” means a program offered by a unit on a site other than the main campus. Off-campus programs may be offered in the same state, in other states, or in countries other than the United States.

“Practitioner” means a teacher, administrator or other school personnel holding a license issued by the BOEE.

“Practitioner candidates” means individuals who are enrolled in practitioner preparation programs leading to licensure as teachers, as administrators or as other professional school personnel in professions that require a license issued by the BOEE.

“Practitioner preparation programs” means the programs of practitioner preparation leading to licensure of teachers, administrators and other professional school personnel.

“Program” means a specific field of specialization leading to a specific endorsement.

“School district” means a school corporation as defined in Iowa Code chapter 290. A school district is also referred to as a “local education agency” or “LEA.”

“State board” means Iowa state board of education.

“Students” means PK-12 pupils.

“Teacher candidate” means an individual who is enrolled in a practitioner preparation program leading to teacher licensure.

“Teacher intern candidate” means an individual who is enrolled in a teacher intern preparation program leading to teacher intern licensure and who has not yet begun employment as an intern.

“Teacher intern preparation program” means the program for teacher intern preparation at colleges and universities leading to licensure of teacher interns.

“Unit” means the organizational entity within an institution with the responsibility of administering and delivering all practitioner preparation programs.

281—79.3(256) Institutions affected. In order to attain the authority to recommend candidates for Iowa licensure, colleges and universities offering practitioner preparation programs in Iowa, as well as other Iowa educational organizations engaged in the preparation of school administrators, teacher interns and holders of other school professional licensure, will meet the standards contained in this chapter to gain or maintain state board approval of the institution’s programs.

281—79.4(256) Criteria for practitioner preparation programs. Each institution seeking approval of its practitioner preparation programs by the state board, including those programs offered by distance learning delivery models or at off-campus locations, must be accredited by an institutional accrediting agency recognized by the U.S. Department of Education and file evidence of the extent to which each program meets the standards contained in this chapter by means of a written self-evaluation report

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and an evaluation conducted by the department. The institution will demonstrate such evidence by means of a template developed by the department and through a site visit conducted by the department. After the state board has approved the practitioner preparation programs of an institution, students who complete the programs and are recommended by the authorized official of that institution will be issued the appropriate license and endorsement(s).

281—79.5(256) Approval of programs.

79.5(1) Approval of institutions' practitioner preparation programs by the state board will be based on the recommendation of the director after study of the factual and evaluative evidence on record about each program in terms of the standards contained in this chapter.

79.5(2) Approval, if granted, is for a term of seven years; however, approval for a lesser term may be granted by the state board if it determines conditions so warrant.

79.5(3) If approval is not granted, the applying institution will be advised concerning the areas in which improvement or changes appear to be essential for approval. In this case, the institution will be given the opportunity to present factual information concerning its programs at a regularly scheduled meeting of the state board, not beyond three months of the board's initial decision. Following a minimum of six months after the board's decision to deny approval, the institution may reapply when it is ready to show what actions have been taken to address the areas of suggested improvement.

79.5(4) Programs may be granted conditional approval upon review of appropriate documentation. In such an instance, the program will receive a full review after one year or, in the case of a new program, at the point at which candidates demonstrate mastery of standards for licensure.

281—79.6(256) Visiting teams. Upon application or reapplication for approval, a review team will visit each institution for evaluation of its practitioner preparation program(s). When an institution offers off-campus practitioner preparation programs, the team may elect to include visits to some or all of the sites of the off-campus programs. The membership of the team is selected by the department with the concurrence of the institution being visited. The team may include faculty members of other practitioner preparation institutions; personnel from elementary and secondary schools, to include licensed practitioners; personnel of the state department of education; personnel of the BOEE; and representatives from professional education organizations. Each team member should have appropriate competencies, background and experiences to enable the member to contribute to the evaluation visit. The expenses for the review team will be borne by the institution.

281—79.7(256) Periodic reports. Upon request of the department, approved programs will make periodic reports that provide basic information necessary to keep records of each practitioner preparation program up to date and to carry out research studies relating to practitioner preparation. The department may request that information be disaggregated by attendance center or delivery model or both.

281—79.8(256) Reevaluation of practitioner preparation programs. Every seven years or at any time deemed necessary by the director, an institution will conduct a self-evaluation and file a written institutional report with evidence of its practitioner preparation programs to be followed by a review team visit. Any action for continued approval or rescission of approval will be approved by the state board.

281—79.9(256) Approval of program changes. Upon application by an institution, the director is authorized to approve minor additions to, or changes within, the curricula of an institution's approved practitioner preparation program. When an institution proposes a revision that exceeds the primary scope of its programs, the revision becomes operative only after having been approved by the state board. Approval of any institution's application for adding the dyslexia specialist endorsement must include approval by the Iowa reading research center.

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DIVISION II
SPECIFIC EDUCATION STANDARDS APPLICABLE TO ALL PRACTITIONER PREPARATION PROGRAMS

281—79.10(256) Governance and resources standard. Governance and resources adequately support the preparation of practitioner candidates to meet professional, state and institutional standards in accordance with the following provisions.

79.10(1) The professional education unit has primary responsibility for all educator preparation programs offered by the institution through any delivery model.

79.10(2) The unit's conceptual framework and governance structure establishes the shared vision for the unit and provides the foundation for all components of the educator preparation programs.

79.10(3) The unit demonstrates alignment of unit and program standards with current national professional standards for educator preparation; teacher preparation aligns with InTASC standards; and each unit defines unit and program standards and embeds them in courses and field experiences.

79.10(4) The unit provides evidence of ongoing collaboration with appropriate stakeholders. There is an active advisory committee that is involved semiannually in providing input for program evaluation and continuous improvement.

79.10(5) When a unit is a part of a college or university, there is ongoing collaboration with the appropriate departments of the institution, especially regarding content knowledge.

79.10(6) The institution provides resources and support necessary for the delivery of quality preparation program(s). The resources and support include the following:

a. Financial resources; facilities; appropriate educational materials, equipment and library services; and commitment to a work climate, policies and faculty/staff assignments that promote/support best practices in teaching, scholarship and service;

b. Resources to support professional development opportunities;

c. Resources to support technological and instructional needs to enhance candidate learning;

d. Resources to support quality clinical experiences for all educator candidates;

e. Commitment of sufficient administrative, clerical and technical staff;

f. Equitable resources and access for all program components, regardless of delivery model or location; and

g. The use of part-time faculty and graduate students in teaching roles is purposeful and is managed to ensure integrity, quality, and continuity of all programs.

79.10(7) The unit has a clearly articulated appeals process, aligned with the institutional policy, for decisions impacting candidates. This process is communicated to all candidates and faculty.

281—79.11(256) Diversity standard. The environment and experiences provided for practitioner candidates support candidate growth in knowledge, skills and dispositions to help all students learn in accordance with the following provision: the institution's and unit's plans, policies and practices document their efforts in establishing a supportive environment and maintaining a diverse faculty and student body.

281—79.12(256) Faculty standard. Faculty qualifications and performance will facilitate the professional development of practitioner candidates in accordance with the following provisions.

79.12(1) The unit defines and communicates the roles and requirements for faculty members by position. The unit describes how roles and requirements are determined.

79.12(2) The unit documents the alignment of teaching duties for each faculty member with that member's preparation, knowledge, experiences and skills.

79.12(3) The unit holds faculty members accountable for teaching prowess. This accountability includes evaluation and indicators for continuous improvement.

79.12(4) The unit holds faculty members accountable for professional growth to meet the academic needs of the unit.

79.12(5) Faculty members collaborate with:

a. Colleagues in the unit;

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- b.* Colleagues across the institution;
- c.* Colleagues in PK-12 schools/agencies/learning settings. Faculty members engage in professional education and maintain ongoing involvement in activities in preschool and elementary, middle or secondary schools. For faculty members engaged in teacher preparation, activities include at least 40 hours of teaching or co-teaching at the appropriate grade level(s) during a period not exceeding five years in duration.

281—79.13(256) Assessment system and unit evaluation standard. The unit's system of assessment will appropriately monitor individual candidate performance and use that data in concert with other information to evaluate and improve the unit and its programs in accordance with the following provisions.

79.13(1) The unit has a clearly defined, cohesive system of assessment that includes both individual candidate assessment and comprehensive unit assessment.

79.13(2) The assessment system is based on unit standards.

79.13(3) The unit tracks and communicates the following criteria for candidates:

- a.* Entrance into the program.
- b.* Continuation in the program with clearly defined checkpoints/gates.
- c.* Admission to clinical experiences (for teacher education, this includes specific criteria for admission to student teaching).
- d.* Program completion.

79.13(4) Individual candidate assessment includes all of the following:

- a.* Measures used for candidate assessment are fair, reliable and valid.
- b.* Candidates are assessed on their demonstration/attainment of unit standards.
- c.* Multiple measures are used for assessment of the candidate on each unit standard.
- d.* Candidates are assessed on unit standards at different developmental stages.
- e.* Candidates are provided with formative feedback and opportunities to utilize the feedback to reflect upon and guide their development and growth toward attainment of unit standards.

79.13(5) The unit will document regular reviews, evaluation and revision to the system of assessment.

a. The collection, aggregation, analysis and evaluation of assessment data described in this subrule will take place on a regular cycle.

b. Comprehensive unit assessment includes all of the following:

(1) Individual candidate assessment data on unit standards, as described in subrule 79.13(4), are analyzed.

(2) The aggregated assessment data are analyzed to evaluate programs.

(3) Findings from the evaluation of aggregated assessment data are shared with stakeholders and utilized for program improvement decisions.

79.13(6) The unit shall conduct a survey of graduates and the graduates' employers to ensure that the graduates are well prepared and use the data for program improvement.

79.13(7) For teacher intern preparation programs, candidate assessment includes clear criteria for the following:

a. Acceptance requirements, including:

(1) Completion of a baccalaureate degree from a regionally accredited institution that meets program-established required grade point criteria for the baccalaureate degree and content area;

(2) Completion of coursework that meets the state minimum requirements for at least one of the BOEE's secondary endorsement areas, unless the endorsement area requirements are embedded in the teacher intern professional core; and

(3) Screening designed to generate information about the prospective candidate's attributes identified as essential for candidates in the program.

b. Continuation in the program with clearly defined checkpoints/gates, including verification of an offer of employment as an intern from a school or district administrator.

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c. Program completion and subsequent recommendation by the authorized official of the program for an initial teaching license, including recommendation for an intern license for one or more of the endorsements identified on the department's teacher preparation website at educate.iowa.gov/pk-12/educator-quality/practitioner-preparation.

DIVISION III
SPECIFIC EDUCATION STANDARDS APPLICABLE ONLY TO INITIAL
PRACTITIONER PREPARATION PROGRAMS FOR TEACHER CANDIDATES

281—79.14(256) Teacher preparation clinical practice standard. The unit and its school partners shall provide field experiences and student teaching opportunities that assist candidates in becoming successful teachers in accordance with the following provisions.

79.14(1) The unit ensures that clinical experiences occurring in all locations are in high-quality instructional programs for PK-12 students in a state-approved school or educational facility and are well-sequenced, supervised by appropriately qualified personnel, monitored by the unit and integrated into the unit standards. These expectations are shared with teacher candidates, college/university supervisors and cooperating teachers.

79.14(2) Cooperating teachers and college/university supervisors share responsibility for evaluating the teacher candidates' achievement of unit standards. Clinical experiences are structured to have multiple performance-based assessments at key points within the program.

79.14(3) Teacher candidates experience clinical practices in multiple settings that include diverse groups and diverse learning needs.

79.14(4) Teacher candidates admitted to a teacher preparation program must complete a minimum of 80 hours of pre-student teaching field experiences, with at least 10 hours occurring prior to acceptance into the program.

79.14(5) Pre-student teaching field experiences support learning in context and include all of the following:

a. High-quality instructional programs for students in a state-approved school or educational facility.

b. Opportunities for teacher candidates to observe and be observed by others and to engage in discussion and reflection on clinical practice, planning, instruction and assessment.

79.14(6) The unit is responsible for ensuring that the student teaching experience for initial licensure:

a. Includes a full-time experience for a minimum of 14 weeks in duration during the teacher candidate's final year of the teacher preparation program.

b. Takes place in the classroom of a cooperating teacher who is appropriately licensed in the subject area and grade-level endorsement for which the teacher candidate is being prepared.

c. Includes prescribed minimum expectations and responsibilities, including ethical behavior, for the teacher candidate.

d. Involves the teacher candidate in communication and interaction with parents or guardians of students in the teacher candidate's classroom.

e. Requires the teacher candidate to become knowledgeable about the Iowa teaching standards and to experience a mock evaluation, which shall not be used as an assessment tool by the unit, performed by the cooperating teacher or a person who holds an Iowa evaluator license.

f. Requires collaborative involvement of the teacher candidate, cooperating teacher and college/university supervisor in candidate growth. This collaborative involvement includes biweekly supervisor observations with feedback.

g. Requires the teacher candidate to bear primary responsibility for planning, instruction and assessment within the classroom for a minimum of two weeks (ten school days).

h. Includes a written evaluation procedure, after which the completed evaluation form is included in the teacher candidate's permanent record.

79.14(7) The unit annually offers one or more workshops for cooperating teachers to define the objectives of the student teaching experience, review the responsibilities of the cooperating teacher and

EDUCATION DEPARTMENT[281](cont'd)

provide the cooperating teacher other information and assistance the unit deems necessary. The duration of the workshop will be equivalent to one day.

79.14(8) The institution enters into a written contract with the cooperating school or district providing clinical experiences, including field experiences and student teaching.

281—79.15(256) Teacher candidate knowledge, skills and dispositions standard. Teacher candidates are to demonstrate the content, pedagogical and professional knowledge, skills and dispositions necessary to help all students learn in accordance with the following provisions:

79.15(1) Each teacher candidate demonstrates the acquisition of a core of liberal arts knowledge, including English composition, mathematics, natural sciences, social sciences and humanities.

79.15(2) Each teacher candidate receives dedicated coursework and demonstrates competency related to the study of human relations, cultural competency and diverse learners, such that the candidate is prepared to work with students from diverse groups as defined in rule 281—79.2(256). The unit shall provide evidence that teacher candidates develop the ability to identify and meet the needs of all learners, including:

- a. Students from diverse ethnic, racial and socioeconomic backgrounds.
- b. Students with disabilities. This will include preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, and strategies that address difficult and violent student behavior and improve academic engagement and achievement.
- c. Students who are struggling with literacy, including those with dyslexia.
- d. Students who are gifted and talented.
- e. English learners.
- f. Students who may be at risk of not succeeding in school. This preparation will include classroom management addressing high-risk behaviors, including behaviors related to substance use disorder.

79.15(3) Each teacher candidate demonstrates competency in literacy, including reading theory, knowledge, strategies and approaches, and integrating literacy instruction into content areas. The teacher candidate demonstrates competency in making appropriate accommodations for students who struggle with literacy. Demonstrated competency shall address the needs of all students, including students with disabilities; students who are at risk of academic failure; students who have been identified as gifted and talented or English learners; and students with dyslexia, whether or not such students have been identified as children requiring special education under Iowa Code chapter 256B. Literacy instruction shall include evidence-based best practices, determined by research, including those practices identified by the Iowa reading research center.

79.15(4) Each teacher candidate demonstrates competency in all of the following professional core curricula:

a. *Learner development.* The teacher understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional and physical areas, and designs and implements developmentally appropriate and challenging learning experiences.

b. *Learning differences.* The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards.

c. *Learning environments.* The teacher works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning and self-motivation.

d. *Content knowledge.* The teacher understands the central concepts, tools of inquiry and structures of the discipline(s) being taught and creates learning experiences directly related to the Iowa core that make the discipline accessible and meaningful for learners to ensure mastery of the content.

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e. Application of content. The teacher understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity and collaborative problem solving related to authentic local and global issues.

f. Assessment. The teacher understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress and to guide the teacher's and learners' decision-making.

g. Planning for instruction. The teacher plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills and pedagogy, as well as knowledge of the learners and the community context.

h. Instructional strategies. The teacher understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways.

i. Professional learning and ethical practice. The teacher engages in ongoing professional learning and uses evidence to continually evaluate the teacher's practice, particularly the effects of the teacher's choices and actions on others (learners, families, other professionals and the community) and adapts practice to meet the needs of each learner.

j. Leadership and collaboration. The teacher seeks appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school professionals and community members to ensure learner growth, and to advance the profession.

k. Technology. The teacher candidate effectively integrates technology into instruction to support student learning.

l. Methods of teaching. The teacher candidate understands and uses methods of teaching that have an emphasis on the subject and grade-level endorsement desired.

79.15(5) Each teacher candidate must complete a 30-semester-hour teaching major that minimally includes the requirements for at least one of the basic endorsement areas, special education teaching endorsements or secondary level occupational endorsements. Additionally, each elementary teacher candidate must also complete a field of specialization in a single discipline or a formal interdisciplinary program of at least 12 semester hours. Each teacher candidate is to meet all requirements established by the BOEE for any endorsement for which the teacher candidate is recommended.

DIVISION IV

SPECIFIC EDUCATION STANDARDS APPLICABLE ONLY TO ADMINISTRATOR PREPARATION PROGRAMS

281—79.16(256) Administrator preparation clinical practice standard. The unit and its school partners shall provide clinical experiences that assist candidates in becoming successful school administrators in accordance with the following provisions.

79.16(1) The unit ensures that:

a. Principal candidates successfully complete clinical experiences that provide candidates with opportunities to synthesize and apply the knowledge and skills identified in subrule 79.17(2) in ways that approximate the full range of responsibilities of building-level leaders and enable them to promote the current and future success and well-being of each student and adult in their school.

b. Superintendent candidates successfully complete clinical experiences that provide candidates opportunities to synthesize and apply the knowledge and skills identified in subrule 79.17(3) in ways that approximate the full range of responsibilities of district-level leaders and enable them to promote the current and future success and well-being of each student and adult in their district.

79.16(2) The unit ensures that clinical experiences occurring in all locations are coherent, authentic, sustained and purposeful opportunities that are monitored by the unit. These expectations are shared with candidates, supervisors and cooperating administrators.

79.16(3) Cooperating administrators and college/university supervisors share responsibility for evaluating the candidate's achievement of unit standards. Clinical experiences are structured to have multiple performance-based assessments at key points within the program to demonstrate candidates' attainment of unit standards.

EDUCATION DEPARTMENT[281](cont'd)

79.16(4) Clinical experiences include all of the following criteria:

- a.* Include a minimum of 400 hours during the candidate's preparation program.
- b.* Take place with appropriately licensed cooperating administrators in state-approved schools or educational facilities.
- c.* Take place in multiple high-quality educational settings that include diverse populations and students of different age groups.
- d.* Include documented expectations and responsibilities for cooperating administrators, school districts, accredited nonpublic schools or AEAs and for higher education supervising faculty members.
- e.* Provide opportunities for candidates to apply and use the knowledge, skills and dispositions identified in subrules 79.17(2) and 79.17(3).

79.16(5) The institution annually delivers one or more professional development opportunities for cooperating administrators to define the objectives of the field experience, review the responsibilities of the cooperating administrator, build skills in coaching and mentoring and provide the cooperating administrator other information and assistance the institution deems necessary.

79.16(6) The institution enters into a written contract with the cooperating school districts that provide field experiences for administrator candidates.

281—79.17(256) Administrator knowledge, skills and dispositions standard. Administrator candidates will demonstrate the content, pedagogical and professional knowledge, skills and dispositions necessary to help all students learn in accordance with the following provisions:

79.17(1) Each educational administrator program will define program standards (aligned with current NELP standards) and embed them in coursework and clinical experiences at a level appropriate for a novice administrator.

79.17(2) Each principal candidate demonstrates the knowledge, skills and dispositions necessary to:

- a.* Collaboratively lead, design and implement a school mission, vision and process for continuous improvement that reflects a core set of values and priorities that include data use, technology, equity, diversity, digital citizenship and community. (Mission, Vision and Improvement)
- b.* Advocate for ethical decisions and cultivate and enact professional norms. (Ethics and Professional Norms)
- c.* Develop and maintain a supportive, equitable, culturally responsive and inclusive school culture. (Equity, Inclusiveness and Cultural Responsiveness)
- d.* Evaluate, develop and implement coherent systems of curriculum, instruction, data systems, and supports, including Iowa core implementation and assessment. (Learning and Instruction)
- e.* Strengthen student learning, support school improvement and advocate for the needs of the school and community. (Community and External Leadership)
- f.* Improve management, communication, technology, school-level governance and operation systems to develop and improve data-informed and equitable school resource plans and to apply laws, policies and regulations. (Operations and Management)
- g.* Build the school's professional capacity, engage staff in the development of a collaborative professional culture and improve systems of staff supervision, evaluation, support and professional learning. (Building Professional Capacity)

79.17(3) Each superintendent candidate demonstrates competency in all of the following professional core curricula:

- a.* Collaboratively lead, design and implement a district mission, vision and process for continuous improvement that reflects a core set of values and priorities that include data use, technology, values, equity, diversity, digital citizenship and community. (District Mission, Vision and Improvement)
- b.* Advocate for ethical decisions and cultivate professional norms and culture. (Ethics and Professional Norms)
- c.* Develop and maintain a supportive, equitable, culturally responsive and inclusive district culture. (Equity, Inclusiveness and Cultural Responsiveness)
- d.* Evaluate, design, cultivate and implement coherent systems of curriculum, instruction, data systems, supports, assessment and instructional leadership. (Learning and Instruction)

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e. Understand and engage families, communities and other constituents in the work of schools and the district and to advocate for district, student and community needs. (Community and External Leadership)

f. Develop, monitor, evaluate and manage data-informed and equitable district systems for operations, resources, technology and human capital management. (Operations and Management)

g. Cultivate relationships, lead collaborative decision-making and governance and represent and advocate for district needs in broader policy conversations. (Policy, Governance and Advocacy)

79.17(4) Each new administrator candidate successfully completes the appropriate evaluator training provided by a state-approved evaluator trainer.

79.17(5) Each administrator candidate demonstrates, within specific coursework and clinical experiences, the ability to develop and maintain a supportive, equitable, culturally responsive and inclusive district culture with students and staff from diverse groups as defined in rule 281—79.2(256). The unit shall provide evidence that administrator candidates develop the ability to meet the needs of all learners, as well as ensuring teachers meet the needs of diverse learners, including:

a. Students from diverse ethnic, racial and socioeconomic backgrounds.

b. Students with disabilities. This will include preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, and strategies that address difficult and violent student behavior and improve academic engagement and achievement.

c. Students who are struggling with literacy, including those with dyslexia.

d. Students who are gifted and talented.

e. English learners.

f. Students who may be at risk of not succeeding in school. This preparation will include classroom management addressing high-risk behaviors, including behaviors related to substance use disorder.

DIVISION V

SPECIFIC EDUCATION STANDARDS APPLICABLE ONLY TO PRACTITIONER PREPARATION PROGRAMS OTHER THAN TEACHER OR ADMINISTRATOR PREPARATION PROGRAMS

281—79.18(256) Purpose. This division addresses preparation of an individual seeking a license based on school-centered preparation for employment as one of the following: school guidance counselor, school audiologist, school psychologist, school social worker, speech-language pathologist or supervisor of special education (282—Chapter 27 contains more information regarding licenses for service other than as a teacher).

281—79.19(256) Clinical practice standard. The unit and its school, AEA and facility partners will provide clinical experiences that assist candidates in becoming successful practitioners in accordance with the following provisions.

79.19(1) The unit ensures that clinical experiences occurring in all locations are well sequenced, purposeful, supervised by appropriately qualified personnel, monitored by the unit and integrated into unit standards. These expectations are shared with candidates, supervisors and cooperating professional educators.

79.19(2) Cooperating professional educators and college/university supervisors share responsibility for evaluating the candidate's achievement of unit standards. Clinical experiences are structured to have multiple performance-based assessments at key points within the program to demonstrate the candidate's attainment of unit standards.

79.19(3) Clinical experiences include all of the following criteria:

a. Take place in the context of providing high-quality instructional programs for students in a state-approved school, agency or educational facility;

b. Take place in educational settings that include diverse populations and students of different age groups;

EDUCATION DEPARTMENT[281](cont'd)

- c.* Provide opportunities for candidates to observe and be observed by others and to engage in discussion and reflection on clinical practice;
- d.* Include minimum expectations and responsibilities for cooperating professional educators, school districts, accredited nonpublic schools or AEAs and for higher education supervising faculty members;
- e.* Include prescribed minimum expectations for involvement of candidates in relevant responsibilities directed toward the work for which they are preparing;
- f.* Involve candidates in communication and interaction with parents or guardians, community members, faculty and staff and cooperating professional educators in the school.

79.19(4) The institution annually delivers one or more workshops for cooperating professional educators to define the objectives of the field experience, review the responsibilities of the cooperating professional educators, build skills in coaching and mentoring and provide the cooperating professional educators other information and assistance the institution deems necessary. Each workshop incorporates feedback from participants and utilizes appropriate delivery strategies.

79.19(5) The institution shall enter into a written contract with the cooperating school districts that provide field experiences for candidates.

281—79.20(256) Candidate knowledge, skills and dispositions standard. Candidates will demonstrate the content knowledge and the pedagogical and professional knowledge, skills and dispositions necessary to help all students learn in accordance with the following provisions:

79.20(1) Each professional educator program will define program standards (aligned with current national standards) and embed them in coursework and clinical experiences at a level appropriate for a novice professional educator.

79.20(2) Each candidate will demonstrate, within specific coursework and clinical experiences related to the study of human relations, cultural competency and diverse learners, that the candidate is prepared to work with students from diverse groups as defined in rule 281—79.2(256). The unit shall provide evidence that candidates have developed the ability to meet the needs of all learners, including:

- a.* Students from diverse ethnic, racial and socioeconomic backgrounds.
- b.* Students with disabilities. This will include preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, and strategies that address difficult and violent student behavior and improve academic engagement and achievement.
- c.* Students who are struggling with literacy, including those with dyslexia.
- d.* Students who are gifted and talented.
- e.* English learners.
- f.* Students who may be at risk of not succeeding in school. This preparation will include classroom management addressing high-risk behaviors, including behaviors related to substance use disorder.

DIVISION VI
SPECIFIC EDUCATION STANDARDS APPLICABLE ONLY TO
TEACHER INTERN PRACTITIONER PREPARATION PROGRAMS

281—79.21(256) General. Institutions interested in offering a teacher intern license will provide evidence of compliance with standards listed in this division, the faculty standards in rule 281—79.12(256) and the assessment standards in rule 281—79.13(256).

281—79.22(256) Intern program governance and resources standard. Governance and resources adequately support the preparation of teacher intern candidates to meet professional, state and institutional standards. As a component of the program, the institution will work collaboratively with the local school district(s) or AEA. The program is required to meet the following standards in addition to the standards in rule 281—79.10(256).

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79.22(1) The teacher intern preparation program and LEAs will work collaboratively to provide opportunities for teacher intern candidates to observe and be observed by others and to engage in discussion and reflection on clinical practice.

79.22(2) The LEA will provide the following:

a. An offer of employment to a teacher intern candidate in the program in one of the endorsements identified on the department's website at educate.iowa.gov/pk-12/educator-quality/practitioner-preparation;

b. A mentoring and induction program with a district-assigned mentor; and

c. An assurance that the LEA will not overload the intern with extracurricular duties.

79.22(3) The program has a clearly articulated process regarding candidate and intern performance, aligned with the institutional policy, for decisions impacting progress through the program. Program and school district policies for removal and replacement of interns from their internship assignments are clearly communicated to all candidates, school administrators and faculty.

281—79.23(256) Intern license faculty standard. Intern program faculty standards are aligned and may be met through rule 281—79.12(256).

281—79.24(256) Intern license program of study standard. A program's required coursework will include a minimum of 28 semester hours or equivalent designed to ensure that teacher intern candidates develop the dispositions, knowledge, and performance expectations of the InTASC standards embedded at a level appropriate for a beginning teacher.

79.24(1) Teacher intern candidates will develop the dispositions, knowledge and performance expectations of the Iowa teaching standards (aligned with InTASC standards) and the BOEE's Code of Professional Conduct and Ethics at a level appropriate for a beginning teacher.

79.24(2) All components of the program of study may only be initiated and completed after the candidate has completed a baccalaureate degree.

79.24(3) Coursework and competencies to be completed prior to the beginning of the candidate's initial employment as an intern will include but not be limited to:

a. Understanding how learners grow and develop and implements developmentally appropriate and challenging learning experiences. This aligns with InTASC standard 1.

b. Demonstrating competence in content knowledge appropriate to the teaching position. This aligns with Iowa teaching standard 2 (281—subrule 83.4(2)) and with InTASC standards 4 and 5.

c. Demonstrating competence in classroom management. This aligns with Iowa teaching standard 6 (281—subrule 83.4(6)) and with InTASC standard 3.

d. Demonstrating competence in planning and preparing for instruction. This aligns with Iowa teaching standard 3 (281—subrule 83.4(3)) and with InTASC standard 7.

e. Using a variety of methods to monitor student learning. This aligns with Iowa teaching standard 5 (281—subrule 83.4(5)) and InTASC standard 6.

79.24(4) Additional coursework and competencies to be completed prior to the recommendation for an initial teaching license will include:

a. Using strategies to deliver instruction that meets the multiple learning needs of students. This aligns with Iowa teaching standard 4 (281—subrule 83.4(4)) and with InTASC standards 2 and 8.

b. Engaging in professional growth. This aligns with Iowa teaching standard 7 (281—subrule 83.4(7)) and with InTASC standard 9.

c. Contributing to efforts to achieve district and building goals. This aligns with Iowa teaching standard 8 (281—subrule 83.4(8)) and with InTASC standard 10.

d. Demonstrating ability to enhance academic performance and support for implementation of the school district student achievement goals. This aligns with Iowa teaching standard 1 (281—subrule 83.4(1)).

79.24(5) Each teacher intern candidate will demonstrate knowledge about literacy and receives preparation in literacy. Each candidate will also develop and demonstrate the ability to integrate reading strategies into content area coursework.

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79.24(6) Each teacher intern candidate will effectively demonstrate the ability to integrate technology into instruction to support student learning.

79.24(7) Each teacher intern candidate will receive dedicated coursework related to the study of human relations, cultural competency and diverse learners, such that the candidate is prepared to work with students from diverse groups as defined in rule 281—79.2(256). The unit shall provide evidence that teacher intern candidates have developed the ability to meet the needs of all learners, including:

- a. Students from diverse ethnic, racial and socioeconomic backgrounds;
- b. Students with disabilities. This will include preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, and strategies that address difficult and violent student behavior and improve academic engagement and achievement;
- c. Students who are gifted and talented;
- d. English learners; and
- e. Students who may be at risk of not succeeding in school. This preparation will include classroom management addressing high-risk behaviors, including behaviors related to substance use disorder.

79.24(8) Each teacher intern candidate will demonstrate knowledge and application of the appropriate Iowa core standard to the teaching position.

79.24(9) Each teacher intern candidate will be engaged in field experiences that include opportunities for both observation of exemplary instruction and involvement in co-planning and co-teaching. Each teacher intern candidate will complete at least 50 hours of field experience prior to the candidate's initial employment as an intern. The institution will enter into a written contract with the cooperating school or district providing preinternship field experiences.

79.24(10) The teacher intern preparation program will provide a teacher intern seminar during the teacher internship year to support and extend coursework from the teacher intern content and facilitate teacher intern reflection.

79.24(11) In accordance with 281—Chapter 83, all teacher interns will be provided with a district-level mentor in addition to the program supervisor. The purpose of this district-level mentor is to provide coaching feedback dependent on the teacher intern's classroom experience. This district-level mentor shall not serve in an evaluative role. The district-level mentor shall complete specialized training for serving as a mentor as required in rule 281—83.3(284). The program will coordinate support between the teacher intern candidate's local district mentor and program supervisor.

79.24(12) The program shall provide an orientation for teacher intern candidates. The orientation will include but not be limited to:

- a. Program goals and expectations;
- b. Licensure and ethics provisions;
- c. Support provided by the program; and
- d. Support provided by the LEA or AEA.

79.24(13) Teacher intern faculty will provide teacher intern candidates with academic advising, feedback about the candidates' performance throughout the program and consultation opportunities.

79.24(14) Teacher intern faculty will provide regular supervision in teacher intern candidates' classrooms with additional supervision and assistance provided as needed.

281—79.25(256) Intern license assessment standard. Intern program assessment standards are met through rule 281—79.13(256), with the following exception: instead of subrule 79.13(3), teacher intern

EDUCATION DEPARTMENT[281](cont'd)

preparation programs will need to provide evidence that the provisions of subrule 79.13(7) have been met.

These rules are intended to implement Iowa Code sections 256.7 and 256.16.

[Filed 5/14/24, effective 7/17/24]

[Published 6/12/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8066C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to payment of small claims

The Department of Health and Human Services hereby rescinds Chapter 8, "Payment of Small Claims," 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 217.23.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 217.

Purpose and Summary

This chapter defines reimbursement of small claims procedures for Department employees. It serves to ensure Department employees can be reimbursed for damage to personal items incurred through service to Department clients in a timely and efficient manner.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7369C**. Two public hearings were held virtually on February 14, 2024, at 11 a.m. and February 26, 2024, at 1 p.m. 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 Council on Health and Human Services on May 9, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

HUMAN SERVICES DEPARTMENT[441](cont'd)

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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
PAYMENT OF SMALL CLAIMS

441—8.1(217) Authorization to reimburse. The department will follow Iowa Code section 217.23(2) when reimbursing employees for personal items damaged or destroyed by clients of the department during the employee's tour of duty. The claimant shall provide the department with a detailed written account of the incident, including an estimated cost of repair or replacement.

This rule is intended to implement Iowa Code section 217.23.

[Filed 5/24/24, effective 7/17/24]

[Published 6/12/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8067C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to program evaluation

The Department of Health and Human Services (HHS) hereby rescinds Chapter 13, "Program Evaluation," 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 234.12, 237A.12, 239B.4, 249A.4 and 514.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 256I.

Purpose and Summary

Chapter 13 defines HHS methods and procedures to review public assistance program eligibility determinations made by HHS staff. These quality control measures are designed to ensure HHS implements these programs in accordance with the Iowa Code and federal regulations and in an efficient and effective manner. HHS impacted programs include the Supplemental Nutrition Assistance Program, the Family Investment Program, Medical Assistance, and Child Care Assistance.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7364C**. Two public hearings were held virtually on February 14, 2024, at 11 a.m. and February 26, 2024, at 1 p.m. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

HUMAN SERVICES DEPARTMENT[441](cont'd)

Adoption of Rulemaking

This rulemaking was adopted by the Council on Health and Human Services on May 9, 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 HHS 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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13 PROGRAM EVALUATION

441—13.1(234,239B,249A,514I) Definitions.

“*Active case*” means a case that was receiving assistance for the month of review.

“*Case record*” means the record used to establish a client's eligibility.

“*Client*” means a current or former applicant or recipient of the family investment program (FIP), Supplemental Nutrition Assistance Program (SNAP), child care assistance program, or medical assistance program.

“*Field investigation*” means a contact involving the public or other agencies to obtain information about the client's circumstances for the appropriate month of review.

“*Medical assistance programs*” means those programs funded by Medicaid or the Children's Health Insurance Program (CHIP).

“*Month of review*” means the specific calendar or fiscal month for which the assistance under review is received.

“*Negative case*” means a case that was terminated or denied assistance in the month of review.

“*Public assistance programs*” means those programs involving federal funds, i.e., FIP, SNAP, child care assistance program, and medical assistance program.

“*Random sample*” means a systematic (or every nth unit) sample drawn monthly for which each item in the universe has an equal probability of being selected. Sample size is determined by federal guidelines or state corrective action needs.

“*State policies*” means the rules and regulations used by the department to administer FIP, SNAP, child care assistance program, and medical assistance program.

This rule is intended to implement Iowa Code sections 234.12, 239B.4, 249A.4 and 514I.4.

HUMAN SERVICES DEPARTMENT[441](cont'd)

441—13.2(234,239B,249A,514I) Review of public assistance records by the department.

13.2(1) Authorized representatives of the department shall have the right to review case records to determine the following:

- a.* Whether the client has provided complete, correct and accurate information to the department to be used in the determination of the assistance benefits.
- b.* Whether the department has correctly administered the state policies in determination of assistance for the public assistance programs.
- c.* Whether overpayments or underpayments have been made correctly to the public assistance client during the month of review.
- d.* Whether there is indication of fraudulent practice or abuse of the public assistance programs by either the client or department.

13.2(2) All pertinent case records within the department may be used by the reviewer to assist in substantiating an accurate reflection as to the correctness of the assistance received by the client.

This rule is intended to implement Iowa Code sections 234.12, 239B.4, 249A.4 and 514I.4.

441—13.3(234,239B,249A,514I) Cases to be reviewed. Any active or negative public assistance case may be reviewed at any time at the discretion of the department to:

13.3(1) Ensure federal and state requirements for quality control are met.

13.3(2) Detect error prone case issues to assist in corrective action.

13.3(3) Maintain public assistance program integrity.

This rule is intended to implement Iowa Code sections 234.6, 234.12, 239B.4, 249A.4, and 514I.4.

441—13.4(234,239B,249A,514I) Notification of review. On positive case actions, clients will be notified, either orally or in writing, that their case has been selected for review when contact is required by federal guidelines, or when contact is allowed and additional information is required to complete the review. The client will be contacted in a negative case only if a discrepancy exists that cannot be resolved from the case record and contact is allowed by federal guidelines.

This rule is intended to implement Iowa Code sections 234.6, 234.12, 239B.4, 249A.4, and 514I.4.

441—13.5(234,239B,249A,514I) Review procedure. The department will select the appropriate method of conducting the review.

13.5(1) A random sampling of active and negative case actions will be used to determine the case records to be studied.

13.5(2) The case record will be analyzed for discrepancies and correct application of policies and procedures and will be used as the basis for a field investigation.

13.5(3) Client interviews are required as follows:

- a.* Personal interviews are required on all active SNAP reviews.
- b.* An appointment letter may be sent to the client by the department to schedule or confirm the appointment date, time and location.
- c.* Client contacts are only required in negative case reviews when there is a discrepancy that cannot be resolved from the case record.

13.5(4) Collateral contacts are made whenever the client is unable to furnish information needed or the reviewer needs additional information to establish the correctness of eligibility and payment but only when allowed by federal guidelines. Verification to confirm the accuracy of statements or information may be obtained by documentary evidence or a contact with a third party.

a. The client shall release specific information whenever necessary to verify information essential to the determination of eligibility and payment.

b. Should the client refuse to authorize the department to contact an informant to verify information that is necessary for the completion of the review, collateral contacts will still be made through use of the general release statement contained in the financial support application or the review/recertification eligibility document.

This rule is intended to implement Iowa Code sections 234.6, 234.12, 239B.4, 249A.4, and 514I.4.

HUMAN SERVICES DEPARTMENT[441](cont'd)

441—13.6(234) Failure to cooperate. Client cooperation with quality control is a program eligibility requirement as set forth in rule 441—65.3(234). When quality control determines that a client has refused to cooperate with the review process, the client is no longer eligible for the program benefits and will not be eligible for the program benefits until the client has cooperated.

This rule is intended to implement Iowa Code section 234.12.

441—13.7(234,239B,249A,514I) Report of findings. The quality control review findings are used by the department in the following ways:

13.7(1) To take the appropriate case action where an overpayment or underpayment has been found in a client's case record.

13.7(2) To identify error-prone program issues to be used in planning a department corrective action plan.

13.7(3) To determine the error rate used to establish state agency liability.

This rule is intended to implement Iowa Code sections 234.12, 239B.4, 249A.4, and 514I.4.

441—13.8(234,237A,239B,249A,514I) Federal review. A sample of cases may also be reviewed by the applicable federal agency to determine the correctness of the department's action or of the department's review of the case.

This rule is intended to implement Iowa Code sections 234.12, 237A.12, 239B.4, 249A.4, and 514I.4.

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ARC 8068C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to fiscal oversight of the early childhood Iowa initiative

The Department of Health and Human Services hereby rescinds Chapter 122, "Fiscal Oversight of the Early Childhood Iowa Initiative," 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 256I.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 256I.

Purpose and Summary

This chapter sets forth oversight measures of the Department in relation to the Early Childhood Iowa area boards to ensure sound fiscal management of Early Childhood Iowa funds. The Department reviews internal controls managing disbursement of funding, approves and signs agreements between the area boards and the State, requires a regular audit of funds managed by each area board, and ensures area boards have liability insurance and a contract-monitoring schedule for their funded programs.

Sound fiscal oversight of Early Childhood Iowa area boards works to ensure these boards operate optimally, allowing boards to successfully improve efficiency and effectiveness of early care services provided to families.

Public Comment and Changes to Rulemaking

HUMAN SERVICES DEPARTMENT[441](cont'd)

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7362C**. Two public hearings were held virtually on February 14, 2024, at 11 a.m. and on February 26, 2024, at 1 p.m. 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 Council on Health and Human Services on May 9, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 122 and adopt the following **new** chapter in lieu thereof:

CHAPTER 122

FISCAL OVERSIGHT OF THE EARLY CHILDHOOD IOWA INITIATIVE

441—122.1(256I) Definitions. For the purpose of these rules, the following definitions apply:

“*Agreement*” means a contract between the area boards, state board, department, and state agencies to which funding is allocated.

“*Audit*” means a financial review by area boards of early childhood Iowa funds. Area boards that receive federal funds shall complete an audit of the funds. The audit must be a single audit if the area board received a total of federal funds from all funding sources in excess of the threshold defined in 2 CFR 200.501(b) as amended to December 31, 2023. Area boards that are not required to conduct a single audit under 2 CFR 200.501(b) as amended to December 31, 2023, may coordinate with the fiscal agent to conduct the required audit. The audit requirements shall be found in the online toolkit available on the department website.

“*Early childhood Iowa area board*” or “*area board*” means the same as defined in Iowa Code section 256I.1.

“*Early childhood Iowa state board*” or “*state board*” means the same as defined in Iowa Code section 256I.1.

441—122.2(256I) Fiscal oversight.

HUMAN SERVICES DEPARTMENT[441](cont'd)

122.2(1) In consultation with the state board, the department has adopted policies to oversee the fiscal responsibilities of area boards.

122.2(2) The department will:

- a. Review the internal controls of all disbursements of early childhood Iowa funding;
 - b. Approve the process for issuing agreements with area boards;
 - c. Approve and sign all agreements between the area boards and the state for the purposes of Iowa Code chapter 256I;
 - d. Develop a policy for the disbursement of funds;
 - e. Require an audit, conducted by an independent agency, of the early childhood Iowa funds managed by area boards. The minimum requirements and frequency of audits for the area boards shall be determined and approved by the state board;
 - f. Ensure that all area boards secure liability insurance; and
 - g. Require that area boards submit a contract-monitoring schedule for their funded programs.
- These rules are intended to implement Iowa Code sections 256I.1 through 256I.12.

[Filed 5/24/24, effective 7/17/24]

[Published 6/12/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8069C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to the Iowa adoption exchange

The Department of Health and Human Services hereby rescinds Chapter 203, "Iowa Adoption Exchange," 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 232.119.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 232.119.

Purpose and Summary

This chapter seeks to increase access to adoptive arrangements by creating the Iowa Adoption Exchange, a streamlined system of matching children available for adoption with potential adoptive homes. Matches are managed through a computerized statewide exchange system.

Children under the guardianship of the Department for whom an adoptive home is not available are entered on the exchange within 60 or 90 days of receipt of termination of parental rights. Children under the guardianship of a licensed child-placing agency whose parental rights have been terminated may be registered on the exchange at any time. Approved families wishing to adopt are entered on the exchange by the Department or a licensed child-placing agency.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7368C**. Two public hearings were held virtually on February 14, 2024, at 11 a.m. and February 26, 2024, at 1 p.m. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

HUMAN SERVICES DEPARTMENT[441](cont'd)

This rulemaking was adopted by the Council on Health and Human Services on May 9, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 441—Chapter 203 and adopt the following **new** chapter in lieu thereof:

CHAPTER 203
IOWA ADOPTION EXCHANGE

441—203.1(232) Definitions.

“*Children who are difficult to place*” means “child” as described in 441—subrule 201.3(1), children under state guardianship for whom an adoptive home is not available within 90 days after termination and children as part of a sibling group of more than three children.

“*Iowa adoption exchange system*” or “*exchange system*” is a computerized system established to facilitate the adoptive placement of children by matching children legally available for adoption and approved families desiring to adopt a child who is difficult to place.

“*Recruitment, retention, training and support (RRTS) contract*” means the state’s contractor(s) responsible for activities related to licensing foster families and approving adoptive families, providing support services to foster and preadoptive families, conducting preservice and in-service training, and assisting in matching children in need of foster home care.

441—203.2(232) Children to be registered on the exchange system.

203.2(1) All children who are difficult to place shall be registered on the exchange system within 60 days of receipt of the termination of parental rights court order unless a deferral is granted by the adoption program manager.

203.2(2) Licensed child-placing agencies shall register a child whose parental rights have been terminated and who is under their guardianship using one of the following methods:

a. If the agency is registering fewer than four children in a calendar year, the agency shall submit the Waiting Child Enrollment form to the department.

b. If the agency registers more than three children in a calendar year, the agency shall access the exchange system and enter the child’s name and data.

HUMAN SERVICES DEPARTMENT[441](cont'd)

441—203.3(232) Families to be registered on the exchange system.

203.3(1) Approved families wishing to adopt a child who is difficult to place shall be registered on the exchange system by the department.

203.3(2) Licensed child-placing agencies and certified adoption investigators shall register an approved family on the exchange using one of the following methods:

a. If the licensed child-placing agency is registering fewer than four families in a calendar year, the agency shall submit the Exchange Referral of Family form to the department.

b. If the licensed child-placing agency registers more than three children in a calendar year, the agency shall access the exchange system and enter the family's name and data.

c. Certified adoption investigators shall submit the Exchange Referral of Family form to the department.

441—203.4(232) Matching process. Using the computerized exchange system, the department and licensed child-placing agencies shall search for approved families to meet the needs of the available children. The child's and family's workers shall be contacted for additional information needed to make an informed decision concerning possible adoptive placements.

These rules are intended to implement Iowa Code section 232.119.

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ARC 8051C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rulemaking related to licensure of massage therapists

The Board of Massage Therapy hereby rescinds Chapter 131, "Licensure of Massage Therapists," 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 147.36, 152C.3, 272C.3, 272C.4, and 272C.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 152C, and 272C.

Purpose and Summary

This chapter sets minimum standards for entry into the massage therapy profession. Iowa residents, licensees, and employers benefit from the rules because the rules articulate the processes by which individuals apply for licensure as a massage therapist in Iowa, as directed in statute. This includes the processes for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that any individual entering the profession has minimum competency. Requirements include the application process, minimum educational qualifications, and examination requirements.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 10, 2024, as **ARC 7479C**. Public hearings were held on January 30 and 31, 2024, at 10:30 a.m. at 6200 Park Avenue, Des Moines, Iowa, and virtually. No one attended the public hearings.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

The Board noted that verification of licensure in all sections needs to be changed to the most recent jurisdiction, not all jurisdictions. Changes from the Notice reflect this change under licensure by examination, licensure by endorsement, temporary license and reactivation.

Adoption of Rulemaking

This rulemaking was adopted by the Board on April 23, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 645—Chapter 131 and adopt the following **new** chapter in lieu thereof:

MASSAGE THERAPISTS

CHAPTER 131	LICENSURE OF MASSAGE THERAPISTS
CHAPTER 132	MASSAGE THERAPY EDUCATION CURRICULUM
CHAPTER 133	CONTINUING EDUCATION FOR MASSAGE THERAPISTS
CHAPTER 134	DISCIPLINE FOR MASSAGE THERAPISTS

CHAPTER 131
LICENSURE OF MASSAGE THERAPISTS

645—131.1(152C) Definitions.

“*Anniversary month*” means the month the license was issued by the board.

“*Board*” means the Iowa board of massage therapy.

“*Board-approved school*” means a school for massage therapy education that provides at least 600 hours of supervised academic instruction; has been recognized as legitimate by the board in the state where the school is located or in the state where the school was located if the school has since closed; has been recognized by a similar board in another jurisdiction that licenses massage therapists if massage therapy is not a licensed profession in the state where the school is located; and has not been denied, suspended, or revoked by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

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

“*Issuing jurisdiction*” means the duly constituted authority in another state that has issued a massage therapy license to a person.

“*Licensee*” means any person licensed to practice as a massage therapist in the state of Iowa.

“*License expiration date*” means the fifteenth day of the anniversary month every two years.

“*Massage therapy*” means performance for compensation of massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical applications, or other therapy that involves manipulation of the muscle and connective tissue of the body, excluding osseous tissue, to treat the muscle tonus system for the purpose of enhancing health, providing muscle relaxation, increasing range of motion, reducing stress, relieving pain, or improving circulation.

645—131.2(272C) Licensure by examination. A person who has completed the curriculum at a board-approved school may seek licensure in accordance with this rule.

131.2(1) Submit the following:

a. A completed online application for licensure and pay the nonrefundable licensure fee specified in rule 645—5.8(147). Official copies of academic transcripts sent directly to the board by the board-approved school. If a school has closed and is no longer operational, the board will accept an official transcript provided by the applicant.

b. Proof of passing any National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination or the Massage and Bodywork Licensing Examination (MBLEx) sent directly from the testing authority to the board. The passing score on the written examination is the passing point criterion established by the testing authority at the time the test was administered.

c. If the applicant has been issued one or more licenses to practice massage therapy by other issuing jurisdictions, verification of license from the jurisdiction in which the applicant has most recently been licensed, sent directly from the issuing jurisdiction to the board. Web-based verification may be substituted for verification from the jurisdiction’s board office if the verification provides:

- (1) The licensee’s name;
- (2) The date of initial licensure;
- (3) The applicant’s current licensure status; and
- (4) Any disciplinary action taken against the license.

131.2(2) An applicant who has relocated to Iowa from a state that did not require licensure to practice massage therapy may submit proof of work experience in lieu of educational and training requirements, if eligible, in accordance with rule 645—19.2(272C).

645—131.3(152C) Educational qualifications for foreign-trained massage therapists. Prospective applicants who completed their education outside of the United States may receive credit for their education, provided they comply with the following:

131.3(1) Provide an equivalency evaluation of their educational credentials by one of the following entities demonstrating the curriculum is equivalent to that stated in these rules. The applicant bears the expense of the curriculum evaluation.

a. International Education Research Foundation, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, CA 90231-3665; telephone 310.258.9451; website www.ierf.org.

b. International Credentialing Associates, Inc., 7245 Bryan Dairy Road, Bryan Dairy Business Park II, Largo, FL 33777; telephone 727.549.8555.

c. Josef Silny & Associates, Inc., 7101 SW 102nd Avenue, Miami, FL 33173; telephone 305.273.1616; website jsilny.org.

131.3(2) Provide a notarized copy of the certificate or diploma awarded to the applicant from a massage therapy program in the country in which the applicant was educated.

131.3(3) Receive a final determination from the board that the applicant’s education is acceptable.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

645—131.4(152C) Licensure by endorsement.

131.4(1) A person who has been issued a license to practice massage therapy by another issuing jurisdiction may seek licensure in accordance with this rule.

131.4(2) Submit the following:

a. A completed online application for licensure and pay nonrefundable licensure fee specified in rule 645—5.8(147).

b. Official copies of academic transcripts sent directly to the board by the board-approved school. If a school has closed and is no longer operational, the board will accept an official transcript provided by the applicant.

c. Proof of passing any National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination or the Massage and Bodywork Licensing Examination (MBLE_x) sent directly from the testing authority to the board. The passing score on the written examination is the passing point criterion established by the testing authority at the time the test was administered.

d. Proof that the licensure requirements in the issuing jurisdiction are equal to or exceed the requirements provided in rule 645—131.2(152C).

e. Verification of license from the jurisdiction in which the applicant has most recently been licensed, sent directly from the issuing jurisdiction to the board. Web-based verification may be substituted for verification from the issuing jurisdiction's board office if the verification provides:

- (1) The licensee's name;
- (2) The date of initial licensure;
- (3) The applicant's current licensure status; and
- (4) Any disciplinary action taken against the license.

645—131.5(152C) Licensure by verification. A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

645—131.6(152C) Temporary license. A person who is licensed to practice massage therapy in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement, and who does not seek licensure by verification, may be issued a temporary license in accordance with this rule.

131.6(1) An applicant for temporary license shall submit the following:

a. A completed online application for licensure and pay nonrefundable licensure fee specified in rule 645—5.8(147).

b. Verification of license from the jurisdiction in which the applicant has most recently been licensed, sent directly from the issuing jurisdiction to the board. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification provides:

- (1) Licensee's name;
- (2) Date of initial licensure;
- (3) Current licensure status; and
- (4) Any disciplinary action taken against the license.

c. A plan for meeting all remaining requirements for licensure within one year of issuance of the temporary permit. Such a plan will include proof of enrollment in a school of massage therapy whose curriculum has been approved by the board, the date of enrollment, and the expected date of graduation.

131.6(2) A temporary license is valid for a period of up to one year and will not be renewed.

131.6(3) A temporary license holder shall be issued a permanent license upon the board's receipt of the following:

a. Official copies of academic transcripts sent directly to the board by the board-approved school demonstrating completion of all remaining hours of education for licensure.

b. Proof of passing any National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination or the Massage and Bodywork Licensing Examination (MBLE_x) sent directly from the testing authority to the board. The passing score on the written examination is the passing point criterion established by the testing authority at the time the test was administered.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

645—131.7(152C) License display. The license certificate and proof of active licensure will be displayed in a conspicuous public place at the licensee's primary site of practice.

645—131.8(152C) License renewal.

131.8(1) The biennial license renewal period begins on the sixteenth day of the anniversary month and ends on the fifteenth day of the anniversary month two years later. The licensee is responsible for renewing the license prior to its expiration.

131.8(2) Continuing education does not need to be completed during the first biennial license renewal period and is not a prerequisite for the first renewal of a license.

131.8(3) A licensee seeking renewal shall comply with the following before the license expiration date:

a. Submit a completed renewal application and renewal fee specified in rule 645—5.8(147), before the license expiration date; and

b. Meet the continuing education requirements of rule 645—133.2(152C) and the mandatory reporting requirements of subrule 131.8(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation.

131.8(4) Mandatory reporter training.

a. A licensee who, in the scope of professional practice or in the licensee's employment responsibilities examines, attends, counsels, or treats children and dependent adults in Iowa shall complete the applicable department of health and human services' training related to the identification and reporting of child and dependent adult abuse as required by Iowa Code section 232.69(3) "b." The licensee will indicate on the renewal application completion of such training.

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

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

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill the requirements due to a physical or mental disability or illness as provided in rule 645—4.14(272C).

c. The board may select licensees for audit of compliance with the requirements of this subrule.

131.8(5) Issuing renewals. Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license renewal. 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.

131.8(6) Late renewal. A license not renewed by the expiration date will be assessed a late fee as specified in 645—subrule 5.8(4). Completion of renewal requirements and submission of the late fee within the grace period are needed to renew the license.

131.8(7) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a massage therapist in Iowa until the license is reactivated. A licensee who practices as a massage therapist in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

645—131.9(17A,147,272C) License reactivation.

131.9(1) A person whose license is inactive may apply to reactivate the license in accordance with this rule.

131.9(2) The licensee shall submit all of the following:

a. A completed online application for licensure and pay the nonrefundable licensure fee specified in rule 645—5.8(147). If the license has been inactive for five years or less, submission of:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

(1) Proof of completion of 16 hours of continuing education within two years of application; and
 (2) Verification of the license from the jurisdiction in which the applicant has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
 2. Date of initial licensure;
 3. Current licensure status; and
 4. Any disciplinary action taken against the license.
- b. If the license has been on inactive status for more than five years, submission of:

(1) Proof of completion of 16 hours of continuing education within two years of application;
 (2) Proof of two years of active, licensed practice in another issuing jurisdiction immediately prior to submitting the application, or proof of passing one of the following examinations within two years of submitting the application:

1. The National Certification Examination for Therapeutic Massage (NCETM);
2. The National Certification Examination for Therapeutic Massage and Bodywork (NCETMB);
3. The National Examination for States Licensing (NESL) option; or
4. The Massage and Bodywork Licensing Examination (MBLEx); and

(3) Verification of the license from the jurisdiction in which the applicant has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license.

645—131.10(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with rule 645—11.31(272C) and, if applicable, must apply for and be granted reactivation of the license in accordance with rule 645—131.9(17A,147,272C) prior to practicing as a massage therapist in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 152C, and 272C.

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[Published 6/12/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8052C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rulemaking related to massage therapy education curriculum

The Board of Massage Therapy hereby rescinds Chapter 132, "Massage Therapy Education Curriculum," 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 147.36, 152C.3, 272C.3, 272C.4, and 272C.10.

State or Federal Law Implemented

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 152C, and 272C.

Purpose and Summary

This chapter sets minimum standards for the education provided to massage therapists. Iowa residents, licensees, and employers benefit from this chapter since it articulates the processes by which schools can be recognized as an approved massage therapy school with an approved massage therapy curriculum. This includes ensuring the school meets curriculum requirements and student clinical practicum standards, as well as appropriate retention of school records. These requirements ensure public safety by setting standards that will allow schools to graduate students into the profession with the minimum competency needed to safely serve the public.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 10, 2024, as **ARC 7480C**. Public hearings were held on January 30 and 31, 2024, at 10:30 a.m. at 6200 Park Avenue, Des Moines, Iowa, and virtually. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on April 23, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 645—Chapter 132 and adopt the following **new** chapter in lieu thereof:

CHAPTER 132
MESSAGE THERAPY EDUCATION CURRICULUM

645—132.1(152C) Definitions.

“*Approved curriculum*” means that the massage therapy education course of study meets the criteria specified in this chapter and has been approved by the board of massage therapy.

“*Board*” means the board of massage therapy.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

“*Clinical practicum*” means hands-on massage therapy provided to members of the public by a student who is enrolled at a massage therapy school and is under the supervision of an instructor who is an Iowa-licensed massage therapist, is physically present on the premises and is available for advice and assistance. “Clinical practicum” does not include classroom practice.

“*Course of study*” means a series of classroom courses, not including continuing education, which is approved by the board as having a unified purpose in training individuals toward a certificate, degree or diploma in the practice of massage therapy.

645—132.2(152C) Application for approval of massage therapy education curriculum.

132.2(1) Applications for curriculum approval of in-state massage therapy schools will be submitted online with the accompanying fee. Curriculum approval is valid for up to two years with reapplication for approval due June 30 of each even-numbered year. The biennial renewal cycle begins July 1 of an even-numbered year and ends June 30 two years later. Schools that receive curriculum approval within six months prior to the start of the next biennial renewal cycle do not need to reapply for curriculum approval until the following even-numbered year.

132.2(2) The application for curriculum approval includes the following:

- a. A completed board-approved application form;
- b. The curriculum approval application fee as specified in 645—Chapter 4;
- c. A completed Curriculum Criteria and Documentation form;
- d. The current school catalog, including name of the program(s), a description of the curriculum delivery system, course descriptions, and program accreditation or approval by other professional entities; and
- e. A sample diploma and a sample transcript that identify the name of the graduate, name of the program, graduation date, and the degree, diploma or certificate awarded.

132.2(3) Out-of-state school curriculum will be reviewed on a case-by-case basis upon receipt of the curriculum as a part of an individual’s application for licensure to practice massage therapy in the state of Iowa.

132.2(4) Massage therapy schools that do not renew curriculum approval by the expiration date shall be removed from the board’s list of approved curriculum providers until such time that they comply with curriculum approval requirements.

132.2(5) Schools that apply for curriculum approval shall, at a minimum, provide a curriculum that meets the requirements of this chapter, offer a course of study of at least 600 clock hours or the equivalent in academic credit hours, and require for entrance into the massage therapy school graduation from high school or its equivalent.

645—132.3(152C) Curriculum requirements. An approved curriculum will include but not be limited to the following content areas:

1. Massage theory and principles.
2. Massage professional practices.
3. The therapeutic relationship.
4. Anatomy, physiology, and pathology.
5. Assessment and documentation.
6. Massage and bodywork application.
7. Palpation and movement.
8. Adapting sessions for clients.
9. Career development.
10. Iowa law and professional ethics.

645—132.4(152C) Student clinical practicum standards.

132.4(1) The school must provide clinical practicum hours at the school’s primary location or an event sponsored by the school.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

132.4(2) At all times when the student delivers physical contact with the public or other students, a clinical instructor/supervisor who is an Iowa-licensed massage therapist shall be personally in attendance to supervise and evaluate.

132.4(3) Students shall complete at least 200 hours of coursework in the content areas of fundamentals of massage therapy and assessment that includes indications and contraindications for treatment prior to providing services to the public and beginning the clinical practicum. Included in this 200 hours will be a minimum of 100 hours in anatomy and physiology, which includes the structure and function of the human body and common pathologies.

132.4(4) The clinical practicum shall not exceed 25 percent of a program's total required hours.

645—132.5(152C) School records retention. Records documenting the student's completion of the curriculum will be maintained for two years following the student's graduation date. In the event of school closure, the board will be notified of the location of the records.

645—132.6(152C) Massage school curriculum compliance.

132.6(1) A school will maintain curriculum records and make the records available to the board upon request.

132.6(2) A school whose curriculum is approved shall notify the board in writing within 30 days if there is a change of address, a school closing, or a curriculum revision that does not meet the requirements of this chapter.

132.6(3) Each student who successfully completes curriculum requirements will be awarded a certificate or diploma that includes the student's legal name, date of graduation, the name of the program, and the degree or certificate awarded. The school will also provide them with an official transcript that includes the student's legal name and date of graduation.

645—132.7(152C) Denial or withdrawal of approval.

132.7(1) The board will deny or withdraw approval of a school curriculum if the board determines the curriculum does not meet the requirements of this chapter.

132.7(2) The board will notify the school in writing if the board denies or withdraws curriculum approval. Following denial or withdrawal of approval by the board, the school may request that the board reconsider its decision. The board in its sole discretion shall determine whether to grant such a request.

These rules are intended to implement Iowa Code chapter 152C.

[Filed 5/13/24, effective 7/17/24]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8053C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rulemaking related to continuing education

The Board of Massage Therapy hereby rescinds Chapter 133, "Continuing Education for Massage Therapists," 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 147.36, 152C.3, 272C.2 and 272C.3.

State or Federal Law Implemented

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 152C, and 272C.

Purpose and Summary

This chapter sets forth continuing education requirements for massage therapists. It includes definitions related to continuing education, the required number of hours of continuing education that licensees are required to obtain, the standards that licensees need to meet to comply with the chapter, and the types of continuing education courses and activities that are permissible. The intended benefit of continuing education is to ensure massage therapists maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 10, 2024, as **ARC 7481C**. Public hearings were held on January 30 and 31, 2024, at 10:30 a.m. at 6200 Park Avenue, Des Moines, Iowa, and virtually. No one attended the public hearings.

The Board noticed that revisions were made on a prior version of the rules, not those effective on May 24, 2023. A change from the Notice has been made to update subrule 133.3(2) to reflect the language in that version instead.

Adoption of Rulemaking

This rulemaking was adopted by the Board on April 23, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 645—Chapter 133 and adopt the following **new** chapter in lieu thereof:

CHAPTER 133
CONTINUING EDUCATION FOR MASSAGE THERAPISTS

645—133.1(152C) Definitions.

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

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

“*Approved program/activity*” means a continuing education program/activity meeting the standards set forth in these rules.

“*Audit*” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period or the selection of providers for verification of adherence to continuing education provider requirements during a specified time period.

“*Board*” means the board of massage therapy.

“*Continuing education*” means planned, organized learning acts acquired during initial licensure designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“*Hands-on training*” means learning techniques that manipulate the soft tissue of the body.

“*Hour of continuing education*” means at least 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

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

“*Independent study*” means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules and includes a posttest.

“*License*” means license to practice.

“*Licensee*” means any person licensed to practice as a massage therapist in the state of Iowa.

“*Presenter*” means person(s)/instructor(s) providing continuing education training.

645—133.2(152C) Continuing education requirements. Each biennium, each person who is licensed to practice as a massage therapist in this state shall be required to complete a minimum of 16 hours of continuing education. A biennium is a two-year period beginning with the date the license was granted.

133.2(1) The biennial continuing education compliance period runs concurrently with each two-year renewal period. The renewal period begins on the date the initial license is granted and ends two years later on the day before the anniversary date of that initial license.

133.2(2) Requirements for new licensees. Those persons licensed for the first time are not required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal period may be used.

133.2(3) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity meeting the requirements of this chapter. These hours must be in accordance with these rules.

133.2(4) No hours of continuing education will be carried over into the next renewal period. 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.

133.2(5) The cost of continuing education is the responsibility of each licensee.

645—133.3(152C,272C) Continuing education criteria.

133.3(1) General criteria. A continuing education activity that meets all of the following criteria is appropriate for continuing education credit if the continuing education activity:

a. Constitutes an organized program of learning that contributes directly to the professional competency of the licensee;

b. Pertains to subject matters that integrally relate to the practice of the profession;

c. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program.

At the time of audit, the board may request the qualifications of presenters;

d. Fulfills stated program goals, objectives, or both; and

e. Provides proof of attendance to licensees in attendance, including:

(1) Date, location, course title, presenter(s);

(2) Number of program contact hours; and

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

(3) Certificate of completion or evidence of successful completion of the course from the course sponsor.

133.3(2) Specific criteria. A licensee shall obtain a minimum of 16 hours of continuing education credit every two years. A minimum of 8 hours of the 16 hours must be earned by completing a program in which instruction is provided in person or through live, real-time interactive media. Although in-person continuing education instruction is not required, the board strongly encourages all licensees to obtain in-person instruction whenever feasible, especially when learning new techniques. Licensees may obtain continuing education hours of credit by:

a. Attending workshops, conferences, or symposiums.
b. Accessing online training, such as viewing interactive conferences, attending webinars, or completing online training courses.
c. Teaching curriculum at a school of massage therapy or presenting professional continuing education programs that meet the criteria listed in this subrule. One hour of credit will be awarded for each hour of presentation. A course schedule or brochure must be maintained for audit. A maximum of 4 hours may be awarded under this paragraph per biennium.

d. Completing academic courses that directly relate to the professional competency of the licensee. Official transcripts indicating successful completion of academic courses that apply to the field of massage therapy will be necessary in order for the licensee to receive the following continuing education credits:

1 academic semester hour = 15 continuing education hours of credit

1 academic trimester hour = 12 continuing education hours of credit

1 academic quarter hour = 10 continuing education hours of credit

1 academic clock hour = 1 continuing education hour of credit

e. Teaching in an approved college, university, or graduate school. The licensee may receive the following continuing education credits:

1 academic semester hour = 15 continuing education hours of credit

1 academic trimester hour = 12 continuing education hours of credit

1 academic quarter hour = 10 continuing education hours of credit

f. Authoring research the results of which are published in a recognized professional publication. The licensee will receive 5 hours of credit per page.

g. Taking courses directly beneficial to business practices necessary for operating a massage practice. Content areas include, but are not limited to, business management, financial management, accounting, tax preparation, marketing, human relations, communication skills, business ethics, and massage ethics.

h. Taking courses related to personal skills topics, such as career burnout, communication skills, human relations, and other like topics.

i. Completing programs that enhance a supplemental or complementary skill set directly related to promoting the public health while providing massage therapy. Content areas include, but are not limited to, CPR, first aid, contraindication training, sanitation, and geriatric care.

j. Completing mandatory reporter training pursuant to Iowa Code sections 232.69 and 235B.16. One hour of credit will be awarded for each hour of completed mandatory reporter training.

k. Passing a board-approved national examination administered by the Federation of State Massage Therapy Boards or the National Certification Board for Therapeutic Massage and Bodywork within the biennial continuing education compliance period. A copy of the applicant's official notification may be used by the board as verification.

These rules are intended to implement Iowa Code chapters 21, 147, 152C and 272C.

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ARC 8054C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rulemaking related to discipline

The Board of Massage Therapy hereby rescinds Chapter 134, “Discipline for Massage Therapists,” 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 147.36, 152C.3, 272C.2, 272C.3 and 272C.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 152C, and 272C.

Purpose and Summary

This chapter provides protection to both the public and licensees because it publicly defines the need to obtain a massage therapy license in order to practice massage therapy, hold oneself out to the public as a massage therapist, or employ someone to provide these services, as directed in Iowa Code section 152C.4. Iowans have the ability to submit a complaint of unlicensed practice to the Board, which can then investigate the allegation and impose civil penalties, ensuring that the public is protected and licensed massage therapists are not competing against unlicensed individuals.

The 19 boards in the legacy Department of Health and Human Services (HHS) Bureau of Professional Licensure have similar disciplinary standards for all professions. For this reason, one shared disciplinary chapter has been created that applies to all professions. This chapter contains only the civil penalties that may be imposed when persons imply or represent themselves, or an individual they employ, to be massage therapists when they are not licensed. This is unique to the massage therapy profession and excluded from the general disciplinary chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 10, 2024, as **ARC 7482C**. Public hearings were held on January 30 and 31, 2024, at 10:30 a.m. at 6200 Park Avenue, Des Moines, Iowa, and virtually. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on April 23, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 645—Chapter 134 and adopt the following **new** chapter in lieu thereof:

CHAPTER 134
DISCIPLINE FOR MASSAGE THERAPISTS

645—134.1(152C) Civil penalties.

134.1(1) Civil penalties may be imposed upon a person or business that employs an individual who is not licensed as a massage therapist. Civil penalties may be imposed upon a person or business that employs an individual who uses the initials “L.M.T.” or the words “licensed massage therapist,” “massage therapist,” “masseur,” or “masseuse,” or any other words or titles that imply or represent that the employed person practices massage therapy but who is not licensed as a massage therapist. Failure to follow the above may result in:

- a. A civil penalty not to exceed \$1,000 on a person or business that violates this rule:
 - (1) Each violation is a separate offense.
 - (2) Each day a continued violation occurs after citation by the board is a separate offense with the maximum penalty not to exceed \$10,000;
- b. The board's inspection of any facility that advertises or offers services purporting to be delivered by massage therapists;
- c. A citation being sent to the alleged violator by certified mail, return receipt requested; and
- d. The board's consideration of the following in determining civil penalties:
 - (1) Whether the amount imposed will be a substantial economic deterrent to the violation.
 - (2) The circumstances leading to or resulting in the violation.
 - (3) The severity of the violation and the risk of harm to the public.
 - (4) The economic benefits gained by the violator as a result of noncompliance.
 - (5) The welfare or best interest of the public.

134.1(2) Civil penalties may be imposed upon a person who is practicing as a massage therapist without a license. Civil penalties may be imposed upon a person who practices as an individual and uses the initials “L.M.T.” or the words “licensed massage therapist,” “massage therapist,” “masseur,” or “masseuse,” or any other words or titles that imply or represent that the person practices massage therapy but who is not licensed as a massage therapist. A person must be licensed as a massage therapist to practice in this state as a massage therapist. Failure to follow the above may result in:

- a. A civil penalty not to exceed \$1,000 on a person who violates this rule:
 - (1) Each violation is a separate offense.
 - (2) Each day a continued violation occurs after citation by the board is a separate offense with the maximum penalty not to exceed \$10,000;
- b. The board's inspection of any facility that advertises or offers services purporting to be delivered by massage therapists;
- c. A citation being sent to the alleged violator by certified mail, return receipt requested;
- d. The board's consideration of the following in determining civil penalties:
 - (1) Whether the amount imposed will be a substantial economic deterrent to the violation.
 - (2) The circumstances leading to or resulting in the violation.
 - (3) The severity of the violation and the risk of harm to the public.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

- (4) The economic benefits gained by the violator as a result of noncompliance.
- (5) The welfare or best interest of the public.

134.1(3) Issuing an order or citation.

- a. The board shall provide a written notice and the opportunity to request a hearing on the record.
- b. The hearing must be requested within 30 days of the issuance of the notice and shall be conducted according to Iowa Code chapter 17A.
- c. The board may, in connection with a proceeding under this subrule, issue subpoenas to require the attendance and testimony of witnesses and the disclosure of evidence and may request the attorney general to bring an action to enforce the subpoena.

134.1(4) Judicial review.

- a. A person aggrieved by the imposition of a civil penalty under this rule may seek a judicial review in accordance with Iowa Code section 17A.19.
- b. The board shall notify the attorney general of the failure to pay a civil penalty within 30 days after entry of an order or within 10 days following final judgment in favor of the board if an order has been stayed pending appeal.
- c. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.
- d. An action to enforce an order under this rule may be joined with an action for an injunction.

134.1(5) A person is not in violation of the statute or rules if that person practices massage therapy for compensation while in attendance at a school offering a curriculum meeting the requirements of 645—Chapter 132 and is under the supervision of a member of the school's faculty.

These rules are intended to implement Iowa Code chapters 147, 152C, and 272C.

[Filed 5/13/24, effective 7/17/24]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8057C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rulemaking related to licensure of social workers

The Board of Social Work hereby rescinds Chapter 280, "Licensure of Social Workers," 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 chapters 17A, 147, 154C and 272C.

State or Federal Law Implemented

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

Purpose and Summary

This rulemaking sets minimum standards for entry into the profession of social work. Iowa residents, licensees and employers benefit from the rulemaking since the rulemaking articulates the processes by which individuals apply for licensure as a social worker in the state of Iowa, as directed in statute. These processes include the processes for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that any individual entering the profession has minimum competency. Requirements include the application process, minimum educational qualifications, and examination requirements.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 21, 2024, as **ARC 7639C**. Public hearings were held on March 12 and 13, 2024, at 9 a.m. at 6200 Park Avenue, Des Moines, Iowa, and virtually. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on May 13, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 645—Chapter 280 and adopt the following **new** chapter in lieu thereof:

SOCIAL WORKERS

CHAPTER 280 LICENSURE OF SOCIAL WORKERS
 CHAPTER 281 CONTINUING EDUCATION FOR SOCIAL WORKERS
 CHAPTER 282 PRACTICE OF SOCIAL WORKERS
 CHAPTER 283 DISCIPLINE FOR SOCIAL WORKERS

CHAPTER 280
 LICENSURE OF SOCIAL WORKERS

645—280.1(154C) Definitions. For purposes of these rules, the following definitions apply:

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

“*ASWB*” means the Association of Social Work Boards.

“*Board*” means the board of social work.

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

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

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

“*LBSW*” means licensed bachelor social worker.

“*Licensee*” means any person licensed to practice as a social worker in the state of Iowa.

“*License expiration date*” means December 31 of even-numbered years.

“*LISW*” means licensed independent social worker.

“*LMSW*” means licensed master social worker.

“*Mandatory reporter training*” means the training requirements in Iowa Code section 232.69.

“*Reactivate*” or “*reactivation*” means the process as outlined in rule 645—280.8(17A,147,272C).

“*Reinstatement*” means the process as outlined in rule 645—11.31(272C).

645—280.2(154C) Social work services subject to regulation. Social work services provided to an individual in this state through telephonic, electronic or other means, regardless of the location of the social worker, shall constitute the practice of social work and be subject to regulation in Iowa.

645—280.3(154C) Requirements for licensure. The following criteria shall apply to licensure:

280.3(1) The applicant submits a completed application for licensure and pays the nonrefundable licensure fee specified in rule 645—5.19(147,154C).

280.3(2) No application will be considered by the board until official copies of academic transcripts have been received by the board except as provided in subrule 280.3(7).

280.3(3) The applicant provides verification of license from the jurisdiction in which the applicant has most recently been licensed, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:

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

280.3(4) The applicant will take the examination(s) provided in rule 645—280.4(154C).

280.3(5) Licensees who were issued their initial licenses within six months prior to the renewal shall not be required to renew their licenses until the renewal date two years later.

280.3(6) Incomplete applications that have been on file in the board office for more than two years will be:

- a. Considered invalid and be destroyed; or
- b. Maintained upon written request of the applicant. The applicant is responsible for requesting that the file be maintained.

280.3(7) In lieu of the requirements in subrules 280.3(2) and 280.3(3), the board will accept the ASWB Social Work Registry verification of academic transcripts and verification of licensure in other states.

645—280.4(154C) Written examination.

280.4(1) The applicant will take and pass the ASWB examination at the appropriate level as follows:

- a. Bachelor level social worker—the basic level examination.
- b. Master level social worker—the intermediate level examination.
- c. Independent level social worker—the clinical level examination.

280.4(2) The board will accept only official results from the ASWB examination service that are sent directly from the examination service to the board.

280.4(3) The ASWB passing score will be utilized as the Iowa passing score.

280.4(4) An applicant may sit for the examination if the applicant meets the requirements stated in rule 645—280.3(154C). Upon written request of the applicant, the board may authorize a student to sit for the examination prior to the receipt of the official transcript if the student is in the last semester of an approved master of social work program. The student shall submit an application for licensure at the master level and the fee, and, in lieu of a transcript, the student shall request that the school submit a letter

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directly to the board office. The letter shall state that the student is currently enrolled in a master of social work program and the student's expected date of graduation. Upon completion of degree requirements, the applicant shall have the transcript showing the date of the degree sent directly from the school to the board office.

280.4(5) In lieu of the requirements in subrule 280.4(2), the board will accept the ASWB Social Work Registry verification of the ASWB examination results.

280.4(6) In lieu of the requirements in subrule 280.4(1), the board will accept verification of passing the state of California equivalent level licensing examination.

645—280.5(154C) Educational qualifications.

280.5(1) Bachelor level social worker. An applicant for a license will possess a bachelor's degree in social work from a college or university accredited by the Council on Social Work Education at the time of graduation.

280.5(2) Master and independent level social worker. An applicant for a license will present evidence satisfactory to the board that the applicant:

a. Possesses a master's degree in social work from a college or university accredited by the Council on Social Work Education at the time of graduation; or

b. Possesses a doctoral degree in social work from a college or university approved by the board at the time of graduation.

280.5(3) Foreign-trained social workers shall provide an equivalency evaluation of their educational credentials by International Education Research Foundation, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, California 90231-3665, telephone 310.258.9451, website www.ierf.org or email at info@ierf.org; or obtain a certificate of equivalency from the Council on Social Work Education, 1701 Duke Street, Suite 200, Alexandria, Virginia 22314-3457, telephone 703.683.8080, website www.cswe.org. The professional curriculum must be equivalent to that stated in these rules. The applicant shall bear the expense of the curriculum evaluation.

645—280.6(154C) Supervised clinical experience. An applicant for licensure as an independent level social worker must complete a supervised clinical experience as set forth in this rule.

280.6(1) Minimum requirements. The supervised clinical experience must satisfy all of the following requirements:

a. Timing. The supervised clinical experience cannot begin until after licensure as a master level social worker.

b. Duration. The supervised clinical experience must be a minimum of two years.

c. Minimum number of hours. The supervised clinical experience consists of at least 3,000 hours of practice.

d. Minimum number of direct client hours. The supervised clinical experience consists of at least 1,500 hours of direct client contact.

e. Minimum number of direct supervision hours. The supervised clinical experience consists of at least 110 hours of direct supervision equitably distributed throughout the supervised clinical experience, including at least 24 hours of live or recorded direct observation of client interaction. A maximum of 50 hours of direct supervision may be obtained through group supervision. Direct supervision can occur in person or by using videoconferencing. After 110 hours of direct supervision are complete, ongoing direct supervision will continue to occur for the remainder of the supervised clinical experience.

f. Number of supervisors. A supervisee may utilize a maximum of four supervisors at any given time. A supervisee is responsible for notifying each supervisor if another supervisor is also being utilized to allow for coordination as appropriate.

g. Number of supervisees. A supervisor will determine the number of supervisees who can be supervised safely and competently and will not exceed that number.

h. Content. The supervised clinical experience must involve performing psychosocial assessments, diagnostic practice using the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5-TR), published March 2022, and providing treatment, including the

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establishment of treatment goals, psychosocial therapy using evidence-based therapeutic modalities, and differential treatment planning. The supervised clinical experience will prepare the supervisee for independent practice and must include training on practice management, ethical standards, legal and regulatory requirements, documentation, coordination of care, and self-care.

280.6(2) Eligible supervisors. A supervisor must satisfy all of the following requirements:

- a. Hold an active license as an independent level social worker, mental health counselor, or marital and family therapist in Iowa.
- b. Have a minimum of three years of independent practice.
- c. Have completed at least a six-hour continuing education course in supervision or one graduate-level course in supervision.
- d. Be knowledgeable of the applicable ethical code and licensing rules governing the supervisee.

Any request for a supervisor who does not meet these requirements must be approved by the board before supervision begins.

280.6(3) Supervision plan. Prior to beginning supervision, the supervisee will submit a written supervision plan to the board using the current form published by the board. The supervisee will also submit a written supervision plan to the board prior to beginning supervision with a new supervisor.

280.6(4) Supervision report. When supervision is complete, or when a supervisor ceases providing supervision to the supervisee, the supervisee will ensure a completed supervision report using the current form published by the board is submitted to the board. If the supervisor reports that the supervisee is not adequately prepared for independent licensure, or reports violations of the board's rules or applicable ethical code, the board may require the supervisee to complete additional supervision or training as deemed appropriate prior to licensure.

280.6(5) Supervised clinical experience in other states. An applicant who completed some or all of the supervised clinical experience in another state without obtaining licensure in that state should contact the board to determine whether some or all of the supervised clinical experience completed can be used to qualify for licensure in Iowa.

280.6(6) Grandfather clause. Any new or additional requirements imposed by this rule do not apply to supervision that started prior to July 20, 2022.

645—280.7(154C) License renewal.

280.7(1) The biennial license renewal period for a license to practice social work will begin on January 1 of odd-numbered years and end on December 31 of the next even-numbered year. Every licensee will renew on a biennial basis. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice does not relieve the licensee of the responsibility for renewing the license.

280.7(2) Renewal procedures.

- a. A licensee seeking renewal will:
 - (1) Meet the continuing education requirements of rule 645—281.2(154C) and the mandatory reporting requirements of subrule 280.7(3); and
 - (2) Submit the completed renewal application and renewal fee before the license expiration date.
- b. Those persons licensed for the first time will not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of 27 hours of continuing education per biennium for each subsequent license renewal.

c. Persons licensed to practice social work shall keep their renewal licenses displayed in a conspicuous public place at the primary site of practice.

d. Failure to receive the notice of renewal will not relieve the licensee of the responsibility for submitting the required materials and the renewal fee to the board office 30 days before license expiration.

e. A social worker whose Iowa license is delinquent, closed, retired, voluntarily surrendered, suspended, or revoked cannot advance to a higher level until the license is again active.

280.7(3) Mandatory reporting of child abuse and dependent adult abuse.

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a. Effective July 1, 2019, a licensee who regularly examines, attends, counsels or treats children in Iowa will complete an initial two-hour child abuse mandatory reporter training course offered by the department of health and human services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters will take a one-hour recertification training every three years, prior to the expiration of a current certificate.

b. Effective July 1, 2019, a licensee who regularly examines, attends, counsels or treats adults in Iowa will complete an initial two-hour dependent adult abuse mandatory reporter training course offered by the department of health and human services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters will take a one-hour recertification training every three years, prior to the expiration of a current certificate.

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

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

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including waiver of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 281.

d. The board may select licensees for audit of compliance with the requirements in paragraphs 280.7(3) “*a*” and “*b*.”

280.7(4) Late renewal. To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

280.7(5) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a social worker in Iowa until the license is reactivated. A licensee who practices as a social worker in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

280.7(6) Upon receiving the information required by this rule and the required fee, board staff will administratively issue a two-year license. 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.

645—280.8(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

280.8(1) Submit a reactivation application.

280.8(2) Pay the reactivation fee that is due as specified in 645—subrule 5.19(4).

280.8(3) Provide verification of current competence to practice social work by satisfying one of the following criteria:

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

(1) Verification of the license from the jurisdiction in which the applicant has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:

1. Licensee’s name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

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(2) Verification of completion of 27 hours of continuing education within two years of application for reactivation or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant will provide the verifications in both subparagraphs 280.8(3) “*b*”(1) and (2) below plus the verification in subparagraph 280.8(3) “*b*”(3) or (4) below.

(1) Verification of the license from the jurisdiction in which the applicant has most recently been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:

1. Licensee’s name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license.

(2) Verification of completion of 27 hours of continuing education within two years of application for reactivation or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

(3) Verification of passing the ASWB examination within the last five years at the appropriate or higher level as follows:

1. Bachelor level social worker—the bachelor’s level examination; or
2. Master level social worker—the master’s level examination; or
3. Independent level social worker—the clinical level examination; or

(4) Verification of continued social work practice at the appropriate or higher level in another state for a minimum of two years immediately preceding the application for reactivation.

645—280.9(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with rule 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with rule 645—280.8(17A,147,272C) prior to practicing social work in this state.

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

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8058C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rulemaking related to continuing education for social workers

The Board of Social Work hereby rescinds Chapter 281, “Continuing Education for Social Workers,” 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 chapters 17A, 147, 154C and 272C.

State or Federal Law Implemented

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

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Purpose and Summary

This rulemaking sets forth continuing education requirements for social workers. The rulemaking includes definitions related to continuing education, the number of hours of continuing education that licensees are required to obtain, the standards that licensees need to meet in order to comply with the rules, and the types of continuing education courses that are permissible. The intended benefit of continuing education is to ensure that social workers maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 21, 2024, as **ARC 7640C**. Public hearings were held on March 12 and 13, 2024, at 9 a.m. at 6200 Park Avenue, Des Moines, Iowa, and virtually. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on May 13, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 645—Chapter 281 and adopt the following **new** chapter in lieu thereof:

CHAPTER 281
CONTINUING EDUCATION FOR SOCIAL WORKERS

645—281.1(154C) Definitions. For the purpose of these rules, the following definitions apply:

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

“*Approved program/activity*” means a continuing education program/activity meeting the standards set forth in these rules.

“*Audit*” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

“*Board*” means the board of social work.

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“*Continuing education*” means planned, organized learning acts acquired during licensure designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“*Hour of continuing education*” means at least 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

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

“*License*” means license to practice.

“*Licensee*” means any person licensed to practice as a social worker in the state of Iowa.

645—281.2(154C) Continuing education requirements.

281.2(1) The biennial continuing education compliance period extends for a two-year period beginning on January 1 of each odd-numbered year and ending on December 31 of the next even-numbered year. Each biennium, each person who is licensed to practice as a licensee in this state will be required to complete a minimum of 27 hours of continuing education approved by the board.

281.2(2) Requirements of new licensees. Those persons licensed for the first time during the license renewal period will not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second renewal may be used. The new licensee will be required to complete a minimum of 27 hours of continuing education per biennium for each subsequent license renewal.

281.2(3) Requirement of supervisors. For licensure at the independent level, persons serving in a supervisory role must complete three hours of continuing education in supervision.

281.2(4) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

281.2(5) No hours of continuing education will be carried over into the next biennium except as stated for the 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.

281.2(6) The licensee will maintain a personal file with all documentation of the continuing education credits obtained.

645—281.3(154C,272C) Standards.

281.3(1) General criteria. A continuing education activity that meets all of the following criteria is appropriate for continuing education credit if the continuing education activity:

- a. Constitutes an organized program of learning that contributes directly to the professional competency of the licensee;
- b. Pertains to subject matters that integrally relate to the practice of the profession;
- c. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program. At the time of audit, the board may request the qualifications of presenters;
- d. Fulfills stated program goals, objectives, or both;
- e. Provides proof of attendance to licensees in attendance including:
 - (1) Date, location, course title, presenter(s);
 - (2) Number of program contact hours; and
 - (3) Certificate of completion or evidence of successful completion of the course provided by the course sponsor; and
- f. Contains one of the following content areas:
 - (1) Human behavior.
 1. Theories and concepts of the development of human behavior in the life cycle of individuals, families and the social environment;

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2. Community and organizational theories;
 3. Normal, abnormal and addictive behaviors;
 4. Abuse and neglect; and
 5. Effects of culture, race, ethnicity, sexual orientation and gender.
- (2) Assessment and treatment.
 1. Psychosocial assessment/interview;
 2. Utilization of the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5-TR) of the American Psychiatric Association, published March 2022;
 3. Theoretical approaches and models of practice—individual, couple, and family therapy and group psychotherapy;
 4. Establishing treatment goals and monitoring progress;
 5. Techniques of social work practice; and
 6. Interdisciplinary consultation and collaboration.
 - (3) Social work research, program evaluation, or practice evaluation.
 - (4) Management, administration, and social policy.
 1. Organizational policies and procedures;
 2. Advocacy and prevention in social work practice;
 3. Management of social work staff and other personnel; and
 4. Management of social work programs.
 - (5) Theories and concepts of social work education.
 - (6) Social work ethics as they pertain to the rules of conduct.
 - (7) An area, as demonstrated by the licensee, that directly relates to the licensee's individual practice as a social worker. The licensee will submit for consideration by the board a specific explanation of how the program relates to the licensee's individual practice setting as a social worker.
- 281.3(2) Specific criteria.** Continuing education hours of credit can be obtained by completing:
- a. A minimum of three hours per biennium in social work ethics.
 - b. Academic coursework that meets the criteria set forth in the rules. Continuing education equivalents are as follows:
 - 1 academic semester hour = 15 continuing education hours
 - 1 academic quarter hour = 10 continuing education hours
 - c. Programs designed for the purpose of enhancing the licensee's administrative, management or other clinical skills.
 - d. Activities/programs that are sponsored or approved by:
 - (1) ASWB Approved Continuing Education (ACE) program; or
 - (2) National Association of Social Workers (NASW) Continuing Education Unit (CEU) Approval Program.
 - e. Pro bono or volunteer work that meets the following criteria:
 - (1) A licensee may earn a maximum of 3 of the required 27 hours of continuing education for credit during one biennium by performing pro bono or volunteer services for indigent, underserved populations or in areas of critical need within the state of Iowa. Such services must be approved in advance by the board.
 - (2) A licensee will apply for prior approval of pro bono or volunteer services by sending a letter to the board indicating that the following requirements will be met:
 1. The site for these services is identified including information about the clients, the services that will be offered, how they will be performed and the learning objectives.
 2. A contract will be established between licensee and client(s), and each party will be aware that the services are being provided without charge.
 3. The services will be subject to all the legal responsibilities and obligations related to the licensee's profession.
 4. The licensee will keep records and files of these client services pursuant to the rules of 645—Chapter 282.

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5. A representative from the site for pro bono or volunteer services must provide a letter stating that these services are to be performed by the licensee.
6. Upon review, the licensee will receive a letter from the board indicating prior approval for these pro bono or volunteer services that will be done for continuing education credit.
7. Following completion of such services:
 - The licensee must provide the board a letter stating that the services were performed as planned.
 - The representative from the site must provide a letter indicating such completion.
- f. Instruction of a course at an approved college, university or graduate school of social work. A licensee may receive credit on a one-time basis, not to exceed three hours of continuing education credit per biennium.
- g. Instruction, presentation, or moderation of continuing education programs. A licensee may receive credit on a one-time basis, not to exceed three hours of continuing education credit per biennium, for programs at which the licensee is actually in attendance for the complete program, provided the licensee receives a certificate of attendance in compliance with this rule.
- h. Authorship of professional papers, publications or books and preparation of presentations and exhibits. A presentation must be made before a professional audience. Presentations may receive credit on a one-time basis for the article, publication, book or preparation of a presentation or exhibit, not to exceed three hours of continuing education credit per biennium.
- i. Supervision of a social work practicum student(s) from an accredited social work education program. A licensee may receive one credit for every 100 hours supervised, not to exceed 6 hours of continuing education credit per biennium.

These rules are intended to implement Iowa Code section 272C.2 and chapter 154C.

[Filed 5/22/24, effective 7/17/24]

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ARC 8059C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rulemaking related to practice of social workers

The Board of Social Work hereby rescinds Chapter 282, "Practice of Social Workers," 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 chapters 17A, 147, 154C and 272C.

State or Federal Law Implemented

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

Purpose and Summary

This rulemaking provides Iowans, licensees, and licensees' employers with practice guidance and requirements for social workers. The rules provide guidance on what is and is not considered appropriate practice. Categories include informed consent, competency, supervision, privacy and confidentiality, recordkeeping, access to records, billing and fees, dual relationships and conflicts of interest, sexual relationships, physical contact, termination of services, misrepresentations, impairments, research, organization relationships and business practices, discrimination and sexual harassment, electronic social work services, the National Association of Social Workers Code of Ethics, and general guidance.

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Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 21, 2024, as **ARC 7641C**. Public hearings were held on March 12 and 13, 2024, at 9 a.m. at 6200 Park Avenue, Des Moines, Iowa, and virtually. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on May 13, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 645—Chapter 282 and adopt the following **new** chapter in lieu thereof:

CHAPTER 282
PRACTICE OF SOCIAL WORKERS

645—282.1(154C) Definitions.

“*Client*” means the individual, couple, family, or group to whom a licensee provides direct social work services.

“*Clinical services*” means services provided by an LMSW or LISW that involve the professional application of social work theory and methods in diagnosing, assessing, treating, and preventing psychosocial disabilities or impairments, including emotional and mental disorders.

“*Counseling*” means a method used by licensees to assist clients in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns.

“*Psychosocial therapy*” means a specialized, formal interaction between an LMSW or LISW and a client in which a therapeutic relationship is established and maintained to assist the client in overcoming or abating specific emotional, mental, or social problems and achieving specified goals for well-being. Psychosocial therapy is a form of psychotherapy that emphasizes the interface between the client and the client's environment. Therapy is a planned, structured program based on a diagnosis and is directed to accomplish measurable goals and objectives specified in the client's individual treatment plan.

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645—282.2(154C) Rules of conduct.**282.2(1) Informed consent.**

a. A licensee will provide services to clients only in the context of a professional relationship based, when appropriate, on valid written informed consent. A licensee will use clear and understandable language to inform clients about the nature of available services, potential benefits and risks, limits and risks of confidentiality, alternative ways of receiving assistance, applicable fees, and involvement of and sharing information with third parties.

b. If a client has difficulty communicating, a licensee will attempt to ensure the client's comprehension. This may include providing the client with a detailed verbal explanation or arranging for a qualified interpreter or translator whenever possible. A licensee will provide information in a manner that is understandable and culturally appropriate for the client. Clients will be given sufficient opportunity to ask questions and receive answers about social work services, including electronic delivery of services, if appropriate.

c. If a client lacks the capacity to provide informed consent, a licensee will protect the client's interests by seeking permission from an appropriate third party and will inform the client consistent with the client's level of understanding. In such instances, a licensee will seek to ensure that the third party acts in a manner consistent with the client's wishes and interests. A licensee will take reasonable steps to enhance the client's ability to give informed consent.

d. If a client is receiving services involuntarily, a licensee will provide information about the nature and extent of services and about the extent of the client's right to refuse services.

e. The provision of social work services to an individual in this state through any electronic means, including the Internet, telephone, or the Iowa communications network or any fiberoptic media, regardless of the location of the licensee, constitutes the practice of social work in the state of Iowa and will be subject to regulation in accordance with Iowa Code chapters 147 and 154C and the administrative rules of the board. A licensee who provides services via electronic media will inform recipients of the limitations and risks associated with such services.

f. A licensee will obtain a client's informed consent before audiotaping or videotaping the client or permitting a third party to observe services provided to the client.

g. A licensee will develop policies regarding the sharing, retention, and storage of digital and other electronic communications and records and will inform clients of applicable policies.

282.2(2) Competence.

a. A licensee will provide services and represent oneself as competent only within the boundaries of the licensee's education, training, license, certification, consultation received, supervised experience, or other relevant professional experience.

b. A licensee will provide services in substantive areas or use intervention techniques or approaches that are new only after engaging in appropriate study, training, consultation, and supervision from people who are competent in those areas, interventions, or techniques.

c. When generally recognized standards do not exist with respect to an emerging area of practice, a licensee will exercise careful judgment and take responsible steps, including appropriate education, research, training, consultation and supervision, to ensure competence and to protect clients from harm.

282.2(3) Supervision.

a. A licensee will exercise appropriate supervision over persons who practice under the supervision of the licensee.

b. A licensee who provides supervision or consultation will have the necessary knowledge and skill to supervise or consult appropriately and will do so only within the licensee's areas of knowledge and competence.

c. A licensee who provides supervision or consultation is responsible for setting clear, appropriate, and culturally sensitive boundaries.

d. A licensee will not engage in any dual or multiple relationships with supervisees if there is a risk of exploitation of or potential harm to the supervisee.

e. A licensee will not engage in sexual activities or sexual contact with a supervisee, student, trainee, or other colleague over whom the licensee exercises professional or supervisory authority.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

f. A licensee will not employ, assign, or supervise an individual in the performance of services that require a license if the individual has not received a license to perform the services or if the individual has a suspended, revoked, lapsed, or inactive license.

g. A licensee will not practice without receiving supervision, as needed, given the licensee's level of practice, experience, and need.

282.2(4) Privacy and confidentiality.

a. A licensee will not disclose or be compelled to disclose client information unless required by law, except under the following limited circumstances:

(1) Situations in which the licensee determines that disclosure is necessary to prevent serious, foreseeable, and imminent harm to the client or another specific identifiable person.

(2) Situations in which the client waives the privilege by bringing criminal, civil, or administrative charges or action against a licensee.

(3) With the written informed consent of the client that explains to whom the client information will be disclosed or released and the purpose and time frame for the release of information. If the client is deceased or unable to provide informed consent, a licensee will obtain written consent from the client's personal representative, another person authorized to sue, or the beneficiary of an insurance policy on the client's life, health, or physical condition.

(4) To testify in a court or administrative hearing concerning matters pertaining to the welfare of children.

(5) To seek collaboration or consultation with professional colleagues or administrative superiors on behalf of the client.

(6) Pursuant to a validly issued subpoena or court order.

In the event of a disclosure of information under any of the circumstances stated above, the licensee will disclose the least amount of confidential information necessary and will reveal only that information that is directly relevant to the purpose for which the disclosure is made.

b. Before the disclosure is made, on the basis of client consent or other legal basis, a licensee will inform the client, to the extent possible, about the disclosure of confidential information and the potential consequences of the disclosure.

c. A licensee will discuss with clients and other interested parties the nature of confidentiality and limitations of a client's right to confidentiality. A licensee will review with clients the circumstances under which confidential information may be requested and when disclosure of confidential information may be legally required. This discussion should occur as soon as possible in the professional relationship and as needed throughout the course of the relationship.

d. When a licensee provides counseling or psychosocial therapy services to families, couples, or groups, the licensee will seek agreement among the parties involved concerning each individual's right to confidentiality and obligation to preserve the confidentiality of information shared by others. A licensee will inform participants in family, couples, or group counseling or psychosocial therapy that the licensee cannot guarantee that all participants will honor such agreements.

e. A licensee will inform clients involved in family, couples, marital, or group counseling or psychosocial therapy of the licensee's, the licensee's employer's, and the agency's policy concerning the licensee's disclosure of confidential information among the parties involved in the counseling or psychosocial therapy.

f. A licensee will not disclose confidential information to third-party payers unless a client has authorized such disclosure. A licensee will inform the client of the nature of the client information to be disclosed or released to the third-party payer.

g. A licensee will not discuss confidential information in any setting unless privacy can be ensured.

h. A licensee will protect the confidentiality of clients during legal proceedings to the extent permitted by law.

i. A licensee will protect the confidentiality of clients when the licensee is responding to requests from members of the media.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

j. A licensee will protect the confidentiality of clients' written and electronic records and other sensitive information. A licensee will take reasonable steps to ensure that client records are stored in a secure location and that client records are not available to others who are not authorized to have access.

k. A licensee will take precautions to ensure and maintain the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones, telephone answering machines, and other electronic or computer technology.

l. A licensee will transfer or dispose of client records in a manner that protects client confidentiality and is consistent with federal and state statutes, rules and regulations and the guidelines of the licensee's employer or agency, if applicable.

m. A licensee will take reasonable precautions to protect client confidentiality in the event of the licensee's termination of practice, incapacitation, or death.

n. A licensee will not disclose identifying information when discussing a client for teaching or training purposes or in public presentations unless the client has consented to disclosure of confidential information.

o. A licensee will not disclose identifying information when discussing a client with consultants unless the client has consented to disclosure of confidential information or there is a compelling need for such disclosure.

p. Consistent with the preceding standards, a licensee will protect the confidentiality of deceased clients.

282.2(5) Recordkeeping.

a. A licensee will maintain sufficient, timely, and accurate documentation in client records. A licensee's records will reflect the services provided, facilitate the delivery of services, and ensure continuity of services in the future.

b. A licensee who provides clinical services in any employment setting, including private practice, will maintain timely records that include subjective and objective data, assessment or diagnosis, a treatment plan, and any revisions to the assessment, diagnosis, or plan made during the course of treatment.

c. A licensee who provides clinical services will store records in accordance with state and federal statutes, rules, and regulations governing record retention and with the guidelines of the licensee's employer or agency, if applicable. If no other legal provisions govern record retention, a licensee will store all client records for a minimum of seven years following the termination of services to ensure reasonable future access.

282.2(6) Access to records. A licensee who provides clinical services will:

a. Provide the client with reasonable access to records concerning the client. A licensee who is concerned that a client's access to the client's records could cause serious misunderstanding or harm to the client will provide assistance in interpreting the records and consultation with the client regarding the records. A licensee may limit a client's access to the client's records, or portions of the records, only in exceptional circumstances when there is compelling evidence that such access would cause serious harm to the client. Both the client's request and the rationale for withholding some or all of a record should be documented in the client's records.

b. Take steps to protect the confidentiality of other individuals identified or discussed in any records to which a client is provided access.

282.2(7) Billing and fees.

a. A licensee will bill only for services that have been provided.

b. A licensee will not accept goods or services from the client or a third party in exchange for the licensee's services.

c. A licensee will not solicit a private fee or other remuneration for providing services to clients who are entitled to such available services through the licensee's employer or agency.

d. A licensee will not accept, give, offer or solicit a fee, commission, rebate, fee split, or other form of consideration for the referral of a client.

e. A licensee will not permit any person to share in the fees for professional services, other than a partner, an employee, an associate in a professional firm, or a consultant to the licensee.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

f. A licensee who provides clinical services will, when appropriate:

- (1) Establish and maintain billing practices that accurately reflect the nature and extent of services provided.
- (2) Inform the client of the fee for services at the initial session or meeting with the client. A licensee will provide a written payment arrangement to a client at the commencement of the professional relationship.

282.2(8) *Dual relationships and conflicts of interest.*

a. “Dual relationship” means that a licensee develops or assumes a secondary role with a client, including but not limited to a social relationship, an emotional relationship, an employment relationship, or a business association. For purposes of these rules, “dual relationship” does not include a sexual relationship. Standards governing sexual relationships are found in subrule 282.2(9).

- (1) Current clients. A licensee will not engage in a dual relationship with a client.
- (2) Former clients. A licensee will not engage in a dual relationship with a client within five years of the termination of the client relationship. A licensee will not engage in a dual relationship with a former client, regardless of the length of time elapsed since termination of the client relationship, when there is a risk of exploitation or potential harm to a client or former client.
- (3) Unavoidable dual relationships with current and former clients. If a dual relationship with a current or former client is unavoidable, the licensee will take steps to protect the client and will be responsible for setting clear, appropriate, and culturally sensitive boundaries. The burden will be on the licensee to show that the dual relationship was unavoidable. In determining whether a dual relationship was unavoidable, the board will consider the size of the community, the nature of the relationship, and the risk of exploitation or harm to a client or former client.

b. Conflicts of interest.

- (1) A licensee will avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment.
- (2) A licensee will not continue in a professional relationship with a client when the licensee has become emotionally involved with the client to the extent that objectivity is no longer possible in providing the required professional services.
- (3) A licensee will inform the client when a real or potential conflict of interest arises and take reasonable steps to resolve the issue in a manner that makes the client’s interests primary and protects the client’s interests to the greatest extent possible. In some cases, protecting the client’s interests may require termination of the professional relationship with proper referral of the client.
- (4) A licensee will not take unfair advantage of any professional relationship or exploit others to further the licensee’s personal, religious, political, or business interests.
- (5) A licensee who provides services to two or more people who have a relationship with each other will clarify with all parties, when appropriate and in a manner consistent with the confidentiality standards of subrule 282.2(4), which individuals will be considered clients and the nature of the licensee’s professional obligations to the various individuals who are receiving services. A licensee who anticipates a conflict of interest among the individuals receiving services or who anticipates having to perform in potentially conflicting roles will clarify, when appropriate and in a manner consistent with the confidentiality standards at subrule 282.2(4), the licensee’s role with the parties involved and take appropriate action to minimize any conflict of interest.

282.2(9) *Sexual relationships.*

a. Current clients. A licensee will not engage in sexual activities or sexual contact with a client, regardless of whether such contact is consensual or nonconsensual.

b. Former clients. A licensee will not engage in sexual activities or sexual contact with a former client within the five years following termination of the client relationship. A licensee will not engage in sexual activities or sexual contact with a former client, regardless of the length of time elapsed since termination of the client relationship, if the client has a history of physical, emotional, or sexual abuse or if the client has ever been diagnosed with any form of psychosis or personality disorder or if the client is likely to remain in need of therapy due to the intensity or chronicity of a problem.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

c. A licensee will not engage in sexual activities or sexual contact with a client's or former client's spouse or significant other.

d. A licensee will not engage in sexual activities or sexual contact with a client's or former client's relative within the second degree of consanguinity (client's parent, grandparent, child, grandchild, or sibling) when there is a risk of exploitation or potential harm to a client or former client.

e. A licensee will not provide clinical services to an individual with whom the licensee has had prior sexual contact.

282.2(10) Physical contact. A licensee will not engage in physical contact with a client when there is a possibility of psychological harm to the client as a result of the contact. A licensee who engages in appropriate physical contact with a client is responsible for setting clear, appropriate, and culturally and age-sensitive boundaries that govern such contact.

282.2(11) Termination of services.

a. A licensee will terminate services when such services are no longer required or no longer serve the client's needs or interests.

b. A licensee will take reasonable steps to avoid abandoning clients who are still in need of services. A licensee will assist in making appropriate arrangements for continuation of services when necessary.

c. A licensee will not terminate services to pursue a social, financial, business, romantic, or sexual relationship with a client.

d. A licensee who anticipates the termination or interruption of services to a client will notify the client promptly and seek the transfer, referral, or continuation of services in relation to the client's needs and preferences.

e. A licensee who is leaving an employment setting will inform clients, to the extent possible given the nature of the termination of the employment relationship, of appropriate options for the continuation of services and of the benefits and risks of the options.

f. If the employer who terminates a licensee is also a licensee, the employer will provide notice to clients or allow the licensee the opportunity to provide notice to clients to ensure appropriate case closure or continuation or transfer of services if continued treatment is necessary.

g. A licensee who provides clinical services will comply with the following additional standards regarding termination of the client relationship:

(1) Termination of a client relationship will be documented in the client record. Absent written documentation of termination, the professional relationship will be considered ongoing.

(2) A licensee who practices in a fee-for-service setting may terminate services to a client who is not paying an overdue balance only if the financial contractual arrangements have been made clear to the client, if the client does not pose an imminent danger to self or others, and if the clinical and other consequences of the current nonpayment have been addressed and discussed with the client. Prior to terminating services under this subrule, a licensee will make reasonable efforts to collect the unpaid fees and will make appropriate referrals for the client.

282.2(12) Misrepresentations, disclosure. A licensee will not:

a. Knowingly make a materially false statement, or fail to disclose a relevant material fact, in a letter of reference, application, referral, report or other document.

b. Knowingly allow another person to use the licensee's license or credentials.

c. Knowingly aid or abet a person who is misrepresenting the person's professional credentials or competencies.

d. Impersonate another person or misrepresent an organizational affiliation in one's professional practice.

e. Further the application or make a recommendation for professional licensure of another person who is known by the licensee to be unqualified in respect to character, education, experience, or other relevant attribute.

f. Fail to notify the appropriate licensing authority of any human services professional who is practicing or teaching in violation of the laws or rules governing that person's professional discipline.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

- g. Engage in professional activities, including advertising, that involve dishonesty, fraud, deceit, or misrepresentation.
- h. Advertise services in a false or misleading manner or fail to indicate in the advertisement the name, highest relevant degree, and licensure status of the provider of services.
- i. Fail to distinguish, or purposely mislead the reader or listener, in public announcements, addresses, letters and reports as to whether the statements are made as a private individual or whether they are made on behalf of an employer or organization.
- j. Engage in direct solicitation of potential clients for pecuniary gain in a manner or in circumstances that constitute overreacting, undue influence, misrepresentation or invasion of privacy.
- k. Fail to inform each client of any financial interests that might accrue to the licensee for referral to any other person or organization or for the use of tests, books, or apparatus.
- l. Fail to inform each client that the client may be entitled to the same services from a public agency if the licensee is employed by that public agency and also offers services privately.
- m. Make claims of professional superiority that cannot be substantiated by the licensee.
- n. Guarantee that satisfaction or a cure will result from the performance of professional services.
- o. Claim or use any secret or special method of treatment or techniques that the licensee refuses to divulge to professional colleagues.
- p. Take credit for work not personally performed, whether by giving inaccurate information or failing to give accurate information.
- q. Offer social work services or use the designation of licensed bachelor social worker, licensed master social worker, or licensed independent social worker; use the designations LBSW, LMSW, or LISW or any other designation indicating licensure status; or hold oneself out as practicing at a certain level of licensure unless the licensee is duly licensed as such.
- r. Permit another person to use the licensee's license for any purpose.
- s. Practice outside the scope of a license.

282.2(13) Impairments.

- a. A licensee will not:
 - (1) Practice in a professional relationship while intoxicated or under the influence of alcohol or drugs not prescribed by a licensed physician.
 - (2) Practice in a professional relationship while experiencing a mental or physical impairment that adversely affects the ability of the licensee to perform professional duties in a competent and safe manner.
 - (3) Practice in a professional relationship if involuntarily committed for treatment of mental illness, drug addiction, or alcoholism.
- b. A licensee who self-reports an impairment or suspected impairment to the board may be eligible for confidential monitoring by the impaired practitioner review committee. The licensee will be provided the Impaired Practitioner Report form to initiate the process. Standards governing the impaired practitioner review committee may be found in 645—Chapter 16.

282.2(14) Research. If engaged in research, a licensee will:

- a. Consider carefully the possible consequences for human beings participating in the research.
- b. Protect each participant from unwarranted physical and mental harm.
- c. Ensure that the consent of the participant is voluntary and informed and that each participant executes a signed informed consent form that details the nature of the research and any known possible consequences.
- d. Treat information obtained as confidential.
- e. Not knowingly report distorted, erroneous, or misleading information.

282.2(15) Organization relationships and business practices. A licensee will not:

- a. Solicit the clients of colleagues or assume professional responsibility for clients of another agency or colleague without appropriate communication with that agency or colleague.
- b. Abandon an agency, organization, institution, or group practice without reasonable notice or under circumstances that seriously impair the delivery of professional care to clients.
- c. Deliberately falsify client records.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

d. Fail to submit required reports and documents in a timely fashion to the extent that the well-being of the client is adversely affected.

e. Delegate professional responsibilities to a person when the licensee knows, or has reason to know, that the person is not qualified by training, education, experience, or classification to perform the requested duties.

282.2(16) *Discrimination and sexual harassment.*

a. A licensee will not practice, condone, or facilitate discrimination against a client, student, or supervisee on the basis of race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, mental or physical disability, diagnosis, or social or economic status.

b. A licensee will not sexually harass a client, student, or supervisee. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

282.2(17) *General.* A licensee will not:

a. Practice without receiving supervision as needed, given the licensee's level of practice, experience, and need.

b. Practice a professional discipline without an appropriate license or after expiration of the required license.

c. Physically or verbally abuse a client or colleague.

d. Obtain, possess, or attempt to obtain or possess a controlled substance without lawful authority; or sell, prescribe, give away, or administer controlled substances.

282.2(18) *Relationship between the board's rules of conduct and the National Association of Social Workers (NASW) Code of Ethics.* The NASW Code of Ethics is one resource for practitioners with respect to practice and ethical issues, and selected sections from the NASW Code of Ethics have been incorporated into the rules of conduct. A licensee's professional conduct is governed by the board's rules of conduct, and a licensee may be disciplined for violation of these rules.

282.2(19) *Electronic social work services.* A licensee will:

a. Assess the client's suitability and capacity for online and remote services at the point of the client's first contact and use professional judgment to determine whether an initial in-person, videoconference, or telephone consultation is warranted before undertaking electronic social work services.

b. Take reasonable steps to verify the client's identity, ability to consent to services, and location. When verification of a client's identity is not feasible, social workers will inform the client of the limitations of services that can be provided.

c. Continually assess a client's suitability for electronic social work services during the course of the professional relationship.

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

[Filed 5/22/24, effective 7/17/24]

[Published 6/12/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8060C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rulemaking related to discipline for social workers

The Board of Social Work hereby rescinds Chapter 283, "Discipline for Social Workers," Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A, 147, 154C and 272C.

State or Federal Law Implemented

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

Purpose and Summary

This rulemaking provides protection to Iowans because the rulemaking publicly defines disciplinary options when a social worker fails to provide the appropriate standard of care. This is important to both the public and to the licensee because the rulemaking creates a shared understanding of what is and is not appropriate for certain types of licensed individuals in the state of Iowa. When professional standards are not met, a licensee can be subject to discipline against the licensee's license. Iowans have the ability to submit a complaint to the licensing board, which can then investigate the allegation. The Board has the ability to seek discipline against the licensee for those items outlined, ensuring that the public is protected.

The 19 boards in the legacy Department of Health and Human Services Bureau of Professional Licensure have similar disciplinary standards for all professions. For this reason, one shared disciplinary chapter has been created that applies to all professions. This chapter contains only those disciplinary grounds that are unique to the Board and are therefore excluded from the general disciplinary chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on February 21, 2024, as **ARC 7642C**. Public hearings were held on March 12 and 13, 2024, at 9 a.m. at 6200 Park Avenue, Des Moines, Iowa, and virtually. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on May 13, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

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 17, 2024.

The following rulemaking action is adopted:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 1. Rescind 645—Chapter 283 and adopt the following **new** chapter in lieu thereof:

CHAPTER 283
DISCIPLINE FOR SOCIAL WORKERS

645—283.1(272C) Grounds for 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 following acts or offenses or those listed in 645—Chapter 13:

Violation of a regulation, rule, or law of this state, another state, or the United States that relates to the practice of social work, including but not limited to the rules of conduct found in rule 645—282.2(154C).

This rule is intended to implement Iowa Code chapters 147, 154C and 272C.

[Filed 5/22/24, effective 7/17/24]

[Published 6/12/24]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8070C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

**Rulemaking related to reportable diseases,
poisonings and conditions, and quarantine**

The Department of Health and Human Services hereby rescinds Chapter 1, “Reportable Diseases, Poisonings and Conditions, and Quarantine and Isolation,” 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 136A.2, 139A.2, 139A.3, 139A.4, 139A.21, 139A.31 and 139A.33.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 135, 137 and 139A.

Purpose and Summary

This chapter provides for disease investigation and disease control through preventive measures including but not limited to quarantine and isolation. This chapter captures reportable communicable and noncommunicable diseases, cancers, and farm-related injuries.

The chapter defines procedure for members of the public to comply with the reporting requirements for the categories listed above, including:

- Who is required to report.
- When to report.
- What needs to be reported.
- How to report.

The chapter provides for cancer surveillance, which allows for evaluation of trends over time and evaluation of potential cancer clusters, as well as helping Iowa hospitals to monitor and improve the quality and comprehensiveness of their cancer care. Having administrative rules that allow the Iowa Cancer Registry to maintain their contract with the National Cancer Institute (NCI)-funded Surveillance, Epidemiology and End Results (SEER) Program allows the State of Iowa to maintain a high-quality registry at a very low cost to the State.

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It also provides for congenital and inherited disorder surveillance to compile, evaluate, retain, and disseminate information on the occurrence, prevalence, causes, treatment, and prevention of congenital disorders. Congenital disorders shall be considered reportable conditions in accordance with rules adopted by the Department and shall be abstracted and maintained by the registry.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7374C**. Two public hearings were held virtually on February 14, 2024, at 11 a.m. and February 26, 2024, at 1 p.m.

Public comment requested additional clarity of reportable conditions listed in the chart.

Changes from the Notice have been made. Specifically, the Department provided additional clarity to the reportable conditions chart. The edits include updating phone numbers and adding diseases currently reported under temporary reporting orders issued by the Department. In addition, the Department added emerging illness examples to clarify the current reporting requirements for tick- and mosquito-borne illnesses.

Adoption of Rulemaking

This rulemaking was adopted by the Council on Health and Human Services on May 9, 2024.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1 REPORTABLE DISEASES, POISONINGS AND CONDITIONS, AND QUARANTINE AND ISOLATION

641—1.1(139A) Definitions. For the purpose of these rules, the following definitions will apply:

“*AIDS*” means the same as defined in Iowa Code chapter 141A.

“*Area quarantine*” means the same as defined in Iowa Code chapter 139A.

“*Business*” means the same as defined in Iowa Code chapter 139A.

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“*Care provider*” means the same as defined in Iowa Code chapter 139A.

“*Case*” means an individual who has confirmatory evidence of disease.

“*Clinical laboratory*” means any laboratory performing analyses on specimens taken from the body of a person in order to assess that person’s health status.

“*Communicable disease*” means the same as defined in Iowa Code chapter 139A.

“*Congenital or inherited disorder*” means any congenital disorder as defined in Iowa Code chapter 136A or any inherited disorder as defined in Iowa Code chapter 136A.

“*Disease surveillance*” means the ongoing, systematic collection, analysis, and interpretation of health-related data essential for planning, implementation, and evaluation of public health programs and practices.

“*Exposure*” means contact with an agent in a manner that could cause disease or infection.

“*HBV*” means the same as defined in Iowa Code chapter 139A.

“*Health care facility*” means the same as defined in Iowa Code chapter 139A.

“*Health care provider*” means the same as defined in Iowa Code chapter 139A.

“*HIV*” means the same as defined in Iowa Code chapter 141A.

“*Hospital*” means the same as defined in Iowa Code chapter 135B.

“*IDSS*” means the Iowa disease surveillance system, a secure electronic statewide disease reporting and surveillance system.

“*Infectious disease*” means a disease caused by the entrance into the body of organisms, including but not limited to bacteria, protozoans, fungi, prions, or viruses that grow and multiply.

“*Infectious tuberculosis*” means pulmonary or laryngeal tuberculosis as evidenced by:

1. Isolation of *M. tuberculosis* complex (positive culture) from a clinical specimen or positive nucleic acid amplification test, or

2. Both radiographic evidence of tuberculosis, such as an abnormal chest X ray, CT, PET or MRI scan, and clinical evidence, such as a positive skin test or whole blood assay test for tuberculosis infection, coughing, sputum production, fever, or other symptoms compatible with infectious tuberculosis that lead a health care provider to diagnose infectious tuberculosis according to currently acceptable standards of medical practice and to initiate treatment for tuberculosis.

“*Investigation*” means an inquiry conducted to determine the specific source, mode of transmission, and cause of a disease or suspected disease occurrence and to determine the specific incidence, prevalence, and extent of the disease in the affected or general population. “*Investigation*” may also include the application of scientific methods and analysis to institute appropriate control measures.

“*Isolation*” means the same as defined in Iowa Code chapter 139A.

“*Local board*” means the same as defined in Iowa Code chapter 139A.

“*Local department*” means the same as defined in Iowa Code chapter 139A.

“*Placard*” means the same as defined in Iowa Code chapter 139A.

“*Poison control or poison information center*” means any organization or program that has as one of its primary objectives the provision of toxicologic and pharmacologic information and referral services to the public and to health care providers (other than pharmacists) in response to inquiries about actual or potential poisonings.

“*Public health disaster*” means an incident as defined in Iowa Code section 135.140.

“*Quarantinable disease*” means any communicable disease that presents a risk of serious harm to public health and that may require isolation or quarantine to prevent its spread. “*Quarantinable disease*” includes but is not limited to cholera, diphtheria, infectious tuberculosis, plague, smallpox, yellow fever, viral hemorrhagic fevers, novel influenza, and severe acute respiratory syndrome (SARS).

“*Quarantine*” means the same as defined in Iowa Code chapter 139A.

“*Reportable cancers*” means those cancers included in the National Cancer Institute’s Surveillance, Epidemiology and End Results (SEER) Program.

“*Reportable disease*” means any disease or condition approved by the state epidemiologist or medical director and designated by this chapter.

“*Sexually transmitted disease or infection*” or “*STI*” means a disease or infection as identified by this chapter that is transmitted through sexual practices. “*Sexually transmitted disease or infection*” includes

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but is not limited to acquired immunodeficiency syndrome (AIDS), chlamydia, gonorrhea, hepatitis B, hepatitis C, human immunodeficiency virus (HIV), human papillomavirus, and syphilis.

“*Suspected case*” means an individual who presents with clinical signs or symptoms indicative of a reportable or quarantinable disease.

“*Toxic agent*” means any noxious substance in solid, liquid or gaseous form capable of producing illness in humans including but not limited to pesticides as defined in Iowa Code chapter 206, heavy metals, organic and inorganic dusts and organic solvents. Airborne toxic agents may be in the form of dusts, fumes, vapors, mists, gases or smoke.

641—1.2(139A) Authority. The director is the principal officer of the state to administer disease, poisoning and condition, and incident reporting and control. The Iowa Cancer Registry, administered by the Department of Epidemiology of the College of Public Health at the University of Iowa, is a public health authority for purposes of collecting cancer data in accordance with this chapter.

641—1.3(139A,141A) Reportable communicable and infectious diseases, poisonings or conditions, and cancers. Reportable communicable and infectious diseases, poisonings and conditions under this chapter are those listed in Appendices A and B. The director may also designate any disease, poisoning or condition or syndrome temporarily reportable for the purpose of a special investigation.

1.3(1) Cancer. Pursuant to Public Law 92-218 and Public Law 102-515, each occurrence of a reportable cancer that is diagnosed or treated in an Iowa resident or occurs in a nonresident who is diagnosed or treated in an Iowa facility shall be reported to the Iowa Cancer Registry.

1.3(2) Congenital and inherited disorders. Each occurrence of a congenital and inherited disorder that is diagnosed or treated in an Iowa resident or occurs in a nonresident who is diagnosed or treated in an Iowa facility is a reportable condition pursuant to Iowa Code chapter 136A, and records of these congenital and inherited disorders shall be abstracted and maintained in a central registry. Congenital and inherited disorder surveillance shall be performed to determine the occurrence and trends of congenital and inherited disorders, to conduct thorough and complete epidemiological surveys, to assist in the planning for and provision of services to children with congenital and inherited disorders and their families, and to identify environmental and genetic risk factors for congenital and inherited disorders.

641—1.4(135,139A) Reporting requirements.

1.4(1) Who is required to report.

a. Communicable and infectious diseases, and poisonings.

(1) Health care providers, hospitals, and clinical laboratories and other health care facilities are required to report cases of reportable diseases, poisonings and conditions. Health care providers and hospitals are exempted from reporting communicable and infectious disease laboratory results and blood lead testing if the health care provider or hospital ensures that the laboratory performing the analysis provides a report containing the required information to the department.

(2) School nurses are required to report suspected cases of a reportable disease, poisoning or condition occurring among the children supervised.

(3) Poison control and poison information centers are required to report inquiries about cases of a reportable disease, poisoning or condition received by them.

(4) Medical examiners are required to report their investigatory findings of any death that was caused by or otherwise involved a reportable disease, poisoning or condition.

(5) Occupational nurses are required to report cases of reportable diseases, poisonings and conditions.

(6) Hospitals, health care providers and clinical laboratories outside the state of Iowa shall immediately report any confirmed or suspected case of a reportable disease, poisoning or condition in an Iowa resident.

b. Reportable cancers. Health care providers, hospitals, clinical laboratories and health care facilities involved in the diagnosis, care or treatment of individuals are required to report individuals with a reportable cancer.

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c. Congenital and inherited disorders. Health care providers, clinics, clinical laboratories and other health care facilities are required to report cases of a congenital or inherited disorder.

1.4(2) What to report. Each report will contain all information as listed in Iowa Code chapter 139A, in addition to:

a. For communicable and infectious diseases:

- (1) The name of the reportable disease.
- (2) The treatment provided for the reportable disease.

b. For poisonings:

- (1) The analytical result.
- (2) In the case of blood lead testing, whether the sample is a capillary or venous blood sample.
- (3) For conditions not identified by a laboratory analysis, the date that the condition was diagnosed.
- (4) In the case of occupational conditions, the name of the patient's employer.

c. For reportable cancers:

- (1) Follow-up data.
- (2) Demographic, diagnostic, prognostic, treatment, and other medical information.

d. For congenital and inherited conditions:

- (1) Follow-up data.
- (2) Demographic, diagnostic, treatment and other medical information.
- (3) Tissue samples, which may also be submitted.

1.4(3) How to report. Information on when and how to report any of the diseases, conditions, or injuries included in this chapter can be found in Appendices A and B.

a. *Immediate reporting by telephone of diseases identified as immediately reportable.* A health care provider and a public, private, or hospital clinical laboratory will immediately report any confirmed or suspect case of a disease identified in Appendix A as immediately reportable to the department.

b. *Other diseases that carry serious consequences or spread rapidly.* A health care facility, health care provider and a public, private, or hospital clinical laboratory will immediately report any confirmed or suspected case of a common source epidemic or disease outbreak of unusual numbers.

c. *Reporting to other public health authorities.* The department may authorize hospitals, health care providers or clinical laboratories outside the state of Iowa to report any confirmed or suspect case of a reportable disease, poisoning, or condition to another public health authority for the purpose of facilitating a report to the department.

d. *Cancers.* The department has delegated to the Iowa Cancer Registry the responsibility for collecting cancer data.

(1) Those required to report shall submit required data to the Iowa Cancer Registry monthly, in an electronic format specified by the Iowa Cancer Registry. Those required to report may employ registrars with Iowa Cancer Registry-approved training, or contract with the Iowa Cancer Registry or an outside vendor to submit reportable cancer cases and required data elements to the Iowa Cancer Registry.

(2) As needed for SEER surveillance activities, the Iowa Cancer Registry shall have remote electronic access, where available, or physical access to all cancer-relevant medical records.

e. *Congenital and inherited disorders.* The department has delegated to the Iowa Registry for Congenital and Inherited Disorders the responsibility to maintain a central registry for congenital and inherited disorders. The Iowa Registry for Congenital and Inherited Disorders shall:

(1) Prior to collecting the data from health care providers, hospitals, clinics, clinical laboratories and other health care facilities, work with the reporting facility to develop a process for abstracting records that is agreeable to the reporting facility.

(2) Develop and distribute reporting forms where applicable.

(3) Develop an abstracting process for data to be supplemented with information obtained from records from hospitals, treatment centers, outpatient centers, clinics, pathology laboratories and physician offices.

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INVESTIGATION

641—1.5(135,139A) Investigation of reportable diseases.

1.5(1) A health care provider and a public, private, or hospital clinical laboratory will provide the department, local board, or local department with all information necessary to conduct the investigation, including but not limited to medical records; exposure histories; medical histories; contact information; and test results necessary to the investigation, including positive, pending, and negative test results.

1.5(2) Issuance of investigatory subpoenas.

a. The department may, upon the written request of a local board of health, the state public health medical director or the state public health epidemiologist or designee, subpoena records, reports, or any other evidence necessary to conduct a disease investigation. The subpoena will be signed by the department following review and approval of the written request for subpoena.

b. Process to challenge a subpoena. Any person who is aggrieved or adversely affected by compliance with the subpoena and who desires to challenge the subpoena shall follow 441—Chapter 7.

ISOLATION AND QUARANTINE

641—1.6(135,193A) Isolation and quarantine. Isolation and quarantine should be consistent with guidelines provided by the Centers for Disease Control and Prevention.

1.6(1) *General provisions.*

a. Voluntary confinement. Prior to instituting mandatory isolation or quarantine pursuant to this rule, the department or a local board of health may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility.

b. Quarantine and isolation. The department and local boards of health are authorized to impose and enforce quarantine and isolation restrictions. Quarantine and isolation shall rarely be imposed by the department or by local boards of health. If a quarantinable disease occurs in Iowa, individuals with a suspected or active quarantinable disease and contacts to the case may be quarantined or isolated as the particular situation requires. Any quarantine or isolation imposed by the department or a local board of health shall be established and enforced in accordance with this rule.

1.6(2) *Issuance of isolation or quarantine orders.* The department or the local board of health may isolate or quarantine an individual or groups of individuals, and area quarantine in the rarest of instances, through a written order issued pursuant to this rule. The isolation or quarantine of an individual or group, whether during a declared state of emergency or not, shall be conducted as follows:

a. A written administrative order to isolate or quarantine an individual or group of individuals shall be issued when voluntary measures are deemed impracticable or ineffective. Orders shall become effective immediately upon issuance.

b. Orders for isolation and quarantine may include, without limitation, confinement in a residence or other private or public premises including medical and nonmedical facilities; conditions on travel or behavior; and exclusion of individuals or groups from certain places, including but not limited to school, workplace, public conveyances, and other places where members of the public may congregate; or a requirement that a person self-monitor specified health conditions (e.g., body temperature) and report the findings.

c. Administrative orders to isolate or quarantine an individual or a group of individuals may be issued orally if delay in imposing the isolation or quarantine would pose a serious imminent danger to the public health. If an oral order is issued, a written order shall be issued as soon as is reasonably possible, but in no event later than 24 hours following the issuance of the oral order.

d. A copy of the written order shall be provided to the individual to be isolated or quarantined or, if that is not possible, by any means reasonably calculated to provide actual notice. If the order applies to a group of individuals and it is impractical to provide individual copies, the order shall be posted in a conspicuous place in the isolation or quarantine premises.

e. The order of isolation or quarantine shall include the following:

- (1) Full name and address of person or description of the group subject to the order.

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(2) The clinical grounds for believing that the individual or group is infected with, or may have been exposed to, a communicable disease.

(3) The location where the individual or group will be confined during the period of isolation or quarantine.

(4) The exact date and time when the period of isolation or quarantine will expire. If it is not possible to fix an exact date, the order should specify the conditions or circumstances under which the individual or group would no longer pose a threat to the public health and confinement would end (e.g., the disappearance or absence of specified clinical symptoms).

(5) The conditions under which the individual or group will be isolated or quarantined.

(6) Notice of right to challenge the isolation or quarantine.

f. When individuals or groups are isolated or quarantined, whether through an administrative order or through voluntary compliance, the department or county board of health shall determine what method and place of isolation or quarantine is appropriate based upon the suitability of an individual's home or other designated facility and the services available.

g. To the greatest extent that it is possible to do so without jeopardizing the integrity of the isolation or quarantine, the authority issuing the isolation or quarantine order shall preserve and facilitate the ability of isolated and quarantined individuals to communicate with the outside world and, in particular, to exchange confidential communications with legal and medical advisors of their choice.

h. A person diagnosed with or clinically suspected of having infectious tuberculosis shall complete voluntary treatment until, in the opinion of the health care provider or the state public health medical director and epidemiologist, the person's tuberculosis is cured or such person is no longer a threat to public health. If such person refuses to complete the course of voluntary treatment, the department or local board of health may issue an order compelling mandatory treatment. Such order shall include the identity of the person subject to the mandatory treatment order, a description of the treatment ordered, the medical basis upon which the treatment is ordered, and a description of the potential medical and legal consequences of violating such order. A person who violates a mandatory treatment order may be subject to the penalties provided in Iowa Code section 135.38 or 137.117 and may be placed under mandatory quarantine or isolation in accordance with the provisions of this chapter.

1.6(3) *Appeal from department order imposing isolation or quarantine.*

a. Individuals have the right to appeal an order imposing isolation or quarantine. Appeal procedures for department orders are as laid forth in 441—Chapter 7.

b. A request for a hearing shall not stay an isolation or quarantine order unless by order of the issuing department or board, or by a district court.

1.6(4) *Appeal from a local board of health order imposing isolation or quarantine.*

a. Appeal. The subject of a board order imposing isolation or quarantine may appeal a written order by submitting a written appeal within ten days of receipt of the written order. The appeal shall be addressed to the issuing board. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the appeal is finally determined and disposed of upon its merits.

b. Proceeding. The appeal proceeding shall be conducted in accordance with this rule and specific local board of health rules governing appeal proceedings. The proceeding shall be held as soon as is practicable and in no case later than ten days from the date of receipt of the appeal. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the communicable or possibly communicable disease. In extraordinary circumstances and for good cause shown, the board may continue the proceeding date for up to ten days, giving due regard to the rights of the affected individuals, the protection of the public's health, and the availability of necessary witnesses and evidence. At the appeal proceeding, the subject of the appeal shall have the right to introduce evidence on all issues relevant to the order. The board, by majority vote, may modify, withdraw, or order compliance with the order under appeal.

c. Judicial review. The aggrieved party to the final decision of the board may petition for judicial review of that action by filing an action in the appropriate district court. Petitions for judicial review shall be filed within 30 days after the decision becomes final.

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d. Immediate judicial review of board order. The board acknowledges that in certain circumstances the subject or subjects of a board order may desire immediate judicial review of a board order in lieu of proceeding with the board's appeal process. The board may consent to immediate jurisdiction of the district court when requested by the subject or subjects of a board order and justice so requires. Unless stayed by order of the board or a district court, the written order for quarantine or isolation shall remain in force and effect until the judicial review is finally determined and disposed of upon its merits.

1.6(5) Implementation and enforcement of isolation and quarantine.

a. Jurisdictional issues. The department has primary jurisdiction to isolate or quarantine individuals or groups of individuals if the communicable disease outbreak has affected more than one county or has multicounty, statewide, or interstate public health implications. When imposing isolation or quarantine, the department will coordinate with the local health department as appropriate. If isolation or quarantine is imposed by the department, a local board of health or local health department may not alter, amend, modify, or rescind the isolation or quarantine order.

b. Assistance of local boards of health and local health departments. If isolation or quarantine is imposed by the department, the local boards of health and the local health departments in the affected areas will assist in the implementation of the isolation or quarantine order.

c. Assistance of law enforcement. Pursuant to Iowa Code chapter 135, all peace officers of the state will enforce and execute a lawful department order for isolation or quarantine within their respective jurisdictions. The department will take all reasonable measures to minimize the risk of exposure to peace officers and others assisting with enforcement of an isolation or quarantine order.

d. Penalty. Violation of a lawful isolation or quarantine order will be subject to penalties pursuant to Iowa Code chapter 135.

e. Enforcement action. The department may file a civil action in the Polk County district court or in the district court for the county in which the individual resides or is located to enforce a department order for isolation or quarantine. Such action will be filed in accordance with the Iowa Rules of Civil Procedure.

1.6(6) Control of isolation and quarantine premises.

a. The department or local board of health may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.

b. No person shall enter isolation or quarantine premises unless authorized to do so by the department or local board of health.

c. Any person entering isolation or quarantine premises may be required to wear personal protective equipment or receive vaccination or any other preventative care as appropriate.

d. Any person entering isolation or quarantine premises, with or without authorization, may be subject to an order of quarantine as deemed medically necessary.

641—1.7(139A,22) Confidentiality. Reportable disease records and information, with the exception of AIDS and HIV records, that identify a person or a business named in a report may be disclosed under the following limited circumstances:

1.7(1) By and between department employees and agents who have a need for the record in the performance of their duties.

1.7(2) By and between department employees and agents and local boards of health and local health departments as necessary to conduct disease surveillance and investigation, to the extent necessary to protect the health or life of the named party, or to enforce a department order or an order of a local board of health.

1.7(3) By and between department employees and agents and health care providers, laboratories, and hospitals as necessary to conduct disease surveillance or an investigation, to the extent necessary to protect the health or life of the named party, or to enforce a department order or an order of a local board of health.

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1.7(4) By and between department employees and agents and employees and agents of federal, state, and local agencies as necessary to conduct disease surveillance or an investigation or to enforce a department order or an order of a local board of health.

1.7(5) By and between department employees and agents and employees and agents of tribes and tribal public health authorities as necessary to conduct disease surveillance or an investigation or to enforce a department order or an order of a local board of health.

1.7(6) Reportable disease information may be included in an isolation or quarantine order or placard as necessary to prevent the spread of a quarantinable disease.

STATE HYGIENIC LABORATORY

641—1.8(135,139A) Specimens for which the fee charged by the state hygienic laboratory will be waived. Pursuant to Iowa Code section 263.8, the state hygienic laboratory will waive testing fees for conditions deemed to be of public health significance by the department with approval from the state medical director or the state epidemiologist. A list of conditions and the criteria for which the fee is waived can be found on the HHS website.

APPENDIX A

**Iowa Department of Health and Human Services
Table of Reportable Communicable and Infectious Diseases**

Report cases of the diseases listed in the following table to the department within the time frame specified in the When to Report column and by the reporting method in the How to Report column.

To report diseases immediately, use the 24/7 disease reporting telephone hotline: 1-800-362-2736.

IMMEDIATELY report diseases, syndromes, poisonings and conditions of any kind suspected or caused by a biological, chemical, or radiological agent or toxin when there is reasonable suspicion that the disease, syndrome, poisoning or condition may be the result of a deliberate act such as terrorism.

IMMEDIATELY report to the department outbreaks of any kind, diseases that occur in unusual numbers or circumstances, unusual syndromes, or uncommon diseases. Outbreaks may be infectious, environmental or occupational in origin and include food-borne outbreaks or illness secondary to chemical exposure (e.g., pesticides, anhydrous ammonia).

Report diseases by:

Entering into the Iowa Disease Surveillance System (IDSS): For IDSS-related questions, call the Center for Acute Disease Epidemiology (CADE) at 1-800-362-2736.

Fax: (515)281-5698

Mail:

Iowa Department of Health and Human Services
Center for Acute Disease Epidemiology
Lucas State Office Building
321 E. 12th Street
Des Moines, Iowa 50319

Isolates or specimens shall be sent to:

State Hygienic Laboratory at the University of Iowa (SHL)
U of I Research Park

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2490 Crosspark Road
Coralville, Iowa 52241-4721

For specimen submission questions, call (319)335-4500 or go to www.shl.uiowa.edu.

Diseases	When to Report	How to Report
Acquired immune deficiency syndrome (AIDS) and AIDS-defining conditions	7 days	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Report by one of the following methods: Phone (515)322-8819 or mail <ul style="list-style-type: none"> Health care providers: use the Pediatric or Adult Confidential Case Report Form Laboratories: send copy of lab report or the Iowa Confidential Report of Sexually Transmitted Disease & HIV Infection. Mark envelope "Attention 03" For HIV/AIDS-related questions, call (515)322-8819
Acute Flaccid Myelitis (AFM)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Anthrax	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736
Botulism (including infant botulism)	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736
Brucellosis (Brucella)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Campylobacteriosis (Campylobacter)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Candida auris	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Carbapenemase-Producing Organisms (CPO)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Chlamydia	3 days	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Report by one of the following methods: Phone (515)281-3031, IDSS, fax (515)725-1278 or mail <ul style="list-style-type: none"> Use the Iowa Confidential Report of Sexually Transmitted Disease Mark envelope "Attention 00"
Cholera	1 day	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Phone, IDSS or fax Laboratories: send isolate or specimen to the SHL
Cronobacter invasive infection (in infants)	1 day	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Phone, IDSS or fax
Cryptosporidiosis	3 days	Report for Iowa residents. Phone, IDSS, fax or mail

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Diseases	When to Report	How to Report
Cyclospora	3 days	Report for Iowa residents. Phone, IDSS, fax or mail Laboratories: send isolate or specimen to the SHL
Cytomegalovirus (CMV)	3 days	Report for Iowa residents. IDSS or fax: 1-515-242-6013
Diphtheria	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736
Escherichia coli shiga toxin-producing and related diseases (includes HUS and TTP)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail Laboratories: send isolate or specimen to the SHL
Giardiasis (Giardia)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Gonorrhea	3 days	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Report by one of the following methods: Phone (515)281-3031, IDSS, fax (515)725-1278 or mail <ul style="list-style-type: none"> Use the Iowa Confidential Report of Sexually Transmitted Disease Mark envelope "Attention 00"
Haemophilus influenzae type B invasive disease	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736 Laboratories send isolate or specimen to the SHL
Hansen's disease (leprosy)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Hantavirus syndromes	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Hepatitis A	1 day	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Phone, IDSS or fax
Hepatitis B, C, D, E	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Human immunodeficiency virus (HIV) cases Death of a person with HIV Perinatally exposed newborn and child (newborn and child who was born to an HIV-infected mother)	7 days	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Report by one of the following methods: Phone (515)322-8819 or mail <ul style="list-style-type: none"> Health care providers: use the Pediatric or Adult Confidential Case Report Form Laboratories: send copy of lab report or the Iowa Confidential Report of Sexually Transmitted Disease & HIV Infection. Mark envelope "Attention 03" For HIV/AIDS-related questions, call (515)322-8819
Legionellosis (Legionella)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail

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Diseases	When to Report	How to Report
Listeria monocytogenes invasive disease	1 day	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Phone, IDSS or fax Laboratories: send isolate or specimen to the SHL
Malaria	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Measles (rubeola)	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736
Meningococcal invasive disease	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736 Laboratories: send isolate or specimen to the SHL
Mosquito-borne diseases (e.g., chikungunya, dengue, eastern equine encephalitis, Jamestown Canyon, La Crosse, St. Louis, Venezuelan equine encephalitis, West Nile, western equine encephalitis and Zika)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Mpox	1 day	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Phone, IDSS or fax
Mumps	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Multisystem Inflammatory Syndrome in Children (MIS-C) Associated with COVID-19	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Pertussis	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Plague	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736
Poliomyelitis	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736
Psittacosis	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Q fever	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Rabies, animal	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Rabies, human	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736
Rubella (including congenital)	1 day	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Phone, IDSS or fax
Salmonellosis (Salmonella)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail Laboratories: send isolate or specimen to the SHL

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Diseases	When to Report	How to Report
Severe acute respiratory syndrome (SARS)	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736
Shigellosis (Shigella)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail Laboratories: send isolate or specimen to the SHL
Smallpox	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736
Syphilis	3 days	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Report by one of the following methods: Phone (515)281-3031, IDSS, fax (515)725-1278 or mail <ul style="list-style-type: none"> ● Use the Iowa Confidential Report of Sexually Transmitted Disease ● Mark envelope "Attention 00"
Tetanus	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Tickborne diseases (e.g., alpha-gal syndrome, anaplasmosis, babesiosis, Bourbon virus disease, ehrlichiosis, Heartland virus disease, Lyme disease, Powassan virus disease, spotted fever group rickettsioses and tickborne relapsing fever)	3 days	Report for Iowa residents. Phone, IDSS, fax or mail
Tuberculosis, pulmonary and laryngeal (infectious)	1 day	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Phone (515)281-7504, IDSS or fax (515)281-4570
Tuberculosis, extrapulmonary	3 days	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Phone (515)281-7504, IDSS or fax (515)281-4570
Tularemia	3 days	Report for Iowa residents. Phone, IDSS or fax
Typhoid fever	1 day	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Phone, IDSS or fax
Vancomycin intermediate Staphylococcus aureus (VISA) and vancomycin-resistant Staphylococcus aureus (VRSA)	1 day	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. Phone, IDSS or fax Laboratories: send isolate or specimen to the SHL
Viral hemorrhagic fever (VHF) (e.g., Lassa, Marburg, Ebola, and Crimean-Congo)	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736
Yellow fever	Immediately	Report for Iowa residents and for residents of other states diagnosed or treated in Iowa. 24/7 disease reporting telephone hotline: 1-800-362-2736

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APPENDIX B
Iowa Department of Health and Human Services
Table of Reportable Poisonings and Conditions

Report cases of the poisonings and conditions listed in the following table to the department within the time frame specified in the When to Report column and by the reporting method in the How to Report column.

To report diseases immediately, use the 24/7 disease reporting telephone hotline: 1-800-362-2736.

IMMEDIATELY report diseases, syndromes, poisonings and conditions of any kind suspected or caused by a biological, chemical, or radiological agent or toxin when there is reasonable suspicion that the disease, syndrome, poisoning or condition may be the result of a deliberate act such as terrorism.

IMMEDIATELY report to the department outbreaks of any kind, diseases that occur in unusual numbers or circumstances, unusual syndromes, or uncommon diseases. Outbreaks may be infectious, environmental or occupational in origin and include food-borne outbreaks or illness secondary to chemical exposure (e.g., pesticides, anhydrous ammonia).

Mailing address:

Bureau of Environmental Health Services
 Iowa Department of Health and Human Services
 321 East 12th Street
 Des Moines, Iowa 50319-0075

Telephone: 1-800-972-2026

Fax: (515)281-4529

Poisoning or Condition	Cases to Report	When to Report	How to Report
Arsenic poisoning	Blood arsenic values equal to or greater than 70 µg/L Urine arsenic values equal to or greater than 100 µg/g of creatinine	Weekly	Format specified by department. Electronic reporting if available. Alternatives include by mail, telephone, and facsimile.
Blood lead testing	All analytical results greater than or equal to 20 micrograms per deciliter (µg/dL) in a child under the age of 6 years or a pregnant woman	Daily	By telephone: 1-800-972-2026
	All other analytical values for all blood lead analyses	Weekly	Electronic format specified by the department
Cadmium poisoning	Blood cadmium values equal to or greater than 5 µg/L Urine cadmium values equal to or greater than 3 µg/g of creatinine	Weekly	Format specified by department. Electronic reporting if available. Alternatives include by mail, telephone, and facsimile.

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Poisoning or Condition	Cases to Report	When to Report	How to Report
Carbon monoxide (CO) poisoning	Blood carbon monoxide level equal to or greater than 10% carboxyhemoglobin or its equivalent with a breath analyzer test, or a clinical diagnosis of CO poisoning regardless of any test results	Daily	By telephone: 1-800-972-2026
Hypersensitivity pneumonitis	All cases	Weekly	Format specified by department. Electronic reporting if available. Alternatives include by mail, telephone, and facsimile.
Mercury poisoning	Blood mercury values equal to or greater than 2.8 µg/dL Urine mercury values equal to or greater than 20 µg/L	Weekly	Format specified by department. Electronic reporting if available. Alternatives include by mail, telephone, and facsimile.
Methemoglobinemia	Blood analyses showing greater than 5% of total hemoglobin present as methemoglobin	Weekly	Format specified by department. Electronic reporting if available. Alternatives include by mail, telephone, and facsimile.
Microcystin toxin poisoning	All cases	Weekly	Format specified by department. Electronic reporting if available. Alternatives include by mail, telephone, and facsimile.
Noncommunicable respiratory illness	All cases	Weekly	Format specified by department. Electronic reporting if available. Alternatives include by mail, telephone, and facsimile.
Occupationally related asthma, bronchitis or respiratory hypersensitivity reaction	All cases	Weekly	Format specified by department. Electronic reporting if available. Alternatives include by mail, telephone, and facsimile.
Pesticide poisoning (including pesticide-related contact dermatitis)	All cases	Weekly	Format specified by department. Electronic reporting if available. Alternatives include by mail, telephone, and facsimile.
Severe skin disorder	All cases	Weekly	Format specified by department. Electronic reporting if available. Alternatives include by mail, telephone, and facsimile.
Toxic hepatitis	All cases	Weekly	Format specified by department. Electronic reporting if available. Alternatives include by mail, telephone, and facsimile.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8055C**TRANSPORTATION DEPARTMENT[761]****Adopted and Filed****Rulemaking related to adoption of federal regulations**

The Transportation Department hereby amends Chapter 529, “For-Hire Interstate Motor Carrier Authority,” Chapter 607, “Commercial Driver Licensing,” Chapter 800, “Items of General Application for Railroads,” Chapter 810, “Railroad Safety Standards,” and Chapter 911, “School Transportation Services Provided by Regional Transit Systems,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 307.27(8), 321.188, 321.377, 324A.4(2) and 327G.24.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 324A and 327B and sections 307.26, 307.27, 321.187, 321.188, 321.207 to 321.208A, 321.377, 327C.4, 327C.38, 327C.41, 327F.31 and 327G.24.

Purpose and Summary

This rulemaking aligns Chapters 529 and 607 with federal regulation changes that occurred during the 2023 federal fiscal year and aligns Chapters 800, 810 and 911 with federal regulation changes that occurred during the 2022 and 2023 federal fiscal years.

The amendments are part of the regular process by which the Department adopts the most recent updates to the federal regulations. Iowa Code section 307.27(8) requires the Department to administer the registration of interstate authority of motor carriers pursuant to federal regulations, which are contained in 49 Code of Federal Regulation (CFR) Parts 365 to 368 and 370 to 379. Iowa Code section 321.188 requires the Department to adopt rules to administer commercial driver’s licenses (CDLs) in compliance with certain portions of 49 CFR Part 383. Iowa Code section 327G.24 allows the Department or roadway jurisdiction that has authority over the roadway to remove tracks from a roadway crossing pursuant to federal regulations adopted by the Department.

This rulemaking adopts the current CFR dated October 1, 2023, for 49 CFR Parts 365 to 368 and 370 to 379 within Chapter 529. This rulemaking also adopts the current CFR dated October 1, 2023, for 49 CFR Part 380, Subpart F, and certain portions of 49 CFR Part 383.

The amendments to Chapter 607 include the adoption of 49 CFR Part 383, Subpart F. Subpart F concerns vehicle groups and endorsements. The Department is already in substantial compliance with this subpart. The Department determined that to comply with date certain requirements in Iowa Code section 17A.6 as amended by 2023 Iowa Acts, House File 688, section 8, it is preferable to adopt Subpart F rather than add a date certain to the numerous references to Subpart F in Chapter 607. In summary, 49 CFR Part 383, Subpart F, does the following:

- Adopts vehicle group descriptions for combination vehicles (group A), heavy straight vehicles (group B), and small vehicles (group C) and provides illustrations and examples of such vehicles.
- Sets standards for taking commercial driving skills tests in representative vehicles, according to the type of vehicle the applicant wishes to drive and the tests the applicant has already taken for prior licensing.
- Establishes descriptions and testing requirements for vehicle endorsements and restrictions on a commercial learner’s permit (CLP) or CDL.

The amendments to Chapter 800 add a date certain to references to 49 U.S.C. 20106 and adopt the current CFR dated October 1, 2023, for 49 CFR Part 1152 and 49 CFR Part 1241. The amendment to Chapter 810 adopts the current CFR dated October 1, 2023, for 49 CFR Part 213.

TRANSPORTATION DEPARTMENT[761](cont'd)

The amendment to Chapter 911 adopts the current CFR dated October 1, 2023, for 49 CFR Parts 38, 571, and 655.

Proposed federal regulations are published in the Federal Register (FR) to allow a period for public comment, and after adoption, the final regulations are published in the FR. To ensure the consistency required by statute, the Department adopts the specified parts of 49 CFR as adopted by the United States Department of Transportation (U.S. DOT).

No amendments to the Federal Motor Carrier Safety Regulations (FMCSR) impacting Chapter 607 have been made since the 2022 edition was adopted by the Department. There have also been no amendments to the Surface Transportation Board's regulations impacting Chapter 800 since the 2021 edition was adopted by the Department.

The following paragraphs provide a specific description of the affected amendments that have become final and effective since the latest edition of the CFR adopted that affect Chapters 529, 810 and 911.

Part 213 (FR Vol. 88, No. 4, Pages 1114-1132, 1-6-23)

This final rule provides the statutorily prescribed 2023 adjustment to civil penalty amounts that may be imposed for violations of certain U.S. DOT regulations. Effective date: January 6, 2023.

Part 213 (FR Vol. 87, No. 54, Pages 15839-15873, 3-21-22)

This final rule provides the statutorily prescribed 2022 adjustment to civil penalty amounts that may be imposed for violations of certain U.S. DOT regulations. In addition, this rule notes new U.S. DOT authority related to civil penalties. Effective date: March 21, 2022.

Part 365 (FR Vol. 87, No. 219, Pages 68367-68381, 11-15-22)

This interpretive rule added appendices to the FMCSR to explain existing statutes and regulations Federal Motor Carrier Safety Administration (FMCSA) administers related to the applicability of the FMCSR, including the financial responsibility regulations, to motor carriers of passengers operating in interstate commerce, including limitations on such applicability based on characteristics of the vehicle operated or the scope of operations conducted; and the applicability of commercial operating authority registration based on the FMCSA's jurisdiction over motor carriers of passengers, regardless of vehicle characteristics, when operating for-hire in interstate commerce. Under certain conditions, motor carriers performing intrastate movements of passengers may still be operating in interstate commerce and, unless otherwise exempt, are subject to applicable FMCSA statutory and regulatory requirements. Effective date: November 15, 2022.

Part 365 (FR Vol. 87, No. 227, Page 72898, 11-28-22)

This notice corrected errors in the docket number, address section, and supplementary information section contained in the interpretive rule issued on November 15, 2022. Effective date: November 28, 2022.

Part 367 (FR Vol. 88, No. 119, Pages 40719-40724, 6-22-23)

FMCSA amended the regulations for the annual registration fees states collect from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the Unified Carrier Registration Plan and Agreement for the 2024 registration year and subsequent registration years. The fees for the 2024 registration year are approximately 9 percent less than the fees for the 2023 registration year, with varying reductions between \$4 and \$3,453 per entity, depending on the applicable fee bracket. Effective date: July 24, 2023.

Part 371 (FR Vol. 88, No. 116, Pages 39368-39373, 6-16-23)

This notice contained FMCSA's final guidance, in response to a mandate in the Infrastructure Investment and Jobs Act, to inform the public and regulated entities about FMCSA's interpretation of the definitions of "broker" and "bona fide agents" as they relate to all brokers of transportation by motor vehicle. Effective date: June 16, 2023.

Part 655 (FR Vol. 88, No. 84, Pages 27596-27653, 5-2-23)

This final rule amends the U.S. DOT's regulated industry drug testing program to include oral fluid testing. This additional methodology for drug testing will give employers a choice that will help combat employee cheating on urine drug tests and provide a less intrusive means of achieving the safety goals of the program. Effective date: June 1, 2023.

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Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 3, 2024, as **ARC 7745C**. A public hearing was held on April 26, 2024. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 14, 2024.

Fiscal Impact

The federal regulations to be adopted by reference in this rulemaking were subject to a fiscal impact review by the Federal Motor Carrier Safety Administration, Federal Railroad Administration, and Federal Transit Administration when enacted and were determined not to be cost-prohibitive. Each FR notice cited contains a fiscal analysis.

Jobs Impact

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

Waivers

Various portions of the federal regulations and Iowa statutes that affect Chapters 529 and 607 allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation's highways. Granting additional exceptions for drivers and the motor carrier industry in Iowa would adversely impact the safety of the traveling public in Iowa. Any person who believes that the application of the discretionary provisions affecting Chapter 800, 810 or 911 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.

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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Amend rule 761—529.1(327B) as follows:

761—529.1(327B) Motor carrier regulations. The Iowa department of transportation adopts the Code of Federal Regulations, 49 CFR Parts 365-368 and 370-379, dated October 1, 2023 for regulating interstate for-hire carriers.

Copies of this publication are available from the state law library or at www.fmcsa.dot.gov.

ITEM 2. Amend **761—Chapter 529**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 307.27 and chapter 327B.

ITEM 3. Amend subrule 607.10(1) as follows:

607.10(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:

TRANSPORTATION DEPARTMENT[761](cont'd)

- 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, 2023).
- d. The following portions of 49 CFR Part 383 (October 1, ~~2022~~ 2023):
 - (1) Section 383.51, Disqualification of drivers.
 - (2) Subpart E—Testing and Licensing Procedures.
 - (3) Subpart F—Vehicle Groups and Endorsements.
 - ~~(3)~~ (4) Subpart G—Required Knowledge and Skills.
 - (4) ~~(5)~~ Subpart H—Tests.

ITEM 4. Amend subrule 800.4(1) as follows:

800.4(1) A railroad company submitting an annual report to the Surface Transportation Board under 49 CFR Part 1241 shall submit a copy of this report to the department on or before April 1 following the close of the calendar year. Included with this report shall be a “State Statistics” report, which shall include the following: annual data on additions and deletions of mileage within the state; mileage operated within the state at the end of the year; railway operating revenues earned within the state; statistics on rail line operations within the state, including locomotive unit-miles, car-miles and ton-miles; revenue freight carried within the state by commodity class; and a freight density map showing gross ton-miles for the railroad company’s system within the state.

For the purpose of this rule, 49 CFR Part 1241 is adopted as of October 1, 2023.

ITEM 5. Amend paragraph **800.15(4)“a”** as follows:

a. The department may approve the proposed ordinance/resolution only if the proposal satisfies the requirements of 49 U.S.C. 20106 as amended to August 3, 2007: (1) it is necessary to eliminate or reduce a an essentially local safety or security hazard; (2) it is not incompatible with a federal law, regulation or order of the United States government; and (3) it does not unreasonably burden interstate commerce.

ITEM 6. Amend subrule 800.20(1) as follows:

800.20(1) 49 CFR Part 1152 contains the regulations governing the abandonment and discontinuance of railroad lines and rail transportation under 49 U.S.C. 10903 et seq. This part also contains the regulations and procedures for the acquisition or use of railroad rights-of-way proposed for abandonment for interim trail use and rail banking pursuant to 16 U.S.C. 1247(d).

For the purpose of this rule, 49 CFR Part 1152 is adopted as of October 1, ~~2024~~ 2023.

ITEM 7. Amend subrule 810.1(1) as follows:

810.1(1) Standards. The department adopts the railroad track safety standards contained in 49 CFR Part 213 (October 1, ~~2024~~ 2023).

ITEM 8. Amend subrule 911.5(1) as follows:

911.5(1) Code of Federal Regulations. The department of transportation adopts the following portions of the October 1, ~~2024~~ 2023, Code of Federal Regulations, which are referenced throughout this chapter:

- a. 49 CFR Part 38, Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- b. 49 CFR Part 571, Federal Motor Vehicle Safety Standards.
- c. 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/12/24.

ARC 8063C**UTILITIES DIVISION[199]****Adopted and Filed****Rulemaking related to reorganization**

The Utilities Board hereby rescinds Chapter 32, “Reorganization,” Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 476.76 and 476.77.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 388.2A, 476.76 and 476.77.

Purpose and Summary

The Board commenced this rulemaking under the provisions of Executive Order 10 (January 10, 2023). This chapter is intended to ensure there is a methodology to the reorganization of a public utility and to provide clarification for interested persons as to what is expected to be filed when a reorganization occurs. The Board is rescinding the existing Chapter 32 and promulgating a new version of Chapter 32. The new version of Chapter 32 contains less unnecessary and unneeded language and reduces the number of restrictive terms.

On May 16, 2024, the Board issued a conditional order adopting amendments. The order is available on the Board’s electronic filing system, efs.iowa.gov, under Docket No. RMU-2023-0032.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 3, 2024, as **ARC 7743C**. Public hearings were held on April 23 and May 8, 2024, at 9 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, provided comments in support of this rulemaking. OCA also filed a written comment in support of this rulemaking. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on May 16, 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

No waiver provision is included in the amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in Chapter 32.

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

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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 17, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 199—Chapter 32 and adopt the following **new** chapter in lieu thereof:

CHAPTER 32
REORGANIZATION

199—32.1(476) Applicability and definition of terms.

32.1(1) This chapter applies to any person who intends to acquire, sell, lease, or otherwise dispose directly or indirectly of the whole or any substantial part of a public utility's assets; or purchase, acquire, sell, or otherwise dispose of the controlling capital stock of any public utility, either directly or indirectly. For utilities with more than one regulated line of business, the utility revenue limit shall be calculated using the revenue of the specific line of utility business involved in the transaction, not the combined utility revenues.

32.1(2) This chapter does not apply to transfers or removals of a public utility's assets that are made specifically pursuant to a board deregulation order, as long as those transfers or removals occur within 12 months of the board's approval of an accounting separation plan, or to transactions where board approval is otherwise required in a contested case proceeding.

199—32.2(476) Substantial part of a public utility's assets.

32.2(1) No public utility shall acquire or lease assets, directly or indirectly, with a value in excess of 3 percent of the utility's Iowa jurisdictional utility revenue during the immediately preceding calendar year or \$5 million, whichever is greater, without prior approval from the board pursuant to Iowa Code section 476.77. For purposes of this subrule and subrule 32.2(2), "value" means the greater of market value or book value.

32.2(2) No public utility shall sell or otherwise dispose of assets, directly or indirectly, with a value in excess of 3 percent of the utility's Iowa jurisdictional utility revenue during the immediately preceding calendar year or \$5 million, whichever is greater, without prior approval from the board pursuant to Iowa Code section 476.77. However, for utilities for which the 3 percent limit is greater than \$5 million, if the assets being sold or otherwise disposed of are used in the generation or delivery of utility services to Iowa consumers, an application or a waiver is required if the assets have a value in excess of \$10 million.

32.2(3) Board approval of the following types of transactions is not necessary: fuel purchases, energy and capacity purchases and sales, gas purchases, sale of accounts receivables, sale of bonds, claim and litigation payments, tax payments and credit transfers, regulatory fees and assessments, insurance premiums, payroll, stock dividends, financings, routine financial transactions, operation and maintenance expense, construction expense, or similar transactions that occur in the ordinary course of business. Any transaction involving more than 10 percent of a public utility's gross utility assets less depreciation, or any transaction outside the ordinary course of business, is not exempt under this subrule.

199—32.3(476) Proposal for reorganization—filing requirements. Any person who intends to accomplish a reorganization shall file supporting testimony and evidence with its proposal for reorganization, including but not limited to the following information:

32.3(1) General information.

a. A statement of the purposes of the reorganization and a description of the events that led to the reorganization.

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b. An analysis of the alternatives to the proposed reorganization that were considered and their impact on rates and services, if any.

32.3(2) Reorganization details.

a. Written accounting policies and procedures for the subsequent operation, including the type of system of accounts to be used.

b. The situs of the books and records of the public utility after reorganization and their availability to the board.

c. A description of the proposed accounting to be utilized in any transfer of assets necessary to accomplish reorganization.

d. The proposed method for:

(1) Accounting for and allocating officers' time between the public utility and any affiliates, and

(2) Compliance with the board's rules on affiliate transactions and relationships.

e. Copies of all contracts that directly relate to the reorganization and a summary of any unwritten contracts or arrangements verified by an officer of the operating company.

f. Before and after organizational charts for the affected public utility and affiliates, including staffing changes.

g. A statement of any proposed physical removal of assets from the board's jurisdiction to another jurisdiction or removal or transfer of assets from a regulated to a nonregulated environment.

32.3(3) Financial details.

a. An analysis of whether the affected public utility's ability to attract capital on reasonable terms, including the maintenance of a reasonable capital structure and corporate financial integrity, is impaired.

b. A description of the financing components of the proposed reorganization.

c. Information concerning the funding provided to any new entity.

d. Current and proposed reorganization balance sheets and capital structures.

e. Stockholder annual reports for two years preceding the year of filing for all affected companies.

f. Stockholder quarterly reports for the two quarters just prior to the date of the filing and any subsequent reports as they become available during the proceeding, for all affected companies.

g. The major credit rating agencies' reports for two years preceding the filing date of the merger and updates as they become available during the proceeding, for all affected companies.

h. Any proxy statement to the stockholders regarding the proposed reorganization. If such is not available at time of filing, a preliminary statement will be filed, followed by the final statement when available.

32.3(4) Impact of reorganization.

a. A cost-benefit analysis that describes the projected benefits and costs of reorganizing, including identification of source data. The benefits and costs should be quantified in terms of present value.

b. An analysis of the projected financial impact of the proposed reorganization on the ratepayers of the affected public utilities for the first five years after reorganization.

c. An analysis of the effect on the public interest. "Public interest" means the interest of the public at large, separate and distinct from the interest of the public utility's ratepayers. The analysis should include a discussion of the reorganization's impact on the economy of the state and the communities where the utility is located.

If more than one public utility is involved in a reorganization, an analysis shall be submitted for all public utilities involved.

32.3(5) Effect on service and reliability.

a. A report on quality of service and reliability levels of utility services for each of the five years prior to the year of filing, for all affected companies.

b. A detailed statement on how the proposed reorganized entity will maintain or enhance service and reliability, including any investment or operational plans that are available.

32.3(6) If any information required by these subrules is not applicable to the type of reorganization being proposed, the applicant shall state the reason(s) why the particular information is not applicable to the proposal.

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199—32.4(476) Insufficient filing. The board may reject within 30 days any proposal for reorganization that does not contain sufficient information for the board to evaluate the proposal for reorganization. The board shall fully describe any deficiencies in a reorganization plan that is rejected.

199—32.5(476) Procedural matters. Because of statutory time limitations set forth in Iowa Code section 476.77(2), an expedited procedural schedule shall be utilized for proposals for reorganization. The board may order additional specific procedures as needed for the expedited hearing process.

32.5(1) Within 40 days after a proposal for reorganization and supporting testimony is filed, the consumer advocate and any intervenors may file any written testimony and exhibits. This will allow the board an opportunity to consider the testimony and exhibits prior to the 50-day deadline for issuing a notice of hearing.

32.5(2) Responses to data requests shall be made within five days from the date of service.

32.5(3) When a hearing on the proposed reorganization is scheduled, the applicant, consumer advocate, and any intervenors file a joint statement of the issues at least ten days prior to the date of hearing.

199—32.6(388) Approval of appraiser for municipal utilities. The procedures for requesting board approval of an appraiser are as follows:

32.6(1) Making a request. To request board approval of an appraiser to appraise a city utility, the governing body of the city utility shall file a request in the board's electronic filing system. The request shall contain the following information:

- a. The name of the city and of the utility;
- b. The type of utility service provided by the utility;
- c. The total number of customers served by the utility and the number of customers served by class, if applicable;
- d. A general description of the assets owned by the utility; and
- e. The name and contact information for the city or utility.

32.6(2) Consideration of request. When a request for approval of an appraiser is received by the board, board staff reviews the request and provides the board with a recommendation or a list of appraisers for the board to consider approving. The board may delegate approval authority to the board chair.

32.6(3) Notice of approved appraiser. Within 30 calendar days following the city's or city utility's filing to request board approval of an appraiser, the board shall notify the city and governing body of the city utility of an approved appraiser. If the city and governing body of the city utility are unable to agree to terms with an approved appraiser, the city and governing body of the city utility may file a letter with the board requesting approval of another appraiser and identifying the reasons they are requesting the board to approve another appraiser.

These rules are intended to implement Iowa Code sections 388.2A(2) "a"(1), 476.76, and 476.77.

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