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).

The Administrative Rules Review Committee will hold its regular, statutory meeting on Monday, October 12, 2026, at 11 a.m. in Room 116, State Capitol, Des Moines, Iowa. For more information, contact Jack Ewing at jack.ewing@legis.iowa.gov. The following rules will be reviewed:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Exhibition requirements, adopt ch 59 Notice **ARC 0634D** 9/30/26
Hatcheries and chick dealers, ch 60 Notice **ARC 0635D** 9/30/26
Registration of Iowa-foaled horses, ch 62 Notice **ARC 0636D** 9/30/26
Branding, ch 63 Notice **ARC 0637D** 9/30/26
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ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

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Chair
Senate District 26

Representative Chad Ingels
Vice Chair
House District 68

Senator Mike Bousselot
Senate District 21

Representative Austin Harris
House District 26

Senator Dan Dawson
Senate District 10

Representative Joshua Meggers
House District 54

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Representative Amy Nielsen
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Schedule for Rulemaking—2026

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

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

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

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

The following list will be updated as changes occur.

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

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

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

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RA 26-304

ATTORNEY GENERAL[61]

Regulatory Analysis

Notice of Intended Action to be published: 61—Chapter 40
"Age Verification for Internet Material Pornographic for Minors"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 554J.5

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 554J as enacted by 2026 Iowa Acts, House File 864

Public Hearing

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

October 20, 2026 3 p.m.	Hoover State Office Building, Second Floor 1305 East Walnut Street Des Moines, Iowa

Public Comment

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

Dan Breitbarth
Office of the Attorney General of Iowa
1305 East Walnut Street
Des Moines, Iowa 50319
Phone: 515.281.5164
Email: dan.breitbarth@ag.iowa.gov

Purpose and Summary

This proposed rulemaking implements Iowa Code chapter 554J as enacted by 2026 Iowa Acts, House File 864, which requires any person operating an internet site, application, or segment thereof that contains a substantial portion (33 percent or more) of material pornographic for minors to perform reasonable age verification. This rulemaking establishes approved age verification methods (including government digital ID, commercial transactional data, and emerging technologies like facial age estimation), establishes mandatory data privacy and security standards, and outlines enforcement mechanisms and civil penalties administered by the Office of the Attorney General.

Analysis of Impact

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

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

Commercial entities that operate internet sites, mobile applications, or segments of internet sites or applications available in Iowa that host a substantial portion of content pornographic for minors will bear the costs of implementing age verification tools and maintaining compliance with data security and immediate deletion standards.

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

Minors under 18 years of age in Iowa will benefit from reduced access to pornographic content, and Iowa residents in general will benefit from stringent statutory data privacy and security protections restricting the retention, sale, or lease of personal identifying information.

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:**

Covered platforms will incur compliance costs to integrate age verification mechanisms, such as application programming interface (API) integration fees for digital ID or third-party commercial verification, credit card verification transaction fees, or licensing fees for third-party age estimation technologies. Additionally, covered entities face potential civil penalties of up to $1,000 per noncompliant user access session, subject to a maximum cap of $10,000 per single calendar day.

- **Qualitative description of impact:**

The rulemaking enhances consumer privacy by strictly prohibiting the retention, lease, or sale of user identifying information and requiring immediate deletion of collected verification data upon session completion. Platforms must also implement reasonable administrative, technical, and physical safeguards, including encryption protocols and routine vulnerability assessments.

3. **Costs to the State:**

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

The Office of the Attorney General will incur operational costs related to reviewing consumer complaints, issuing Civil Investigative Demands (CIDs), conducting investigations, and initiating civil enforcement actions in district court. The Office of the Attorney General will have to absorb these costs since funds were not appropriated to cover these expenses.

- **Anticipated effect on State revenues:**

State revenues are anticipated to increase to the extent that civil penalties are assessed and collected for noncompliance because all civil penalties collected under this chapter are required to be deposited into the General Fund of the State.

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

Rulemaking is required by Iowa Code section 554J.5 and 2026 Iowa Acts, House File 864. Inaction would leave minors unprotected from accessing pornographic content online. The regulatory action clarifies statutory age verification standards, ensures uniform data privacy and deletion requirements, and provides a structured enforcement process. The societal benefits of protecting minors and consumer data privacy outweigh the technical compliance costs imposed on platforms hosting pornographic content.

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

No less costly or less intrusive methods exist that achieve the statutory purpose while ensuring data security and privacy. The rulemaking offers platforms multiple flexible verification methods —ranging from government digital IDs and transactional data checks to emerging third-party technologies—allowing entities to select the method least burdensome to their specific business model.

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

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

There are no plausible alternatives to rulemaking.

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

Rulemaking is required by Iowa Code section 554J.5 and 2026 Iowa Acts, House File 864.

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?

Iowa Code chapter 554J applies uniformly to all commercial entities operating platforms containing a substantial portion of content pornographic for minors regardless of entity size. Lowering verification standards for small businesses would frustrate the statutory goal of preventing minor access to such material.

The statutory framework does not provide for tiered compliance schedules based on business size because uniform enforcement is required to protect minors.

The rulemaking simplifies compliance by recognizing existing commercial verification options (e.g., credit card verification and third-party databases) and third-party vendor solutions, enabling small businesses to adopt existing off-the-shelf tools rather than building custom infrastructure.

The rulemaking utilizes performance standards by requiring reasonable data security safeguards and age verification accuracy appropriate to the person's scope of business rather than prescribing rigid hardware or design setups.

Exempting small businesses would create a regulatory loophole permitting minors to access pornographic material on smaller platforms, directly conflicting with Iowa Code chapter 554J.

The rulemaking accommodates smaller entities by allowing age verification methods that are "commercially reasonable given a person's scope of business." By approving multiple existing commercial methods (e.g., credit card checks or established third-party verification vendors) and utilizing performance standards for data security safeguards proportional to business scope, the rulemaking minimizes technical and financial friction for small businesses.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 61—Chapter 40:

CHAPTER 40
AGE VERIFICATION FOR INTERNET MATERIAL PORNOGRAPHIC FOR MINORS

61—40.1(554J) Purpose and scope. This chapter implements Iowa Code chapter 554J that requires any person operating an internet site, application, or segment thereof containing a substantial portion of material pornographic for minors to utilize reasonable age verification methods. These rules outline approved age verification methods, data security requirements, and the enforcement procedures and penalties administered by the attorney general.

61—40.2(554J) Definitions. The definitions in Iowa Code section 554J.1 are incorporated herein by reference. In addition, for the purposes of this chapter:

"Attorney general" means the attorney general of the state of Iowa or the attorney general's designated representative.

"Department" means the Iowa department of justice, office of the attorney general.

61—40.3(554J) Approved methods of age verification. Pursuant to Iowa Code section 554J.2(2)*"c,"* the attorney general approves the following methods for performing reasonable age verification to prevent minors from accessing pornographic content:

40.3(1) Digital identification. Verification by requiring the individual to provide a valid, unexpired digital identification issued by a government entity (e.g., a digital driver's license or mobile ID approved by the Iowa department of transportation or another state government).

40.3(2) Commercial transactional data. Any commercially reasonable method that relies on transactional data, including but not limited to:

a. Credit card verification checks that charge a nominal, immediately voided/refunded fee to verify account validity.

b. Cross-referencing user-provided information against independent, third-party commercial databases (e.g., credit reporting agencies, public records databases) to verify that the individual is 18 years of age or older.

40.3(3) Emerging technological methods. Any independent, third-party age estimation or verification technology (e.g., secure facial age estimation software) that meets the following criteria:

a. Demonstrates a high degree of technical accuracy within the industry.

b. Does not retain biometric or identifying information after the verification process is complete.

c. Has been reviewed and explicitly listed as an approved system on the official website of the Iowa attorney general.

61—40.4(554J) Data privacy, security, and retention limits.

40.4(1) *Retention and sale prohibited.* Any person or third-party contractor performing age verification under this chapter shall not retain, sell, lease, or otherwise disseminate any identifying information of an individual subject to verification unless explicitly required by a valid law or court order.

40.4(2) *Immediate deletion.* All personal identifying information, transactional history, or biometric data collected solely for the purpose of verifying age must be permanently deleted immediately upon successful completion of the verification session.

40.4(3) *Data security standards.* To comply with Iowa Code section 554J.2(4), entities must implement reasonable administrative, technical, and physical safeguards appropriate to their scope of business. That includes, at minimum:

a. Encryption of all verification data during transmission and brief storage using industry-standard protocols.

b. Regular vulnerability assessments of the verification pipeline.

61—40.5(554J) Complaints, investigations, and injunctions.

40.5(1) *Complaint filing.* Any resident of the state of Iowa may file a written complaint with the consumer protection division of the department alleging that an internet site or application is operating in violation of Iowa Code chapter 554J.

40.5(2) *Civil investigative demands (CIDs).* To investigate suspected violations, the attorney general may issue CIDs requiring the production of relevant data, traffic metrics, and documentation of age verification protocols.

40.5(3) *Injunctions.* If the attorney general determines a person is in violation of Iowa Code chapter 554J, the attorney general may initiate a civil action in district court to seek a temporary restraining order, preliminary injunction, or permanent injunction to cease the operation of the noncompliant platform within Iowa.

61—40.6(554J) Civil penalties and enforcement.

40.6(1) *Penalty structure.* A violation of Iowa Code chapter 554J shall be punishable by a civil penalty of up to $1,000 per violation.

40.6(2) *Separate violations.* Each distinct instance in which an individual successfully accesses an internet site or application that is not in compliance with Iowa Code chapter 554J is a separate and independent violation.

40.6(3) *Daily cap.* Civil penalties assessed against a single person or entity shall not accrue to more than $10,000 in a single calendar day.

40.6(4) *Deposit of funds.* All civil penalties collected via settlement or court order under this chapter shall be deposited directly into the general fund of the state of Iowa.

These rules are intended to implement Iowa Code chapter 554J.

RA 26-305

COLLEGE STUDENT AID COMMISSION[283]

Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 10.2(256)
"Uniform Policies—Offer of Financial Aid"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.178

Public Hearing

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

October 20, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

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

Katrina Holck
Attorney 2
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Purpose and Summary

The Commission proposes to amend Chapter 10 pursuant to 2026 Iowa Acts, House File 703. The purpose of this amendment is to add a definition of "offer of financial aid" (also referred to as "financial aid offer") to Chapter 10. The amendment provides clarity and consistency in the interpretation and application of financial aid-related provisions administered by the Commission.

Analysis of Impact

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

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

The Commission does not anticipate that the proposed amendment will impose additional costs on students, institutions, or other stakeholders. The amendment adds a definition to existing administrative rules and is not expected to create new compliance obligations or reporting requirements. Any administrative costs associated with updating materials or systems to reflect the new definition are expected to be minimal and absorbed within existing resources.

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

Students, postsecondary institutions, and other entities involved in the administration or receipt of financial aid will benefit from improved clarity and consistency in the definition of "offer of financial aid." The Commission will also benefit from more consistent interpretation and application of financial aid-related provisions across programs.

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 amendment does not create or modify any appropriations, eligibility, requirements, or funding levels. The rulemaking is limited to the addition of a definitional term and is not expected to have any measurable fiscal impact on program expenditures, administrative costs, or the number of individuals served.

- **Qualitative description of impact:**

The proposed amendment is expected to improve clarity and consistency in the interpretation of financial aid-related terminology across Commission-administered programs. By defining "offer of financial aid," the amendment supports uniform communication and reduces potential ambiguity in program administration.

3. **Costs to the State:**

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

The Commission does not anticipate significant implementation or enforcement costs associated with the proposed amendment. The rulemaking adds a definitional term to existing administrative rules and will be implemented using existing staff and resources. No additional costs to other State agencies are anticipated.

- **Anticipated effect on State revenues:**

The proposed amendment is not anticipated to have any effect on State revenues. The rulemaking adds a definition to administrative rules and does not create, modify, or eliminate any taxes, fees, or other revenue sources.

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

The proposed amendment is necessary to provide a clear and consistent definition of "offer of financial aid" within Commission rules. The benefits include improved clarity, consistency, and transparency in program administration.

The costs associated with the rulemaking are minimal and limited to administrative updates. Inaction could result in inconsistent interpretation of financial aid terminology across programs, potentially leading to confusion among students, institutions, and Commission staff. The Commission concludes that the benefits of the proposed rulemaking outweigh the minimal costs.

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

The Commission has determined that no less costly or less intrusive method exists to achieve the purpose of the proposed rulemaking. The amendment is narrowly tailored to implement statutory direction in 2026 Iowa Acts, House File 703, and add a definition necessary for consistent administration of Commission programs. No alternative approach would achieve the same level of clarity with fewer administrative actions.

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

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

No other methods were seriously considered by the Commission since the method proposed is a cost-efficient and seamless way to provide the information.

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

Alternative methods were rejected because the method used is a streamlined approach to illustrating the necessary information.

Small Business Impact

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

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

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

The proposed rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** definition of "Offer of financial aid" in rule **283—10.2(256)**:

"Offer of financial aid" or *"financial aid offer"* means notices of eligibility for grants, loans, student employment or other assistance that are prepared based on a student's submitted Free Application for Federal Student Aid, Iowa Financial Aid Application, or other application that is used to measure the financial need of an applicant.

RA 26-306

COLLEGE STUDENT AID COMMISSION[283]

Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 11
"Iowa Tuition Grant Program—For-Profit Institutions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178 and 256.191
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.191

Public Hearing

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

October 20, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

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

Katrina Holck
Attorney 2
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Purpose and Summary

The Commission proposes to rescind Chapter 11 pursuant to 2026 Iowa Acts, House File 2783, relating to the administration of the Iowa Tuition Grant Program under Iowa Code section 256.191. The rescission removes eligibility for students enrolled in for-profit postsecondary institutions, consistent with statutory changes enacted by the General Assembly.

Analysis of Impact

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

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

Students enrolled in for-profit postsecondary institutions who would have otherwise been eligible for Iowa Tuition Grant assistance will be directly affected by the statutory change implemented through this rulemaking. Such students will no longer be eligible to receive awards under the Iowa Tuition Grant Program.

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

The proposed rescission will benefit students and institutions that remain eligible under Iowa Code chapter 256, subchapter VII, part 4, subpart B, with clearer eligibility standards that align with statutory requirements.

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 rulemaking does not impose measurable costs beyond those imposed by law.

- **Qualitative description of impact:**

The proposed rescission is expected to realign the Iowa Tuition Grant Program with updated statutory eligibility requirements by excluding for-profit postsecondary institutions from participation.

3. **Costs to the State:**

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

The Commission does not anticipate significant implementation or enforcement costs associated with the proposed rulemaking. The rescission primarily reflects statutory revisions enacted in 2026 Iowa Acts, House File 2783, and will be implemented using existing staff and resources.

- **Anticipated effect on State revenues:**

The proposed rulemaking is not anticipated to have an effect on State revenues. The rescission implements statutory changes to the Iowa Tuition Grant Program and does not create or modify any taxes, fees, or other sources of State revenue.

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

The proposed rulemaking is necessary to implement 2026 Iowa Acts, House File 2783, and ensure that administrative rules accurately reflect statutory changes to eligibility under the Iowa Tuition Grant Program.

The benefits of the rulemaking include improved statutory compliance, clearer eligibility standards, and more consistent administration of grant awards. The costs are primarily borne by students attending for-profit institutions that are no longer eligible for participation in the program under statute. However, in 2025-2026 there were no for-profit institutions participating in the Iowa Tuition Grant Program.

Inaction would result in administrative rules that are inconsistent with State law, creating confusion for applicants and institutions and hindering the Commission's ability to properly administer the program. The benefits of the proposed rulemaking outweigh the costs of implementation.

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

The Commission has determined that no less costly or less intrusive method exists to achieve the purpose of the proposed rulemaking. The rescission is necessary to implement statutory changes enacted in 2026 Iowa Acts, House File 2783.

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

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

No other methods were seriously considered by the Commission since the method proposed is the most cost-efficient and seamless for all entities involved.

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

Alternative methods were rejected because they would lead to additional burdens on applicants, eligible institutions, and the Commission.

Small Business Impact

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

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

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

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

The proposed rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **283—Chapter 11**.

RA 26-307

COLLEGE STUDENT AID COMMISSION[283]

Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 13
"Iowa Vocational-Technical Tuition Grant Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178 and 256.192
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.192

Public Hearing

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

October 20, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

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

Katrina Holck
Attorney 2
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Purpose and Summary

The Commission proposes to amend Chapter 13 pursuant to 2026 Iowa Acts, House File 2783, relating to the administration of the Iowa Vocational-Technical Tuition Grant Program. The amendments expand program access to eligible programs at Iowa barbering and cosmetology schools. The rulemaking ensures that program administration aligns with current law and provides clear guidance regarding eligibility, application, and award processes.

Analysis of Impact

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

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

The Commission does not anticipate that the proposed amendments will impose additional costs on students, Iowa community colleges, school districts, or other participating entities. The amendments primarily implement statutory changes enacted in 2026 Iowa Acts, House File 2783, and relate to the administration of the Iowa Vocational-Technical Tuition Grant Program. Barbering and cosmetology schools that choose to participate in the program will incur costs related to program administration, including reporting requirements.

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

The proposed amendments will benefit students who are eligible for and receive assistance under the Iowa Vocational-Technical Tuition Grant Program by aligning administrative rules with

the requirements of 2026 Iowa Acts, House File 2783, and ensuring consistent administration of the program. Improved clarity regarding eligibility criteria and award procedures is expected to enhance access to program benefits for students pursuing approved vocational and technical education programs. Students attending participating barbering and cosmetology schools will now benefit from eligibility within the program.

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 amendments do not create a new appropriation or modify the total amount of funding available under the Iowa Vocational-Technical Tuition Grant Program. The fiscal impact is limited to the administration and distribution of existing appropriated funds in accordance with 2026 Iowa Acts, House File 2783.

- **Qualitative description of impact:**

The proposed amendments are expected to improve clarity and consistency in the administration of the Iowa Vocational-Technical Tuition Grant Program by aligning administrative rules with 2026 Iowa Acts, House File 2783. The changes are intended to expand access to vocational and technical education programs and eligible programs at barbering and cosmetology schools.

3. **Costs to the State:**

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

The Commission does not anticipate significant implementation or enforcement costs associated with the proposed amendments. The changes primarily reflect statutory updates enacted in 2026 Iowa Acts, House File 2783, and will be implemented using existing staff and resources.

- **Anticipated effect on State revenues:**

The proposed amendments are not anticipated to have an effect on State revenues. The amendments implement statutory changes to the Iowa Vocational-Technical Tuition Grant program and do not create, modify, or eliminate any taxes, fees, or other revenue sources.

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

The proposed amendments are necessary to implement 2026 Iowa Acts, House File 2783, and ensure that administrative rules accurately reflect current statutory requirements for the Iowa Vocational-Technical Tuition Grant Program.

The benefits of the proposed rulemaking include improved administrative clarity, consistent application of eligibility requirements, and enhanced transparency for students and participating institutions. The benefits also include increased access to funds for students at participating barbering and cosmetology schools. The costs associated with the rulemaking are minimal and limited to administrative updates.

Inaction would result in administrative rules that do not reflect current statutory requirements, potentially creating confusion for applicants and institutions and limiting the Commission's ability to consistently administer the program. The Commission therefore concludes that the benefits of the proposed rulemaking outweigh the minimal costs.

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

The Commission has determined that no less costly or less intrusive method exists to achieve the purpose of the proposed rulemaking. The amendments are necessary to implement statutory changes enacted in 2026 Iowa Acts, House File 2783.

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

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

No other methods were seriously considered by the Commission since the method proposed is the most cost-efficient and seamless for all entities involved.

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

Alternative methods were rejected because they would lead to additional burden on applicants, eligible institutions, and the Commission.

Small Business Impact

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

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

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

The proposed rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule 283—13.1(256) as follows:

283—13.1(256) Basis of aid. Assistance available under the Iowa vocational-technical tuition grant program is tuition-restricted and is also based on the financial metric and financial need of Iowa residents enrolled in eligible programs of study at Iowa community colleges or eligible programs of study at licensed Iowa barbering and cosmetology colleges.

ITEM 2. Amend rule 283—13.3(256) as follows:

283—13.3(256) Eligible applicant. An eligible applicant is an Iowa resident who is enrolled at least part-time in a program of study that is classified as a career and technical education program by the Iowa department of education or a barbering cosmetology arts and sciences program; meets the award eligibility criteria; and meets the following provisions:

1. and 2. No change.

ITEM 3. Amend rule 283—13.4(256) as follows:

283—13.4(256) Awarding of funds.

13.4(1) No change.

13.4(2) *Extent of award and maximum award.* Eligible applicants may receive no more than the equivalent of four full-time awards. If the program of study cannot be completed by the eligible applicant within the extent of the award, the eligible applicant may qualify for the equivalent of one additional full-time award. These limits reset after two years of no postsecondary enrollment, pursuant to Iowa Code section 256.192(3)*"b."*

a. The maximum award for full-time students will not exceed the student's financial need and may be the lesser of:

(1) The difference between the cost of tuition, mandatory fees, books and supplies, as determined by the commission, and the amount of the federal Pell Grant for which the student qualifies,

(2) $1,200 for students enrolled in community colleges,

(3) $6,000 for students enrolled in barbering and cosmetology colleges and programs,

~~(3)~~ (4) An award amount established by the commission that allows all eligible applicants to receive an award.

b. and *c.* No change.

13.4(3) *Awarding process.*

a. The commission will provide notice of the eligibility criteria and maximum award to participating ~~Iowa community~~ colleges annually to authorize awarding.

b. The commission will designate eligible applicants for awards and provide ~~Iowa community colleges~~ participating institutions with rosters of designated eligible applicants.

c. ~~Iowa community colleges~~ Participating institutions will notify recipients of the awards, clearly indicating the award amount and the state program from which funding is being provided and stating that the award is contingent on the availability of state funds.

d. ~~Iowa community colleges~~ Participating institutions will apply awards directly to student accounts to cover tuition and mandatory fees.

e. ~~Iowa community colleges~~ Participating institutions will provide information about eligible applicants to the commission in a format specified by the commission. ~~Iowa community colleges~~ Participating institutions will make necessary changes to awards due to a change in enrollment, program of study, and financial situation, and promptly report those changes to the commission.

f. ~~Iowa community colleges~~ Participating institutions are responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts. ~~Iowa community colleges~~ Participating institutions will report changes in student eligibility to the commission.

g. The commission will periodically investigate and review compliance of ~~Iowa community colleges~~ participating ~~in this program~~ institutions with the criteria established in Iowa Code section 256.192 and this rule.

RA 26-308

COLLEGE STUDENT AID COMMISSION[283]

Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 17
"Health Care Professional Incentive Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178 and 256.222
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.222

Public Hearing

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

October 20, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

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

Katrina Holck
Attorney 2
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to amend the rules governing the Health Care Professional Incentive Program to clarify program requirements and establish a more targeted process for prioritizing awards. The proposed amendments add a definition of "full-time" to provide greater clarity and consistency regarding the employment commitment required of participating health care professionals. The proposed amendments also change the method for prioritizing awards from the date an application is received to the geographic need for the applicable health care provider type.

Analysis of Impact

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

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

The proposed rulemaking is not expected to impose significant costs on any class of persons.

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

The proposed rulemaking will benefit health care professionals who practice or agree to practice in geographic areas with the greatest need for the applicable health care provider type by increasing the likelihood that available program awards will be directed to those areas.

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 rulemaking is not expected to result in a significant direct financial impact on applicants, participating health care professionals, health care providers, or the State.

- **Qualitative description of impact:**

The proposed rulemaking is expected to improve the effectiveness and administration of the Health Care Professional Incentive Program.

3. **Costs to the State:**

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

The proposed rulemaking is not expected to result in significant additional implementation or enforcement costs to the Commission or any other State agency.

- **Anticipated effect on State revenues:**

The proposed rulemaking is not anticipated to have a material effect on State revenues.

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

The proposed rulemaking is expected to provide greater benefits than cost. The proposed amendments are not expected to result in significant additional costs to the Commission, participating health care professionals, or other affected persons. The primary benefit of the proposed rulemaking is that available program awards will be prioritized based on the geographic need for the applicable health care provider type rather than the date an application is submitted.

If the Commission took no action, applications would continue to be prioritized based on the date of application, which could result in available awards being distributed without regard to the relative geographic need for the applicable health care provider type.

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

The Commission determined that the proposed amendments represent an appropriate and minimally burdensome method for achieving the intended purposes.

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

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

No other methods were seriously considered because the proposed approach is the most cost-efficient and minimizes potential confusion among Iowans.

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

The alternative methods were rejected because they would lead to informational burdens on health care professionals and the Commission.

Small Business Impact

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

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

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

The proposed rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** definition of "Full-time," in rule **283—17.1(256)**:

"Full-time" means an average of 40 hours of qualifying service per week or the standard full-time schedule established by the employer for the eligible health care professional's discipline.

ITEM 2. Amend subrule 17.2(3) as follows:

17.2(3) *Priority for awards.* If funding is insufficient to award all eligible applicants, new awards will be made to eligible applicants in order of the following priority categories:

a. Eligible applicants who are in their final year of a program of study or of a clinical or residency program that leads to their full license to practice on a full-time basis as an eligible health care professional in an eligible practice area. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized ~~by the date of application~~ based on geographic need for the applicable health care provider type.

b. Eligible applicants who are fully licensed eligible health care professionals but who agree to continue or begin full-time practice as eligible health care professionals on a full-time basis in eligible practice areas within six months of signing a program agreement. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized ~~by the date of application~~ based on geographic need for the applicable health care provider type.

c. Eligible applicants who are in their final year of a program of study or clinical or residency program that leads to their full license to practice on a part-time basis as an eligible health care professional in an eligible practice area. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized ~~by the date of application~~ based on geographic need for the applicable health care provider type.

d. Eligible applicants who are fully licensed eligible health care professionals but who agree to continue or begin full-time practice as eligible health care professionals on a part-time basis in eligible practice areas within six months of signing a program agreement. If funds are insufficient to award all eligible applicants meeting these criteria, eligible applicants will be further prioritized ~~by the date of application~~ based on geographic need for the applicable health care provider type.

RA 26-309

COLLEGE STUDENT AID COMMISSION[283]

Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 22
"Advanced Dyslexia Specialist Endorsement Grant"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178 and 256.146
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.146

Public Hearing

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

October 20, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

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

Katrina Holck
Attorney 2
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Purpose and Summary

The proposed rulemaking establishes administrative requirements for the Advanced Dyslexia Specialist Endorsement Grant Program administered by the Department of Education. The program provides grants to teachers licensed by the Board of Educational Examiners to offset costs associated with obtaining an Advanced Dyslexia Specialist Endorsement issued pursuant to Iowa Code section 256.146(21).

Analysis of Impact

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

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

The proposed rulemaking is not expected to impose significant costs on persons subject to the rules.

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

The primary beneficiaries of the proposed rulemaking will be Iowa teachers licensed by the Board of Educational Examiners who are obtaining an Advanced Dyslexia Specialist Endorsement and who meet the eligibility requirements established by the Commission.

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 General Assembly appropriated $335,000 for the Advanced Dyslexia Specialist Endorsement Grant Program for FY 2027.

- **Qualitative description of impact:**

The proposed rulemaking is expected to have a positive impact on teachers seeking an Advanced Dyslexia Specialist Endorsement by providing an opportunity to receive financial assistance toward the costs of obtaining the endorsement.

3. **Costs to the State:**

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

The Commission will incur administrative costs associated with implementing and administering the grant program.

- **Anticipated effect on State revenues:**

The proposed rulemaking is not expected to have a direct effect on State revenues.

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

The benefits of the proposed rulemaking outweigh the costs. The primary costs associated with the proposed rulemaking are the administrative costs incurred by the Commission to establish and administer the grant program and the minimal administrative burden placed on applicants to submit applications and documentation. The proposed rulemaking will provide a structure and consistent process for distributing the $335,000 appropriated for the program.

In the absence of the proposed rulemaking, the Commission would lack the detailed administrative framework necessary to implement the grant program consistently and efficiently.

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

The Commission has determined that less costly or less intrusive methods are not reasonably available 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:**

No other methods were seriously considered because the proposed approach is the most cost-efficient and minimizes potential confusion among Iowans.

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

The alternative methods were rejected because they would lead to informational burdens on teachers and the Department of Education.

Small Business Impact

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

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

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

The proposed rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 283—Chapter 22:

CHAPTER 22
ADVANCED DYSLEXIA SPECIALIST ENDORSEMENT GRANT

283—22.1(261) Basis for aid. Assistance to teachers licensed by the board of educational examiners is intended to offset the costs associated with obtaining an advanced dyslexia specialist endorsement issued by the board of educational examiners pursuant to Iowa Code section 256.146.

283—22.2(261) Definitions. As used in this chapter:

"Eligible institution" means an institution of higher learning governed by the state board of regents or an accredited private institution as defined in Iowa Code section 256.183.

"Eligible program" means a program that results in the issuance of an advanced dyslexia specialist endorsement from the board of educational examiners pursuant to Iowa Code section 256.146(21).

"Iowa resident" means the same as defined in rule 283—10.2(256).

"Semester" means the fall, spring, or summer term of enrollment at an eligible institution if the eligible institution is on a semester system or the equivalent if the institution is on a system other than a semester system.

283—22.3(261) Eligible applicant. An eligible applicant is one who is enrolled in an approved program at an eligible institution and who completes the application process established by the department. Recipients must be a licensed teacher in Iowa with at least three years of teaching experience at a public or accredited nonpublic school.

283—22.4(261) Awarding of funds.

22.4(1) *Selection criteria.* All eligible applicants will be considered for an award.

22.4(2) *Extent of award and maximum award.* The maximum award will not exceed the cost of obtaining the endorsement.

22.4(3) *Priority for awards.* In the event that funds available are insufficient to provide maximum awards to all eligible applicants, awards are prioritized in the following order:

a. Eligible applicants who received an award in the prior academic year.

b. Eligible applicants who did not receive an award in the prior academic year.

22.4(4) *Awarding process.*

a. The department will provide notice of the eligibility criteria and maximum award to participating eligible institutions annually to authorize awarding.

b. Eligible institutions will inform students applying for admission to the approved program of the availability of the advanced dyslexia endorsement grant.

c. The department will designate eligible applicants for awards.

d. Eligible institutions will verify eligible applicants' enrollment in the approved program following institutional verification of enrollment.

e. The department will periodically investigate and review compliance of eligible institutions participating in this program with the criteria established in this rule.

283—22.5(261) Institutional application process. Following the first year of administration of the advanced dyslexia specialist endorsement grant by the department, an institution requesting to participate in the program will apply to the department using the department's designated application

prior to the deadline established by the department. An applicant institution will provide the department with documentation establishing the applicant institution's eligibility as an institution that offers an approved program. Applicant institutions will submit the application and documentation establishing the applicant institution's eligibility on or before the date established by the department.

These rules are intended to implement Iowa Code section 256.146.

RA 26-310

COLLEGE STUDENT AID COMMISSION[283]

Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 26
"Attorney Loan Repayment Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178 and 256.232
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.232

Public Hearing

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

October 20, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

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

Katrina Holck
Attorney 2
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Purpose and Summary

The Commission proposes to adopt new Chapter 26 pursuant to 2026 Iowa Acts, House File 2770, division III. This chapter will establish eligibility requirements, application procedures, award administration, repayment agreements, participant obligations, and program administration for the Attorney Loan Repayment Program. The program is intended to encourage attorneys to practice law in Iowa, with priority given to attorneys practicing in rural areas, through repayment assistance for qualifying student loans. Citations in the proposed chapter to Iowa Code section 256.232 are to that section as enacted in House File 2770.

Analysis of Impact

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

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

The proposed rulemaking is not expected to impose significant costs on regulated persons or entities.

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

Eligible attorneys who participate in the Attorney Loan Repayment Program will benefit through repayment assistance for qualifying student loans.

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

- **Quantitative description of impact:**

The number of individuals who will participate in the Attorney Loan Repayment Program will depend on available funding, the number of eligible applicants, and program demand.

- **Qualitative description of impact:**

The proposed rulemaking will establish a clear, consistent, and transparent process for administering the Attorney Loan Repayment Program.

3. **Costs to the State:**

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

The Commission will incur administrative costs associated with implementing and administering the Attorney Loan Repayment Program, including developing application procedures, reviewing applications, executing agreements, monitoring participant compliance, processing awards, and maintaining program records.

- **Anticipated effect on State revenues:**

The proposed rulemaking is not anticipated to have a direct effect on State revenues.

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

The proposed rulemaking establishes the procedures necessary to implement and administer the Attorney Loan Repayment Program as authorized by statute. The costs associated with the proposed rulemaking are primarily administrative and include program implementation, application review, participant monitoring, and program oversight by the Commission.

The benefits of the proposed rulemaking include providing a consistent and transparent process for administering loan repayment assistance, increasing access to financial support for eligible attorneys, and supporting efforts to recruit and retain attorneys in Iowa, particularly in areas experiencing workforce shortages.

Inaction would prevent the Commission from establishing the administrative framework necessary to operate the program effectively, resulting in uncertainty for potential applicants and limiting the State's ability to use the program as intended to address attorney workforce needs.

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

The Commission has determined that no less costly or less intrusive method exists to achieve 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:**

No other methods were seriously considered by the Commission since the method proposed is the most cost-efficient and seamless for all entities involved.

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

Alternative methods were rejected because they would lead to additional burden on applicants, eligible institutions, and the Commission.

Small Business Impact

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

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

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

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

The proposed rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 283—Chapter 26:

CHAPTER 26
ATTORNEY LOAN REPAYMENT PROGRAM

283—26.1(256) Purpose. The purpose of this chapter is to implement Iowa Code section 256.232 as enacted by 2026 Iowa Acts, House File 2770, division III, establishing the attorney loan repayment program administered by the college student aid commission to recruit and retain attorneys to provide indigent defense legal services in Iowa.

283—26.2(256) Definitions. For purposes of this chapter:

"Commission" means the college student aid commission.

"Eligible attorney" means an attorney who satisfies the requirements of Iowa Code section 256.232(2) and this chapter.

"Eligible loan" means the attorney's total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, the attorney's federal graduate plus loans, or the attorney's federal Perkins loan, including principal and interest. Federal direct consolidation loans comprised of eligible loan(s) are also included.

"Indigent defense services" means court-appointed legal services provided pursuant to rule 493—1.3(13B).

"Law school" means a law school accredited by the American Bar Association or another accrediting body recognized by the commission.

"Program" means the attorney loan repayment program established pursuant to Iowa Code section 256.232.

"Rural area" means a county or municipality that has a population of less than 26,000 and is located more than 20 miles from a city with a population of at least 50,000, based on the most recent federal decennial census.

283—26.3(256) Eligibility requirements. An applicant shall satisfy all of the following requirements to be eligible to participate in the program:

1. Be a graduate of an accredited law school within five years of the time of application to the program.
2. Be licensed to practice or will be licensed to practice law in Iowa.
3. Have an outstanding balance on eligible loan(s).
4. Submit a complete application and all required documentation by the deadline established by the commission.
5. Commit to practicing law in accordance with the selection priorities provided on their application, as executed through a program agreement.

283—26.4(256) Application process.

26.4(1) *Application period.* The commission shall establish annual application periods and publish application materials on the commission's website.

26.4(2) *Required documentation.* Applicants shall submit documentation required by the commission, which may include but is not limited to:

a. Proof of graduation from an accredited law school.

b. Proof of Iowa licensure and good standing.

c. Documentation of eligible loan balances.

d. Documentation of primary residence.

e. Verification of indigent defense service commitments and location(s) of practice.

f. Any additional information required by the commission to determine eligibility or priority status.

283—26.5(256) Selection priorities.

26.5(1) Subject to available funding, the commission shall prioritize applicants in accordance with Iowa Code section 256.232(4).

26.5(2) Priority shall be given in the following order:

a. Attorneys who reside and practice law in rural areas of the state and provide a minimum of 50 hours of indigent defense services annually. If necessary, preference is given to attorneys who graduated from an Iowa law school or an Iowa high school or who completed private instruction pursuant to Iowa Code chapter 299A.

b. Attorneys who practice law in rural areas of the state and provide a minimum of 100 hours of indigent defense services annually. If necessary, preference is given to attorneys who graduated from an Iowa law school or an Iowa high school or who completed private instruction pursuant to Iowa Code chapter 299A.

c. Attorneys who practice law in Iowa and provide 200 hours of indigent defense services annually. If necessary, preference is given to attorneys who graduated from an Iowa law school or an Iowa high school or who completed private instruction pursuant to Iowa Code chapter 299A.

26.5(3) In the event eligible applications exceed available funding, the commission may consider additional factors, including:

a. Date of law school graduation, with preference to most recent graduates.

b. Geographic distribution of participants.

283—26.6(256) Program agreements.

26.6(1) Approved applicants shall enter into a written agreement with the commission.

26.6(2) The agreement shall specify all of the following:

a. The term of participation.

b. Residency and practice location requirements.

c. Award amount and the schedule of loan repayment installments.

d. Documentation and reporting requirements.

e. Conditions constituting and consequences for breach of the program agreement.

26.6(3) An agreement shall not become effective until executed by both the participant and the commission.

283—26.7(256) Loan repayment awards.

26.7(1) New award recipients are limited to 25 in a single year, and total recipients shall not exceed 150 attorneys at any time.

26.7(2) Subject to available funding, an eligible attorney who enters into and remains in compliance with a program agreement shall receive loan repayment assistance in an amount not to exceed the lesser of $10,000 per year or the outstanding balance of the attorney's eligible loan.

26.7(3) Loan repayment assistance may be provided for each year of eligible service during a period of not more than six consecutive years.

26.7(4) In the event an attorney who receives loan repayment assistance ceases to practice law in accordance with the program agreement, the loan repayment assistance shall terminate immediately, the loan repayment assistance shall be prorated for the months the attorney complied with the agreement, and no further payment shall be made.

283—26.8(256) Participant responsibilities. Program participants shall:

1. Maintain active licensure and good standing to practice law in Iowa.
2. Complete eligible service obligations required under the program agreement.
3. Provide annual certifications and documentation required by the commission.
4. Notify the commission within 30 calendar days of any material change affecting eligibility or compliance.

These rules are intended to implement Iowa Code section 256.232.

RA 26-311

COLLEGE STUDENT AID COMMISSION[283]

Regulatory Analysis

Notice of Intended Action to be published: 283—Chapter 28
"Teach Iowa Scholar Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.178 and 256.218
State or federal law(s) implemented by the rulemaking: Iowa Code section 256.218

Public Hearing

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

October 20, 2026 3:30 p.m.	Room B50 Grimes State Office Building Des Moines, Iowa

Public Comment

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

Katrina Holck
Attorney 2
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.729.7449
Email: katrina.holck@iowa.gov

Purpose and Summary

The Commission proposes to amend Chapter 28 pursuant to 2026 Iowa Acts, House File 2783, relating to the administration of the Teach Iowa Scholar Program. The amendments establish procedures for awarding scholarship funds appropriated by the General Assembly for eligible applicants teaching in qualifying rural school districts and ensure that program administration aligns with statutory funding priorities enacted by the legislature. The amendments further clarify eligibility and award distribution requirements necessary for the efficient administration of the program.

Analysis of Impact

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

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

The Commission does not anticipate that the proposed amendments will impose additional costs on applicants, school districts, institutions of higher education, or other stakeholders. The amendments implement statutory changes enacted by 2026 Iowa Acts, House File 2783, regarding the distribution of appropriated funds within the existing Teach Iowa Scholar Program. Any administrative costs associated with implementing the amendments are expected to be absorbed within existing resources.

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

The proposed amendments will benefit eligible teachers participating in the Teach Iowa Scholar Program, particularly those employed in qualifying rural school districts as defined in 2026 Iowa

Acts, House File 2783. By directing a portion of available funding for teachers in these districts, the amendments are intended to improve access to scholarship awards for educators serving in rural and geographically isolated areas.

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 rulemaking does not impose measurable costs beyond those imposed by law.

- **Qualitative description of impact:**

The proposed amendments are expected to improve the geographic distribution of benefits under the Teach Iowa Scholar Program by directing a portion of available awards for teachers employed in qualifying rural school districts, as defined in 2026 Iowa Acts, House File 2783. This change is intended to enhance access to program benefits for educators serving in smaller and more geographically isolated communities.

3. **Costs to the State:**

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

The Commission does not anticipate significant implementation or enforcement costs associated with the proposed amendments. The amendments primarily update program administration to align with the requirements of 2026 Iowa Acts, House File 2783, and are expected to be implemented using existing staff and resources.

- **Anticipated effect on State revenues:**

The proposed amendments are not anticipated to have an effect on State revenues. The amendments implement provisions of 2026 Iowa Acts, House File 2783, relating to the administration and distribution of funds within the existing Teach Iowa Scholar Program and do not create or modify any taxes, fees, or other sources of State revenues.

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

The proposed amendments implement the requirements of 2026 Iowa Acts, House File 2783, and provide the administrative framework necessary for the Commission to administer the Teach Iowa Scholar Program in accordance with State law. The anticipated benefits include improved clarity regarding program administration and the allocation of scholarship funds reserved for eligible teachers employed in qualifying rural school districts. The costs associated with the proposed amendments are expected to be minimal and limited to routine administrative activities that can be accommodated within existing Commission resources. Participating applicants and school districts are not anticipated to incur significant additional costs.

Inaction would result in the Commission's administrative rules not fully reflecting current statutory requirements. This could create uncertainty regarding program administration and the distribution of scholarship awards and could limit the Commission's ability to implement the legislative changes enacted in 2026 Iowa Acts, House File 2783. Therefore, the benefits of adopting the proposed amendments outweigh the minimal costs associated with implementation.

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

The Commission has determined that no less costly or less intrusive method exists for achieving the purpose of the proposed rulemaking. The amendments are necessary to implement the requirements of 2026 Iowa Acts, House File 2783, and to provide administrative procedures for the distribution of scholarship funds in accordance with statutory requirements.

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

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

No other methods were seriously considered by the Commission since the method proposed is the most cost efficient and seamless for all entities involved.

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

Alternative methods were rejected because they would lead to additional burdens on applicants, eligible institutions, and the Commission.

Small Business Impact

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

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

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

The proposed rulemaking is not expected to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** definition of "Rural school district," in rule **283—28.1(256)**:

"Rural school district" means a district that is located in a city in Iowa with a population of less than 26,000 that is located more than 20 miles from a city with a population of greater than 50,000.

ITEM 2. Reletter paragraphs **28.2(3)"a"** and **28.2(3)"b"** as **28.2(3)"b"** and **28.2(3)" c"**.

ITEM 3. Adopt the following **new** paragraph **28.2(3)"a"**:

a. Eligible applicants who work for a rural school district, until the funds that are appropriated for this purpose are awarded.

RA 26-312

ENVIRONMENTAL PROTECTION COMMISSION[567]

Regulatory Analysis

Notice of Intended Action to be published: paragraph 60.2(1)"b"
"Scope of Title, Definitions, Wastewater Construction Permits, and Operation Permits"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455B.103(2), 455B.105(3), and 455B.173(3)

State or federal law(s) implemented by the rulemaking: Iowa Code section 455B.173

Public Hearing

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

October 20, 2026 10 to 11 a.m.	Via videoconference call Information on virtual participation can be found at www.iowadnr.gov/environmental-protection/water-quality/wqb-rulemaking

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

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

Satya Chennupati
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: iwfds@dnr.iowa.gov

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at civilrights@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al civilrights@dnr.iowa.gov.

Purpose and Summary

A construction permit issued by the Department is required for the construction, installation, or modification of any disposal system or part thereof or any extension or addition thereto. Construction permit applications must comply with the requirements established in the Iowa Wastewater Facilities Design Standards (IWFDS), which are referenced in Chapter 60.

Chapter 7 (Sludge Handling and Disposal) within the IWFDS is being revised based on review of current engineering recommendations and comments previously received from stakeholders in order to modernize the standards by enhancing clarity and promoting greater flexibility. Minor typographical and reference errors may also be corrected throughout the IWFDS.

The revised IWFDS chapter is available for viewing at www.iowadnr.gov/environmental-protection/water-quality/wqb-rulemaking.

Analysis of Impact

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

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

Regulated wastewater disposal systems will bear the costs.

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

Citizens of Iowa 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:**

The proposed changes to the IWFDS chapter streamline the language in the chapter but do not alter the construction permitting process. No economic or other quantitative impact is anticipated.

- **Qualitative description of impact:**

The proposed changes to the IWFDS chapter allow for the continued administration of the construction permitting process by the Department and will make the process simpler for stakeholders as they work toward getting a construction permit.

3. **Costs to the State:**

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

Existing costs to the Department include program administration and construction permit issuance, including technical review of permit application documents and providing assistance to stakeholders. The proposed changes to the IWFDS chapter are not anticipated to have any effect on existing costs to the State.

- **Anticipated effect on State revenues:**

No effect on State revenues is anticipated.

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

Demonstrating through the construction permitting process that treatment will meet operation permit limits ensures that aquatic life and the health and welfare of the public are being protected. The benefits of the proposed rulemaking are more clarity and flexibility for stakeholders who are required to undertake the construction permitting process. No additional costs are anticipated from this proposed update to the IWFDS. Leaving the chapter unchanged will result in stakeholders having to submit and Department staff having to review waiver requests.

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

There are no less costly or intrusive methods to accomplish the benefit. The updates to the IWFDS modernize and streamline the standards to enhance usability for stakeholders.

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

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

No alternative methods were considered.

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

Iowa Code section 455B.173 requires the Department to issue construction permits. The Iowa Administrative Code must include rules to support this required program.

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?

Small businesses cannot be exempted from wastewater construction permitting. The updates to the IWFDS will enhance clarity so all stakeholders will be able to move through the permitting process more easily.

Text of Proposed Rulemaking

ITEM 1. Amend paragraph **60.2(1)"b"** as follows:

b. Exemptions to the requirement to obtain a construction permit are listed in the Iowa Wastewater Facilities Design Standards, effective ~~June 18, 2025~~ [effective date of this rulemaking], located on the department's website; hereafter referred to as the IWFDS.

RA 26-313

ENVIRONMENTAL PROTECTION COMMISSION[567]

Regulatory Analysis

Notice of Intended Action to be published: rule 567—60.13(455B)
"General Permits Issued by the Department"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455B.103A, 455B.105, 455B.173, and 455B.198

State or federal law(s) implemented by the rulemaking: Clean Water Act §402(b); 40 CFR Part 122; 40 CFR §123.25; and Iowa Code sections 455B.103A, 455B.105, 455B.173, 455B.197, and 455B.198

Public Hearing

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

October 23, 2026 11 a.m.	Via videoconference call Information on virtual participation can be found at www.iowadnr.gov/environmental-protection/water-quality/wqb-rulemaking

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

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

Courtney Cswercko
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: npdes.mail@dnr.iowa.gov

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at civilrights@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al civilrights@dnr.iowa.gov.

Purpose and Summary

The proposed amendment renews nine National Pollutant Discharge Elimination System (NPDES) and State operation general permits (GPs), which are referenced in Chapter 60. The GPs being renewed are for stormwater (GPs 1, 2, and 3); private sewage disposal systems (GP 4); mining and

quarries (GP 5); well construction and well service activities (GP 6); point source discharges from pesticide application (GP 7); discharges from hydrostatic testing, tank ballasting and water lines (GP 8); and discharges from dewatering and residential geothermal systems (GP 9). GPs 1, 2, 3, and 4 will expire on February 29, 2028, and GPs 5, 6, 7, 8, and 9 will expire on June 30, 2028. GPs are required by law to be adopted through rulemaking. The new effective dates for GPs 1, 2, 3, and 4 will be March 1, 2028, through February 28, 2033. The new effective dates for GPs 5, 6, 7, 8, and 9 will be July 1, 2028, through June 30, 2033.

GPs authorize certain types or classes of facilities to discharge without having to obtain an individual NPDES or operation permit. GPs benefit the regulated community by shortening the time needed to obtain discharge authorization and reducing costs compared to individual permits, which have more complicated application requirements, take several months to obtain, and have additional annual fees. Failure to renew these GPs would have a far-reaching negative impact on current permittees. Because of the additional requirements and time constraints, it is not practical to issue individual permits to permittees covered by these GPs.

The proposed GPs can be viewed in full at www.iowadnr.gov/environmental-protection/water-quality/wqb-rulemaking.

The majority of the revisions being proposed to the nine GPs in this renewal are to 1) simplify and clarify the permit language; 2) update rule references and language in the GPs that were changed as part of the Executive Order 10 rulemakings; 3) standardize the language across the GPs, particularly the language requiring an individual permit and the GP standard conditions; 4) replace the current hazardous condition language in the GPs with the correct release reporting, 24-hour reporting, and other noncompliance language that is applicable to NPDES permits; and 5) clarify electronic reporting requirements. There are no additional substantive revisions to GPs 1, 3, 6, 7, 8, and 9. Additional revisions to GPs 2, 4, and 5 are discussed below.

The proposed revisions to GP 2 for stormwater discharge associated with construction activities include the addition of language allowing coverage for new or expanded discharges to Outstanding Iowa Waters (OIWs). These discharges are currently not eligible for coverage under GP 2, resulting in an extended period to obtain permit coverage. Applicants wishing to discharge to an OIW must submit an individual permit application at least six months prior to the expected discharge, and the Department must then draft and issue an individual NPDES permit (when appropriate), which can take up to four months. Because the resulting individual NPDES permits contain the same requirements as GP 2, this places an undue burden on permittees and the Department. In lieu of submitting an individual permit application, the new language in GP 2 requires an applicant to submit a stormwater pollution prevention plan (SWPPP) with a Notice of Intent (NOI, or application) for coverage under GP 2. The SWPPP for a discharge to an OIW must demonstrate how the permittee will design, install, and maintain best management practices (BMPs) on the construction site to protect and maintain water quality adequate to fully protect the existing uses of the OIW. Discharges to OIWs shall only be authorized under GP 2 upon Department receipt and approval of an SWPPP. This proposed change to GP 2 will remove the burden of obtaining an individual NPDES permit from the applicants and will allow proposed discharges to OIWs to be covered under GP 2 in a timely manner while continuing to maintain and protect the water quality of OIWs in Iowa.

The proposed revisions to GP 4 for private sewage disposal systems (PSDSs) include the simplification of the effluent limits. Currently, GP 4 contains two *Escherichia coli (E. coli)* effluent limits: one for waters designated either as Class A1—primary contact recreational use or Class A3—children's recreational use, and one for waters designated as Class A2—secondary contact recreational use. The proposed revisions remove the less stringent *E. coli* effluent limitation for Class A2 waters so that all permitted discharging PSDSs have one set of effluent limits (the current limits for Class A1 and A3 waters). This simplification of the effluent limits will maintain the protections for recreational-use waters and will not result in more stringent requirements for permittees who discharge to Class A2 streams, since any PSDS capable of meeting the existing Class A2 *E. coli* effluent limitation already meets the Class A1 and Class A3 limitation.

The proposed revisions to GP 5 for mining and quarries include the addition of effluent limitations and monitoring for discharges to cold water streams (those designated as Class B(CW1) or Class B(CW2) in the Department's Surface Water Classifications document, as referenced in 567—Chapter 61). These new effluent limitations have been added to maintain and protect the water quality of public trout stream fisheries in northeast Iowa. There are currently only two permittees covered by GP 5 that would be affected by the addition of these effluent limits, so this addition will have a negligible effect on permittees while ensuring future protections for cold water streams in Iowa.

Analysis of Impact

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

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

Permittees currently covered by these GPs will bear the costs.

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

Citizens of Iowa 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:**

The proposed change in effluent limitations for GP 5 will result in a change in costs for mines and quarries who discharge to cold water streams. These dischargers will have the option to seek coverage under the revised GP 5 and incur a one-time cost of approximately $1,000 for additional monitoring equipment. They may also seek coverage under an individual NPDES permit, for which they would incur the same one-time cost of $1,000 for monitoring equipment and an additional cost for the annual permit fee, which is $1,000 more than the existing five-year GP 5 permit fee. These additional costs (approximately $1,000 for GP 5 coverage or $2,000 for individual permit coverage) will only be borne by a very small number of permittees.

Quantitative costs cannot be determined for the other proposed revisions to the nine GPs. However, the activities required of the permittees that result in various costs are described below.

- **Qualitative description of impact:**

Permittees authorized to discharge under the nine NPDES GPs incur costs related to the operation of treatment plants, the monitoring and reporting of pollutants, and recordkeeping. The costs of complying with the NPDES GPs vary by the type of facility process, quantity and type of pollutants discharged, number of point sources, and pollutant capacity of the receiving stream. The Department's existing GP fees for GPs 1, 2, 3, and 5 are listed in Iowa Code section 455B.197. There are no fees associated with GPs 4, 6, 7, 8, and 9.

The proposed change in the coverage for discharges to OIW streams under GP 2 will not result in increased costs for permittees since the preparation and submittal of an SWPPP and an NOI is comparable to the preparation and submittal of an individual permit application. The proposed change in effluent limitations for GP 4 will not result in increased costs for permittees since there is no change to the design or monitoring requirements for PSDSs.

With the exception of the costs associated with the proposed addition of effluent limits for discharges to cold water streams in GP 5, the proposed renewals of Iowa's nine NPDES and State operation GPs will not change the costs incurred by obtaining or maintaining coverage under these GPs.

3. **Costs to the State:**

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

Since these are renewals of existing permits, there are no anticipated implementation or enforcement costs.

- **Anticipated effect on State revenues:**

No effect on State revenues is anticipated.

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

In the absence of effluent limits for discharges to cold water streams in GP 5, mines and quarries that discharge to cold water streams would no longer qualify for coverage under GP 5 and would be required to obtain coverage under an individual NPDES permit. These dischargers would still incur the one-time cost of approximately $1,000 for additional monitoring equipment (the approximate additional cost for these dischargers under the revised GP 5), in addition to the increased annual individual permit fee cost of $1,000 over five years. This minimal cost to dischargers, either for GP 5 coverage or individual permit coverage, is offset by the increased protections for cold water streams, which can be quantified as revenues generated by trout fishing. The estimated total valuation for trip-related expenditures to cold water trout streams, using an average trip expenditure of $35, is $13.5 million annually.

If the nine NPDES and State operation GPs are not renewed in this proposed rulemaking, the permittees authorized to discharge under the GPs will be required to obtain individual NPDES or State operation permits. There are currently 7,300 permittees authorized under GPs 1, 2, 3, 4, 5, 8, and 9. GPs 6 and 7 do not require the submittal of NOIs, and GPs 8 and 9 only require NOIs for a small subset of discharges, but there are a few thousand more dischargers authorized under GPs 6, 7, 8, and 9. If the GPs are not renewed, all of these permittees would be required to submit individual applications, and the Department would be required to review the applications and issue individual permits.

For these reasons, the Department is proposing this rulemaking to renew the nine NPDES and State operation GPs.

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

There are no less costly or intrusive methods to accomplish the benefit of the proposed rulemaking.

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

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

No alternative methods were considered.

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

The nine NPDES and State operation GPs implement a streamlined, less-costly application and authorization process for thousands of Iowans when compared to the requirements and costs of obtaining an individual permit. The proposed renewal of and revisions to the nine GPs will protect water quality in Iowa and maintain the expediency of the GPs.

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?

Small businesses cannot be exempted from NPDES permitting. Small businesses benefit from the streamlined NPDES GPs since these permits provide faster coverage compared to individual permits. In addition, the proposed revisions to the GPs will enhance their clarity so all permittees will be able to easily move through the permitting process.

Text of Proposed Rulemaking

ITEM 1. Amend rule 567—60.13(455B) as follows:

567—60.13(455B) General permits (GPs) issued by the department. The following is a list of GPs adopted by the department through the Administrative Procedure Act, Iowa Code chapter 17A, and the term of each permit.

60.13(1) "~~Storm Water~~ Stormwater Discharge Associated with Industrial Activity," NPDES General Permit No. 1, effective March 1, ~~2023~~ 2028, to February ~~29, 2028~~ 28, 2033.

60.13(2) "~~Storm Water~~ Stormwater Discharge Associated with Industrial Activity for Construction Activities," NPDES General Permit No. 2, effective March 1, ~~2023~~ 2028, to February ~~29, 2028~~ 28, 2033.

60.13(3) "~~Storm Water~~ Stormwater Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants, and Construction Sand and Gravel Facilities," NPDES General Permit No. 3, effective March 1, ~~2023~~ 2028, to February ~~29, 2028~~ 28, 2033.

60.13(4) "Discharge from Private Sewage Disposal Systems," NPDES General Permit No. 4, effective March 1, ~~2023~~ 2028, to February ~~29, 2028~~ 28, 2033.

60.13(5) "Discharge from Mining and Processing Facilities," NPDES General Permit No. 5, effective July 1, ~~2023~~ 2028, to June 30, ~~2028~~ 2033.

60.13(6) "Discharge Associated with Well Construction Activities," NPDES General Permit No. 6, effective July 1, ~~2023~~ 2028, to June 30, ~~2028~~ 2033.

60.13(7) "Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States from the Application of Pesticides," NPDES General Permit No. 7, effective July 1, ~~2023~~ 2028, to June 30, ~~2028~~ 2033.

60.13(8) "Discharge from Hydrostatic Testing, Tank Ballasting and Water Lines," NPDES General Permit No. 8, effective July 1, ~~2023~~ 2028, to June 30, ~~2028~~ 2033.

60.13(9) "Discharge from Dewatering and Residential Geothermal Systems," NPDES General Permit No. 9, effective July 1, ~~2023~~ 2028, to June 30, ~~2028~~ 2033.

RA 26-314

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapters 24 and 307
"Accreditation of Behavioral Health Service Providers"

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

Public Hearing

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

October 20, 2026 10 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw

Public Comment

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

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

Purpose and Summary

In this proposed chapter, the Department has created a set of standards to be met by all providers of services to people with behavioral health conditions, intellectual disabilities, or developmental disabilities. These standards apply to providers that are not required to be licensed by the Department of Inspections, Appeals, and Licensing. These providers include community mental health centers, behavioral health services providers, case management providers, supported community living providers, and crisis response providers.

The standards serve as the foundation of a performance-based review of those organizations for which the Department holds accreditation responsibility, as set forth in Iowa Code chapter 225A. The mission of accreditation is to assure individuals using the services and the general public of organizational accountability for meeting best practices performance levels, for efficient and effective management, and for the provision of quality services that result in quality outcomes for individuals using the services. The Department's intent is to establish standards that are based on the principles of quality improvement and are designed to facilitate the provision of excellent quality services that lead to positive outcomes. The intent of these standards is to make organizations providing services responsible for effecting efficient and effective management and operational systems that enhance the involvement of individuals using the services and to establish a best practices level of performance by which to measure provider organizations.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department is proposing to move the content from existing 441—Chapter

24 to a new 441—Chapter 307 to better align the chapter's placement in agency [441] within Title XVIII, Behavioral Health Services. The Department eliminated restrictive terms, updated outdated cross-references, and renumbered the chapter altogether. In addition, the Department conducted a focused restructuring of the accreditation requirements for behavioral health crisis service providers. This process occurred with the input of stakeholders and resulted in streamlined requirements that are more consistent with national standards, inclusive of all behavioral health crises, more consistent statewide, and supportive of a changing workforce. Finally, the Department is proposing to adopt an updated title for this chapter to better reflect today's terminology and service alignment.

Analysis of Impact

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

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

There are no costs associated with this proposed rulemaking.

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

Individuals served by the State's Behavioral Health Service System will benefit from the provider accreditation standards set forth in this proposed rulemaking.

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 Department accredits approximately 75 behavioral health service providers a year.

- **Qualitative description of impact:**

Individuals served by the State's Behavioral Health Service System will benefit from the provider accreditation standards set forth in this proposed rulemaking.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs associated with implementing this proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no effect on State revenues.

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

Rulemaking is required by Iowa Code chapter 225A.

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

Not applicable.

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

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

Not applicable.

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

Rulemaking is authorized by Iowa Code chapter 225A.

Small Business Impact

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

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **441—Chapter 24**.

ITEM 2. Adopt the following **new** 441—Chapter 307:

CHAPTER 307
ACCREDITATION OF BEHAVIORAL HEALTH SERVICE PROVIDERS

DIVISION I
BEHAVIORAL HEALTH SERVICE PROVIDERS

441—307.1(225A) Definitions.

"Accreditation" means the decision made by the department that the organization has met the applicable standards.

"Advanced registered nurse practitioner" or *"ARNP"* means a nurse who has current licensure as a registered nurse in Iowa, or licensure in another state that is recognized in Iowa pursuant to Iowa Code section 152E.3, and who is also registered as certified in psychiatric mental health specialties pursuant to 481—Chapter 621.

"Advisory board" means the board that reviews and makes recommendations to the organization on the program being accredited.

"Anticipated discharge plan" means the statement of the condition or circumstances by which the individual using the service would no longer need each of the specific services accredited under this chapter.

"Appropriate" means the degree to which the services or supports or activities provided or undertaken by the organization are suitable and desirable for the needs, situation, or problems of the individual using the service.

"Assessment" means the review of the current functioning of the individual using the service in regard to the individual's situation, needs, strengths, abilities, desires and goals.

"Behavioral health service provider" means an organization whose services are established to specifically address behavioral health services, to include outpatient psychotherapy, partial hospital, psychiatric rehabilitation, day treatment, and evaluation services to individuals, or the administration of facilities in which these services are provided.

These standards do not apply to individual practitioners or partnerships of practitioners covered under Iowa's professional licensure laws.

"Benchmarks" means the processes of an organization that lead to implementation of the indicators.

"Case management services" means services provided to assist individuals in gaining access to necessary medical, social, educational, and other services.

"Case manager" means a person who meets one of the following qualifications:

1. A bachelor's degree with 30 semester hours or equivalent quarter hours in a human services field (including but not limited to psychology, social work, mental health counseling, marriage and family therapy, nursing, education, occupational therapy, and recreational therapy) and at least one year of experience in the delivery of services to the population groups that the person is hired as a case manager to serve; or

2. An Iowa license to practice as a registered nurse and at least three years of experience in the delivery of services to the population groups the person is hired as a case manager to serve.

"Community" means a natural setting where people live, learn, work, and socialize.

"Community mental health center" or *"CMHC"* means an organization providing mental health services that is established pursuant to Iowa Code chapter 225A and accredited in accordance with Division III of this chapter.

"Crisis intervention plan" means a personalized, individualized plan developed with the individual using the service that does all of the following:

1. Identify potential personal psychiatric, environmental, and medical emergencies.

2. Include those life situations identified as problematic and the identified strategies and natural supports developed with the individual using the service to enable the individual to self-manage, alleviate, or end the crisis.

3. Include how the individual can access emergency services that may be needed.

"Day treatment" means an individualized service emphasizing mental health treatment and intensive psychosocial rehabilitation activities designed to increase the individual's ability to function independently or facilitate transition from residential placement. Staff use individual and group treatment and rehabilitation services based on individual needs and identified behavioral or mental health issues.

"Deemed status" means acceptance by the department of accreditation or licensure of a program or service by another accrediting body in lieu of accreditation based on review and evaluation by the department.

"Dimensions of awareness" means the aspects of an individual's awareness developed by the Boston Center for Psychiatric Rehabilitation as amended to August 1, 2026.

"Direct services" means services providing therapy, habilitation, or rehabilitation activities or support services such as transportation.

"Doctor of medicine or osteopathic medicine" means a person who is licensed in the State of Iowa under Iowa Code chapter 148.

"DSM" means the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association as amended to August 1, 2026.

"Emergency services" means crisis services that provide a focused assessment and rapid stabilization of acute symptoms of mental illness, behavioral health condition, or emotional distress and that are available and accessible, by telephone or face-to-face, on a 24-hour basis. The clinical assessment and psychotherapeutic services are provided by a person who has training in emergency services and who is a mental health professional or is a behavioral health professional and has access to a mental health professional. A comprehensive social history is not required for this treatment.

"Evaluation services" means screening, diagnosis and assessment of individual and family functioning needs, abilities, and disabilities, and determining current status and functioning in the areas of living, learning, working, and socializing.

"Functional assessment" means the analysis of daily living skills. The functional assessment also takes into consideration the strengths, stated needs, and level and kind of disability of the individual using the service.

"Goal achieving" means to gain the required skills and supports to obtain the goal of choice. For purposes of this chapter, the definition and explanation are taken from the Psychiatric Rehabilitation Practitioner Tools, as developed by the Boston Center for Psychiatric Rehabilitation and as amended to August 1, 2026.

"Goal keeping" means assisting the individual using the service in maintaining successful and satisfying role performance to prevent the emergence of symptoms associated with role deterioration. For purposes of this chapter, the definition and explanation are taken from the Psychiatric Rehabilitation Practitioner Tools as developed by the Boston Center for Psychiatric Rehabilitation and as amended to August 1, 2026.

"Incident," for the purposes of this chapter, means an occurrence involving the individual using the service that:

1. Results in a physical injury to or by the individual that requires a physician's treatment or admission to a hospital;
2. Results in someone's death;
3. Requires emergency behavioral health treatment for the individual;
4. Requires the intervention of law enforcement; or
5. Is reportable to the department for child or dependent adult abuse.

"Indicators" means conditions that will exist when the activity is done competently and benchmarks are achieved. Indicators also provide a means to assess the activity's effect on outcomes of services.

"Informed consent" refers to time-limited, voluntary consent. The individual using the service or the individual's legal guardian may withdraw consent at any time without risk of punitive action. "Informed consent" includes a description of the treatment and specific procedures to be followed, the intended outcome or anticipated benefits, the rationale for use, the risks of use and nonuse, and the less restrictive alternatives considered. The individual using the service or the legal guardian has the opportunity to ask questions and have them satisfactorily answered.

"Intellectual disability" means the same as defined in rule 441—83.60(249A).

"Leadership" means the governing board, the chief administrative officer or executive director, managers, supervisors, and clinical leaders who participate in developing and implementing organizational policies, plans and systems.

"Mental health professional" means the same as defined in Iowa Code section 228.1.

"Natural supports" means those services and supports an individual using the service identifies as wanted or needed that are provided at no cost by family, friends, neighbors, and others in the community, or by organizations or entities that serve the general public.

"New organization" means an entity that has never been accredited under 441—Chapter 307 or an entity accredited under 441—Chapter 24 prior to March 1, 2027, that makes a significant change in its ownership, structure, management, or service delivery.

"Organization" means:

1. A governmental entity or an entity that meets Iowa Code requirements for a business organization as a for-profit or not-for-profit business. These entities include but are not limited to a business corporation under Iowa Code chapter 490 or a nonprofit corporation under Iowa Code chapter 504 that provides a service accredited pursuant to this chapter.
2. A county, consortium of counties, or the department that provides or subcontracts for the provision of case management.
3. A division or unit of a larger entity, such as a unit within a hospital or parent organization.

"Organization" does not include the following: an individual for whom a license to engage in a profession is required under Iowa Code section 147.2; a person providing a service if the person is not organized as a corporation or other business entity recognized under the Iowa Code; or an entity that provides only financial, administrative, or employment services and that does not directly provide the services accredited under this chapter.

"Outcome" means the result of the performance or nonperformance of a function, process or activity.

"Outpatient psychotherapy and counseling service" means the diagnosis and treatment of mental and emotional disorders through the use of goal-directed clinical interventions for the purpose of relieving symptoms, changing behaviors, and improving functioning. Psychotherapy services

may be individual, group, or family and are provided by a person meeting the criteria of a mental health professional or by a person with a master's degree or an intern working on a master's or doctoral degree in a mental health field who is directly supervised by a mental health professional. Treatment will assist individuals in experiencing symptom reduction, changed behaviors, enhanced self-management, improved functioning, or any combination thereof. The organization will make available psychiatric and psychopharmacological services as needed by the individual using the service.

"Partial hospitalization services" means an active treatment program providing intensive group and individual clinical services within a structured therapeutic environment for individuals who are exhibiting psychiatric symptoms of sufficient severity to cause significant impairment in day-to-day functioning. Short-term outpatient crisis stabilization and rehabilitation services are provided to avert hospitalization or to transition from an acute care setting. Services are supervised and managed by a mental health professional, and psychiatric consultation is routinely available.

"Policies" means the principles and statements of intent of the organization.

"Procedures" means the steps taken to implement the policies of the organization.

"Program" means a set of related resources and services directed to the accomplishment of a fixed set of goals for the population of a specified geographic area or for special target populations.

"Psychiatric crisis intervention plan" means a personalized, individualized plan developed with the individual using the service that identifies potential personal psychiatric emergencies. This plan will also include those life situations identified as problematic and the identified strategies and natural supports developed with the individual using the service to enable the individual to self-manage, alleviate, or end the crisis. This plan will also include how the individual can access emergency services that may be needed.

"Psychiatric rehabilitation practitioner" means a person who has at least 60 contact hours of training in intensive psychiatric rehabilitation and either:

1. Is certified as a psychiatric rehabilitation practitioner by the United States Psychiatric Rehabilitation Association; or

2. Holds a bachelor's degree with 30 semester hours or equivalent quarter hours in a human services field (including but not limited to psychology, social work, mental health counseling, marriage and family therapy, nursing, education, occupational therapy, and recreational therapy) and has at least one year of experience in the delivery of services to the population groups that the person is hired to serve.

"Psychiatric rehabilitation services" means services designed to restore, improve, or maximize level of functioning and promote recovery, full community integration, and improved quality of life for persons who have been diagnosed with any behavioral health condition that seriously impairs their ability to lead meaningful lives. Psychiatric rehabilitation services are collaborative, person-directed and individualized. Services focus on helping individuals develop skills and access resources needed to increase their capacity to be successful and satisfied in the living, working, learning, and social environments of their choice.

"Psychiatrist" means a doctor of medicine or osteopathic medicine who is certified by the American Board of Psychiatry and Neurology or who is eligible for certification and who is fully licensed to practice medicine in the state of Iowa.

"Readiness assessment" means a process of involving the individual using the service in clarifying motivational readiness to participate in the recovery process. For purposes of this chapter, the definition and explanation are taken from the Psychiatric Rehabilitation Practitioner Tools as developed by the Boston Center for Psychiatric Rehabilitation and as amended to August 1, 2026.

"Readiness development" means services designed to develop or increase an individual's interest, motivation, and resolve to engage in the rehabilitation services process as a means of enhancing independent functioning and quality of life. For purposes of this chapter, the definition and explanation are taken from the Psychiatric Rehabilitation Practitioner Tools as developed by the Boston Center for Psychiatric Rehabilitation and as amended to August 1, 2026.

"Registered nurse" means a person who is licensed to practice nursing in the state of Iowa as defined in Iowa Code chapter 152.

"Rehabilitation services" means services designed to restore, improve, or maximize the individual's optimal level of functioning, self-care, self-responsibility, independence and quality of life and to minimize impairments, disabilities and dysfunction caused by a serious and persistent mental or emotional disability.

"Rights restriction" means limitations not imposed on the general public in the areas of communication, mobility, finances, medical or mental health treatment, intimacy, privacy, type of work, religion, place of residence, and people with whom the individual using the service may share a residence.

"Serious emotional disturbance" means a diagnosable mental, behavioral, or emotional disorder that:

1. Is of sufficient duration to meet diagnostic criteria for the disorder specified by the DSM; and
2. Has resulted in a functional impairment that substantially interferes with or limits a consumer's role or functioning in family, school, or community activities.

"Serious emotional disturbance" does not include neurodevelopmental disorders, substance use disorders, or conditions or problems classified in the DSM as "other conditions that may be a focus of clinical attention" unless those conditions co-occur with another diagnosable serious emotional disturbance.

"Service plan" means an individualized goal-oriented plan of services written in language understandable by the individual using the service and developed collaboratively by the individual and the organization.

"Staff" means people paid by the organization to perform duties and responsibilities defined in the organization's policies and procedures.

"Supported community living services" means those services provided to individuals with a behavioral health condition or developmental disability to enable them to develop supports and learn skills that will allow them to live, learn, work and socialize in the community. Services are individualized and need- and abilities-focused. Supported community living is not part of an organized mental health support or treatment group, drop-in center, or clubhouse. Skill training groups may be one of the activities in the service plan and part of supported community living. Skill training groups cannot stand alone as a supported community living service.

441—307.2(225A) Standards for policy and procedures. The following standards apply to an organization as defined in rule 441—307.1(225A).

307.2(1) *Performance benchmark.* The organization has written policy direction for the organization and each service being accredited.

307.2(2) *Performance indicators.*

a. The organization has a policies and procedures manual with policy guidelines and administrative procedures for all organizational activities and services specific to its organization that address the standards in effect at the time of review.

b. The policies and procedures cover each benchmark and indicator in this chapter.

c. The policies and procedures manual is made available to all staff.

441—307.3(225A) Standards for organizational activities. The following standards apply to an organization.

307.3(1) *Performance improvement system.*

a. Performance benchmark. The organization has a systematic, organization-wide, planned approach to designing, measuring, evaluating, and improving the level of its performance.

b. Performance indicators. The organization:

(1) Annually measures and assesses organizational activities and services accredited in this chapter.

(2) Gathers information from individuals using the services, staff, family members and stakeholders.

(3) Implements an internal review of individual records for those services accredited under this chapter.

(4) Reviews the organization's response to incidents reported under subrule 307.4(5) for necessity, appropriateness, effectiveness and prevention. This review includes analysis of incident data at least annually to identify any trends of risk to the health and safety of consumers.

(5) Reviews the organization's response to any situation that poses a danger or threat to staff or to individuals using the services for necessity, appropriateness, effectiveness, and prevention.

(6) Reviews the organization's processes to maintain the environment and the effectiveness of the environment.

(7) Identifies areas in need of improvement.

(8) Develops a written plan to address the areas in need of improvement.

(9) Documents the implementation of the plan and documents the results or outcomes annually.

307.3(2) *Leadership.*

a. Performance benchmark. Organization leaders provide the framework for the planning, designing, directing, coordination, provision and improvement of services that are responsive to the individuals using the services and the community served by the organization.

b. Performance indicators.

(1) There are clearly articulated mission and values statements that are reflected in the long-range organizational plans and in organization policies.

(2) The annual and long-range budgeting process involves appropriate governing and managing levels of leadership and reflects the organization's mission and values. An independent auditor or other person as provided by law performs an annual financial audit. Designated CMHCs shall submit their annual financial audit to the department.

(3) The organization establishes a governing board or an advisory board.

1. The board shall meet at least three times a year and shall have at least three members, at least 51 percent (majority) of whom are not providers.

2. The board shall include representatives who have disabilities or family members of persons with disabilities and may include representatives of relevant community groups, service providers, advocates and other stakeholders.

3. The board's duties include review and recommendation of policies, organizational plan, budget and performance improvement system of the program(s) being accredited.

(4) The organization's decision-making process, including policy decisions affecting the organization, reflects involvement of the various levels of leadership and responsiveness to staff.

(5) Organization leaders collaborate with various community groups to provide responsive service delivery systems appropriate to the needs of the individuals served by the organization.

(6) Organization leaders make educational information, resources, and service consultation available to community groups.

(7) The organization has mechanisms in place that afford staff the right to express concerns about a particular care issue or to file a grievance concerning a specific employment situation.

(8) The organization provides the individuals and their guardians the right to appeal the application of policies, procedures, or any staff action that affects the individual using the service. The organization has established written appeal procedures and a method to ensure that the procedures and appeal process are available to individuals using the service.

307.3(3) *Management information system.*

a. Performance benchmark. Information is obtained, managed, and used in an efficient and effective method to document, enhance, and improve organizational performance and service delivery.

b. Performance indicators.

(1) The organization has a system in place to maintain current individual-specific information documenting the provision and outcomes of services and treatments provided.

(2) The organization has a system in place to maintain the confidentiality and security of information that identifies specific individuals using the services, including mail, correspondence, and electronic files.

(3) All individuals using the service, their legal representatives, and other people authorized by law have access to the records of the individual using the service in accordance with state and federal laws and regulations.

307.3(4) *Human resources.*

a. Performance benchmark. The organization provides qualified staff to support the organization's mission and facilitate the provision of quality services.

b. Performance indicators. The organization:

(1) Has a job description in the personnel file of each staff member that clearly defines responsibilities and qualifications.

(2) Has a process to verify qualifications of staff, including degrees, licenses, medication management training, and certification as required by the position within 90 days of the staff person's employment. For staff hired after July 1, 2006, personnel files contain evidence that verification of professional licenses and college degrees at the bachelor's level or higher, as required by the position, was obtained from the primary source.

(3) Evaluates staff annually.

(4) Includes a plan for staff development for each staff member in the annual evaluation.

(5) Provides training and education to all staff relevant to their positions.

(6) Provides for approved training on child and dependent adult abuse reporter requirements to all organization staff who are mandatory abuse reporters as required by Iowa Code chapters 232 and 235B. The organization documents in personnel records training on child and dependent adult abuse reporter requirements.

(7) Has staff members sign a document indicating that they are aware of the organization's policy on confidentiality and maintains these documents in the personnel files.

(8) Provides an initial orientation to new staff and documents this orientation in the employee's personnel file.

(9) Completes criminal and abuse record checks and evaluations as required in Iowa Code section 135C.33 before employment of any employee who meets with individuals using the services.

(10) Establishes and implements a code of ethics for all staff addressing confidentiality, individual rights, and professional and legal issues in providing services and documents in the personnel records that the code of ethics in effect at the time of review has been reviewed with each staff member.

307.3(5) *Organizational environment.*

a. Performance benchmark. The organization provides services in an organizational environment that is safe and supportive for the individuals being served and the staff providing services.

b. Performance indicators.

(1) The environment enhances the self-image of the individual using the service and preserves the individual's dignity, privacy, and self-development.

(2) The environment is safe and accessible and meets all applicable local, state, and federal regulations.

(3) The organization establishes intervention procedures for behavior that presents significant risk of harm to the individual using the service or others. The interventions also ensure that the individual's rights are protected and that due process is afforded.

(4) The organization meets state and federal regulations in the way it implements the safe storage, provision, administration, and disposal of medication when it is used within the service.

(5) All toys and other materials used by children are clean and safe.

441—307.4(225A) Standards for services. Providers for the services set forth in subrules 307.4(9) through 307.4(10) and 307.4(12) and 307.4(13) will meet the standards in subrules 307.4(1)

through 307.4(8) in addition to the standards for the specific service. Providers of psychiatric rehabilitation services will meet standards in subrules 307.4(4) through 307.4(8). Providers of outpatient psychotherapy and counseling services will also meet standards in subrules 307.4(1), 307.4(2), 307.4(4), 307.4(6), 307.4(7), and 307.4(8). Providers of emergency services or evaluation services shall meet the benchmark for the services they provide.

307.4(1) *Social history.*

a. Performance benchmark. The organization completes a social history for each individual served.

b. Performance indicators.

(1) The organization collects and documents relevant historical information and organizes the information in one distinct document.

(2) The social history includes:

1. Relevant information regarding the onset of disability.
2. Family, physical, psychosocial, behavioral, cultural, environmental, and legal history.
3. Developmental history for children.
4. Any history of substance abuse; domestic violence; or physical, emotional, or sexual abuse.

(3) Staff review and update the social history at least annually.

307.4(2) *Assessment.*

a. Performance benchmark. The organization develops a written assessment for each individual served. The assessment is the basis for the services provided to the individuals.

b. Performance indicators.

(1) The assessment includes information about the individual's current situation, diagnosis, needs, problems, wants, abilities and desired results, gathered with the individual's involvement.

(2) Staff solicit collateral provider information as appropriate to the individual situation in order to compile a comprehensive and full assessment.

(3) Staff base decisions regarding the level, type and immediacy of services to be provided, or the need for further assessment or evaluation, upon the analysis of the information gathered in the assessment.

(4) Staff complete an annual reassessment for each individual using the service and document the reassessment.

(5) Documentation supporting the diagnosis is contained in the individual's record. A diagnosis of intellectual disability is supported by a psychological evaluation conducted by a qualified professional. A diagnosis of developmental disability is supported by professional documentation. A determination of a behavioral health condition is supported by a psychiatric, psychological, or diagnostic evaluation conducted by a qualified professional.

307.4(3) *Individual service plan.*

a. Performance benchmark. Individualized, planned, and appropriate services are guided by an individual-specific service plan developed in collaboration with the individual using the service, staff, and significantly involved others as appropriate. Services are planned for and directed to where the individuals live, learn, work, and socialize.

b. Performance indicators.

(1) The service plan is based on the current assessment.

(2) The service plan identifies observable or measurable individual goals and action steps to meet the goals.

(3) The service plan includes interventions and supports needed to meet those goals with incremental action steps as appropriate.

(4) The service plan includes the staff, people, or organizations responsible for carrying out the interventions or supports.

(5) Services defined in the service plan are appropriate to the severity level of problems and specific needs or disabilities.

(6) The plan reflects desired individual outcomes.

(7) Activities identified in the service plan encourage the ability and right of the individual using the service to make choices, to experience a sense of achievement, and to modify or continue participation in the treatment process.

(8) Staff monitor the service plan with review occurring regularly. At least annually, staff assess and revise the service plan to determine achievement, continued need, or change in goals or intervention methods. The review includes the individual using the service, with the involvement of significant others as appropriate.

(9) Staff develop a separate, individualized, anticipated discharge plan as part of the service plan that is specific to each service the individual receives.

(10) The service plan includes documentation of any rights restrictions, why there is a need for the restriction, and a plan to restore those rights or a reason why a plan is not necessary or appropriate.

307.4(4) *Documentation of service provision.*

a. Performance benchmark. Individualized and appropriate intervention services and treatments are provided in ways that support the needs, desires, and goals identified in the service plan and that respect the rights and choices of the individual using the service.

b. Performance indicators.

(1) Staff document in the narrative the individual's participation in the treatment process.

(2) Responsible staff document the individual's progress toward goals, the provision of staff intervention, and the individual's response to those interventions.

(3) Documentation of service provision is in a legible, written format in accordance with organizational policies and procedures.

307.4(5) *Incident reports.*

a. Performance benchmark. The organization completes an incident report when organization staff first become aware that an incident has occurred.

b. Performance indicators.

(1) The organization documents the following information:

1. The name of the individual served who was involved in the incident.
2. The date and time the incident occurred.
3. A description of the incident.
4. The names of all organization staff and others who were present or responded at the time of the incident. (For confidentiality reasons, other individuals who receive services should be identified by initials or some other accepted means.)
5. The action the organization staff took to handle the situation.
6. The resolution of or follow up to the incident.

(2) The staff who were directly involved at the time of the incident or who first became aware of the incident prepare and sign the incident report before forwarding it to the supervisor.

(3) Staff file a copy of the completed incident report in a centralized location and make a notation in the individual's file.

(4) Staff send a copy of the incident report to the individual's care coordinator who is involved in funding the service and notify the individual's legal guardian within 72 hours of the incident. The provider must notify the department in cases of an individual's death during service delivery.

307.4(6) *Confidentiality and legal status.*

a. Performance benchmark. Staff release medical and mental health information only when properly authorized.

b. Performance indicators.

(1) The organization obtains voluntary written authorization from the individual using the service, the individual's legal guardian, or other people authorized by law before releasing personal identifying information, medical records, mental health records, or any other confidential information.

(2) Staff complete voluntary written authorization forms in accordance with existing federal and state laws, rules, and regulations and maintain the forms in each individual file.

(3) Documentation regarding restrictions on the individual, such as guardianship, power of attorney, conservatorship, mental health commitments, or other court orders, is placed in the individual's record, if applicable.

307.4(7) *Service systems.*

a. Performance benchmark. The organization develops a clear description of each of the services offered. The organization develops an admission and discharge system of services. Staff coordinate services with other settings and providers.

b. Performance indicators.

(1) The organization has established and documented the necessary admission information to determine each individual's eligibility for participation in the service.

(2) Staff include verification in each individual's file that a service description was provided to the individual using the service and, when appropriate, to family or significant others.

(3) Continuity of services occurs through coordination among the staff and professionals providing services. Coordination of services through linkages with other settings and providers has occurred as appropriate.

(4) Staff include a written discharge summary in each individual record at the time of discharge.

307.4(8) *Respect for individual rights.*

a. Performance benchmark. Each individual using the service is recognized and respected in the provision of services in accordance with basic human, civil, and statutory rights.

b. Performance indicators.

(1) Staff provide services in ways that respect and enhance the individual's sense of autonomy, privacy, dignity, self-esteem, and involvement in the individual's own treatment. Staff take language barriers, cultural differences, and cognitive deficits into consideration and make provisions to facilitate meaningful individual participation.

(2) Staff inform individuals using the service and, when appropriate, family and significant others of their rights, choices, and responsibilities.

(3) The organization has a procedure established to protect the individuals using the service during any activities, procedure or research that requires informed consent.

(4) The organization verifies that individuals using the service and their guardians are informed of the process to express questions, concerns, complaints, or grievances about any aspect of the individual's service, including the appeal process.

307.4(9) *Case management services.*

a. Performance benchmark. Case management services link individuals using the service to service agencies and support systems responsible for providing the necessary direct service activities and coordinate and monitor those services.

b. Performance indicators.

(1) Staff clearly define the need for case management and document it annually.

(2) At a minimum, the team is composed of the individual using the service, the case manager, and providers or natural supports relevant to the individual's service needs. The team may also include family members at the discretion of the individual using the service.

(3) The team works with the individual using the service to establish the service plan that guides and coordinates the delivery of the services.

(4) The case manager advocates for the individual using the service.

(5) The case manager coordinates and monitors the services provided to the individual using the service.

(6) Documentation of contacts includes the date, the name of the individual using the service, the name of the case manager, and the place of service.

(7) The case manager holds individual face-to-face meetings at least quarterly with the individual using the service.

(8) Case managers do not provide direct services. Individuals using the service are linked to appropriate resources that provide necessary direct services and natural supports.

(9) Individuals using the service participate in developing an individualized crisis intervention plan that includes natural supports and self-help methods.

(10) Documentation shows that individuals using the service are informed about their choice of providers.

(11) Within an accredited case management program, the average caseload is no more than 45 individuals per each full-time case manager. The average caseload of children with serious emotional disturbance is no more than 15 children per full-time case manager.

(12) The case manager communicates with the team and then documents in the individual's file a quarterly review of the individual's progress toward achieving the goals.

307.4(10) *Day treatment services.*

a. Performance benchmark. Individuals using the service who are experiencing a significantly reduced ability to function in the community are stabilized and improved by the receipt of psychosocial rehabilitation, mental health treatment services, and in-home support services, and the need for residential or inpatient placement is alleviated.

b. Performance indicators.

(1) Individuals using the service participate with the organizational staff in identifying the problem areas to be addressed and the goals to be achieved that are based on the individual's need for services.

(2) Individuals using the service receive individualized services designed to focus on those identified mental health or behavioral issues that are causing significant impairment in their day-to-day functioning.

(3) Individuals who receive intensive outpatient and day treatment services receive a comprehensive and integrated schedule of recognized individual and group treatment and rehabilitation services.

(4) Individuals using the service and staff review their progress in resolving problems and achieving goals on a frequent and regular basis.

(5) Individuals using the service receive services appropriate to defined needs and current risk factors.

(6) Individuals using the service receive services from staff who are appropriately qualified and trained to provide the range and intensity of services required by the individual's specific problems or disabilities. A mental health professional provides or directly supervises the provision of treatment services.

(7) Individuals using the service participate in discharge planning that focuses on coordinating and integrating individual, family, and community and organization resources.

(8) Family members of individuals using the service are involved in the planning and provision of services as appropriate and as desired by the individual.

(9) Individuals using the service participate in developing a detailed psychiatric crisis intervention plan that includes natural supports and self-help methods.

307.4(11) *Psychiatric rehabilitation services.*

a. Performance benchmark. Individuals using the service who are experiencing a significantly reduced ability to function in the community due to a behavioral health condition are stabilized and experience role recovery by the receipt of psychiatric rehabilitation services.

b. Performance indicators.

(1) Life story: A document written throughout the psychiatric (psychosocial) rehabilitation service that incorporates the individual's perception of the individual's past experiences, present situation and future vision and plans.

1. The story of an individual's life is written by the individual with the assistance of the practitioner.

2. Documentation of any progress or barriers to life story completion is found in the record.

3. Evidence found in the record of a summary of the individual's completion of the life story process.

(2) Triage: Results in a determination regarding the individual's continued participation in the program and the environment of focus. The individual's long-term view includes statements pertaining to the living, learning, social, and working environments. Triage is a collaborative process between staff and the individual that:

1. Includes information about the individual's current situation, establishing a baseline in all four environments.
2. Identifies the individual's need for change, the urgency of others for change and the individual's belief about change.
3. Describes the individual's preferred situation in all four environments.

(3) Readiness assessment: The purpose of this assessment is to determine a readiness in choosing a course for moving forward in the individual's chosen environment.

1. Staff assists the individual with completing an assessment of the individual's dimensions of awareness.
2. The assessment is completed in relation to their preferred environment identified through triage.
3. The assessment culminates in a score that documents the individual's readiness in all five dimensions.
4. The assessment includes a summary that provides justification for the individual to proceed to the next phase.

(4) Readiness development: A structured process that utilizes a series of activities that focus on helping the individual become ready to proceed to the individual's next phase in psychiatric rehabilitation.

1. The individual and staff develop a plan for readiness development identifying action steps that will increase readiness in any or all of the five readiness dimensions and identify time-frames for completion.
2. Individualized activities provided will be:

- Personalized for the individual participating, and
- Reflective of the readiness dimension to be increased.

3. Activities are clarified for the individual by processing knowledge and insights gained through participation in the activity.
4. Activities provided are documented and shall relate to the readiness dimensions.
5. The readiness assessment is updated upon completion of readiness development documenting insights gained by the individual to justify proceeding to the next phase.
6. Transition planning occurs to address movement to the next phase.

(5) Goal choosing: During this phase, the individual identifies the particular environment in which the individual chooses to live, learn, work, or socialize, or any combination thereof. Possible environmental goals are evaluated against the individual's unique personal criteria and values in order to choose the goals that most satisfy the person's values.

1. Documentation of identifying personal criteria will describe the process of:

- Clarifying values.
- Analyzing past experiences.
- Inferring personal criteria.

2. A description of alternative environments and evidence of the systematic collection of information about the individual's possible choices for a place to live, learn, work, or socialize is found in the record. Documentation will describe the process of:

- Specifying alternative environments.
- Clarifying relevant characteristics.
- Researching alternative environments.

3. Staff will assist the individual in choosing a rehabilitation goal. Documentation will describe the process of:

- Evaluating alternative environments.

- Assessing the support of significant others.

4. The overall rehabilitation goal statement is documented at the end of the phase it identifies the specific outcome within the environment chosen and a timeline for achievement.

5. Transition planning occurs to address movement to the next phase and discharge from the service.

(6) Goal achieving: Functional and resource assessments are completed and skill programming, skill teaching, or both, are provided to support the individual to be satisfied and successful in the individual's chosen goal environment.

1. Functional assessment includes:

- Critical skills that are observable and measurable actions.
- Skill use descriptions that are measurable.
- An evaluation of the need level and present level of spontaneous skill use.
- Collateral provider information as appropriate to the individual situation in order to compile a comprehensive and full assessment.

2. Resource assessment includes:

- Critical resource and resource use descriptions that are measurable.
- An evaluation of the present level of resource need and utilization.
- Collateral provider information as appropriate to the individual situation in order to compile a comprehensive and full assessment.

3. The individual and staff develop a plan that identifies activities for:

- Individual skill programming,
- Direct skills teaching, and
- Resource development.

4. Skill teaching, skill programming, and resource development are provided as identified in the plan.

5. The plan is revised as necessary.

6. Transition planning occurs to reflect movement to the next phase and discharge from the service.

(7) Goal keeping: Individuals achieve success and satisfaction in the individual's chosen role.

1. Documentation is found in the record of staff assessing the individual's success and satisfaction in the individual's recovered role.

2. Assistance is provided to develop necessary skills, resources and supports and to negotiate service modification when necessary.

3. Transition planning focuses on coordination and integration of family, community and organization resources for continued success and the anticipated end of psychiatric rehabilitation services.

4. Documentation is found of resource acquisition and skill competency.

5. Documentation is found describing positive changes in the individual's environmental status.

6. Documentation describes the individual's level of satisfaction with the psychiatric rehabilitation services.

(8) Service implementation: Individualized and appropriate interventions and services are provided in ways that support the needs, desires, and goals identified in the service plan and that respect the rights and choices of the individual using the service.

1. The psychiatric rehabilitation service is provided in both individual and group sessions.

2. Staff and the individual determine the frequency and intensity of service to meet the individual's needs.

3. Whenever possible, the psychiatric rehabilitation services are provided within the individual's home and community.

4. Skill interventions provided are relevant to the outcomes identified in the functional assessment.

5. Support interventions provided are relevant to the outcomes identified in the resource assessment.

6. Individuals using the service participate in developing a detailed psychiatric crisis intervention plan that includes natural supports and self-help methods.

307.4(12) *Supported community living services.*

a. Performance benchmark. Individuals using the service live, learn, work, and socialize in the community.

b. Performance indicators.

(1) Individuals receive services within the individual's home and community setting where the skills are learned or used.

(2) At intake, the individuals using the service participate in a functional assessment to assist in defining areas of service need and establishing a service plan. Staff summarize the findings of the functional assessment in a narrative that describes the individual's current level of functioning in the areas of living, learning, working, and socialization. Staff review functional assessments on a regular basis to determine progress.

(3) Individuals using the service receive skill training and support services directed to enabling them to regain or attain higher levels of functioning or to maximize functioning in the current goal areas.

(4) Services are delivered on an individualized basis in the place where the individual using the service lives or works.

(5) Documentation that steps have been taken to encourage the use of natural supports and develop new ones is in the individual file.

(6) Individuals using the service participate in developing a detailed individualized crisis intervention plan that includes natural supports and self-help methods.

307.4(13) *Partial hospitalization services.*

a. Performance benchmark. Individuals who are experiencing serious impairment in day-to-day functioning due to severe psychiatric distress are enabled to remain in their community living situation through the receipt of therapeutically intensive milieu services.

b. Performance indicators.

(1) Individuals using the service and staff mutually develop an individualized service plan that focuses on the behavioral and mental health issues and problems identified at admission. Goals are based on the individual's need for services.

(2) Individuals using the service receive clinical services that are provided and supervised by mental health professionals. A licensed and qualified psychiatrist provides psychiatric consultation and medication services.

(3) Individuals using the service receive a comprehensive schedule of active, planned, and integrated psychotherapeutic and rehabilitation services provided by qualified professional staff.

(4) Individuals using the service receive group and individual treatment services that are designed to increase their ability to function independently.

(5) Individuals using the service are involved in the development of an anticipated discharge plan that includes linkages to family, provider, and community resources and services.

(6) Individuals using the service have sufficient staff available to ensure their safety, to be responsive to crisis or individual need, and to provide active treatment services.

(7) Individuals using the service receive services commensurate with current identified risk and need factors.

(8) Support systems identified by individuals using the service are involved in the planning and provision of services and treatments as appropriate and desired by the individual using the service.

(9) Individuals using the service participate in developing a detailed psychiatric crisis intervention plan that includes natural supports and self-help methods.

307.4(14) *Outpatient psychotherapy and counseling services.*

a. Performance benchmark. Individuals using the service realize and mobilize their own strengths and abilities to take control of their lives in the areas where they live, learn, work, and socialize.

b. Performance indicators.

(1) Individuals using the service are prepared for their role as partners in the therapeutic process at intake where they define their situations and evaluate those factors that affect their situations.

(2) Individuals using the service establish desired problem resolution at intake during the initial assessment.

(3) Psychiatric services other than psychopharmacological services are available from the organization as needed by the individual using the service.

(4) Psychopharmacological services are available from the organization as needed.

(5) Any assignment of activities to occur between sessions is documented in the following session's documentation.

(6) Following a risk assessment, individuals using the service participate in developing a detailed psychiatric crisis intervention plan that includes natural supports and self-help methods if warranted.

(7) The record documents when the organization follows up on individuals who miss appointments.

(8) Treatment planning is based on the assessment.

(9) Individuals using the service participate with the organizational staff in identifying the assessed needs to be addressed.

(10) The treatment plan identifies measurable goals, desired outcomes and time frames for achieving them.

(11) The treatment plan includes interventions and supports to be provided.

(12) Individuals using the service review their progress in resolving problems and achieving goals on a frequent and regular basis with organizational staff. The treatment plan is revised as appropriate to the individual's needs and priorities.

(13) Individuals using the service participate in transition/discharge planning that includes linkages to family, provider, and community resources and services.

(14) Significantly involved others of individuals using the service are involved in the planning and provision of services as appropriate and as desired by the individual.

307.4(15) *Emergency services.*

a. Performance benchmark. Individuals using the service receive emergency services when needed that provide a focused assessment and rapid stabilization of acute symptoms of behavioral health condition or emotional distress.

b. Performance indicators.

(1) Individuals using the service can access 24-hour emergency services by telephone or in person.

(2) Information about how to access emergency services is publicized to facilitate availability of services to individuals using the service, family members, and the public.

(3) Individuals using the service receive assessments and services from either a mental health professional or a behavioral health professional and are supervised by a mental health professional. Psychiatric consultation is available if needed.

(4) Individuals using the service receive intervention commensurate with current identified risk factors.

(5) Significantly involved others are involved as necessary and appropriate to the situation and as desired by the individual using the service.

(6) Individuals using the service are involved in the development of post-emergency service planning and resource identification and coordination.

(7) Staff document contacts in a narrative format and maintain them in a central location that will allow timely response to the problems presented by the individual using the service.

(8) Timely coordination of contacts with relevant professionals is made.

307.4(16) *Evaluation services.*

a. Performance benchmark. Individuals using the service receive comprehensive evaluation services that include screening, diagnosis, and assessment of individual or family functioning, needs and disabilities.

b. Performance indicators.

(1) Evaluations include screening, diagnosis, and assessment of individual or family functioning, needs, abilities, and disabilities.

(2) Evaluations consider the emotional, behavioral, cognitive, psychosocial, and physical information as appropriate and necessary.

(3) Evaluations includes recommendations for services and need for further evaluations.

(4) Mental health evaluations are completed by a person who meets the criteria of a mental health professional, a person with a master's degree who is license-eligible and supervised by a mental health professional, or an intern of a master's or doctorate program who is supervised by a mental health professional.

441—307.5(225A) Accreditation. The department will make all decisions involving issuance, denial, or revocation of accreditation. This accreditation will delineate all categories of service the organization is accredited to provide. Although an organization may have more than one facility or service site, the department will issue only one accreditation notice to the organization, except as provided in paragraph 307.5(5)*"f."*

307.5(1) *Organizations eligible for accreditation.* The department accredits the following organizations:

a. Case management providers.

b. Community mental health centers.

c. Supported community living providers.

d. Behavioral health service providers.

e. Crisis response providers.

307.5(2) *Application and renewal procedures.* An applicant for accreditation shall submit an application for accreditation to the department.

a. The application shall be signed by the organization's chief executive officer and the chairperson of the governing body and shall include the following information:

(1) The name and address of the applicant organization.

(2) The name and address of the chief executive officer of the applicant organization.

(3) The type of organization and specific services for which the organization is applying for accreditation.

(4) The targeted population groups for which services are to be provided as applicable.

(5) The number of individuals in each of the targeted population groups to be served as applicable.

(6) Other information related to the standards as requested by department staff.

b. Organizations that have received an initial 270-day accreditation and have not provided services by the end of the 270 days shall have their accreditation lapse for that specific service. This lapse of accreditation shall not be considered a denial. New applications may be submitted that include the waiting list of individuals to be served along with specific timelines of when the services will begin.

c. An organization in good standing may apply for an add-on service.

307.5(3) *Application review.* Upon receipt of an application, the department will review the materials submitted to determine whether the application is complete and request any additional material as needed. Survey reviews will begin only after the organization has submitted all application material.

a. For a new organization, staff may initially conduct a desk audit or on-site visit to review the organization's mission, policies, procedures, staff credentials, and program descriptions.

b. The department will review organizational services and activities as determined by the accreditation category. This review may include audits of case records; administrative procedures; clinical practices; personnel records; performance improvement systems and documentation; and interviews with staff, individuals, boards of directors, or others deemed appropriate, consistent with the confidentiality safeguards of state and federal laws.

c. A team will make an on-site visit to the organization. The department will not be required to provide advance notice to the provider of the on-site visit for accreditation.

d. The on-site team will consist of designated staff members. At the department's discretion, the team may include provider staff of other providers, individuals, and others deemed appropriate.

e. The team will survey the organization and the services indicated on the accreditation application in order to verify information contained in the application and ensure compliance with all applicable laws, rules, and regulations. At the time of a one-year recertification visit, the team will review the services that did not receive three-year accreditation.

f. The team will review case records and personnel records to see how the organization implements each of the indicators in the standards. If the documentation is not found in the records, the organization shall show, at the time the department staff is on site, documentation of how the indicator was accomplished.

g. At the end of the survey, the team leader will conduct an exit review. Before the close of the on-site review, the organization must provide the team leader any documentation that demonstrates how the organization has met these standards for services.

h. The accreditation team leader will send a written report of the findings to the organization within 30 working days after completion of the accreditation survey.

i. Organizations required to develop a corrective action and improvement plan pursuant to subrule 307.5(4)*"a"* shall submit the plan to the department within 30 working days after the receipt of a report issued as a result of the department's survey review. The action plan will include specific problem areas cited, corrective actions to be implemented by the organization, dates by which each corrective measure shall be completed, and quality assurance and improvement activities to measure and ensure continued compliance.

j. The department will review and approve the corrective action and improvement plan before making an accreditation recommendation.

k. The department will offer technical assistance to organizations applying for first-time accreditation. Following accreditation, any organization may request technical assistance from the department to bring into conformity those areas found in noncompliance with this chapter's requirements. If multiple deficiencies are noted during a survey, technical assistance may be provided to an organization, as staff time permits, to assist in implementation of an organization's corrective action plan. Renewal applicants may be provided technical assistance, as needed, if staff time permits.

307.5(4) *Performance outcome determinations.* The following three major areas are addressed in these standards: policies and procedures, organizational activities, and services, as set forth in rules 441—307.2(225A), 441—307.3(225A), and 441—307.4(225A). Each rule contains standards, along with a performance benchmark and performance indicators for each standard. Each of the applicable standards for the three areas (policy and procedures, organizational activities, and services) will be reviewed.

a. The department will determine a performance compliance level based on the number of indicators found to be in compliance.

(1) For service indicators, if 25 percent or more of the files reviewed do not comply with the requirements for a performance indicator, then that indicator is considered out of compliance and corrective action is required.

(2) Corrective action is required when any indicator under policies and procedures or organizational activities is not met.

b. In the overall rating, the performance rating for policy and procedures will count as 15 percent of the total, organizational activities as 15 percent of the total, and services as 70 percent of the total.

(1) Each of the three indicators for policy and procedures has a value of 5 out of a possible score of 15.

(2) Each of the 36 indicators for organizational activities has a value of .42 out of a possible score of 15.

(3) Each service has a separate weighting according to the total number of indicators applicable for that service, with a possible score of 70, as follows:

Service	Number of indicators	Value of each indicator
Case management	48	1.46
Day treatment	45	1.55
Intensive psychiatric rehabilitation	53	1.32
Supported community living	42	1.67
Partial hospitalization	45	1.55
Outpatient psychotherapy and counseling	36	1.94
Emergency	8	8.75
Evaluation	4	17.50

c. The department will determine a separate score for each service to be accredited. When an organization offers more than one service under this chapter, there will be one accreditation award for all the services based upon the lowest score of the services surveyed.

307.5(5) *Accreditation decisions.* The department will prepare all documents with a final recommendation regarding accreditation. If accreditation is approved, a Notice of Action-Approval will be issued stating the duration of the accreditation and the services that the organization is accredited to provide. If the department denies or revokes accreditation, a Notice of Action-Denial will be issued stating the reasons for the denial.

a. Initial 270-day accreditation. This type of accreditation may be granted to a new organization. The department will base the accreditation decision on a report that:

(1) The organization has an approved policies and procedures manual that includes job descriptions.

(2) Staff assigned to the positions meet the qualifications in the standards and the policies and procedures of the organization.

b. Three-year accreditation. An organization or service is eligible for this type of accreditation if it has achieved an 80 points or higher performance compliance level. The organization may be required to develop and submit a plan of corrective action and improvement that may be monitored either by written report or an on-site review.

c. One-year accreditation. An organization is eligible for this type of accreditation when multiple and substantial deficiencies exist in specific areas causing compliance levels with performance benchmarks and indicators to fall between 70 points and 79 points or when previously required corrective action plans have not been implemented or completed. The organization must submit a corrective action plan to correct and improve specific deficiencies and overall levels of functioning. The department will monitor this plan through on-site reviews, written reports and the provision of technical assistance.

d. Probational 180-day accreditation. An organization is eligible for probational 180-day accreditation instead of denial when the overall compliance level is from 60 to 69 points and pervasive and serious deficiencies exist or when corrective action plans previously required as a result of a one-year accreditation have not been implemented or completed. The department may downgrade organizations with a one-year or three-year accreditation to the probational 180-day accreditation

when one or more complaints are founded or at the discretion of the department. All deficiencies must be corrected by the time of the follow-up on-site survey at the conclusion of the provisional period. After this survey, the organization shall meet the standards for accreditation for a one-year accreditation or the department will deny accreditation.

e. Add-on service accreditation. When the on-site review of the add-on service results in a score comparable to the overall organization's score at the time of the most recent accreditation, the organization's add-on accreditation date will coincide with the overall accreditation date of the organization. If the add-on service on-site review results in a lower score and lower accreditation decision, the department will conduct another on-site review for that add-on service when the add-on service accreditation expires.

f. Special terms.

(1) The accreditation period for services that have deemed status according to rule 441—307.6(225A) will coincide with the period awarded by the national accrediting body or the certification for home- and community-based services.

(2) New or add-on services that meet the requirements for accreditation will receive an initial 270-day accreditation for that individual service. The term of accreditation will be determined individually. At the time of recertification of the new add-on service, the department may make recommendation to coincide with the term of accreditation for the other services of that organization that are accredited by the department.

(3) An organization must notify the department when there are changes in its ownership, structure, management, or service delivery.

g. Extensions. The department may grant an extension to the period of accreditation if there has been a delay in the accreditation process that is beyond the control of the organization or the department or the organization has requested an extension to permit the organization to prepare and obtain approval of a corrective action plan. The department will establish the length of the extension on a case-by-case basis.

h. Denial of accreditation or revocation.

(1) Accreditation will be denied when there are pervasive and serious deficiencies that put individuals at immediate risk or when the overall compliance level falls to 59 points or below. Under such circumstances, no corrective action report will be required.

(2) When one or more complaints are received, the department will complete an investigation. If any of the complaints are substantiated and the department determines that there is a pervasive or serious deficiency, the department may deny accreditation.

(3) An organization whose accreditation has been denied or revoked will not be approved for any service for at least six months from the notice of decision denying or revoking accreditation.

(4) If the organization disagrees with any action or failure to act in regard to the notice of decision to deny accreditation to the organization, the organization has the right to appeal in accordance with 441—Chapter 2506.

307.5(6) *Nonassignability.* Accreditation will not be assignable to any other organization or provider. Any person or other legal entity acquiring an accredited facility for the purpose of operating a service shall make an application as provided in subrule 307.5(2) for a new certificate of accreditation. Similarly, any organization having acquired accreditation and desiring to alter the service philosophy or transfer operations to different premises must notify the department in writing 30 calendar days before taking action in order for the department to review the change.

307.5(7) *Discontinuation.*

a. Discontinued organization. A discontinued organization is one that has terminated all the services for which it has been accredited. Accreditation is not transferable between organizations.

(1) An organization shall notify the department in writing of any sale, change in business status, closure, or transfer of ownership of the business at least 30 calendar days before the action.

(2) The organization shall be responsible for the referral and placement of individuals using the services, as appropriate, and for the preservation of all records.

b. Discontinued service. An organization shall notify the department in writing of the discontinuation of an accredited or certified service at least 30 calendar days before the service is discontinued.

(1) Notice of discontinuation of a service shall not be initiated during the 30 days before the start of a survey. Once a survey has begun, all services will be considered in determining the organization's accreditation score.

(2) The organization shall be responsible for the referral and placement of individuals using the services, as appropriate, and for the preservation of all records.

441—307.6(225A) Deemed status (all services). The department will grant deemed status to organizations accredited by a recognized national, not-for-profit, accrediting body when the department determines the accreditation is for similar services. The department may also grant deemed status for supported community living services to organizations that are certified under the Medicaid home- and community-based services (HCBS) intellectual disability waiver.

307.6(1) *National accrediting bodies.*

a. The national accrediting bodies currently recognized as meeting department criteria for possible deeming are:

(1) The Joint Commission (TJC).

(2) The Commission on Accreditation of Rehabilitation Facilities (CARF).

(3) The Council on Quality and Leadership (CQL).

(4) Social Current.

b. The accreditation credentials of these national bodies must specify the type of organization, programs, and services that these bodies accredit and include targeted population groups if appropriate.

c. Deemed status means that the department is accepting an outside body's review, assessment, and accreditation of an organization's functioning and services. Therefore, the accrediting body doing the review must be assessing categories of organizations and types of programs and services corresponding to those described under this chapter. An organization that has deemed status must adhere to and be accountable for this chapter.

d. When an organization that is nationally accredited requests deemed status for services not covered by the national body's standards but covered under this chapter, the department will accredit those services. Department staff will provide technical assistance to organizations with deemed status.

307.6(2) *Application for deemed status.*

a. To apply for deemed status, the organization shall submit an Application and Letter of Agreement form, copy of the latest survey report, documentation related to any corrective action required, accreditation certificate, documentation of specific programming policies and procedures for populations being served, and credentials for staff providing services to populations served.

b. The department will not accept an application for deemed status once it has begun an on-site visit. The organization shall complete the accreditation process.

307.6(3) *Requirements for deemed status.* To be eligible for deemed status, the organization shall:

a. Be currently accredited:

(1) By a recognized national accrediting body for services as defined in subrule 307.6(1); or

(2) For supported community living under the Medicaid HCBS intellectual disability waiver pursuant to rule 441—77.40(249A). If individuals with mental illness are served, the organization must submit verification of the training and experience of the staff to show that its staff can meet the needs of the individuals served.

b. Require staff for the program being deemed to have the necessary training and experience to meet the needs of the population served.

307.6(4) *Granting of deemed status.* When the department grants deemed status, the accreditation period will coincide with the period awarded by the national accrediting body or the

certification for HCBS. However, under no circumstances will the department award accreditation for longer than five years.

307.6(5) *Reservations.* When deemed status is granted, the department reserves rights to the following:

a. To have department staff conduct on-site reviews for those organizations applying for deemed status that the department has not previously accredited.

b. To have department staff do joint site visits with the accrediting body, attend exit conferences, or conduct focused follow-behind visits as determined to be appropriate in consultation with the national accrediting organization and the provider organization.

c. To be informed of and to investigate all complaints that fall under this chapter's jurisdiction according to the process in rule 441—307.7(225A). The department will report findings to the national accrediting body.

d. To review and act upon deemed status when:

(1) Complaints have been founded,

(2) The organization's national accreditation status expires without renewal, or

(3) The national accrediting body downgrades or withdraws the organization's status.

307.6(6) *Continuation of deemed status.*

a. The organization shall send a copy of its Application and Letter of Agreement form, along with a copy of the application for renewal, to the national accrediting body at the same time as application is made to a national accrediting body.

b. Iowa Medicaid will provide copies of the letter notifying a provider of a forthcoming recertification for organizations deemed for supported community living under the HCBS intellectual disability waiver.

c. Following the on-site review by a national accrediting body, the organization shall send the department a copy of the cover sheet and the national accrediting body report within 30 calendar days from the date that the organization receives the documents. If a corrective action plan is required, the organization shall send the department a copy of all correspondence and documentation related to the corrective action.

d. Iowa Medicaid will provide copies of HCBS certification reports and any corrective action required by HCBS within 30 calendar days after the report is complete or the organization completes required corrective action.

441—307.7(225A) Complaint process (all services). The department will receive and record complaints by individuals using the services, employees, any interested people, and the public relating to or alleging violations of applicable requirements of the Iowa Code or administrative rules.

307.7(1) *Submittal of complaint.* The complaint may be submitted in person, by mail, electronically through the department's website, by email, or by telephone.

a. The department will assist individuals in making a complaint as needed or requested.

b. The information received should specifically state the basis of the complaint. The department will keep the name of the complainant confidential to the extent allowed by law.

307.7(2) *Review of complaint.* Upon receipt of a complaint, the department will make a preliminary desk review of the complaint to determine an appropriate response. That response may include notifying the person who submitted the complaint that there is no basis for a review, referring the complaint to another investigative body, or making a determination to do a full investigation. The complainant may submit a written request for a report of the findings and actions taken by the department as a result of the complaint.

307.7(3) *Investigation of complaint.* If the department concludes that the complaint is reasonable, has merit, and is based on a violation of this chapter, it may make an investigation of the organization. The department may investigate complaints by an office desk audit or by an on-site investigation. The department will give priority for on-site investigations to instances when individuals using the service are in immediate jeopardy.

a. If a decision is made to conduct an on-site investigation, the on-site review does not require advance notice to the organization. The department will notify the chief executive officer of the organization involved before or at the commencement of the on-site investigation that the department has received a complaint.

b. The department will give the organization an opportunity to informally present a position regarding allegations in the complaint. The organization may submit the position in writing within five working days following the on-site visit or present it in a personal conference with department staff.

c. The department will submit a written report to the chief executive officer of the organization within 20 working days after completion of the investigation.

d. The report will indicate whether the complaint was substantiated, the basis for the substantiation or nonsubstantiation decision and the specific rules violated, and a recommendation for corrective action with timelines specified in the report.

e. If the complaint is substantiated, the department may take actions deemed appropriate that may include requiring a corrective action plan, shortening the term of accreditation or suspending or revoking an organization's accreditation depending on the severity of the substantiated complaint.

f. When the department suspends, shortens or revokes an organization's accreditation as the result of a substantiated compliant, the organization will be notified by electronic or certified mail of the findings and actions taken.

307.7(4) *Corrective action plan.*

a. When the department acts to suspend or revoke accreditation, there will be no corrective action plan. In other instances, if the complaint is substantiated, the organization shall submit a corrective action plan to the department within 20 calendar days after receiving the division's decision. This plan must respond to violations cited and the division's requirements and include timelines, internal monitoring systems, and performance improvement planning.

b. Failure of the organization to respond within 20 calendar days with an acceptable corrective action plan that addresses the organization's plan of correction following a substantiated investigation or complaint may in itself constitute the basis for revocation or suspension of accreditation. The department will determine the appropriate action based on the information submitted. The department will notify the organization in writing of any action taken.

441—307.8(225A) Appeal procedure. An appeal may be filed pursuant to 441—Chapter 2506 within 30 calendar days of the written decision from the department.

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

DIVISION II
CRISIS RESPONSE SERVICE PROVIDERS

441—307.9(225A) Definitions.

"Behavioral health professional" means any of the following:

1. A mental health professional as defined in Iowa Code section 228.1.
2. An individual who holds at least a master's degree in a mental health field, including but not limited to psychology, counseling and guidance, psychiatric nursing, and social work.
3. An individual who holds a bachelor's degree in a human service discipline with five years' experience providing behavioral health services or a registered nurse who has three years of clinical experience in behavioral health.
4. An individual who holds a bachelor's degree in a human service discipline with three years' experience providing behavioral health services and certified as an alcohol and drug counselor (CADC) or international alcohol and drug counselor (IADC).

"Crisis" means the experience of behavioral, emotional, psychiatric, or substance use disorder symptoms that results in a high level of stress or anxiety for the individual or persons providing

care for the individual and that cannot be resolved without intervention. The crisis is defined by the individual experiencing the crisis.

"Crisis assessment" means a face-to-face clinical interview to ascertain an individual's current and previous level of functioning, potential for dangerousness, physical health, and psychiatric and medical condition. A behavioral health professional conducts a crisis assessment within 24 hours of an individual's admission to a crisis response service.

"Crisis incident" means an occurrence involving the individual using the services that:

1. Results in a physical injury to or by the individual that requires health care treatment or admission to a hospital;
2. Results in someone's death;
3. Requires emergency mental health treatment for the individual;
4. Requires medical intervention for substance misuse, including the administration of overdose reversal medication;
5. Requires the intervention of law enforcement; or
6. Is reportable to the department for child or dependent adult abuse.

"Crisis response services" means short-term individualized crisis stabilization services that follow a crisis screening or assessment and that are designed to restore the individual to a prior functional level.

"Crisis response staff" means a person trained to provide crisis response services in accordance with rule 441—307.13(225A).

"Crisis screening" means a process to determine what crisis response service is appropriate to effectively resolve the presenting crisis.

"Crisis stabilization community-based services" or *"CSCBS"* means short-term services designed to de-escalate a crisis situation and stabilize an individual following a crisis and provided where the individual lives, works or recreates.

"Crisis stabilization residential services" or *"CSRS"* means a short-term alternative living arrangement designed to de-escalate a crisis situation and stabilize an individual following a crisis and is provided in organization-arranged settings of no more than 16 beds.

"Dispatch" means the function within crisis line operations to coordinate access to crisis care.

"Face-to-face" means services provided in person or utilizing telehealth in conformance with the federal Health Insurance Portability and Accountability Act (HIPAA) privacy rules as amended to August 1, 2026.

"Family peer support specialist" means a parent, primary caregiver, foster parent or family member of an individual who has successfully completed the department's standardized training to provide family support services.

"Follow-up services" means services that link individuals to needed supports and confirm transition to and engagement with aftercare services, including but not limited to system navigation, outpatient treatment, residential treatment, recovery services, and medication management.

"Informed consent" means the same as defined in rule 441—307.1(225A).

"Mental health professional" means the same as defined in Iowa Code section 228.1.

"Mobile response" means the provision of professional on-site, face-to-face crisis intervention for an individual experiencing a crisis. Crisis response staff providing mobile response have the capacity to intervene wherever the crisis is occurring.

"Peer recovery coach" means an individual with lived or living experience, either directly or through a connection, involving a problematic substance use condition, who has completed a standardized training and supports others experiencing similar challenges.

"Peer support services" means a service provided by a peer support specialist, family peer support specialist, or peer recovery coach, including but not limited to education and information, individual advocacy, family support groups, crisis response, and respite to assist individuals in achieving stability in the community.

"Peer support specialist" means an individual who has experienced a severe and persistent mental illness and who has successfully completed standardized training to provide peer support services.

"Physical health" means any chronic or acute health factors that need to be addressed during crisis delivery services.

"Qualified prescriber" means a practitioner or an authorized agent of a practitioner following the instruction of the practitioner as defined in Iowa Code section 155A.3 and a physician associate or ARNP operating under the prescribing authority granted in Iowa Code section 147.107.

"Restraint" means the application of physical force or the use of a chemical agent or mechanical device for the purpose of restraining the free movement of an individual's body to protect the individual, or others, from immediate harm.

"Rights restriction" means limitations not imposed on the general public in the areas of communications, mobility, finances, medical or mental health treatment, intimacy, privacy, type of work, religion, and place of residence.

"Safety plan" means a written plan developed for discharge in collaboration with the individual receiving crisis response services to identify the individual's strengths, the presenting problem, prevention strategies, and management tools for future crises.

"Self-administered medication" means the process where a trained staff member observes an individual inject, inhale, ingest or, by any other means, take medication following the instructions of a qualified prescriber.

"Stabilization plan" means a written short-term strategy used to stabilize a crisis and developed by a behavioral health professional, in collaboration with the crisis response staff and with the involvement and consent of the individual or the individual's representative.

"Staff-administered medication" means the direct application of a prescription drug, whether by injection, inhalation, ingestion, or any other means, to the body of an individual by a qualified prescriber or authorized staff following instructions of a qualified prescriber.

"Telehealth" is the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health and health administration. Technologies include videoconferencing, the internet, store-and-forward imaging, streaming media, and terrestrial and wireless communications.

"Treatment summary" means a written summarization of the treatment and action plan at the point of an individual's discharge or transition to another service.

"Twenty-four-hour crisis response" means services are available 24 hours a day, 365 days a year, providing access to crisis screening and assessment and linkage to behavioral health services.

"Twenty-three-hour observation" means a level of care provided for up to 23 hours in a secure and protected, medically staffed, supervised treatment environment.

"Warm line" means a telephone line staffed by individuals with lived experience who provide nonjudgmental, nondirective support to an individual who is experiencing a personal crisis.

441—307.10(225A) Standards for crisis response services. An organization may be accredited to provide any one or all of the identified crisis response services. An organization seeking crisis response service accreditation shall comply with the general standards within this division and additional standards for each specific service.

441—307.11(225A) Standards for policies and procedures. Policies and procedures manuals contain policy guidelines and administrative procedures for all activities and services and address the standards in rule 441—307.2(225A).

441—307.12(225A) Standards for organizational activities.

307.12(1) The organization shall meet the standards in subrules 307.3(1) through 307.3(5).

307.12(2) The organization shall describe the staffing structure that details how staff are utilized to provide the specific crisis stabilization services in rules 441—307.14(225A) through 441—307.21(225A).

441—307.13(225A) Standards for crisis response staff. All crisis response staff shall meet the qualifications described in this rule. Additional staff requirements are described in each service.

307.13(1) *Performance benchmark.* Qualified crisis response staff provide crisis response services.

307.13(2) *Performance indicators.*

a. One or more of the following qualifications are met:

(1) A behavioral health professional as defined in rule 441—307.9(225A).

(2) A person who has a bachelor's degree with 30 semester hours or equivalent in a human services field (including but not limited to psychology, social work, nursing, and education) and a minimum of one year of experience in behavioral or mental health services.

(3) A law enforcement officer with a minimum of two years of experience in the law enforcement officer's field.

(4) An emergency medical technician (EMT) with a minimum of two years of experience in the EMT's field.

(5) A peer support specialist who has completed standardized peer training within six months of hire.

(6) A family peer support specialist who has completed department-approved training within six months of hire.

(7) A peer recovery coach who has completed department-approved training within six months of hire.

(8) A registered or licensed practical nurse with a minimum of one year of experience.

(9) A person who has a bachelor's degree in a non-human services-related field, associate's degree, or high school diploma (or equivalency) with a minimum of two years of experience in behavioral health services, and 30 hours of crisis and behavioral health in-service training in addition to the required department-approved crisis intervention training, or a minimum of one year of experience in behavioral health services and an additional 60 hours of crisis and behavioral health training in addition to the required department-approved crisis intervention training.

b. Documentation in staff records to verify satisfactory completion of department-required crisis intervention training within 120 days of hire.

441—307.14(225A) Standards for services.

307.14(1) *Standard for eligibility.* An eligible recipient is an individual experiencing a crisis or emergency where a crisis screening is needed to determine the appropriate level of care.

a. Performance benchmark. Crisis screening determines the presenting problem and appropriate service.

b. Performance indicators.

(1) An evidence based screening tool is utilized that includes suicide lethality, substance use, alcohol use, and safety needs. Crisis response staff are trained on the crisis screening tool.

(2) Crisis screening shall be completed with the individual in crisis. When youth are served, the family shall participate in the screening process.

(3) Crisis screening records are kept in individual files.

307.14(2) *Confidentiality and legal status.* Standards in subrule 307.4(6) are met.

307.14(3) *Service systems.* Standards in subparagraphs 307.4(7)*"b"*(1) through *"b"*(3) are met.

307.14(4) *Respect for individual rights.* Standards in subrule 307.4(8) are met.

441—307.15(225A) Standards for individual crisis response services. Crisis response services provided to children and youth include coordination with parents, guardians, family members, natural

supports, and service providers and with other systems such as education, juvenile justice and child welfare.

Crisis response services for individuals who have co-occurring or multi-occurring diagnoses focus on the integration and coordination of treatment services, and supports necessary to stabilize the individual, without regard to which condition is primary. Crisis response services are not to be denied due to the presence of a co-occurring substance use condition or developmental or neurodevelopmental disability.

441—307.16(225A) Twenty-four-hour crisis response. The purpose of 24-hour crisis response is to provide access to crisis screening and assessment to de-escalate and stabilize the crisis. When the assessment indicates, a stabilization plan is developed to support the individual's return to a prior level of functioning. Twenty-four-hour crisis response staff link the individual to appropriate services. Crisis response staff provide service to individuals of any age.

307.16(1) *Performance benchmark.* Individuals in crisis have the ability to access crisis response services, including but not limited to crisis screening, crisis assessment and stabilization in the least restrictive level of care appropriate.

307.16(2) *Performance indicators.*

a. Information on how to access 24-hour crisis response is publicized to facilitate availability of services to individuals using the service, family members and the public.

b. Individuals accessing the service receive crisis screening and crisis response services from appropriate crisis response staff.

c. Crisis screening is available and accessible face-to-face, using telephone or web-based options 24 hours a day, 365 days a year.

d. A behavioral health professional is available for crisis assessment.

e. A mental health professional is available for consultation 24 hours a day, 365 days a year. The mental health professional has access to a qualified prescriber for consultation.

f. The staffing pattern and schedule is documented.

g. The integration and coordination of care is documented in the individual's record.

h. The discharge, action and follow-up plans are documented in the individual's record, and copies of the plans are provided to the individual. The family or guardian may receive a copy with a signed release.

441—307.17(225A) Warm line. A peer-operated warm line is a service individuals can access to talk with someone with lived experience with behavioral health and trauma issues. The line provides a resource for individuals experiencing emotional distress.

307.17(1) *Performance benchmark.* A warm line provides nonjudgmental listening, nondirective assistance, information, referral, and triage when appropriate.

307.17(2) *Performance indicators.* The warm line is answered live, placing callers on hold, and when appropriate, a queue system is utilized.

a. The caller is triaged to a higher level of service when needed.

b. Data collection includes:

(1) Demographics;

(2) Presenting reason for call;

(3) Outcome of call;

(4) Call answer times;

(5) Duration of calls; and

(6) Number of calls dropped, lost or terminated.

c. Services are provided by peer support specialists and family support peer specialists or recovery coaches.

d. Twenty-four-hour access to a behavioral health professional is required.

441—307.18(225A) Mobile response.

307.18(1) *Location.* Crisis response staff provide on-site, in-person intervention for individuals experiencing a crisis. The mobile response staff provide crisis response services in the individual's home or at locations in the community 24 hours a day, 365 days a year.

307.18(2) *Performance benchmark.* Mobile response services are delivered to individuals in crisis in a timely manner.

a. Mobile response requires a multidisciplinary team, consisting of at least two crisis response staff.

b. Twenty-four-hour access to a behavioral health professional is required.

c. Mobile response staff are dispatched immediately after crisis screening has determined the appropriate level of care. If the mobile response staff already are responding to another call, staff explain to the caller that there may be a delay in receiving a mobile response and offer an alternative response.

d. Mobile response staff will respond in person to the location of the individual in crisis within 60 minutes from dispatch.

e. Mobile crisis providers teams ensure follow-up services to facilitate the individual's access to behavioral health care.

(1) Follow-up services are provided to individuals who do not discharge to a setting providing 24 hour levels of care.

(2) Follow-up services link individuals to needed supports and confirm transition to and engagement with aftercare services, to include documentation an appointment is scheduled with the individual's preferred provider.

(3) Follow-up services occur within 48 hours of the initial mobile response contact and occur periodically until the individual is seen by the individual's preferred provider.

f. Data collection includes response time from initial dispatch, the time to respond to dispatch when a team is already in response, diversion from or admission to hospitals, correctional facilities and other crisis response services. The data for each fiscal year is reported as required by the department.

g. The safety plan is developed with the individual and family or natural supports if applicable and includes the individual's strengths, the presenting problem, prevention strategies, and management tools for future crises; a copy of the safety plan is provided to the individual and the individual's care team with the individual's signed consent within one business day.

h. The following information is documented in the individual's service record:

(1) Triage and referral information.

(2) Reduction in the level of risk present in the crisis situation.

(3) Coordination with other behavioral health and community resources.

(4) Names and affiliation of all individuals participating in the mobile response.

441—307.19(225A) Twenty-three-hour crisis observation. Twenty-three-hour crisis observation services may be a standalone service or embedded within a crisis stabilization residential service. Twenty-three-hour crisis observation services are designed for individuals who need short-term crisis intervention in a safe environment less restrictive than hospitalization. This level of service is appropriate for individuals who require protection or when an individual's ability to cope in the community is severely compromised and it is expected the crisis can be resolved in 23 hours. Twenty-three-hour crisis observation services include but are not limited to treatment, medication administration, meeting with extended family or significant others, and referral to appropriate services. Twenty-three-hour crisis observation chairs can be utilized.

307.19(1) *Admission criteria.* The services may be provided if any of the following admission criteria are met:

a. There are indications the symptoms can be stabilized and an alternative treatment can be initiated within a 23-hour period.

b. The presenting crisis cannot be safely evaluated or managed in a less restrictive setting, or no such setting is available.

c. The individual does not meet inpatient criteria, and it is determined a period of observation assists in the stabilization and prevention of symptom exacerbation.

d. Further evaluation is necessary to determine the individual's service needs.

e. There is an indication of actual or potential danger to self or others as evidenced by a current threat or ideation.

f. There is a loss of impulse control leading to life-threatening behavior and other psychiatric symptoms requiring stabilization in a structured, monitored setting.

g. The individual is experiencing a crisis demonstrated by an abrupt or substantial change in normal life functioning brought on by a specific cause, sudden event or severe stressor.

h. The individual is experiencing a crisis as a result of substance use.

307.19(2) *Staffing requirements.*

a. At least one behavioral health professional is available for consultation 24 hours a day, 365 days a year.

b. Crisis response staff are on duty, awake, and attentive 24 hours a day.

c. A registered or licensed practical nurse is available on site 24 hours a day.

307.19(3) *Twenty-three-hour observation safety.* A crisis incident report is created when staff are notified a crisis incident has occurred.

a. The crisis incident report documents:

(1) The name of the individual or individuals who were involved in the crisis incident.

(2) Date and time of occurrence of the crisis incident.

(3) A description of the crisis incident.

(4) Names and signatures of all staff present at the time of the crisis incident.

(5) The action taken by the staff.

(6) The resolution or follow-up to the crisis incident.

b. A copy of the crisis incident report is kept in a centralized file and a copy is given to the individual, the individual's parent or guardian if applicable, and the individual's treatment team when appropriate. A copy of the crisis incident report is sent to the department for crisis incidents involving an individual's death during service delivery.

307.19(4) *Service requirements.*

a. A treatment summary is provided to the individual and the individual's treatment team when applicable. The treatment summary includes:

(1) Safety plan.

(2) Crisis assessment that includes:

1. Active symptoms of psychosis.
2. Alcohol use.
3. Coping ability.
4. History of trauma.
5. Impulsivity or absence of protective factors.
6. Intensity and duration of depression.
7. Lethality assessment.
8. Level of external support available to the individual.
9. Medical history.
10. Physical health, including withdrawal symptoms.
11. Prescription medication.
12. Presenting problem.
13. Stress indicators and level of stress.
14. Substance use.

(3) Treatment interventions.

(4) Ongoing evaluation of the mental status to document continued need for the service.

(5) Course and progress of the individual regarding identified needs and barriers.

(6) Recommendations for further service needs.

(7) Signature of the behavioral health professional.

b. The individual using this service is provided a safe, secure observation service in a location meeting the needs of the individual and in the least restrictive setting.

c. Family members, natural supports, and treatment providers are contacted within 23 hours of admission with the individual's consent. Communication attempts and contact with the individual's team will be documented.

d. Written policies and procedures cover medication administration, storage and documentation.

e. Crisis observation providers ensure follow-up services to facilitate the individual's access to behavioral health care.

(1) Follow-up services are provided to individuals not requiring 24 hour levels of care.

(2) Follow-up services link individuals to needed supports and confirm transition to and engagement with aftercare services, to include documentation that an appointment is scheduled with the individual's preferred provider.

(3) Follow-up services occur within 48 hours of discharge and occurs periodically until the individual is seen by the their preferred provider.

f. The service is provided in a clean and safe environment.

(1) Service compliance is documented regarding state fire marshal rules and fire ordinances and applicable local health, fire, occupancy code, and safety regulations.

(2) Based on standards used for public facilities, all food and drink is clean, wholesome, free from spoilage, and stored and served in a manner safe for human consumption.

(3) Doors must not be locked from the inside. The use of door locks is as approved by the fire marshal and professional staff.

(4) Twenty-three-hour observation services have an emergency preparedness plan to describe the process for an individual to continue receiving services during a disaster, including but not limited to cases of severe weather or fire. An emergency preparedness plan is designed to provide effective utilization of available resources during a disaster event, including but not limited to cases of severe weather or fire.

(5) Services provide a safe, clean, well-ventilated, properly heated environment in good repair and free from vermin.

1. The smokefree air Act, Iowa Code chapter 142D, is followed.

2. The 23-hour crisis observation location is a welcoming and comfortable environment conducive to recovery.

(6) An individual's resting or sleeping area includes:

1. A sturdily constructed bed or comfortable chair.

2. A sanitized mattress protected with a clean mattress pad or sanitized chair.

3. Curtains or blinds on bedroom windows.

4. Available clean linen.

5. Doors or partitions for privacy.

6. Respect for right to privacy.

(7) Bathrooms include items necessary for personal hygiene and personal privacy.

1. A safe supply of hot and cold running water that is potable.

2. Clean towels, electric hand dryers or paper towel dispensers, and an available supply of toilet paper and soap.

3. Natural or mechanical ventilation capable of removing odors.

4. Tubs or showers with slip-proof surfaces.

5. Partitions with doors that provide privacy if a bathroom has multiple toilet stools.

6. Toilets, wash basins, and other plumbing or sanitary facilities, maintained in good operating condition.

7. Privacy in bathrooms for male and female individuals.

g. Personal rights are acknowledged.

(1) The following are allowed:

1. Areas in which an individual may be alone when appropriate.
2. Areas for private conversations with others.
3. Secure space for personal belongings.
4. Personal clothing in accordance with organization policy.

(2) The following are not allowed:

1. Seclusion.
2. Mechanical or chemical restraints.

441—307.20(225A) Crisis stabilization community-based services (CSCBS). The goal of CSCBS is to stabilize the individual within the community. CSCBS is designed as a voluntary service for individuals in need of a safe, secure location that is less intensive and restrictive than an inpatient hospital. Individuals receive CSCBS services, including but not limited to skill building, medication, counseling, referrals, peer support, recovery coaching, and linkage to ongoing services. The duration for CSCBS is expected to be less than five days.

307.20(1) *Eligibility.*

a. To be eligible, an individual must be determined appropriate for the service by a crisis assessment.

b. The crisis assessment includes:

(1) Active symptoms of psychosis.
(2) Alcohol use.
(3) Coping ability.
(4) History of trauma.
(5) Impulsivity or absence of protective factors.
(6) Intensity and duration of depression.
(7) Lethality assessment.
(8) Level of external support available to the individual.
(9) Medical history.
(10) Physical health including withdrawal symptoms.
(11) Prescription medication.
(12) Presenting problem.
(13) Stress indicators and level of stress.
(14) Substance use.

307.20(2) *Staffing requirements.*

a. At least one mental health professional is available for consultation 24 hours a day, 365 days a year.

b. Crisis response staff must be awake and attentive 24 hours a day.

307.20(3) *Stabilization services.* The individual using CSCBS is provided safe, secure and structured crisis stabilization services in the least restrictive location meeting the needs of the individual. The CSCBS can be for youth aged 18 and under or adults aged 18 and older.

a. Family members, natural supports, and treatment providers are contacted within 24 hours of admission with the individual's consent. Communication attempts and contact with the individual's team will be documented.

b. Each individual has a minimum of one hour per day of additional services provided by crisis response staff, including but not limited to skill building, peer support, family peer support services, or recovery coaching or other therapeutic programming.

c. Contact between the individual and a behavioral health professional occurs at least one time a day.

d. Youth services include ongoing coordination and communication with the youth's support system, including but not limited to parents, guardians and, if applicable, educational supports.

e. The numbers of days an individual receives crisis stabilization services are documented. The documentation records specific reasons for the delivery of services beyond five days.

f. Data collection includes readmission data and length of time between admission, analysis of data trends and appropriate corrective action taken, admission to hospitals, correctional facilities, and other crisis response services. The data for each fiscal year is reported as required by the department. The information is documented in the performance improvement system files.

307.20(4) *Crisis stabilization—crisis incident reporting.* A crisis incident report is filed when staff are notified a crisis incident has occurred.

a. The crisis incident report documents:

(1) Name of the individual involved in the crisis incident.

(2) Date and time the crisis incident occurred.

(3) Description of the crisis incident.

(4) Names and signatures of all staff present at the time of the crisis incident.

(5) Action the staff took to handle the situation.

(6) Resolution or follow up to the crisis incident.

b. A copy of the incident report is kept in a centralized file and a copy given to the individual, and the parent or guardian when appropriate. A copy of the crisis incident report is sent to the department for crisis incidents involving an individual's death during service delivery.

307.20(5) *Service requirements.*

a. Stabilization plan. The individual in crisis is involved collaboratively in all aspects of crisis stabilization services, including but not limited to admission, treatment planning, intervention, and discharge. Attempts to contact family members is required for youth and encouraged for adults. Within 24 hours of an individual's admission to crisis stabilization services, a written short-term stabilization plan is developed, with the involvement and consent of the individual, and is reviewed at least every ten days.

b. Plan contents. At a minimum, this plan includes:

(1) Criteria for discharge.

(2) Goal statement. Goals are consistent with the individual's needs and projected duration of service delivery.

(3) Names of all persons participating in the development of the plan.

(4) Specification of treatment responsibilities and methods.

307.20(6) *Treatment summary.* Prior to the individual's discharge from CSCBS, a treatment summary is completed. A copy of the summary is provided to the individual and shared with the individual's treatment team of providers, if applicable.

a. At a minimum, the treatment summary includes:

(1) Safety plan.

(2) Crisis assessment.

(3) Stabilization plan.

(4) Treatment interventions.

(5) Documentation of daily contact with the behavioral health professional.

(6) Ongoing evaluation of the mental status to document continued need for the service.

(7) Course and progress of the individual.

(8) Recommendations for further service needs.

(9) Signature of the behavioral health professional.

b. Records include a written treatment summary developed with the involvement of the individual.

c. A copy of the summary is provided upon discharge.

307.20(7) *Follow-up services.* Crisis stabilization providers ensure follow-up services to facilitate the individual's access to behavioral health care.

a. Follow-up services are provided to individuals not requiring 24 hour levels of care.

b. Follow-up services link individuals to needed supports and confirm transition to and engagement with aftercare services, to include documentation an appointment is scheduled with the individual's preferred provider.

c. Follow-up services occur within 48 hours of discharge and occur periodically until the individual is seen by the their preferred provider.

307.20(8) *Health and safety.* Emergency preparedness policies and procedures include health and safety measures. Emergency preparedness plans are designed to provide effective utilization of available resources for care to continue during a disaster event, including but not limited to cases of severe weather or fire.

441—307.21(225A) Crisis stabilization residential services (CSRS). Crisis stabilization residential services are short-term services provided in facility-based settings. The goal of CSRS is to stabilize and reintegrate the individual back into the community. CSRS are designed for voluntary individuals who are in need of a safe, secure environment less intensive and restrictive than an inpatient hospital. CSRS have the capacity to serve more than two individuals at a time. CSRS can be for youth aged 18 and younger or adults aged 18 and older. Youth and adults cannot be housed in the same facility setting. Facilities licensed by the department of inspections, appeals, and licensing (DIAL) for other services would have to comply with DIAL regulations for operating another business or activity in the facility.

307.21(1) *Eligibility.*

a. To be eligible, an individual must be determined appropriate for the service by a crisis assessment.

b. The crisis assessment includes:

(1) Active symptoms of psychosis.
(2) Alcohol use.
(3) Coping ability.
(4) History of trauma.
(5) Impulsivity or absence of protective factors.
(6) Intensity and duration of depression.
(7) Lethality assessment.
(8) Level of external support available to the individual.
(9) Medical history.
(10) Physical health, including withdrawal symptoms.
(11) Prescription medication.
(12) Presenting problem.
(13) Stress indicators and level of stress.
(14) Substance use.

307.21(2) *Staffing requirements.*

a. At least one licensed mental health professional is available for consultation 24 hours a day, 365 days a year.

b. Awake and attentive staffing 24 hours a day, 365 days a year is provided.

307.21(3) *Crisis stabilization—location.* The individual is provided safe, secure and structured crisis stabilization services in the least restrictive location meeting the individual's needs.

a. Family members, natural supports, and treatment providers are contacted within 24 hours of admission with the individual's consent. Communication attempts and contact with the individual's team will be documented.

b. Contact with a behavioral health professional occurs at least one time per day.

c. Each individual has a minimum of one hour per day of additional services provided by crisis response staff, including but not limited to skill building, peer support, family support peer services, or recovery coaching, or other therapeutic programming.

d. Youth services include ongoing coordination and communication with the youth's support system, including but not limited to parents, guardians, and educational supports.

e. A crisis assessment is completed within 24 hours of admission.

f. The number of days an individual receives crisis stabilization services is documented.

g. The documentation records specific reasons for lengths of stay beyond five days.

h. Medication record is included in the service record.

307.21(4) *Crisis stabilization—crisis incident reporting.* A crisis incident report is completed when staff are notified an crisis incident has occurred.

a. The crisis incident report documents:

(1) Name of the individual who was involved in the crisis incident.

(2) Date and time of occurrence of the crisis incident.

(3) Description of the crisis incident.

(4) Names and signatures of all staff present at the time of the crisis incident.

(5) Action staff took to handle the situation.

(6) Resolution or follow up to the crisis incident.

b. A copy of the crisis incident report is maintained in a centralized file and a copy given to the individual and the parent or guardian, as appropriate. A copy of the crisis incident report is sent to the department for crisis incidents involving an individual's death during service delivery.

307.21(5) *Service requirements.*

a. Stabilization plan. The individual is involved collaboratively in all aspects of crisis stabilization services, including but not limited to admission, treatment planning, intervention, and discharge. Attempts to involve family members are required for youth and encouraged for adults. At a minimum, this plan includes:

(1) Criteria for discharge.

(2) Goal statement consistent with needs and projected length of stay.

(3) Rights restrictions, if applicable.

(4) Names of all persons participating in the development of the plan.

(5) Specification of treatment responsibilities and methods.

b. Plan development. Within 24 hours of an individual's admission to crisis stabilization services, a written short-term stabilization plan is developed, with the involvement and consent of the individual, and is reviewed at least every ten days.

307.21(6) *Treatment summary.* Prior to discharge, a treatment summary is provided and a copy shared with the individual and treatment team as appropriate.

a. Contents. At a minimum, this treatment summary includes:

(1) Safety plan.

(2) Crisis assessment.

(3) Stabilization plan.

(4) Treatment interventions.

(5) Documentation of daily contact with the behavioral health professional.

(6) Ongoing evaluation of the mental status to document continued need for the service.

(7) Course and progress of the individual regarding identified needs and barriers.

(8) Recommendations for further service needs.

(9) Signature of the behavioral health professional.

b. Records. Records include a written treatment summary developed with the involvement and consent of the individual.

c. Copy. An individual receives a copy of the treatment summary upon discharge.

307.21(7) *Follow-up services.* Crisis stabilization providers ensure follow-up services to facilitate the individual's access to behavioral health care. Follow-up services are provided to individuals not requiring 24 hour levels of care.

a. Follow-up services link individuals to needed supports and confirm transition to and engagement with aftercare services, to include documentation an appointment is scheduled with the individual's preferred provider.

b. Follow-up services occur within 48 hours of discharge and occur periodically until the individual is seen by the their preferred provider.

307.21(8) *Health and safety.*

a. Health and fire safety inspections.

(1) Documentation includes Iowa fire marshal rules and fire ordinances, local health, fire, occupancy code, and safety regulations.

(2) Standards for public facilities guide food and beverage safety, nutrition standards, and safe storage of all consumable products.

(3) Crisis stabilization residential services comply with rule 441—307.22(225A).

b. Emergency preparedness. Emergency preparedness policies are designed to provide effective utilization of available resources for continuation during a disaster event, including but not limited to cases of severe weather or fire.

c. The facility is safe, clean, and well-ventilated with a properly heated environment in good repair and free from vermin.

d. The location is accessible and, when needed, accommodations are made to address individuals physical needs.

(1) Bedrooms include:

1. A sturdily constructed bed.
2. A sanitized mattress protected with a clean mattress pad.
3. A designated space in proximity to the sleeping area for personal possessions, including clothing.
4. Curtains or window blinds on bedroom windows.
5. Available clean linens.

(2) Sleeping areas include:

1. Doors for privacy.
2. Partitioning and placement of furniture to provide privacy.
3. Rooms that accommodate no more than two per room. Single room dimensions are at least 80 square feet not including closets. Dual occupancy rooms are at least 120 square feet not including closets.
4. Personal belongings and personal touches in the rooms, defined in CSRS policy.
5. Respect by staff for an individual's right to privacy.

(3) Personal hygiene supplies are provided:

1. A safe supply of hot and cold running water that is potable.
2. Clean towels, electric hand dryers or paper towel dispensers, and an available supply of toilet paper and soap.
3. Natural or mechanical ventilation capable of removing odors.
4. Tubs or showers with slip-proof surfaces.
5. Partitions with doors that provide privacy if a bathroom has multiple toilet stools.
6. Toilets, wash basins, and other plumbing or sanitary facilities in good operating condition.
7. Privacy in bathrooms for male and female individuals.

(4) Federal laws regarding smoking on property are recognized and followed.

(5) The following is provided:

1. Areas in which an individual may be alone when appropriate.
2. Areas for private conversations with others.
3. A secure space for personal belongings.

(6) Housekeeping. Maintenance of living quarters and day-to-day housekeeping activities are clearly defined in writing and a part of the orientation. Staff assistance and equipment are provided as needed.

(7) Clothing.

1. Personal clothing is allowed in accordance with CSRS policy.
2. Clothing may be washed with provided laundry mechanisms.

e. Smoking. The smokefree air Act, Iowa Code chapter 142D, is included in the CSRS policy.

f. Religion/culture. Rights to religion and culture include:

(1) The opportunity to participate in religious activities and services in accordance with the faith of the individual or of a minor individual's parent(s) or guardian.

(2) Arrange for transportation to religious activities when appropriate per CSRS policy.

441—307.22(225A) Medication—administration, storage and documentation. This rule sets forth medication requirements for 23-hour crisis observation, crisis stabilization community-based services, and crisis stabilization residential services.

307.22(1) *Performance benchmark.* Policies and procedures ensure prescription and over-the-counter medications are administered or self-administered safely and properly in accordance with federal, state, and local laws and regulations.

307.22(2) *Performance indicators.*

a. Administration of medication.

(1) Medication administration dose schedules and standardization of abbreviations are documented.

(2) Specific methods for control and accountability are established.

(3) Prescription and over-the-counter medications are administered or self-administered safely and properly in accordance with federal, state, and local laws and regulations.

(4) Prescription medications are not administered or self-administered without a written order signed by a qualified prescriber. All medication orders are documented in the case records and document the name of the medication, dose, route of administration, frequency of administration, and name of the qualified prescriber prescribing the medication.

b. Staff-administered medication.

(1) All staff administering medication have completed department-approved training.

(2) The type and amount of medication, time and date of medication administered, and name of staff administering the medication are documented in the medication record in accordance with prescribed orders.

c. Self-administered medication.

(1) Staff monitoring self-administration of prescription and over-the-counter medication have completed department-approved training.

(2) Self-administration of prescription and over-the-counter medications are permitted only when the medication label is clear and complete.

d. Medication storage. Medication storage policies under the care and control of the administration include:

(1) All medication is maintained in locked storage, and controlled substances are maintained in a locked box within locked storage.

(2) Medications requiring refrigeration are kept in a refrigerator separated from food and other edible items.

(3) Disinfectants and medication for external use are stored separately from internal and injectable medications.

(4) Each medication is stored in original containers and labeled with the name.

(5) Prescription medication provided is dispensed from a licensed pharmacy in the state of Iowa in accordance with the Iowa Code. It can also be provided by a qualified prescriber from a licensed pharmacy in another state according to the laws of the state.

(6) Prescription medications prescribed for one individual are not administered or allowed in the possession of another.

e. Medication labeling. All prescribed medications are clearly labeled with the full name; prescriber's name; prescription number; name and strength of the medication; dosage; directions for use; date of issue; and name, address and telephone number of the pharmacy or prescriber issuing the medication. Medications are packaged and labeled according to state and federal guidelines.

f. Monthly inspection. A monthly inspection of medication storage location and medication administration records occurs to ensure compliance with department procedures.

g. Damaged labels. Medication containers with soiled, damaged, illegible, or makeshift labels are returned to the issuing pharmacist, pharmacy, or qualified prescriber for relabeling or disposal.

h. Return of medications. When an individual is discharged or leaves the crisis service, medications are sent in their original containers with the individual or with a designated person.

i. Unused medication. Unused remaining prescription medications are destroyed by staff with a witness present and a notation documented in the record.

j. Adverse reactions. Documentation is required in case records on adverse medication reactions when medications are administered and self-administered.

k. Documentation. All medication orders are documented in the case records by authorized staff administering the medication. The documentation shall include the name of the medication, dose, route of administration, frequency of administration, name of the qualified prescriber prescribing the medication, and name of the staff administering or dispensing the medication.

l. Medication rights and responsibilities.

(1) Individuals and their designated representative if applicable are informed of the agency policy regarding prohibition of medication utilization as a restraint. The use of psychopharmacological medication in excess of the standard plan of care is prohibited. Using medication as a restraint includes:

1. Medications used to control behavior or restrict freedom of movement.
2. Medications used in excessive amounts or in excessive frequency.
3. Neuroleptics, anxiolytics, antihistamines, and atypical neuroleptics, or other medication used for calming, rather than for the medication's indicated treatment.

(2) Drugs or medications used for standard treatment of the individual's medical or psychiatric condition are not considered to be used as a restraint.

441—307.23(225A) Accreditation. The department will determine whether to grant, deny, or revoke the accreditation of organizations and services.

307.23(1) The organization shall meet the standards of subrule 307.5(1), with the addition of crisis response service organizations.

307.23(2) The organization shall meet the standards in subrules 307.5(2) and 307.5(3).

307.23(3) Performance outcome determinations are as follows:

a. Quality assurance staff shall determine a performance compliance level based on the number of indicators found to be in compliance.

(1) For service indicators, if 25 percent or more of the files reviewed do not comply with the indicator, that indicator is considered out of compliance and corrective action is required.

(2) Corrective action is required when any indicator under policies and procedures or activities is not met.

b. In the overall rating, the performance rating for policies and procedures shall count as 15 percent of the total, activities as 15 percent of the total, and services as 70 percent of the total.

(1) Each of the three indicators for policies and procedures has a value of 5.0 out of a possible score of 15.

(2) Each of the 36 indicators for activities has a value of .42 out of a possible score of 15.

(3) Each service has a separate weighting according to the total number of indicators applicable for that service, with a possible score of 70, as shown in paragraph 307.23(3)*"c."*

c. Quality assurance staff shall determine a separate score for each service to be accredited. When an organization offers more than one service under this chapter, there shall be one accreditation award for all the services based upon the lowest score of the services surveyed.

Service	Number of Indicators	Value of Each Indicator
24-hour crisis response	23	3.04
Warm line	19	3.65
Mobile response	23	3.04
23-hour observation	36	1.94
Crisis stabilization, community-based	33	2.12
Crisis stabilization, residential	51	1.37

307.23(4) The organization shall meet the standards in subrules 307.5(5) through 307.5(7).

441—307.24(225A) Deemed status. The department will grant deemed status to organizations accredited by a recognized national, not-for-profit, accrediting body when the department determines the accreditation is for similar services. The organization shall fulfill the standards described in subrules 307.6(1) through 307.6(6).

441—307.25(225A) Complaint process. The department will receive and record complaints by individuals using services, employees, any interested people, and the public relating to or alleging violations of applicable requirements of the Iowa Code or administrative rules in accordance with the standards described in rule 441—307.7(225A).

441—307.26(225C) Appeal procedure. The department will receive appeals pursuant to 441—Chapter 2506.

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

DIVISION III
COMMUNITY MENTAL HEALTH CENTERS

441—307.27(225A) Definitions.

"Community mental health center self-assessment" means the form completed and submitted to the department by a new organization as part of the initial application to be designated as a CMHC. Designated CMHCs complete the form annually and submit it to the department as part of the accreditation and CMHC monitoring process.

"Community support services" or *"CSS"* means services that support individuals with a mental illness and functional impairment to live and work in the community of their choice through assisting with:

1. Monitoring of mental health symptoms and functioning/reality orientation;
2. Transportation;
3. Supportive relationship;
4. Communication with other providers;
5. Ensuring individuals attend appointments/obtains medications;
6. Crisis intervention/developing crisis plan; and
7. Coordination and development of natural support systems for mental health support.

"Functional impairment," for the purpose of this division, means difficulties that substantially interfere with or limit functioning in one or more major life activities, such as basic daily living (including but not limited to eating, bathing, and dressing); instrumental living skills (including but not limited to maintaining a household, managing money, community involvement, taking prescribed medication); and functioning in social, family and vocational/educational contexts.

"Psychosocial rehabilitation services" means services that promote recovery, full community integration, and improved quality of life for persons who have been diagnosed with any mental health condition that seriously impairs their ability to lead meaningful lives. Psychosocial rehabilitation services are collaborative, person-directed and individualized. The service focuses on helping individuals develop skills and access resources needed to increase their capacity to be successful and satisfied in the living, learning, working, and social environments of their choice.

"Target population" means individuals residing in designated counties of any age who are experiencing a crisis, individuals of any age who have a mental health disorder, adults who have a serious mental illness or chronic mental illness, children and youth who are experiencing a serious emotional disturbance, and individuals who have a co-occurring disorder, including but not limited to substance use, intellectual disability, developmental disability, brain injury, autism spectrum disorder, or another disability or special health care need.

441—307.28(225A) Community mental health center designation.

307.28(1) *Application.* An organization seeking designation as a community mental health center or a designated community mental health center seeking to expand its designated service area shall submit the following to the department:

a. An Accreditation Application form, if requesting accreditation for a CMHC core service(s) other than outpatient psychotherapy and evaluation.

b. A Community Mental Health Center Designation form, signed by the organization's chief executive officer and the chairperson of the governing body.

c. A Community Mental Health Center Self-Assessment form.

307.28(2) *Exceptional circumstances.* Designation for more than one CMHC in a county shall require a determination of exceptional circumstances by the department.

a. Applicants requesting designation for a county that is designated as part of another CMHC's service area shall submit information supporting their designation request, including but not limited to the following:

(1) Evidence that the target population does not have access to the required core services with minimal or no service denials.

(2) Ability to staff core services within the capacity of the service area's workforce.

(3) Behavioral health district's letter of support that includes the service area's ability to financially support more than one CMHC.

(4) Notification to the existing CMHC of intention to apply for designation.

(5) Evidence of collaboration and coordination with an existing CMHC.

b. Paragraph 307.28(2)*"a"* and subrule 307.29(2) do not apply to CMHCs designated as of October 1, 2010.

307.28(3) *Designation.* The department will review information submitted by the applicant in accordance with subrule 307.28(1), subrule 307.28(2), and paragraph 307.28(3)*"a,"* as well as input from behavioral health districts, neighboring CMHCs, and behavioral health service providers to determine if there will be a recommendation for designation. Recommendations for designation shall be submitted to the department for approval.

a. Applicants shall submit the following:

(1) Behavioral health district's letter of support.

(2) Evidence of active three-year accreditation for outpatient and evaluation services under this chapter.

(3) Formal agreement with accredited provider if the applicant is not directly providing the service for the following:

1. Day treatment, partial hospitalization, or psychosocial rehabilitation services; and
2. Emergency or 24-hour crisis response.

(4) A Community Mental Health Center Self-Assessment form that demonstrates the applicant's ability to:

1. Provide core services in accordance with rule 441—307.29(225A).
2. Meet the following crisis response service access standards:

- Outpatient emergency services shall be initiated within 15 minutes of telephone contact.
- Outpatient urgent services shall be provided within 1 hour of presentation or 24 hours of telephone contact.
- Outpatient routine care services will be provided within four weeks of request for appointment.
- Outpatient services will be offered within 30 miles for an individual residing in an urban community and 45 miles for an individual residing in a rural community.
- Individuals who have received inpatient services shall be assessed and evaluated within four weeks.

3. Serve all ages of the target population with minimal to no service denials.
4. Make referrals for services provided outside the organization.

b. The department will notify the applicant in writing of the result of the review.

c. CMHCs designated in accordance with Iowa Code chapter 230A prior to January 1, 2021, or designated as a CMHC by a county prior to October 1, 2010, will maintain their designation provided they meet the requirements set forth in rule 441—307.30(225A).

307.28(4) *Withdrawal of designation.* CMHCs seeking to withdraw their designation for part or all of their catchment area shall submit to the department a Community Mental Health Center Designation form signed by the organization's chief executive officer and the chairperson of the governing body. The form shall include:

a. Current catchment area and catchment area requesting withdrawal of designation.

b. Reason for withdrawal request.

c. Date withdrawal is to occur.

d. Continuity of care plan, including but not limited to communication and coordination with:

(1) Individuals served.

(2) CMHCs and mental health service providers serving neighboring and current catchment area.

(3) Behavioral health districts.

(4) General public.

307.28(5) *Agreement.* The board of directors of a designated CMHC shall enter into an agreement with the department.

307.28(6) *Appeal procedure.* An appeal to a designation determination may be filed in accordance with 441—Chapter 2506.

307.28(7) *Denial of designation or revocation.* The department may deny or revoke the provider's designation at any time for any of the following reasons:

a. The provider has failed to provide information requested pursuant to subrule 307.28(1).

b. The provider does not meet criteria pursuant to subrule 307.28(3).

c. The provider refuses to allow the department to conduct a site visit pursuant to subrule 307.5(3).

d. The provider has failed to implement the corrective actions submitted and approved by the department pursuant to subrule 307.32(2).

e. The provider's accreditation was discontinued or revoked pursuant to paragraph 307.5(5)*"h."*

441—307.29(225A) Standards for policies and procedures. Policies and procedures manuals shall include policy guidelines and administrative procedures for the following:

307.29(1) Core services and supports,

307.29(2) Serving the target population with minimal to no service denials,

307.29(3) Addressing the standards in rule 441—307.2(225A), and

307.29(4) Ensuring an individual's ability to access services regardless of ability to pay. The CMHC shall assist individuals with applying for health insurance and behavioral health district assistance when necessary to ensure access to services.

441—307.30(225A) Standards for organizational activities.

307.30(1) The organization shall meet all requirements in rule 441—307.3(225A) and the standards identified in this rule.

307.30(2) A CMHC organized as a nonprofit corporation shall be governed by a board of directors that adequately represents interested professions; consumers of the center's services; socioeconomic, cultural, and age groups; and various geographical areas in the counties served by the center. If organized as a for-profit corporation, the corporation's policy structure shall incorporate such representation.

441—307.31(225A) Standards for core services and supports.

307.31(1) *Outpatient services.* Outpatient services include outpatient psychotherapy and counseling services and evaluation. These services are to be provided directly by the CMHC.

a. Outpatient psychotherapy and counseling services shall be provided in accordance with subrule 307.4(14) and shall include treatment modalities and evidence-based practices for children, adults, older adults, individuals with co-occurring conditions, and individuals discharged from inpatient settings. Clinical eligibility is determined at the time of initial assessment and annually thereafter in accordance with subrule 307.4(2).

b. Evaluation services shall be provided in accordance with subrule 307.4(16).

307.31(2) *Twenty-four-hour emergency services.* The organization shall provide or enter into a formal agreement with an accredited provider for at least one of the following:

a. Emergency services provided in accordance with subrule 307.4(15).

b. Twenty-four-hour crisis response provided in accordance with rule 441—307.16(225A).

307.31(3) *Day treatment, partial hospitalization, or psychosocial rehabilitation services.* The organization shall provide or enter into a formal agreement with an accredited provider for at least one of the following:

a. Day treatment provided in accordance with subrule 307.4(10),

b. Partial hospitalization provided in accordance with subrule 307.4(13), or

c. Psychosocial rehabilitation services. This shall include at least one of the following:

(1) Assertive community treatment (ACT) provided in accordance with rule 441—77.41(249A).

(2) Intensive psychiatric rehabilitation services provided in accordance with subrule 307.4(11).

307.31(4) *Community support services (CSS).* The purpose of CSS is to support individuals as they live and work in the community and address mental health symptoms and functional impairments that negatively affect integration and stability in the community.

a. Performance benchmark.

(1) Qualified staff provide CSS.

(2) CSS is provided to individuals in the target population with a mental illness and functional impairment.

b. Performance indicators.

(1) The following staff qualifications shall be met:

1. Have knowledge and experience in working with the target population.

2. Have the ability to create relationships with the individuals served that balance support of the mental illness and the need to allow for maximum individual independence.

3. Have a bachelor's degree with 30 semester hours or equivalent quarter hours in a human services field, including but not limited to psychology, social work, mental health counseling, marriage and family therapy, nursing, education, occupational therapy, and recreational therapy.

4. Complete a minimum of 12 hours of training within the first year of employment and annually in behavioral health conditions, including but not limited to the following topics:

- Mental health diagnoses, symptomology, and treatment;
- Crisis management, intervention, and de-escalation;
- Psychiatric medications, common medications, and potential side effects;
- Other diagnoses or conditions present in the population served; and

● Individual person-centered service plan, crisis plan, and behavioral support plan implementation.

(2) The following service components are provided:

1. Monitoring of mental health symptoms and functioning/reality orientation.
2. Transportation.
3. Supportive relationship.
4. Communication with other providers.
5. Ensuring individuals attend appointments and obtain medications.
6. Crisis intervention and developing a crisis plan.
7. Coordination and development of natural support systems for mental health support.

307.31(5) *Consultation services.* Consultation services include the provision of professional assistance and information about mental health and mental illness to individuals, service providers, or groups to increase such persons' effectiveness in carrying out their responsibilities for providing services. Consultations may be case-specific or program specific.

307.31(6) *Education services.* Education services include information and referral services regarding available resources and information and training concerning mental health, mental illness, availability of services and other support, the promotion of mental health and the prevention of mental illness. Education services may be made available to individuals, groups, organizations, and the community in general.

307.31(7) *Coordination with unaffiliated agencies.* Coordination will be provided with associated services provided by other unaffiliated agencies to members of the target population in the catchment area and to integrate services in the community with services provided to the target population in residential or inpatient settings.

441—307.32(225A) Accreditation of CMHCs.

307.32(1) The provider shall be accredited as a provider of outpatient psychotherapy and counseling pursuant to subrule 307.4(14) and evaluation pursuant to subrule 307.4(16) and meet the standards of rule 441—307.3(225A).

307.32(2) The provider shall meet the standards in rules 441—307.29(225A), 441—307.30(225A), and 441—307.31(225A). Corrective action is required when any indicator under community mental health designation standards is not met.

307.32(3) The provider shall annually submit a Community Mental Health Center Self-Assessment form to the department.

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

RA 26-315

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: rule 441—60.7(217)
"Refugee Cash Assistance"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 217

State or federal law(s) implemented by the rulemaking: 45 CFR 400.211 and United States Administration for Children and Families, "Office of Refugee Resettlement; Notice: Change in Eligibility Period for Refugee Cash Assistance and Refugee Medical Assistance," 91 Fed. Reg. 43,107 (Jul. 14, 2026)

Public Hearing

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

October 20, 2026 10 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw

Public Comment

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

Victoria L. Daniels
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

Purpose and Summary

This proposed rulemaking amends rule 441—60.7(217) to reflect federal updates to the eligibility period, or time limit, for receiving refugee cash assistance and refugee medical assistance from four months to eight months. The eligibility period is set by the procedures outlined in 40 CFR 400.211. The update to the eligibility period was published in the July 14, 2026, Federal Register.

Analysis of Impact

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

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

There are no costs associated with the proposed rulemaking.

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

Refugees new to Iowa will benefit from the guidance provided in this proposed rulemaking.

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 is no data available for this proposed rulemaking.

- **Qualitative description of impact:**

This proposed rulemaking changes the eligibility period for refugee cash assistance from four months to eight months.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs to implement the proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed rulemaking will have no effect on State revenues.

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

Amending the existing rule is the appropriate course of action to comply with the federal change.

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

Amending the existing rule is the appropriate course of action to comply with the federal change.

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

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 60.7(1) as follows:

60.7(1) *Assistance.* A refugee may receive assistance, if otherwise eligible:

a. to *c.* No change.

d. For refugees who entered the country on or after January 1, 2026, during the first eight months the refugee is in the United States, beginning the month the refugee enters the country.

Exception: For asylees, the date of entry is the date asylum is granted. The ~~8-month, 12-month, or 4-month~~ period of eligibility specified in this subrule begins the month asylum is granted. A

nonrefugee child in the home with a refugee parent (or refugee parents, if both are in the home) is eligible for assistance until the parent(s) has been in the United States for ~~8, 12, or 4 months~~ the time period specified in this subrule, or until the child reaches 8, 12, ~~or~~ 4, or 8 months of age, whichever occurs first. For Afghan special immigrant (SI) parolees and Afghan SI conditional permanent residents (CPRs), the date is the date of "entry into the community," which is the date the individual departed a safe haven. For Afghan humanitarian parolees, the date is the latter of October 1, 2021, or the date of entry into the community, which is the date the individual departed a safe haven. "Safe haven" is the term the U.S. government and other relevant stakeholders have used for U.S. military bases in the continental United States that housed Afghans evacuated under Operation Allies Refuge/Operation Allies Welcome (OAR/OAW) as Afghans awaited resettlement to their ultimate state of residence.

ITEM 2. Amend subrule 60.7(2) as follows:

60.7(2) *Resources.* The resources of refugees excluded because of the ~~8-month, 12-month, or 4-month limit~~ eligibility time frames specified in subrule 60.7(1) will be considered in the same manner as though these refugees were included in the eligible group.

RA 26-316

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: subrule 79.15(12)
"Other Policies Relating to Providers of Medical and Remedial Care"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 249A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 249A

Public Hearing

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

October 20, 2026 10 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw

Public Comment

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

Victoria L. Daniels
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

Purpose and Summary

This rulemaking amends subrule 79.15(12) by changing the parameters for Iowa Medicaid provider validation and termination. The previous subrule indicated that Iowa Medicaid providers that have not submitted a claim in the past 24 months will be sent a notice asking if the provider wishes to continue participation in the Medicaid program. Providers that failed to respond within 30 calendar days were terminated from participation.

As amended, the subrule states that providers that have not submitted a claim within the previous 12 months will be deactivated from participation in the Iowa Medicaid program. Deactivated providers may request reactivation by contacting the Department and meeting all applicable requirements. Providers that remain deactivated and do not submit any claims for 24 consecutive months following deactivation will be terminated from participation.

Analysis of Impact

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

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

There are no costs associated with this rulemaking.

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

The public will benefit from this rulemaking because it supports Medicaid provider integrity and fiscal responsibility.

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 changes in this rulemaking will reduce the number of provider letters the Department has to send out by approximately 3,217. It will also allow the Department to avoid performing approximately 18,670 manual National Provider Identifier Standard (NPI) screenings.

- **Qualitative description of impact:**

The public will benefit from this rulemaking because it supports Medicaid provider integrity and fiscal responsibility.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs associated with this rulemaking.

- **Anticipated effect on State revenues:**

This rulemaking has no impact on State revenues.

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

Rulemaking is appropriate to support the direction of Centers for Medicare and Medicaid Services (CMS).

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

Not applicable.

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

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This rulemaking may have an impact on small business health care providers that have not submitted a claim to Iowa Medicaid in the last 12 months. Such providers may be deactivated from participation with Iowa Medicaid. The rulemaking provides an avenue for such providers to reactivate their participation.

Emergency Rulemaking Adopted by Reference

The content of this Regulatory Analysis was previously published as an Adopted and Filed Emergency rulemaking (see **ARC 0539D**, IAB 9/2/26). The purpose of this Regulatory Analysis is to fulfill the requirements of Iowa Code section 17A.4A for that emergency rulemaking, whose subject matter is hereby adopted by reference.

RA 26-317

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 108
"Licensing and Regulation of Child-Placing Agencies"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 238.16
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 238

Public Hearing

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

October 20, 2026 10 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw

Public Comment

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

Victoria L. Daniels
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

Purpose and Summary

This proposed chapter establishes licensing procedures for all child-placing agencies authorized by Iowa Code chapter 238. Included in this proposed chapter are rules relating to the licensing process, administration and organization, foster care services, adoption services, and supervised apartment living services. As part of the Red Tape Review process laid out by Executive Order 10, restrictive terms were removed, duplicative information was streamlined, and language was changed to be in line with modern procedures and practices.

Analysis of Impact

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

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

This proposed rulemaking does not have a cost to the public.

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

Future foster parents, as well as current children within the foster care system, will benefit from these updated and clarified rules.

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:**

This proposed rulemaking is not expected to have a quantitative effect on the licensing and regulation of child-placing agencies.

- **Qualitative description of impact:**

The proposed rulemaking will provide additional clarity on the rules and regulations affecting the licensing and regulation of child-placing agencies.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs associated with this proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have any impact on State revenues.

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

Rulemaking for the licensing and regulation of child-placing agencies is required by Iowa Code section 238.16.

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

Not applicable.

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

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This proposed rulemaking is not expected to have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 108 and adopt the following **new** chapter in lieu thereof:

CHAPTER 108
LICENSING AND REGULATION OF CHILD-PLACING AGENCIES

441—108.1(238) Definitions.

"Administrator" means the person who is designated to have day-to-day responsibility for the administration of a child-placing agency and who ensures that the mission of the agency and laws relating to the welfare and protection of children are carried out.

"Adoption work experience" means supervised employment in adoption services, which includes direct provision of adoption services, development of adoption policies, provision of training related to adoption services, oversight and review of adoption documents and activities, and direct supervision of adoption workers. Only the percentage of time related to provision of adoption services shall be considered as adoption work experience when job duties involve activities other than adoption services.

"Adoptive applicant" means the person who has requested approval for placement of a child for adoption from a licensed child-placing agency.

"Adoptive family" means an approved person or persons who have a child placed in their home for the purpose of adoption and who are being supervised by the agency or who have a child in their home who has been legally adopted and is entitled to the same benefits as a child born to the parents.

"Approved living arrangement" means that the living situation shall be located so as to provide reasonably convenient access to schools, places of employment, or services required by the youth; comply with applicable state and local zoning, fire, and sanitary regulations; and be reasonably priced so as to fit within the youth's budget.

"Caseworker" means the person who works directly with children, their families, and other relevant individuals and who has primary responsibility for the development, implementation, and review of the agency's service plans for the child and parents; or who completes foster care or adoptive family home studies or supervises foster family or adoptive placements; or who supervises children placed in approved supervised apartment living arrangements.

"Child" means the same as defined in Iowa Code section 234.1.

"Child-placing agency" or *"agency"* means an agency organized within the state of Iowa for the purpose of receiving minor children for placement, supervision, or both in private family homes for foster care; for adoption; or for the placement, supervision, or both of children who are 16 years of age and older living in approved supervised apartment living placements.

"Parent" means custodial and noncustodial parent.

"Safety-related information" means information that indicates whether the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse.

"Sibling" means two or more persons having at least one common parent.

"Supervised apartment living placement" means the placement of a child who is at least 16 years of age in an approved living arrangement that provides an environment in which the child can experience living in the community with minimum supervision.

"Volunteer" means any nonpaid person who donates time to an agency, either in working with an individual or groups of clients. A volunteer may also be a student intern.

441—108.2(238) Licensing procedure.

108.2(1) *Right to apply.* Any person or agency has the right to apply for a child-placing license. When applying for a child-placing license, the applicant shall indicate the services for which licensure is being requested.

108.2(2) *Application.* An agency or person applying for a license shall complete the application form provided by the department. The application shall be completed and signed by the administrator or the administrator's designee and submitted to the department.

a. The applicant shall report withdrawal of an application to the department within 30 days of the withdrawal decision.

b. Each application will be evaluated by the department to ensure that all requirements are met.

c. The applicant shall provide requested reports and information relevant to the licensing determination to the department.

108.2(3) *Applications for renewal.* Applications for renewal shall be made to the department at least 30 but no more than 90 days before expiration of the license.

108.2(4) *Notification.* Agencies will be notified of approval or denial within 90 days of application or reapplication.

108.2(5) *Certificate of license.* The department will issue or renew a license every three years, without cost, to any child-placing agency that meets the minimum requirements applicable to child-placing agencies as defined by Iowa Code chapter 238 and this chapter. The license shall be posted in a conspicuous place on the licensed premises.

108.2(6) *Provisional license.* A provisional license may be issued to an agency that does not meet all licensing requirements when the failure to meet all licensing requirements does not pose a danger to the health, safety, or well-being of the children being served. It is issued until the agency meets all requirements, up to a maximum time period of one year. A provisional license is issued when the applicant has signed a written statement that includes the following:

a. The deficiencies necessitating the provisional license, including the specific requirements that are not met.

b. A plan for correcting the deficiencies.

c. The date by which the requirements will be met.

108.2(7) *Suspension of a license.* The suspension of a child-placing license prohibits the agency from engaging in any child-placing activities during the period of the suspension. The department will suspend a license when the agency's failure to meet the requirements poses a danger to the health, safety, or well-being of the children being served. The suspension of a license will not extend beyond 12 months, and the existence of the condition requiring suspension shall be corrected within a year and documented in the agency's record. The agency shall submit a written statement for approval by the department. The statement shall include the following:

a. The deficiencies necessitating the suspended license, including the specific requirements that are not met.

b. A plan for correcting the deficiencies.

c. The date by which the requirements will be met.

108.2(8) *Completed corrective action.* When the corrective action plan is completed on or before the date specified on the provisional license or notice of suspension, a full license will be issued for the remainder of the licensing period.

108.2(9) *Denial or revocation of a license.* The department will deny an application or reapplication for a license or revoke a license when the applicant fails to meet the licensing requirements or when any of the following conditions exist:

a. The agency is operating without due regard to the health, safety, and well-being of the children being served.

b. A provisional license is not approved.

c. The recipient of a provisional license fails to complete the corrective action plan within the time allowed.

d. An agency with a suspended license fails to complete the corrective action plan on time and a provisional license is not appropriate.

e. The agency misuses public funds.

f. The agency refuses to cooperate with child protective assessments involving children placed by the agency.

g. The agency continuously and significantly violates licensing requirements.

108.2(10) *Notice.* The department will issue a notice of denial, revocation, or suspension in writing to the agency.

108.2(11) *Right to appeal.* Any agency that disagrees with the department's licensing decision may appeal to the department in accordance with 441—Chapter 2506. The appeal shall be filed on or before the thirtieth day following the date of notice of the licensing decision.

441—108.3(238) Administration and organization.

108.3(1) *Statement of purpose.* The agency shall have a written statement of its child-placing philosophy, purpose, and program. The statement shall contain a description of services and methods for service delivery and a description of the persons for whom the services will be provided. The statement shall be available to the public.

108.3(2) *Governing board.* The agency shall have a governing board that, together with the executive, shall be responsible for making policy and for financing and general management of the agency. The governing board may be either the board of directors or the owners of the agency. If the governing board is a board of directors, the following rules apply:

a. The agency shall provide for continuity of board membership.

b. The board shall meet regularly for the purpose of ensuring the proper operation of the agency and fulfilling its responsibilities.

c. The minutes of each meeting of the board shall be kept and made a part of the permanent record of the agency.

108.3(3) *Annual report.* A child-placing agency shall require the administrator to submit a written annual report of the agency's activities. The report shall include fiscal and statistical sections indicating receipts and disbursements, number of clients served, and programs. The annual report shall be available to the department.

108.3(4) *Table of organization.* A table of organization, including the identification of lines of responsibility and authority for policy making and service to clients, shall be available to agency staff and to the department.

108.3(5) *Finances.* The licensee shall:

a. Annually develop and implement a plan of financing that is necessary for the operation of the agency in carrying out its programs, ensuring proper care for children, and meeting requirements for licensing.

b. Annually provide either an audit or a detailed financial statement prepared by an independent fiscal agency that provides a review of receipts and disbursements and a statement of fund balances.

c. Retain fiscal records for five years.

108.3(6) *Employment of administrator.* The agency shall employ a qualified administrator and shall delegate to the administrator the responsibility for the administration of the agency. The administrator shall ensure that the mission of the agency and laws relating to the welfare and protection of children are carried out.

108.3(7) *Office space, equipment and supplies.* The agency shall provide and maintain sufficient office space, equipment, and supplies to ensure delivery of services.

441—108.4(238) Staff qualifications.

108.4(1) *Qualifications for all staff.* A child-placing agency employee or volunteer shall have the experience and education to perform the duties assigned. The agency shall not employ any person or give any person direct volunteer responsibility for a child or access to a child when the child is alone if that person has been convicted of a crime involving the mistreatment or exploitation of a child or dependent adult. The agency shall not employ any person or give any person direct volunteer responsibility for a child or access to a child when the child is alone if that person has a record of a criminal conviction or founded child or dependent adult abuse report unless the department has evaluated the crime or abuse and determined that the crime or abuse does not merit prohibition of volunteering or employment. If the child-placing agency is out of state, the agency shall complete that state's child or dependent adult abuse record check and a criminal record check.

a. If a record of criminal conviction or founded child or dependent adult abuse exists, the person shall be offered the opportunity to complete a Record Check Evaluation form for evaluation by the department pursuant to 441—Chapter 119.

b. In its evaluation, the department will consider:

(1) The nature and seriousness of the crime or founded abuse in relation to the employment or volunteer position sought;

(2) The time elapsed since the commission of the crime or founded abuse;

(3) The circumstances under which the crime or founded abuse was committed;

(4) The degree of rehabilitation;

(5) The likelihood that the person will commit the crime or founded abuse again; and

(6) The number of crimes or founded abuses committed by the person involved.

c. The agency shall maintain the following information with respect to each staff person:

(1) Documentation that a criminal record check with the Iowa division of criminal investigation has been completed on the staff person prior to the staff person's providing any care or service directly or indirectly to children under the care of the agency. A copy of the department's evaluation of the criminal record check shall be kept in the staff record.

(2) A written, signed and dated statement furnished by the staff person that discloses any founded reports of child or dependent adult abuse on the person that may exist prior to the staff person's providing any care or services to or on behalf of the facility.

(3) Documentation that a child or dependent adult abuse record check of the staff person has been completed with the Iowa central abuse registry for any founded reports of child or dependent adult abuse prior to the staff person's providing any care or services directly or indirectly to children under the care of the agency. A copy of the department's evaluation of this child or dependent adult abuse record check shall be kept in the staff record.

108.4(2) *Contracted employees.* A child-placing agency that contracts for services shall ensure that contracted employees meet the same qualifications, training, and evaluation requirements as those of workers in employed positions. A child-placing agency is responsible for the services provided by contracted providers as well as volunteers and agency employees.

108.4(3) *Qualifications of administrator.* An agency administrator shall possess one of the following:

a. A master's degree in social work, sociology, psychology, guidance and counseling, a related area of human services, education, business administration, or public administration and two years of experience in a public or private social services agency.

b. A bachelor's degree in social work, sociology, psychology, guidance and counseling, a related area of human services, education, business administration, or public administration and four years of experience in a public or private social services agency.

108.4(4) *Caseworker qualifications.* Therapy and counseling services, psychosocial evaluation and assessment and care plan development shall be provided by staff who meet one of the following minimum education and experience criteria:

a. Graduation from an accredited four-year college or university and the equivalent of three years of full-time experience in social work or experience in the delivery of human services in a public or private agency.

b. Graduation from an accredited four-year college, institute or university with a bachelor's degree in social work from a program accredited by the council on social work education.

c. Graduation from an accredited four-year college or university with a bachelor's degree in a human service field related to social work, psychology, or a related behavioral science or in education and the equivalent of one year of full-time experience in social work or experience in the delivery of human services in a public or private agency.

d. Graduation from an accredited four-year college or university with a master's degree in social work or related human service field.

e. Any equivalent combination of graduate education in the social or behavioral sciences from an accredited four-year college or university and qualifying experience up to a maximum of 30 semester hours for one year of the required experience.

108.4(5) *Person filling more than one position.* A person functioning in more than one position in the agency specified by these rules shall meet the requirements for each of the positions the person fills.

441—108.5(238) Staffing requirements.

108.5(1) *Number of staff.* The agency shall employ a sufficient number of qualified staff to perform duties as required by licensing rules for those programs operated by the agency. This shall include the following:

a. Administration of services offered by the agency.

b. Selection and appointment of qualified staff.

c. Provision for staff training.

108.5(2) *Staffing caseload.* The agency shall develop a written policy regarding a staffing ratio based on the workload necessary to provide services in accordance with the agency's program statements. The staffing ratio shall take into consideration all of the following:

a. Qualifications of the caseworkers.

b. Types of children served and their special needs.

c. Types and intensity of services to be provided.

d. Distances involved in provision of services.

e. Other functions or responsibilities of the caseworkers.

441—108.6(238) Personnel administration.

108.6(1) *Personnel policies.* An agency shall develop personnel policies in writing that identify responsibilities of the organization and staff. The policies shall specify hours of work, grievance procedures, sick leave, vacation, and all other benefits. A copy of the policies shall be made available to the employee at time of hire.

108.6(2) *Job description and evaluation.* There shall be a written job description for each employee, volunteer, and contracted position identifying duties, qualifications, education, training requirements, and lines of authority. A copy shall be made available to the employees, volunteers, and contracted workers. There shall be a written evaluation of an employee's or contracted worker's performance within six months of being hired or contracted, and annually thereafter.

108.6(3) *Staff training.*

a. An agency shall provide orientation training on the agency's purpose, policies and procedures within one month of hire and 24 hours of training in the first year of employment for all employed and contracted casework staff. The 24 hours of training shall include, at a minimum, training on:

(1) Family foster care services,

(2) Adoption services,

(3) Supervised apartment living services, or

(4) Children and families' mental health topics; and

(5) Two hours of training related to the identification and reporting of child abuse for all employed or contracted casework staff in accordance with Iowa Code section 232.69.

b. An agency shall provide 12 hours of training per year after the first year of employment for all employed or contracted casework staff. The 12 hours of training shall include training on:

(1) Family foster care services,

(2) Adoption services,

(3) Supervised apartment living services, or

(4) Children and families' mental health topics; and

(5) Child abuse training every three years in accordance with Iowa Code section 232.69.

c. Approved training formats that shall qualify as training are:

(1) In-service trainings, seminars, conferences, workshops, and institutes,

(2) Visiting other facilities, and

(3) Meeting with consultants.

d. The training provided shall be documented. The documentation shall include the training topic, format, date and number of hours.

108.6(4) *Volunteers.* An agency that utilizes volunteer or student intern staff to work directly with a particular child or group of children shall have a written plan for using these volunteers. This plan shall be given to all volunteer staff and shall indicate that all volunteers are:

a. To be supervised directly by a paid staff member.

b. To be trained and oriented in the philosophy of the agency, the needs of the clients being served, and the methods of meeting these needs.

c. To be subject to the character and reference disclosure and checks required of employed and contracted applicants and employees.

d. To be subject to the same confidentiality rules as paid or contracted staff.

e. To assist and supplement paid staff only, and not replace them.

108.6(5) *Personnel records.* A confidential personnel record shall be maintained for each employee, contracted agent, and volunteer. The record shall contain all of the following information:

a. Name and address.

b. Record of training sessions attended, including dates and content of training.

c. Record of criminal convictions and the department's evaluation of same.

d. Record of founded child or dependent adult abuse reports and the department's evaluation of those reports.

441—108.7(238) Foster care services.

108.7(1) *Program statement.* An agency authorized to place children in foster care shall have a current written program statement. This statement shall be made available to all agency foster parents, foster children, their parents, referring agencies, and all persons making formal inquiry regarding foster care. The program statement shall include all of the following:

a. Types of foster care provided.

b. Types of children accepted for foster care.

c. Types of services provided to the children, their families, and their foster families.

d. Fees and application costs, if any.

108.7(2) *Agency's authorization to place.* The agency shall obtain a signed placement agreement from the child's custodial parent or legal custodian within 48 hours of placement.

108.7(3) *Preplacement documentation.* Except for emergency placements, a child shall be placed in the agency's foster care program only after the agency determines that its foster care program is an appropriate resource.

108.7(4) *Placement of siblings.* Preference shall be given to placing children from the same family together. If this is not in the best interest of the child, the reasons shall be documented in the child's record.

108.7(5) *Consideration of racial and cultural identity.* Race, color, or national origin may not be routinely considered in placement selections. Placement decisions shall be made consistent with the best interests and special needs of the child.

108.7(6) *Placement preparation.* An agency shall document the preparation for each child placed in foster care. Preparation shall be appropriate to the child's age, individual needs, the circumstances requiring placement, and the special problems presented. Preparation activities shall, when possible, include:

a. Face-to-face visits.

b. A description provided to the child of the foster family.

c. A description of the child's strengths and needs and safety-related information provided to the foster family. Safety-related information shall be withheld only if:

(1) Withholding the information is ordered by the court; or

(2) The department or the agency developing the service plan determines that providing the information would be detrimental to the child or to the family with whom the child is living.

d. Any other activities deemed significant.

108.7(7) *Initial placement outline.* If a placement outline is not in the child's case permanency plan, a brief outline documenting all of the following shall be entered in the child's case record within five working days after placement:

a. Name, birthdate, sex, race, and other significant identifying information.

b. Date of placement.

c. Name and address of parents or legal guardians.

d. Names and whereabouts of siblings.

e. Religious preference.

f. Immediate and significant health needs including the child's physical and emotional state at the time of placement.

g. The circumstances leading to the need for foster care.

h. Known previous out-of-home placements.

i. The immediate needs of the child and parents and services to be provided to meet these needs.

j. The name, address, and telephone number of the referring agent or worker.

108.7(8) *Education.* Within ten school days of placement, provisions shall be made by the agency for enrollment of each child of school age into a school program.

108.7(9) *Clothing.* An agency shall make provisions for adequate and individualized clothing for each child admitted into foster care.

108.7(10) *Monthly visit.* Each child in care shall be personally visited by the assigned caseworker at least once a month.

108.7(11) *Parent and child contact.* Provisions for contact between parents and children shall be made except where the parental rights have been terminated or where the court has determined that visits or contact are detrimental to the child.

a. If the mother is breastfeeding the child:

(1) An assessment shall be made whether continuation of breastfeeding is in the best interest of the child; and

(2) A plan shall be developed to support the mother's breastfeeding efforts, if appropriate.

b. The parents and child shall be informed of the contact plan in a manner consistent with their capacity to understand.

108.7(12) *Health and dental program.* An agency shall provide for a complete health and dental program for each child. An agency shall have a written procedure for handling medical emergencies on a 24-hour basis. A copy of the procedure shall be given to each foster home.

a. The agency shall obtain written authorization from the parent or legal guardian to provide medical, psychiatric, dental, anesthesia, immunization, substance abuse evaluation, and emergency surgical treatment. Only the parent or legal guardian shall consent to nonemergency surgery, unless ordered by court. If the child's parent prohibits medical examination, immunization, or treatment based on religious grounds, the agency shall obtain a signed statement from the parent that specifies the prohibitions. In potentially life-threatening situations, the agency shall refer the child's care to appropriate medical and legal authorities.

b. A child shall have a physical examination at least annually. This shall be performed by a licensed physician, physician associate or licensed nurse practitioner.

c. A child shall have current immunizations as required by the department. If documentation of prior immunization is unavailable, immunizations shall begin within 30 days of placement, unless contraindicated and unless a statement from a physician to that effect is included in the child's medical record. A statement from physician, referring agency, parent, or guardian indicating immunizations are current is sufficient documentation of immunizations.

d. An agency shall provide for dental examinations and treatment, including the initial referral at 12 months of age, the next at 24 months of age, then every 6 months.

e. A health record shall be maintained for each child and shall include all of the following:

(1) Authorization for medical care.

(2) A medical history and copies of required physical examinations.

(3) A record of medical and dental care, treatment and prescribed medication, immunizations, accidents requiring medical treatment, and hospitalizations. At the time of discharge from agency foster care, a summary of this record shall be provided to the legal custodian. Information about drug evaluation or treatment, sexually transmitted infection tests, HIV tests, and pregnancy tests shall be excluded.

108.7(13) *Service plan development and review.* The provider shall develop and revise service plans for each child in placement. An initial service plan shall be developed within 30 calendar days of placement in foster care. The provider shall identify qualified persons to monitor the services identified in the service plan to ensure that the plan continues to be necessary and appropriate and addresses the permanency goal. Service plans shall be developed and reviewed as follows:

a. The service plan shall be developed and revised in collaboration with the referral worker, child, family, and the foster parents unless the service plan contains documentation for the treatment rationale for the lack of involvement of one of these parties. The provider shall document the dates and content of the collaboration on the initial and revised service plans. The provider shall provide a copy of the initial and revised service plans to the child's parent and the referring agency, unless otherwise ordered by the court. The initial and revised service plan shall identify the following:

(1) Strengths and needs of the child and parents.

(2) Goals, which are statements of outcomes to be achieved in meeting the needs of the child including the child's permanency needs.

(3) Objectives, which are specific, measurable and time-limited statements of indicators, levels of competence, or accomplishments that are necessary for progress toward each goal.

(4) Specific treatment service activities to be provided to achieve the objectives.

(5) Designation of the persons responsible for providing the services.

(6) Date of initiation and service plan development.

(7) Anticipated duration of services.

b. All service plans shall be reviewed 90 calendar days from the initiation of services and every 90 calendar days thereafter for the duration of the services or when the needs of the child or the services necessary for the parents to meet the needs of the child have changed and these changes significantly affect goals, objectives and service activities. The review shall determine whether the services continue to be necessary, appropriate and consistent with the child's permanency goal. The reviewer shall revise the service plan to reflect the services that are necessary, appropriate, and consistent with the child's permanency goal.

108.7(14) *Information for foster parents.* At the time of placement, an agency shall provide foster parents with all of the following if known:

a. Name of the child, agency caseworker, and referring agency.

b. Information about the child's known behavioral characteristics, including safety-related information, needs, and plans for the child and family. Safety-related information shall be withheld only if:

(1) Withholding the information is ordered by the court, or

(2) The department or the agency developing the service plan determines that providing the information would be detrimental to the child or to the family with whom the child is living.

c. Written consent to obtain routine, nonsurgical medical care and to authorize emergency medical and surgical treatment, anesthesia, and immunizations for each child placed in the foster home.

d. A copy of the child's current physical examination and medical history when completed. As this information becomes available to the agency, foster parents shall be informed immediately.

108.7(15) *Religious policy.* The agency shall have a written policy on religious participation and training for foster children. The agency shall provide the policy to parents and foster parents and shall ensure that the policy is adhered to in each foster home.

108.7(16) *Mail.* There shall be a written policy that ensures that foster children are permitted to send and receive mail.

108.7(17) *Allowance policy.* An agency shall have a written policy addressing payment of and accounting for personal allowances for foster children.

108.7(18) *Reporting hospitalization or death of child.* Any serious injury or illness requiring hospitalization of a child in care shall be reported to the parent and to the responsible agency as soon as possible. Efforts to notify parents and responsible agency staff shall be documented in the child's record. The death of a child shall be reported immediately to the parent or next of kin and to the referring agency.

108.7(19) *Foster care records.* The agency shall maintain confidential individual records for each child placed in a foster home. The record shall include:

a. The initial placement outline as set forth in subrule 108.7(7).

b. All legal documents pertaining to the child.

c. The child's health record, including psychological and psychiatric reports.

d. The summary narrative that reflects the dates and content of the caseworker's contact regarding the child.

e. Educational records and reports.

f. All service plans developed by the agency.

g. Case permanency plans developed by the referring agency.

h. A record of foster placements made by the agency including foster parents' names and addresses and dates of placements.

108.7(20) *Termination of foster care.* When a foster care placement is terminated, all of the following information shall be documented in the child's record within 30 days:

a. Reason for termination.

b. Current location of the child, unless the child was placed for adoption. In that case the record shall state only that the child was placed for adoption and shall not disclose the identity of the adoptive family unless the adoptive family agrees to disclosure of identity prior to finalizing of adoption.

c. Steps remaining to achieve permanency plan goal.

d. Provisions for follow-up, if any.

e. For unplanned terminations, a summary explaining the circumstances.

441—108.8(238) Foster home studies. The agency shall provide information to prospective foster parents about foster care, agency policies, licensing requirements for foster care, the children needing foster care, the licensing process and the reimbursement rates.

108.8(1) *Licensing procedures.*

a. Availability of applications. The agency may provide an application form to anyone requesting to be licensed.

b. Licensing study. The agency may complete a licensing study of the family if warranted.

c. New applications. If the child-placing agency decides to complete the initial licensing study, the agency shall submit to the department all documents and information required pertaining to the licensing and regulation of foster family homes. This shall include a narrative evaluation of the foster family home that reflects a thorough study of each foster family. The narrative shall document at least two face-to-face interviews with the prospective foster family and at least one face-to-face interview with each member of the household before the placement of a child. At least one interview shall take place in the applicant's home. The narrative summary of the family study shall assess all of the following:

(1) Motivation for foster care.

(2) Family's and extended family's attitude toward accepting foster children.

(3) Family's attitude toward foster children's parents.

(4) Emotional stability, physical health, and compatibility of foster parents, and ways they cope with change and stress.

(5) Adjustment of own children, if any.

(6) Assessment of the child-caring skills, including disciplinary techniques used.

(7) Strengths and weaknesses of each member of the household.

(8) Types of children desired.

(9) Type of children, if any, for whom placement with the family would be appropriate.

(10) Recommendation as to the number, age, sex, characteristics, and special needs of children best served by this family.

(11) Assessment of the need for training and a plan for providing the needed training.

(12) Any other pertinent information that might assist the agency in making the licensing recommendation.

(13) Record checks. The licensed child-placing agency shall submit record checks for each applicant and for anyone who is 14 years of age or older living in the home to determine whether they have any founded child or dependent adult abuse reports or criminal convictions or have been placed on the sex offender registry. The licensed child-placing agency shall use forms provided by the department for this purpose. The department's contractor for the recruitment and retention of resource families shall assist applicants in completing required record checks, including fingerprinting. Any criminal or abuse records discovered shall be evaluated according to the procedures in rule 441—113.13(237).

(14) Health of foster parents and impact of medical conditions on their ability to foster a child.

(15) Income information.

(16) Documentation that at least three references have been received and the responses reviewed.

108.8(2) *Licensing decision.* The department will make the licensing decision and notify the applicant and the child-placing agency within 30 days of the licensing decision. In no case will a child be placed in a foster home before licensing approval.

a. A full license will be issued to foster families meeting all necessary criteria for a full licensure.

b. A provisional license may be issued for up to one year if the foster family fails to meet all requirements for licensure. When an agency recommends, because of rule violation, that a foster home receive a provisional license at the time the license is issued or renewed, the agency shall document the violation in the foster home file, and shall send the following to the department:

(1) A copy of the assessment of the rule violation and recommendation.

(2) A copy of the foster home's plan to achieve rule compliance within stipulated time frames.

c. When an agency recommends that a foster home license be denied or revoked, the agency shall send the following documents to the department:

(1) A copy of the assessment of rule compliance and the foster family's reaction to the assessment.

(2) The agency's recommendation and supporting rationale.

(3) Other appropriate documents supporting the findings.

108.8(3) *Reapplications.* At least 30 days before the expiration of the license, the agency shall submit all documents and information pertaining to the licensing and regulation of foster family homes. This shall include an update of the narrative noting any changes that may have occurred in the foster family's living arrangement or life style and any other pertinent information that might assist in making the licensing decision, including an assessment of the foster family's ability to provide foster care.

108.8(4) *Unannounced visits.* The agency shall conduct at least one annual unannounced visit to each licensed foster family home the agency inspects to meet the requirements of Iowa Code section 237.7.

108.8(5) *Complaints.* When an agency receives a complaint that may indicate possible violation of the foster care licensing rules, the agency shall, within five working days of receiving the

complaint, either conduct an investigation to assess compliance with applicable rules or refer the complaint to the department for assessment. If the agency conducts the investigation, the agency shall submit a written report of the investigation to the department within ten working days of receiving the complaint with a statement of rule violation and a recommendation regarding the license of the foster family home. The written report shall be filed in the foster parents' file.

108.8(6) *Foster family training.* The agency shall ensure that each foster home recommended for foster family license has complied with the training requirements set forth by the department. Prior to licensure and every three years thereafter, each foster parent shall obtain mandatory reporter training relating to identification and reporting of child abuse.

108.8(7) *Placement agreement.* When a child is placed with a foster family, the agency shall have a signed agreement with each foster family home including the expectations and responsibilities of both the agency and the foster family, the services to be provided, and the financial arrangements for children placed in the home.

108.8(8) *Foster family home records.* The agency shall keep separate records for each foster family home. The agency shall begin the record at the time of application. Foster family home records shall contain:

a. The application.

b. Family assessment.

c. Most recent medical reports on foster family members.

d. Summary of dates and content of worker's contacts relating to licensing or relicensing.

e. Reference letters.

f. Annual assessment of strengths and weaknesses of the foster family relative to the care of individual children placed with them.

441—108.9(238) Adoption services.

108.9(1) *Program statement.*

a. An agency licensed to place children for adoption shall have a current written program statement that shall include all of the following:

(1) Characteristics of children to be placed.

(2) Eligibility requirements for adoptive families.

(3) Services provided during the adoption process.

(4) Services to the birth parents upon relinquishment.

(5) Postadoption services to adoptive families, if offered.

(6) Explanation of all fees and any other costs for which the adoptive family is responsible for payment.

(7) A statement that payment of fees does not ensure adoption approval.

b. The program statement shall be made available to referring agencies and to all persons making formal inquiry regarding adoption.

108.9(2) *Services to birth families.* An agency that offers services to birth parents who are considering relinquishing a child for adoption shall provide the following:

a. Intake process. When an agency agrees to provide services to the birth parents, intake interviews shall be conducted, including provision of information to the birth parents regarding the adoption process and their rights and role.

(1) When an agency completes a background information investigation report on the child to be adopted, a personal interview with each parent of the child must be completed unless a parent's identity or whereabouts is unknown.

(2) If a parent's identity or whereabouts is unknown, as much information as possible shall be obtained from the other parent or other sources if available.

b. Background information on birth parents. The agency shall obtain as much information as possible about birth parents that includes but is not limited to:

(1) Birth parents' strengths and needs.

(2) Birth parents' physical description.

(3) Birth parents' and extended family members' medical and mental health history.

(4) Parents' criminal history.

(5) Birth parents' educational level.

(6) An affidavit signed by the birth parents instructing the court to reveal, or not reveal, their names to the child pursuant to Iowa Code chapter 600.

(7) Any additional information the birth parents wish to include in the child's adoption record.

c. Background information for an infant adoption. Information shall be obtained that includes but is not limited to the following:

(1) The child's due date.

(2) Prenatal care received by the mother during pregnancy.

(3) Risk factors that may affect the child's health after birth.

(4) Birth records following the child's birth, if available.

d. Background information on an older child. Information shall be obtained that includes but is not limited to the following:

(1) The child's legal status.

(2) The child's physical description, medical and mental health history, developmental information, and other pertinent information necessary for a child study.

(3) Identification of any specific and unique needs of the child and the type of family to be considered for adoptive placement.

(4) The involvement of the birth parents and significant others in the child's care.

e. A copy of the background information of the child and birth parents shall be provided to the prospective family before placement of the child.

f. Birth parent counseling. If accepted by the birth parents, the counseling shall be provided after the birth of the child and prior to the signing of a release of custody that meets the requirements of Iowa Code chapter 600A or prior to the filing of a petition for termination of parental rights.

(1) The purpose of the counseling is to:

1. Provide information about options to assist birth parents in making an informed decision regarding release of custody.

2. Assist birth parents in resolving emotional issues related to separation and loss.

(2) Counseling shall be provided to birth parents only by the following persons:

1. Certified adoption investigators.

2. Mental health professionals who have the equivalent of two years of adoption work experience in the direct provision of adoption services.

3. Private agency staff with two years of adoption work experience in the direct provision of adoption services.

4. Department staff with two years of adoption work experience in the direct provision of adoption services.

(3) Forms. All forms used to execute a release of custody shall comply with the requirements of Iowa Code chapters 600 and 600A.

(4) Affidavit and documentation. The person providing the counseling shall complete the Counseling Affidavit to certify that the counselor has provided the birth parent with the requested counseling or that the birth parent has refused counseling. The Counseling Affidavit and documentation that the person providing the counseling is qualified to provide the requested counseling shall be attached to the release of custody. Documentation shall include one of the following:

1. A copy of a professional license, when applicable.

2. A record of all adoption work experience, including dates and location. In addition, the person providing counseling shall provide the names of the counselor's employers and supervisors to enable the court to verify the counselor's adoption work experience.

108.9(3) *Preparation of child for adoptive placement.* Preparing a child, especially an older child, includes activities designed to enable a child to make a transition to an adoptive placement. The activities shall include but are not limited to:

a. Counseling regarding issues of separation, loss, grief, guilt, anger and adjustment to an adoptive family.

b. Provision of age-appropriate information regarding community resources available, such as children's support group to assist the child in the transition and integration into the adoptive family.

108.9(4) *Services to adoptive applicants.*

a. Application process. Before proceeding with an adoptive home study, the agency shall have received an application for adoption from the person or persons wishing to adopt a child. The application form shall include information about the applicant's intent to become an adoptive parent and the basic data about the applicant's family, home, financial status, health, and references.

b. Explanation of the adoption process. The agency shall provide the applicant an explanation of the entire adoption process, including the legal procedures, the agency policies and procedures regarding placement of children, and the children available for adoption.

c. Adoptive home study. The home study consists of a family assessment that shall include at least two face-to-face interviews with the applicant and at least one face-to-face interview with each member of the household. At least one interview shall take place in the applicant's home. The assessment shall include but need not be limited to the following:

(1) Motivation for adoption and whether the family has biological, adopted or foster children.

(2) Family and extended family's attitude toward accepting an adopted child, and plans for discussing adoption with the child.

(3) The attitude toward adoption of other people involved with the family in a significant way.

(4) Emotional maturity; marital history, including verification of marriages and divorces; assessment of marital relationship; and compatibility of the adoptive parents.

(5) Ability to cope with problems, stress, frustrations, crises, separation and loss.

(6) Medical, mental, or emotional conditions that may affect the applicant's ability to parent a child.

(7) Ability to provide for the child's physical and emotional needs and to respect the child's cultural and religious identity.

(8) Description of biological and previously adopted children, if any, including their attitudes toward adoption, relationship with others, and school performance.

(9) Capacity to give and receive affection.

(10) Statements from at least three references provided by the family and other unsolicited references that the agency may wish to contact.

(11) Attitudes of the adoptive applicants toward the birth parents and the reasons the child is available for adoption.

(12) Income information, including the family's ability to financially provide for a child.

(13) Disciplinary practices that will be used.

(14) History of abuse involving family members, including how the abuse was addressed and how that history impacts the applicant's ability to be an adoptive parent.

(15) Assessment of, commitment to, and capacity to maintain other significant relationships.

(16) Substance use or abuse by members of the household, treatment history and current status of treatment.

(17) Recommendations for the number, age, sex, characteristics, and unique needs of children best parented by this family.

(18) The family's ability to anticipate and understand the unique needs of an adopted child as the child gets older and how the family will manage those needs.

d. Record checks. The licensed child-placing agency shall perform record checks for each applicant and for the other persons living in the home of the applicant as follows:

(1) The records of the applicants shall be checked:

1. Using the Request for Child and Dependent Adult Abuse Information form;

2. Using the Iowa division of criminal investigation's Criminal History Record Check Request form;

3. On the Iowa sex offender registry;

4. On the child or dependent adult abuse registry of any state where the applicant has lived during the five years prior to the issuance of the investigative report; and

5. For a national criminal history through fingerprinting or another biometric identification-based process accepted by the federal government.

(2) The records of persons aged 14 or older living in the home of the applicant shall be checked:

1. On the Iowa central abuse registry;

2. By the Iowa division of criminal investigation; and

3. On the Iowa sex offender registry.

(3) Out-of-state child and dependent adult abuse checks and national criminal history checks may be completed on any adult in the home of the applicant if the certified adoption investigator believes it is warranted.

(4) The agency shall not approve a prospective applicant and the department will not perform an evaluation if the applicant or anyone living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2)*"b."*

(5) The agency shall not approve a prospective applicant and shall not perform an evaluation if the applicant or anyone living in the home of the applicant has committed a crime in a state other than Iowa that would be a forcible felony if the crime would have been committed in Iowa, as set forth in Iowa Code section 600.8(2)*"b."*

e. Evaluation of record. If the applicant or anyone living in the home has a record of founded child or dependent adult abuse, a criminal conviction, or placement on the sex offender registry, the applicant shall not be approved to adopt unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

(1) The evaluation shall consider the nature and seriousness of the founded abuse or crime in relation to adoption, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person.

(2) The person with the criminal conviction or founded child or dependent adult abuse report shall complete and return the Record Check Evaluation form within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return the form within the specified time frame may result in a written denial of approval for adoption.

(3) If the applicant, or anyone living in the home of the applicant, has been convicted of a simple misdemeanor or a serious misdemeanor that occurred five or more years prior to application, the evaluation and decision may be made by the department. The department will notify the applicant of the results of the evaluation.

(4) If the applicant, or any person living in the home of the applicant, has a founded child or dependent adult abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years prior to application, the licensed child-placing agency shall initially conduct the evaluation.

1. If the licensed child-placing agency determines that the abuse or crime does warrant prohibition of approval, the licensed child-placing agency shall notify the applicant of the results of the evaluation in writing. The notice shall contain information on appeal rights.

2. If the child-placing agency determines that the applicant should be approved despite the abuse or criminal conviction, the agency shall provide copies of the Record Check Evaluation form and the written notice to the applicant to the department. Within 30 days, the department will determine whether the abuse or crime merits prohibition of approval and will notify the child-placing agency in writing of that decision.

f. Agency decision. The licensed child-placing agency shall notify the applicant in writing no later than 30 days after completion of the home study of the agency's decision regarding approval for placement of a child.

(1) If the applicant is denied approval, the agency shall state the reasons for denial in the written decision.

(2) The agency worker and supervisor shall date and sign the adoptive home study.

(3) The agency shall provide a copy of the home study to the family at the time the written notice is sent.

(4) An agency shall not place a child in an adoptive home before the family is approved or before a placement agreement is signed by the family and the agency.

(5) A home study shall be valid for up to two years from the date signed by the agency worker and supervisor.

g. Denial. The licensed child-placing agency shall deny approval of an adoption application when:

(1) The applicant or any other person living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2)*"b."*

(2) The minimum standards set forth in these rules are not met and cannot be corrected.

(3) The applicant or any person residing in the home has been convicted of a crime, unless an evaluation of the crime has been made by the department that concludes that the crime does not merit prohibition of approval.

(4) The applicant or any person residing in the home has a record of founded child or dependent adult abuse, unless an evaluation of the founded child or dependent adult abuse has been made by the department that concluded that the founded child or dependent adult abuse does not merit prohibition of approval.

(5) The application is fraudulent, which means the applicant has knowingly made false statements or has knowingly concealed information that is material to the investigation.

h. Updates. To remain valid, an update to the home study shall be completed no later than 24 months from the previous home study or previous home study update. The update shall be conducted by completion of the following:

(1) The child and dependent adult abuse and criminal history record checks, except for the national criminal history check, shall be repeated. Any abuses or convictions of crimes since the last record check shall be evaluated using the same process.

(2) A minimum of one home visit shall be conducted with the approved adoptive family.

(3) The information in the approved adoptive home study shall be reassessed.

(4) A written report of the assessment and updated adoptive home study shall be completed, dated, signed by the agency worker and the agency supervisor, and provided to the adoptive family.

i. Annual visits to the adoptive home. The agency shall complete a minimum of one visit each year in the homes of families approved to adopt by the agency.

(1) The visit shall include, at a minimum, assessment of the following areas:

1. Home environment.
2. Persons present at the time of the visit.
3. Changes in the home or household members, or other areas addressed in the home study.

(2) When a person aged 14 or older moves into the home, the agency shall perform checks on the Iowa central abuse registry, by the division of criminal investigation, and on the sex offender registry. The record check evaluation process shall be completed if the person has a criminal conviction or founded child or dependent adult abuse report or is on the sex offender registry.

(3) The findings from the visit shall be documented and maintained in the file.

108.9(5) *Services to adoptive families.*

a. Preparation of the family includes activities designed to prepare the adoptive family for the placement of a particular child. These activities shall assist the adoptive family in expanding its

knowledge and understanding of the child and enhance the family's readiness to accept the child into the family and encourage the family's commitment. The activities shall include, at a minimum:

(1) Providing background information on the child and the birth family, including a child study.

(2) Providing information regarding the unique needs and characteristics of the child.

(3) Providing information regarding an older child's anticipated behavior.

(4) Discussing the impact that adding a new member to their family may have on all current family members.

(5) Discussing the issues of separation, loss, grief, anger, and guilt that adoptive children experience at various developmental stages.

(6) Providing the family with community resources that are available, such as support groups.

b. Preplacement services include the preplacement visits of the child and approved family and any activities necessary to plan, conduct, and assess these transitional visits before the placement of the child in the adoptive family's home for the purpose of adoption.

c. Postplacement services include postplacement supervision, support, crisis intervention, and required reports to the court. The postplacement services are provided from the time the child is placed with an approved adoptive family until finalization of the adoption occurs.

(1) A minimum of three face-to-face postplacement visits in the family's home are required.

(2) At a minimum, the first visit shall be completed within 30 days after placement, the second visit within 90 days after placement, and the final visit before granting consent to adopt no later than 180 days after placement.

(3) Postplacement visits shall be completed as often as necessary if the adoptive family is experiencing problems, and may extend to finalization or beyond 180 days if additional time is needed as determined by the family, agency, or department.

d. Postplacement supervision. The agency shall provide postplacement supervision to assess the unique needs of the child including but not limited to the following areas:

(1) Integration and interaction of the child with the family.

(2) Changes in the family functioning that may be due to the child's placement.

(3) Social and emotional adjustment of the child.

(4) Child's growth and development since placement with the adoptive family.

(5) Changes and adjustments that have been made in the family since the child's placement.

(6) Family's method of dealing with testing behaviors and discipline.

(7) Behavioral evidence of the degree of bonding that is taking place and the degree to which the child is becoming a permanent member of the adoptive family.

(8) School adjustment of a child who is attending a school.

(9) The behavioral needs of the child.

(10) The psychological and mental health needs of the child.

(11) Services and supports that will assist the family in the future.

e. Postadoption services. The agency shall provide postadoption services to adoptive parents and adoptees, or shall refer adoptive parents and adoptees to other community resources for the services.

f. Postplacement reports. The agency worker shall prepare a written report based on observations made during each home visit. Each report shall address the specific needs of the child and the family's ability to meet those needs. The reports shall be used by the agency in making a written recommendation to the court regarding finalization of the adoption.

108.9(6) *International adoptions.*

a. International adoptions preplacement investigation. Preplacement investigations for the purpose of international adoptions shall meet the requirements of the United States Citizenship and Immigration Services.

b. International adoptions postplacement report.

(1) For an adoption based on a decree issued by a jurisdiction outside of Iowa but within the United States, the agency shall conduct a postplacement investigation and issue a postplacement report as required in subrule 108.9(5).

(2) For an adoption based on a decree issued by a jurisdiction outside the United States, an investigator shall conduct a postplacement investigation that consists of a minimum of three face-to-face visits with the minor person and the adoptive parents during the first year after placement with the first such visit to be conducted within 60 days of the placement of the minor person in the adoptive home. Additional visits may be conducted if required by the jurisdiction that issued the decree.

(3) The postplacement investigation and report under this subrule shall include documentation that any unique needs of the minor person are being met appropriately through the placement.

108.9(7) *Religious policy.* There shall be a written policy on religious participation for prospective placing parents, adoptive parents, and adoptees. The policy shall be made available to referral sources as well.

108.9(8) *Adoption records.* The agency shall keep separate records for each prospective, approved, or active adoptive family. Contents of these records shall be as follows:

a. The application.

b. The adoptive home study.

c. Current medical records.

d. All references.

e. All legal documents pertaining to the adoption.

f. Birth family information and background report, including physical descriptions, medical and mental health history, educational level, developmental history, and problem areas such as substance or alcohol abuse.

g. Summary narrative on the placement decision and the preplacement and postplacement contacts with the adoptive family and child.

h. Information pertaining to the child including but not limited to physical, medical, and mental health; problem areas, including verification of the child's special needs; and whether or not a referral was made to the department for adoption subsidy.

i. In the event a family is not approved for placement of a child, the narrative shall clearly indicate the reason.

j. In the event a family is approved, but no child is placed with them, the narrative shall clearly indicate the reason.

108.9(9) *Right to appeal.* An adoptive applicant or an adoptive family may appeal an adverse decision made by a licensed agency pursuant to 441—Chapter 2506. The appeal shall be filed with the department within 30 days of the notice of decision to the applicant or family by the licensed agency.

108.9(10) *Disposition of records.* When an adoption has occurred, the agency must maintain all records regarding the child, the birth family, and the adoptive family or families in perpetuity. Any subsequent information received following the adoption finalization shall be placed in the adoption record. If the agency closes, all adoption records shall be forwarded to the department.

441—108.10(238) Supervised apartment living placement services. An agency seeking to obtain a child-placing license that authorizes the agency to place or supervise children in supervised apartment living placements shall meet the standards set forth in rules 441—108.2(238) through 441—108.6(238).

108.10(1) *Program statement.* An agency authorized to place or supervise children in supervised apartment living placements shall have a current written program statement that shall be provided to all children placed in supervised apartment living. The statement shall include all of the following:

a. A description of the types of living arrangements approved by the agency.

b. The eligibility requirements for the children who may be placed in a supervised apartment living placement.

c. The means of financial support for the children.

d. The expectations the agency has for children while placed in a supervised apartment living placement.

e. Services provided to the children.

f. Provisions for emergency medical care.

g. A description of the education and community activity options that are available.

108.10(2) *Basis for placement.* Before placing a child in supervised apartment living, an agency shall document all of the following:

a. The child is at least 16 years of age.

b. An initial assessment has been made that identifies the child's strengths and needs as these pertain to the child's ability to live independently.

c. The child has the capacity to function outside the structure of a foster family or group care setting.

d. The selection of a supervised apartment living placement is the most appropriate placement for the child.

e. The child will be involved in school or an educational or vocational program, work, or a combination thereof, as indicated in the child's individual service plan.

f. The child has entered into a mutually agreed-upon written contract with the agency that specifies the responsibilities of the agency and the child. This contract shall be reviewed with the child quarterly.

g. The agency has determined, through a visit to the living arrangement, that the following minimum standards for approval have been met:

(1) The living arrangement provides reasonably convenient access to schools, places of employment, and services required by the child.

(2) The living arrangement is in compliance with the applicable state and local zoning, fire, sanitary, and safety regulations.

(3) The living arrangement is reasonably priced to fit within the child's budget.

h. The agency has determined, based on the criteria in this subrule, that the agency's program can meet the needs of the child.

108.10(3) *Services provided.* The following services are required:

a. Ongoing assessment that identifies the child's strengths and needs as these pertain to the child's ability to live independently.

b. Development of an individual service plan by the agency worker within 30 days of the child's placement. The service plan shall be developed in consultation with the child, the child's family (unless a reason for noninvolvement is documented in the case record), and referring worker and shall be signed by all involved. The individual service plan shall be reviewed and updated quarterly or more often as necessary and shall be signed by all involved. The plan shall document the following:

(1) The goals that are intended to meet the specific needs of the child and the projected dates of accomplishment.

(2) The objectives (action steps) to be taken by the child and the agency and the projected dates of accomplishment to meet the child's goals.

(3) The services and activities necessary to achieve the child's goals and facilitate objectives (action steps), the frequency of services or activities, and the persons responsible.

(4) A budget, developed with the child, based upon the child's monthly maintenance payment, any start-up allowance, and any earned or unearned income or assistance. The agency worker shall work with the child to ensure that needed items are purchased and that bills are paid.

(5) In the quarterly update, the child's progress toward the goals and objectives and the child's compliance with the service plan.

c. Supervision to assist the child in developing the needed structure to live in this setting and in locating and using other needed services. Supervision shall include guidance, oversight, and behavior monitoring.

(1) If the child is under age 18, supervision shall include a minimum of weekly face-to-face contacts.

(2) For individuals aged 18 or older, supervision shall include face-to-face contact at least every other week.

(3) Agency staff shall be present on site in a cluster setting at any time when more than one child is present in the living arrangement and shall be available to the children 24 hours a day, seven days a week.

(4) The agency shall provide personal care items for youth, and these items shall reflect the individual needs of the youth living in the agency's program.

(5) The agency shall provide a means for children in a scattered site setting to contact agency personnel 24 hours per day, seven days per week.

(6) The agency shall ensure that each child has access to and is receiving necessary medical care.

d. Documented observation by the agency worker that:

(1) The living situation is an environment that allows for the child's social and emotional needs to be met;

(2) There is an operating smoke alarm on each level of occupancy;

(3) The child has access to a telephone; and

(4) There is no reasonable cause for believing that the child's mode of living presents any unacceptable risks to the child's health or safety.

108.10(4) *Record.* In addition to any other documentation requirements, an agency shall maintain a record for each child in a supervised apartment living placement. The record shall contain all of the following:

a. The name, date of birth, sex, and address of the child and information on how the child can be contacted.

b. Documentation of financial support sufficient to meet the child's housing, clothing, food, and miscellaneous expenses.

c. Name, address, and telephone number of guardian, if applicable, and referring worker.

d. Medical records.

e. Educational and employment records.

f. All of the individual service plans and updated reviews.

g. Documentation of visits.

108.10(5) *Staffing requirements.* Each child in a supervised apartment living placement shall receive an agreed-upon number of hours of casework services per month. This shall be recorded in the child's individual service plan.

These rules are intended to implement Iowa Code chapter 238.

RA 26-318

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 115
"Licensing and Regulation of Comprehensive Residential Facilities for Children"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 237.3
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 237

Public Hearing

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

October 20, 2026 10 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw

Public Comment

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

Victoria L. Daniels
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

Purpose and Summary

This proposed chapter was reviewed as part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to processes and procedures to ensure they reflect current policies and procedures. Chapter 115 specifically relates to the creation of standards for the licensing and regulation of comprehensive residential care facilities for children.

Analysis of Impact

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

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

There are no costs associated with the proposed rulemaking.

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

Children and families in Iowa will benefit from having clear, concise, and accurate rules regarding the certification standards for comprehensive children's residential facilities in the State.

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:**

As of SFY 2026, there were 11 qualified agencies with 49 licensed sites throughout the State.

- **Qualitative description of impact:**

Children and families will benefit from having clear, concise, and accurate rules regarding the certification standards for children's comprehensive residential facilities in Iowa.

3. **Costs to the State:**

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

There are no other implementation or enforcement costs aside from personnel expenses.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have an effect on State revenues.

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

Rulemaking is required by Iowa Code section 237.3.

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

Not applicable.

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

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This rulemaking is not expected to impact small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 115 and adopt the following **new** chapter in lieu thereof:

CHAPTER 115
LICENSING AND REGULATION OF COMPREHENSIVE
RESIDENTIAL FACILITIES FOR CHILDREN

441—115.1(237) Definitions.

"Chemical restraint" means the use of chemical agents, including psychotropic drugs, as a form of restraint. The therapeutic use of psychotropic medications as a component of a service plan for a particular child is not considered chemical restraint.

"Comprehensive residential facility" means a facility that provides care and treatment for children who are unable to live in a family situation due to social, emotional, or physical disabilities and who require varying degrees of supervision as indicated in the individual service plan. Care includes room and board. Services include the internal capacity for individual, family, and group treatment. These services and others provided to the child shall be under the administrative control of the facility. Community resources may be used for medical, recreational, and educational needs. Comprehensive residential facilities have higher staff-to-client ratios than community residential facilities and may use control rooms, locked cottages, and mechanical restraints when these controls meet licensing requirements.

"Locked cottage" means an occupied comprehensive residential facility or an occupied unit of a comprehensive residential facility that is physically restrictive because of the continual locking of doors to prevent the children in care from leaving the facility.

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17). Examples of a protective locked environment could include but are not limited to the use of secured doors, delayed locks, secured windows, badge-only access doors, and external fencing around the property perimeter.

"Secure facility" means any comprehensive residential facility that employs, on a regular basis, locked doors or other building characteristics intended to prevent children in care from leaving the facility without authorization. Secure facilities may only be used for children who have been adjudicated delinquent or placed pursuant to provisions of Iowa Code chapter 229.

441—115.2(237) Information upon admission. In addition to the requirements in 441—paragraph 114.9(4)*"b,"* parents or guardians shall be provided with information on conditions for the use of restraints.

441—115.3(237) Staff.

115.3(1) *Number of staff.*

a. The number and qualifications of the staff will vary depending on the needs of the children. There shall be at least a one-to-eight staff-to-child ratio at all times children are awake and present in the facility and during supervised outings.

b. A staff person shall be in each living unit at all times when children are in residence.

115.3(2) *Staff duties.*

a. A casework supervisor shall provide:

(1) One hour per week per caseworker of in-person case-specific supervision.

(2) On-site supervision at least monthly.

(3) Additional contact as needed with each caseworker in other related duties, including case intake discussions, staffings of cases, evaluations of the caseworker, teaching, and administrative duties.

b. Casework staff shall:

(1) Provide at least weekly group or individually scheduled in-person conferences with each child for whom the caseworker is responsible. More frequent in-person contact shall be provided if required in the service plan.

(2) Provide a supportive and therapeutic atmosphere for the child.

(3) Select and employ appropriate treatment approaches to different types of children.

441—115.4(237) Casework services. The facility shall have the internal capacity to provide individual, family and group counseling and shall provide, at a minimum, casework dealing with crisis intervention, daily living skills, peer relationships, future planning and preparation for discharge.

441—115.5(237) Restraints.

115.5(1) *Protective locked environment facilities.* Physical restraints and a control room are permitted in protective locked environment facilities. Staff shall be trained in the use of restraints and control room utilization.

115.5(2) *Secure facilities.* Secure facilities may use physical restraints, a control room, locked cottages, and mechanical restraints. Secure facilities shall review any use of a mechanical restraint on a child.

115.5(3) *Written policies.* A facility that uses restraints shall have a written policy on their use. This policy shall include:

a. A statement specifically identifying each form of restraint in use at the facility.

b. Criteria for use of each form of restraint.

c. Identification of staff or licensed professionals authorized to approve and use each form of restraint.

d. Requirement for documentation in the child's individual case file.

e. Procedures for application or administration of each form of restraint in use at the facility.

f. Maximum time limit for use of restraints.

115.5(4) *Use of restraint.*

a. A facility cannot use, apply, or administer restraint in any manner that causes physical injury.

b. A facility cannot use restraint as a disciplinary or punitive measure, for staff convenience, as a preventive measure, or as a substitute for programming.

c. A facility shall release the child from restraint immediately when the situation precipitating restraint no longer exists.

d. A secure facility that uses restraint permitted by licensing standards, other than physical restraint, shall ensure that all direct service staff are adequately trained in the following areas:

(1) The appropriate use and application or administration of each permitted form of restraint.

(2) The facility's policies and procedures related to restraint.

(3) Crisis management techniques.

441—115.6(237) Control room.

115.6(1) *Purpose.* The control room shall be used for treatment purposes only. A facility shall be approved by the licensing authority as meeting the requirements of this chapter regarding control rooms before control rooms can be utilized.

115.6(2) *Written policies.* When a comprehensive residential facility uses a control room as part of its treatment program, the facility shall have written policies regarding its use. The policy shall:

a. Specify the types of behavior that may result in control room placement.

b. Delineate the staff members who may authorize its use as well as procedures for notification of supervisory personnel.

c. Require documentation in writing of the types of behaviors leading to control room placement and the conditions that will allow the child to return to the living unit. The child shall be informed of these conditions. Documentation of control room use shall include but not be limited to the following:

(1) Each use of the control room.

(2) The time the intervention began and ended.

(3) The reason that required the child to be put in the control room.

(4) The name(s) of staff involved in the intervention.

d. Limit the utilization of the control room to one of the following two circumstances:

(1) The child's service plan includes and explains how this use of the control room fits into the service plan for the child.

(2) A one-time placement in an emergency without a service plan outlining the rationale for its use. This treatment shall be included in the service plan for a second placement of a child in the control room.

115.6(3) *Physical requirements.* The control room shall be designed to ensure a physically safe environment with:

a. All switches controlling lights and ventilation outside the room.

b. Allowance for observation of the child at all times.

c. Protected recessed ceiling light.

d. No electrical outlets in the room.

e. Proper heating, cooling, and ventilation.

f. Any window secured and protected in a manner to prevent harm to the child.

g. A minimum of 54 square feet in floor space with at least a 7-foot ceiling.

115.6(4) *Use of control room.* The control room shall be used only when a less restrictive alternative to quiet the child or allowing the child to gain control has failed and when it is in the service plan. The following policies shall apply to the use of the control room:

a. No more than one child shall be in a control room at any time.

b. There shall be provisions for visual observation of the child at all times, regardless of the child's position in the room.

c. The control room shall be checked thoroughly for safety and the absence of contraband prior to placing the child in the room.

d. The child shall be thoroughly checked before placement in the control room and all potentially injurious objects removed, including shoes, belts, and pocket items. The staff member placing the child in the control room shall document each check.

e. In no case shall all clothing or underwear be removed. The child shall be provided sufficient clothing to meet seasonal needs.

f. A staff member shall always be positioned outside of the control room. Visual and auditory observations of the child's behavior and condition shall be recorded at five-minute intervals, and a complete written report shall be documented in the child's file by the end of the staff person's work shift.

g. The child shall remain in the control room longer than one hour only with consultation and approval from the authorized staff or licensed professional. Documentation in the child's case record shall include the time in the control room, the reasons for the control, and the reasons for the extension of time. Use of the control room for a total of more than 12 hours in any 24-hour period shall occur only after authorization of the psychiatrist or upon court order. In no case shall a child be in a control room for a period longer than 24 hours.

h. The child's parents or guardian and the referring worker shall be made aware of the control room as a part of the treatment program.

441—115.7(237) Locked cottages.

115.7(1) *Approval.* A facility shall be approved by the licensing authority as meeting the requirements of this chapter regarding locked cottages before locked cottages can be operated.

115.7(2) *Nighttime staff.* Awake nighttime staff is required in each locked cottage.

115.7(3) *Policies.* Licensees utilizing a locked cottage shall have and follow written policies for the locked cottage. The policies shall be provided to the child, the child's parents or guardian and, when the child has an attorney, the child's attorney at the time of admission. The policies shall include:

a. The type of behavior that may result in locked cottage placement.

b. The staff members who may authorize placement in the locked cottage as well as procedures for notification of supervisory personnel.

c. Requirements for documentation in writing of particular behaviors of a particular child that led to the placement.

d. Requirement for documentation of the conditions that will allow the child to return to an unlocked cottage. These conditions shall be shared with the child.

e. Requirement for documentation of the use of the locked cottage as a part of the treatment plan for a specific child.

f. Specific policies as to the length of stay in the locked cottage.

g. Requirements for notification of the child's parents or guardian, the court, and the referring agency of a child's placement in the locked cottage.

h. Requirement for written documentation of placements in the locked cottage in the child's case record.

441—115.8(237) Mechanical restraint. When a facility uses mechanical restraints as a part of its treatment program, the facility shall have and follow written policies regarding their use. These policies shall be approved by the department prior to their use. The policies shall be available to clients, parents or guardians, and referral sources at the time of admission. Policies shall also be available to staff.

115.8(1) *Restrictions on mechanical restraints.*

a. Mechanical restraints shall not inflict physical injury.

b. Each use of mechanical restraint shall be authorized by the administrator or case supervisor.

c. Each authorization of mechanical restraint shall not exceed one hour in duration.

d. No child shall be kept in mechanical restraint for more than 2 hours in a 12-hour period.

e. Any time that a child is placed in mechanical restraint a staff person shall be assigned to monitor the placement with no duties other than to ensure that the child's physical needs are properly met. The staff person shall remain in continuous auditory and visual contact with the child.

f. Each child shall be released from mechanical restraint as soon as the restraints are no longer needed.

115.8(2) *Continued use of mechanical restraints.* When a child requires mechanical restraint on more than four occasions during any 30-day period, the facility shall hold an immediate emergency meeting to discuss the appropriateness of the child's continued placement at the facility.

115.8(3) *In transporting children.* Notwithstanding paragraph 115.8(1)*"d,"* mechanical restraint of a child while that child is being transported to a point outside the facility is permitted when there is a serious risk of the child exiting the vehicle while the vehicle is in motion. The facility shall place a written report on each use in the child's case record. This report shall document the necessity for the use of restraint. Seat belts are not considered mechanical restraints. Agency policies should encourage the use of seat belts while transporting children and comply with Iowa law.

441—115.9(237) Restraint and control room use debriefing.

115.9(1) *Initial discussion.* Within a short time after the use of the restraint or control room, staff involved in an intervention and the child must have a face-to-face discussion except when the presence of a particular staff person may jeopardize the well-being of the child.

a. Other staff and the child's parent(s) or legal guardian(s) may participate in the discussion when it is deemed appropriate by the facility. The facility must conduct such discussion in a language that is understood by the child's parent(s) or legal guardian(s).

b. The discussion must provide both the child and staff the opportunity to discuss the circumstances resulting in the use of the restraint or control room and strategies to be used by the staff, the child, or others that could prevent the future use of the restraint or control room.

115.9(2) *Staff discussion.* Within 24 hours after the use of the restraint or control room, all staff involved in the intervention, and appropriate supervisory and administrative staff, must conduct a debriefing session that includes, at a minimum, a review and discussion of the intervention including but not limited to the following:

a. The emergency safety situation that required the intervention, including discussion of the precipitating factors that led up to the intervention;

b. Alternative techniques that might have prevented the use of the restraint or control room;

c. The procedures, if any, that staff are to implement to prevent any recurrence of the use of the restraint or control room; and

d. The outcome of the intervention, including any injuries that may have resulted from the use of the restraint or control room.

115.9(3) *Documentation.* Staff must document in the child's record that both debriefing sessions took place and must include in that documentation the names of staff who were present for the debriefing, the names of staff who were excused from the debriefing, and any reasons that are applicable.

441—115.10(237) Chemical restraint. Chemical restraint shall not be utilized in a comprehensive residential facility, and each comprehensive residential facility shall have written policies that clearly prohibit the use of chemical restraint.

These rules are intended to implement Iowa Code section 237.3.

RA 26-319

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 175
"Abuse of Children"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 232.67 through 232.70, 232.71B, 232.71C, 232.71D, 232.72 through 232.77, and 235A

State or federal law(s) implemented by the rulemaking: Iowa Code sections 232.67 through 232.70, 232.71B, 232.71C, 232.71D, 232.72 through 232.77; Iowa Code chapter 235A; and 2026 Iowa Acts, Senate File 2416

Public Hearing

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

October 20, 2026 10 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw

Public Comment

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

Victoria L. Daniels
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

Purpose and Summary

This proposed chapter outlines the procedures required by the Iowa Code for accepting reports of child abuse, assessing those reports, and taking necessary steps to ensure a reported child's safety. Protection is provided through encouraging the reporting of suspected cases of abuse, conducting a thorough and prompt assessment of the reports, and providing rehabilitative services to abused children and their families.

This proposed chapter was reviewed pursuant to Executive Order 10. As a result of that review, the Department:

- Removed reserved rules and renumbered remaining rules;
- Added language in rule 441—175.2(232) to describe the safety plans developed by the Department that identify immediate actions to keep a child safe;
- Revised the requirement that the Department observe and evaluate the child subject of reported abuse within one hour if there is an immediate threat to the child's safety. Paragraph 175.6(1)"b" now requires that reasonable efforts be made to observe the alleged child victim and evaluate the child's safety within 24 hours of receipt of the report of suspected child abuse. The proposed change

is not about delaying responses to children who are in danger, but rather removing a one-hour physical response requirement as the mechanism for ensuring safety. Iowa Code section 232.70(3) already mandates that child abuse reporters make a report to law enforcement when they believe that immediate protection is advisable. In an actual emergency, law enforcement and emergency medical services may be capable of reaching the child far sooner than a child protection worker traveling across a large service area. The expectation remains that when a child is in imminent danger that immediate action and coordination with law enforcement occurs.

- Removed language surrounding referrals to community care organizations. Community care referrals were discontinued in 2020 and replaced with referrals to family-centered services under 441—Chapter 172.
- Removed language regarding procedures for requesting information for research. This process is covered by the Department's rules on fair information practices in 441—Chapter 2505.

Analysis of Impact

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

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

There are no costs associated with the proposed rulemaking.

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

Those tasked with the intake and assessment of suspected child abuse reports will benefit from updated rules, ultimately benefiting the safety and well-being of children who may be experiencing abuse.

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 is not expected to be a quantitative impact from this rulemaking.

- **Qualitative description of impact:**

Those tasked with receiving and assessing suspected reports of child abuse will benefit from the guidance provided in these proposed rules.

3. **Costs to the State:**

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

There are no implementation or enforcement costs aside from personnel expenses.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have an effect on State revenues.

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

Rulemaking is required by Iowa Code chapter 232.

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

Not applicable.

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

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

Not applicable.

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

Not applicable.

Small Business Impact

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

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

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 175 and adopt the following **new** chapter in lieu thereof:

CHAPTER 175
ABUSE OF CHILDREN

441—175.1(232,235A) Definitions.

"Allegation" means a statement setting forth a condition or circumstance yet to be proven.

"Assessment" means the same as defined in Iowa Code section 232.68(5)*"a."*

"Assessment intake" means the process by which the department receives and records a report of suspected child abuse.

"Caretaker" means a person responsible for the care of a child.

"Case" means a report of suspected child abuse that has been accepted for assessment services.

"Child abuse assessment" means the same as set forth in Iowa Code section 232.68(5)*"b."*

"Custodial parent(s)" means a parent who has legal custody or physical care of the child and includes the parent with whom the child is residing at the relevant time of department involvement.

"Denial of critical care" means the failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing, medical or mental health treatment, supervision or other care necessary for the child's health and welfare when financially able to do so, or when offered financial or other reasonable means to do so, and means any of the following:

1. Failure to provide adequate food and nutrition to the extent that there is danger of the child suffering injury or death.
2. Failure to provide adequate shelter to the extent that there is danger of the child suffering injury or death.
3. Failure to provide adequate clothing to the extent that there is danger of the child suffering injury or death.
4. Failure to provide adequate health care to the extent that there is danger of the child suffering injury or death. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone will not be considered abusing the child and will not be placed on the child abuse registry. However, a court may order that medical service be provided where the child's health requires it.

5. Failure to provide the mental health care necessary to adequately treat an observable and substantial impairment in the child's ability to function.

6. Gross failure to meet the emotional needs of the child necessary for normal development.

7. Failure to provide for the adequate supervision of the child that a reasonable and prudent person would provide under similar facts and circumstances when the failure results in direct harm or creates a risk of harm to the child.

8. Failure to respond to the infant's life-threatening conditions (also known as withholding medically indicated treatment) by providing treatment (including appropriate nutrition, hydration and medication) that in the treating physician's reasonable medical judgment will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's reasonable medical judgment any of the following circumstances apply: the infant is chronically and irreversibly comatose; the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane.

"Facility providing care to a child" means any public or private facility, including an institution, hospital, health care facility, intermediate care facility for persons with an intellectual disability, residential care facility for persons with an intellectual disability, skilled nursing facility, group home, mental health facility, residential treatment facility, shelter care facility, detention facility, child care facility that includes licensed day care centers, all registered family and group day care homes, and licensed family foster homes. A public or private school is not a facility providing care to a child, unless it provides overnight care.

"Family assessment" means the same as defined in Iowa Code section 232.68(5)*"c."*

"Home" means a permanent or temporary structure where one resides, including a licensed foster family home. For the purpose of this chapter, "home" will not be construed to include any public or private facility, such as an institution, hospital, health care facility, intermediate care facility for persons with an intellectual disability, residential care facility for persons with an intellectual disability, skilled nursing facility, group care, mental health facility, residential treatment facility, shelter care facility, detention facility, licensed day care center, or child foster care provided by an agency.

"Illegal drug" means any substance prohibited by law, or combinations or derivatives of illegal drugs that were not prescribed by a health practitioner.

"Immediate threat" or *"imminent danger"* means conditions that, if no response were made, would be more likely than not to result in sexual abuse, injury or death to a child.

"Infant," as used in the definition of "denial of critical care," numbered paragraph "8," means a child less than one year of age or an infant older than one year of age who has been hospitalized continuously since birth, who was born extremely prematurely, or who has a long-term disability.

"Nonaccidental physical injury" means an injury that was the natural and probable result of a caretaker's actions that the caretaker could have reasonably foreseen, or that a reasonable person could have foreseen in similar circumstances, or that resulted from an act administered for the specific purpose of causing an injury.

"Open service case" means a child welfare case that the department has opened for ongoing services and assigned to department staff for ongoing case management following a child protective assessment or a child in need of assistance adjudication that remains open until the department achieves case closure.

"Physical injury" means damage to any bodily tissue to the extent that the tissue must undergo a healing process in order to be restored to a sound and healthy condition or damage to any bodily tissue that results in the death of the person who has sustained the damage.

"Rejected intake" means a report of suspected child abuse that has not been accepted for assessment.

"Reporter" means the person making a verbal or written statement to the department alleging child abuse.

"Report of suspected child abuse" means a verbal or written statement made to the department by a person who suspects that child abuse has occurred.

"Reside" or *"resides"* means to habitually sleep or live. A person's subjective intent as to where the person resides is not relevant.

"Safety plan" means the same as defined in Iowa Code section 232.79B(1).

"Sex trafficking" means the same as defined in Iowa Code section 232.68(10).

"Sex trafficking victim" means the same as defined in Iowa Code section 232.68(11).

"Subject of a report of child abuse" means any of the following:

1. A child named in a report as having been abused, or the child's attorney or guardian ad litem.
2. A parent or the attorney for the parent of a child named in a child abuse assessment summary as having been abused.
3. A guardian or legal custodian, or that person's attorney, of a child named in a child abuse assessment summary as having been abused.
4. A person or the attorney for the person named in a child abuse assessment summary as having abused a child.

"Supervision" means supervision that a reasonable and prudent person would exercise under similar facts and circumstances, but in no event shall the person place a child in a situation that may endanger the child's life or health, or cruelly or unduly confine the child. Dangerous operation of a motor vehicle is a failure to provide proper supervision when the person responsible for the care of a child is driving recklessly, or driving while intoxicated with the child in the motor vehicle. The failure to restrain a child in a motor vehicle does not, by itself, constitute a cause to assess a child abuse report.

"Unduly" means improper or unjust, or excessive.

441—175.2(232) Safety plans.

175.2(1) *Use cases.* The department may enter into a safety plan with a family when the department determines that potential harm to a child may be mitigated by the development of a safety plan. A safety plan may be used when safety interventions and protective measures are necessary to manage imminent or impending danger, and the plan is developed to identify immediate actions to keep the child safe.

175.2(2) *Not a removal.* Absent a court order placing the child with someone other than a parent or guardian, a safety plan shall not be construed as a removal from parental or guardian custody.

a. Parents, guardians, and caretakers are encouraged to work with the department to identify appropriate strategies to ensure the child's safety in the home. Strategies may include bringing a safe and appropriate person into the home or identifying an alternative caregiver when safety cannot be assured within the family's home.

b. Entering into a safety plan will not, by itself, transfer custody, guardianship, or legal rights away from the parent.

175.2(3) *Time frames.* A safety plan must be reviewed within 20 business days from the date of a parent or guardian's signature unless the plan ends earlier. A date for review must be included on the safety plan.

a. A safety plan that places a child in the temporary care of someone other than the parent or guardian must be reviewed with the county attorney or the attorney general's office no later than 45 days from the date the safety plan is implemented.

b. No safety plan shall be implemented for longer than 90 days unless reviewed and approved by the county attorney or attorney general's office.

175.2(4) *Safety plan required content.* A safety plan must include the following:

a. The safety concerns identified and the specific danger to the child's well-being.

b. The specific actions needed to address the danger and provide safety for the child, including who will do what, by when, and how the action will be monitored.

c. The identity of all persons responsible for implementing or monitoring the plan, including informal supports, department staff, or service providers.

175.2(5) *Copies, documentation, and case records.* The department will provide a copy of the safety plan to each parent, guardian, caretaker and any other person involved in implementing or monitoring the safety plan. The department will maintain the safety plan and any modifications to a safety plan in the case record under the relevant assessment or service case.

175.2(6) *Modification, withdrawal, and escalation.* A safety plan may be reviewed or modified at any time due to a change in circumstance.

a. A parent or guardian may withdraw consent to the safety plan at any time by notifying the department.

b. If at any time a parent or guardian is unable or unwilling to implement a safety plan, or imminent or impending danger to a child cannot be adequately addressed by a safety plan, the department may take necessary protective action, including requesting court involvement and possible removal of the child from the home when it is determined necessary to protect the child.

175.2(7) *Duration and closure.*

a. A safety plan that occurs during a child protective assessment shall remain in effect until one of the following occurs:

(1) A subsequent safety decision indicates the child is safe without a plan; or

(2) The assessment closes; or

(3) The department initiates court action or obtains a court order that supersedes the safety plan.

b. When an assessment closes with a determination that an open service case will be initiated, a safety plan may be initiated at the close of the assessment. A safety plan initiated at the close of the assessment or during an open service case may remain in effect for up to 60 days from the date the safety plan is initiated.

441—175.3(232) Receipt of a report of suspected child abuse. Reports of suspected child abuse will be received by local department offices, the central abuse registry, or the child abuse hotline.

175.3(1) Any report made to the department that alleges child abuse, as defined in Iowa Code section 232.68, or constitutes a complaint that a child is a child in need of assistance, as defined in Iowa Code section 232.2(8), will be accepted for assessment.

175.3(2) Reports of suspected child abuse that do not meet the legal definition of child abuse will become rejected intakes.

a. If a report of suspected child abuse does not meet the legal definition of child abuse or is accepted as a family assessment, but a criminal act harming a child is alleged, the department will immediately refer the matter to the appropriate law enforcement agency.

b. If a report constitutes an allegation of child sexual abuse as outlined in Iowa Code section 232.68(2)*"a"*(3) except that the suspected abuse resulted from the acts or omissions of a person who was not a caretaker or was not a person who resides in a home with the child, the department will refer the report to law enforcement as soon as practicable and follow up in writing within 72 hours of receiving the report.

441—175.4(232) Sources of report of suspected child abuse.

175.4(1) *Reporting.* Any person reporting suspected child abuse shall make an oral report to the department. The department may accept and act upon written reports received, including by attempting to contact the reporter.

175.4(2) *Mandatory reporters.* Any person meeting the criteria of a mandatory reporter is required to make a report of the suspected child abuse to the department within 24 hours of becoming aware of the abusive incident. If the person making the report has reason to believe that immediate

protection for the child is advisable, that person shall report the situation to an appropriate law enforcement agency.

175.4(3) *Others required to report.* In addition to mandatory reporters who are so designated by the Iowa Code, there are other classifications of persons who are required, either by administrative rule or department policy, to report suspected child abuse when this is a duty identified through the person's employment. Others required to report include:

a. Department community access and eligibility workers.

b. Certified adoption investigators.

175.4(4) *Permissive reporters.* Mandatory reporters may report as permissive reporters when they suspect abuse of a child outside the scope of their professions. A permissive reporter is not required by law to report abuse.

441—175.5(232) Assessment intake process. The primary purpose of intake is to obtain available and pertinent information regarding an allegation of child abuse and determine whether a report of suspected child abuse becomes accepted for assessment or is determined to be a rejected intake.

175.5(1) To result in an assessment, the report of suspected child abuse must include some information to indicate all of the following:

a. The alleged victim of child abuse is a child.

b. The alleged perpetrator of child abuse is:

(1) A caretaker; or

(2) A person who resides in a home with the child, if the allegation is sexual abuse as outlined in Iowa Code section 232.68(2)*"a"*(3); or

(3) A person who engages in or allows child sex trafficking as defined in Iowa Code section 232.68(2)*"a"*(11).

c. The alleged incident falls within the definition of child abuse.

175.5(2) If the report constitutes a child abuse allegation, a determination is made as to whether the assessment will be assigned as a child abuse assessment, to be commenced within 24 hours of receiving the report, or a family assessment, to be commenced within 72 hours of receiving the report.

a. A child abuse assessment is required for all accepted reports that allege child abuse as defined in Iowa Code section 232.68(2)*"a"*(1) through *"a"*(3) and *"a"*(5) through *"a"*(11); or that allege child abuse as defined in Iowa Code section 232.68(2)*"a"*(4) that also allege imminent danger, death, or injury to a child. If one or more of the following factors are met, a child abuse assessment shall be required:

(1) The alleged abuse type includes a category other than denial of critical care.

(2) The allegation alleges imminent danger, death, or injury to a child.

(3) The child has been taken into protective custody as a result of the allegation.

(4) There is an open service case on the alleged child victim or any sibling or any other child who resides in the home or in the home of the noncustodial parent if the noncustodial parent is the alleged person responsible.

(5) The alleged person responsible is not a birth or adoptive parent, a legal guardian, or a member of the child's household.

(6) There has been a termination of parental rights in juvenile court on the alleged person responsible or on any caretaker who resides in the home.

(7) There has been prior confirmed or founded abuse within the past six months that lists any caretaker who resides in the home as the person responsible.

(8) It is alleged that illegal drugs are being manufactured or sold from the family home.

(9) The allegation is failure to thrive or that the caretaker has failed to respond to an infant's life-threatening condition.

(10) The allegation involves an incident for which the caretaker has been charged with a felony under Iowa Code chapter 726.

b. A family assessment is required for all accepted reports that allege child abuse but do not allege imminent danger, death, or injury to a child. If all of the following factors are met, a family assessment shall be required:

(1) The alleged abuse type is denial of critical care only.

(2) The allegation does not allege imminent danger, death, or injury to a child.

(3) The child has not been taken into protective custody as a result of the allegation.

(4) There is no current open service case on the alleged child victim or any sibling or any other child who resides in the home or in the home of the noncustodial parent if the noncustodial parent is the alleged person responsible.

(5) The alleged person responsible is a birth or adoptive parent, a legal guardian, or a member of the child's household.

(6) There has not been a termination of parental rights in juvenile court on the alleged person responsible or on any caretaker who resides in the home.

(7) There has been no prior confirmed or founded abuse within the past six months that lists any caretaker who resides in the home as the person responsible.

(8) It is not alleged that illegal drugs are being manufactured or sold from the family home.

(9) The allegation is not failure to thrive or that the caretaker has failed to respond to an infant's life-threatening condition.

(10) The allegation does not involve an incident for which the caretaker has been charged with a felony under Iowa Code chapter 726.

175.5(3) Only the person making a report of suspected abuse may be contacted during the intake process to expand upon or to clarify information in the report. Any contact with subjects of the report or with anyone outside the department, other than the original reporter(s), automatically causes the report of suspected child abuse to be accepted for assessment.

175.5(4) A report of suspected child abuse fails to constitute a child abuse allegation when:

a. It is determined that the report of suspected child abuse fails to constitute a child abuse allegation. The report of suspected child abuse will become a rejected intake and will be evaluated to determine whether the information reported constitutes a complaint that a child is a child in need of assistance.

b. It is determined that a report of a child needing the assistance of the court fails to meet the definition of a child in need of assistance. The report will become a rejected intake.

Rejected intake information will be maintained by the department for three years from the date the report was rejected and will then be destroyed.

175.5(5) Intake information shall be provided as set forth in Iowa Code section 232.70(4)*"b."*

441—175.6(232) Assessment process. A child abuse assessment will be initiated within 24 hours following the report of suspected child abuse. A family assessment will be initiated within 72 hours following the report of suspected child abuse. The primary purpose in conducting an assessment is to protect the safety of the child named in the report. The secondary purpose of the assessment is to engage the child's family in services in a culturally competent way, to enhance family strengths and to address needs, where this is necessary and desired.

175.6(1) *Observing and evaluating the child's safety.* A safety assessment and risk assessment will be completed during the course of a child abuse assessment or family assessment. When a child cannot remain safely in a parent's care, the least restrictive care must be secured for the child's placement with a preference for placement with the child's family or fictive kin.

a. During a child abuse assessment, when there is an immediate threat to the child's safety, the department will evaluate the threat and determine whether immediate response is needed to observe or evaluate safety of the child named in the report, consistent with the level of risk and the need to safeguard the child. The department will document the basis for determining any immediate threat, the protective actions taken, and the efforts made to observe the child.

b. Reasonable efforts will be made to observe the alleged child victim and evaluate the child's safety within 24 hours of receipt of the report of suspected child abuse.

(1) When the alleged perpetrator clearly does not have access to the alleged child victim, reasonable efforts will be made to observe the alleged child victim and evaluate the child's safety within 96 hours of receipt of the report of suspected child abuse.

(2) When reasonable efforts have been made to observe the alleged child victim within the specified time frames and the worker has established that there is no risk to the alleged child victim, the observation of the alleged child victim may be delayed or waived with supervisory approval.

c. During a family assessment, reasonable efforts will be made to observe the alleged child victim and evaluate the child's safety within 72 hours of receipt of the report of suspected child abuse.

(1) When reasonable efforts have been made to observe the alleged child victim within the specified time frame and the worker has established that there is no risk to the alleged child victim, the observation of the alleged child victim may be delayed or waived with supervisory approval.

(2) If at any time during a family assessment a child is determined to be unsafe or in imminent danger, it appears that the immediate safety or well-being of a child is endangered, it appears that the family may flee or the child may disappear, or that the facts otherwise warrant, the department will immediately commence a child abuse assessment according to Iowa Code section 232.71B.

(3) If the department determines that safety issues continue to require a child to reside outside of the child's home at the conclusion of a family assessment, the department will transfer the assessment to the child abuse assessment pathway for a disposition.

d. If the department has reasonable cause to believe that a child or youth for whom the department has responsibility for placement, care, or supervision is or is at risk of being a victim of sex trafficking or a severe form of trafficking in persons, the department will identify that child or youth as such, document it, and determine appropriate services, in accordance with 42 U.S.C. Section 671(c) as amended to August 1, 2026. Additionally, the department will report the child or youth immediately, and in no case later than 24 hours, to law enforcement authorities.

175.6(2) *Interviewing the alleged child victim.* The primary purpose of an interview with the child, during the course of a child abuse assessment or family assessment, is to gather information regarding the abuse allegation, the child's immediate safety, and risk of abuse. During a child abuse assessment, the child protection worker will also identify the person or persons responsible for the alleged abuse as well as the nature, extent, and cause of injuries, if any, to the child named in the report of suspected child abuse.

175.6(3) *Interviewing subjects of the report and other sources.*

a. During a child abuse assessment, attempts will be made to conduct interviews with subjects of the report and persons who have relevant information to share regarding the allegations. This may include contact with physicians to assess the child's condition. The child's custodial parents or guardians and the alleged perpetrator (if different) will be interviewed or offered the opportunity to be interviewed. The court may waive the requirement of the interview for good cause.

b. During a family assessment, the child's custodial parents or guardians will be interviewed or offered the opportunity to be interviewed. The child protection worker may request information from any person believed to have knowledge regarding a child named in an assessment. A family assessment requires the cooperation of the family; should a family choose not to participate, the department is required to transfer the assessment to the child abuse assessment pathway for a disposition.

175.6(4) *Gathering of physical and documentary evidence.* During a child abuse assessment, evidence may be gathered from interviews, observations, photographs, medical and psychological reports and records, reports from child protection centers, written reports, audiotapes and their transcripts or summaries, videotapes and their transcripts or summaries, or other electronic forms.

175.6(5) *Evaluating the home environment and relationships of household members.* An evaluation of the home environment will be conducted during the course of an assessment with the

consent of the parent or guardian. If permission is refused, the juvenile court may authorize the worker to enter the home to observe or interview the child.

a. If protective concerns are identified, the child protection worker will evaluate the child named in the report and any other children in the same home as the parents or other persons responsible for their care.

(1) Each assessment will include a full description of observations and information gathered during the assessment process. This description will provide information that evaluates the safety of the child named in the report.

(2) If the child protection worker has concerns about a child's safety or a family's functioning, the worker will conduct a more intensive assessment until those concerns are addressed.

b. When an assessment is conducted at an out-of-home setting, an evaluation of the environment and relationships where the abuse allegedly occurred will be conducted.

c. The child abuse assessment will include a description of the name, age, and condition of other children in the same home as the child named in the report.

175.6(6) *Evaluating the information.* During a child abuse assessment, evaluation of information will include an analysis that considers the credibility of the physical evidence, observations, and interviews and will result in a conclusion of whether or not to confirm the report of suspected child abuse.

175.6(7) *Determining placement on central abuse registry.* During a child abuse assessment, a determination of whether the report data and disposition data of a confirmed case of child abuse is subject to placement on the central abuse registry pursuant to Iowa Code section 232.71D will be made on each assessment. Determining placement on the central abuse registry is not applicable in a family assessment.

175.6(8) *Service recommendations and referrals.* During or at the conclusion of a child abuse assessment or a family assessment, the department will consult with the child's family to offer services to the child and the child's family that address strengths and needs identified in the assessment. The department may recommend information, information and referral, community care referral, or services provided by the department. If it is believed that services are necessary for the protection of the abused child or other children in the home, juvenile court intervention will be sought.

a. Information or information and referral. Either information or information and referral will be offered when:

(1) A family assessment has identified the child to be at low risk of future abuse or neglect;

(2) A child abuse assessment has identified the abuse is not confirmed and the child is believed to be at low risk of future abuse or neglect; or

(3) A child abuse assessment has identified the abuse is confirmed and not placed on the registry and the child is believed to be at low risk of future abuse or neglect.

b. Recommendation options for information and information and referral.

(1) When no service needs are identified, the worker may recommend no service; or

(2) When service needs are identified, the worker may recommend new or continuing services to the family to be provided through informal supports; or

(3) When service needs are identified, the worker may recommend new or continuing services to the family to be provided through community organizations.

c. Referral for department services.

(1) The department will provide or arrange for and monitor services for abused children and their families on a voluntary basis or under a final or intermediate order of the juvenile court when:

1. A child abuse assessment has identified the abuse is confirmed and not placed on the registry and the child is believed to be at high risk of future abuse or neglect; or

2. A child abuse assessment has identified the abuse is founded.

(2) The worker will recommend new or continuing services to the family to be provided by the department, either directly or through contracted agencies.

(3) Families that refuse voluntary services will be referred for a child in need of assistance petition through juvenile court.

175.6(9) *Court action following assessment.* If, upon completion of an assessment performed under Iowa Code section 232.71B, the department determines that the best interests of the child require juvenile court action, the department will act appropriately to initiate the action.

a. If at any time during the assessment process the department believes court action is necessary to safeguard a child, the department will act appropriately to initiate the action.

b. The department will assist the juvenile court or district court during all stages of court proceedings involving an alleged child abuse case in accordance with Iowa Code section 232.71C.

441—175.7(232) Completion of a written assessment report. The child protection worker will complete a written assessment report as follows.

175.7(1) *Completion of a child abuse assessment report.* A child abuse assessment report will be completed within 20 business days of the receipt of the child abuse report. In most instances, a child abuse assessment report will be developed in conjunction with the child and family being assessed. A child abuse assessment report will consist of two parts as follows.

a. Report and disposition data. A child abuse assessment report will include report and disposition data as follows:

(1) Allegations: the report of suspected child abuse that caused the assessment to be initiated and additional allegations raised after the report of suspected child abuse becomes a case that have not been previously investigated or assessed. If the report of suspected child abuse was initially accepted as a family assessment, the reason why it was transferred to a child abuse assessment will be identified.

(2) Evaluation of the child's safety: evaluation of the child's safety and the risk for occurrence or reoccurrence of abuse. Criteria to be used in the evaluation of the child's safety include but are not limited to the severity of the incident or condition, chronicity of the incident or condition, age of the child, attitude of the person alleged responsible, current services or supports, access of the person alleged responsible for the abuse to the child, and protectiveness of the parent or caretaker who is not alleged responsible for the abuse.

(3) Findings and contacts: a description of the child's condition, including identification of the nature, extent, and cause of the injuries, if any, to the child named in the report; identification of the injury or risk to which the child was exposed; the circumstances that led to the injury or risk to the child; the identity of the person alleged to be responsible for the injury or risk to the child; an evaluation of the home environment; the name and condition of other children in the same home as the child named in the report if protective concerns are identified; a list of collateral contacts; and a history of confirmed or founded abuse.

(4) Determination regarding the allegations of child abuse: a statement of determination of whether the allegation of child abuse was founded, confirmed but not placed on the central abuse registry, or not confirmed. The statement will include a rationale for placing or not placing the report on the central abuse registry.

(5) Recommendation for services and a statement describing whether services are necessary to ensure the safety of the child or to prevent or remedy other identified problems.

1. The statement will include the type of services recommended, if any, and whether these services are to be provided by the department, a child welfare service contractor, another community organization, other informal supports, or another source.

2. If services are already being provided, the statement will include a recommendation whether these services should continue.

(6) Juvenile court recommendation: a statement describing whether juvenile court action is necessary to ensure the safety of the child; the type of action needed, if any; and the rationale for the recommendation.

(7) Criminal court recommendation: a statement describing whether criminal court action is necessary and the rationale for the recommendation.

(8) Addendum: An addendum to a child abuse assessment report will be completed within 20 business days when any of the following occur:

1. New information becomes available that would alter the finding, conclusion, or recommendation of the report.

2. Substantive information that supports the finding becomes available.

3. A subject who was not previously interviewed requests an interview to address the allegations of the report.

4. A review or a final appeal decision modifies the report.

b. Use of assessment data. A safety assessment, family risk assessment, and safety plan, if applicable, may be used as part of the child's initial case plan for cases in which the department will provide services.

175.7(2) *Completion of a family assessment report.* A family assessment report will be completed within ten business days of the receipt of the report of suspected child abuse. A family assessment report will consist of assessment data only.

a. Assessment data. A family assessment report will include information pertaining to the department's evaluation of a family, which includes:

(1) Allegations: the report of suspected child abuse that caused the assessment to be initiated and additional allegations raised after the report of suspected child abuse becomes a case that have not been previously assessed.

(2) Evaluation of the child's safety: evaluation of the child's safety and the risk for occurrence or reoccurrence of abuse. Criteria to be used in the evaluation of the child's safety include but are not limited to the severity of the incident or condition, chronicity of the incident or condition, age of the child, attitude of the person alleged responsible, current services or supports, access of the person alleged responsible for the abuse to the child, and protectiveness of the parent or caretaker who is not alleged responsible for the abuse.

(3) Contacts: description of the circumstances that led to the allegations of abuse; strengths and needs of the child and of the child's parent, home, and family; any information obtained from others during the assessment; a history of confirmed or founded abuse; and an evaluation of the home environment and evaluation of any other children in the same home as the parents or other persons responsible for the children's care.

(4) Recommendation for services and a statement describing whether services are necessary to ensure the safety of the child or to prevent or remedy other identified problems.

1. The statement will include the type of services recommended, if any, and whether these services are to be provided by the department, a child welfare service contractor, another community organization, other informal supports, or another source.

2. If services are already being provided, the statement will include a recommendation whether these services should continue.

b. Use of assessment data. A safety assessment, family risk assessment, and safety plan may be used as part of the information referred for any services in which the family voluntarily agrees to participate.

441—175.8(232) Contact with juvenile court or the county attorney. The child protection worker may contact juvenile court or the county attorney, or both, as circumstances warrant.

175.8(1) *Report of intake.* When a report of suspected child abuse is accepted or rejected for assessment, the county attorney will be provided a child protective service intake form with information about the allegation of child abuse and with identifying information about the subjects of the report.

175.8(2) *Report of disposition.* The department will provide the juvenile court and the county attorney with a copy of the child abuse assessment report that pertains to the findings, determinations, and recommendations regarding the child abuse assessment.

175.8(3) *Report of assessment.* The department will provide the county attorney and the juvenile court with a copy of the family risk assessment, safety assessment, safety plan, and family assessment report when any of the following occur.

a. County attorney's or juvenile court's assistance necessary. The worker requires the court's or the county attorney's assistance to complete the assessment process.

b. Court's protection needed. The worker believes that the child requires the court's protection.

c. Child adjudicated. The child is currently adjudicated or pending adjudication under a child in need of assistance petition or a delinquency petition.

d. County attorney or juvenile court requests copy. The county attorney or juvenile court requests a copy of the child abuse assessment data. The child protection worker will document when the assessment data is provided to the county attorney or juvenile court and the rationale provided for the request.

441—175.9(232) Consultation with health practitioners or mental health professionals. The child protection worker may contact a health practitioner or a mental health professional as circumstances warrant and will contact a health practitioner or a mental health professional when the worker requires the assistance of the health practitioner or mental health professional in order to complete the assessment process or when the worker requires the opinion or advice of the health practitioner or mental health professional in order to determine whether the child requires or should have required medical, health or mental health care as a result of suspected abuse.

441—175.10(232) Consultation with law enforcement.

175.10(1) During the course of a child abuse assessment, the child protection worker may contact law enforcement as warranted and will contact law enforcement when the worker believes that:

a. The abuse reported is more likely than not to result in a criminal investigation and subsequent prosecution.

b. The child needs to be separated from the person responsible for the abuse.

c. Contact by the child protection worker with the family will result in a volatile and dangerous response by the child or family members.

175.10(2) During the course of a family assessment, the child protection worker will not involve law enforcement for the purposes of a joint investigation but will immediately refer any information regarding a criminal act harming a child to the appropriate law enforcement agency.

441—175.11(232) Information shared with law enforcement. When the department is jointly conducting a child abuse assessment with law enforcement personnel, the department may share information gathered during the child abuse assessment process when an assessment is conducted in conjunction with a criminal investigation. When the department has rejected an intake or an intake is accepted for a family assessment, only the information collected at intake (excluding reporter information) may be shared with law enforcement.

441—175.12(232) Completion of required correspondence.

175.12(1) *Notification to parents that an assessment is being conducted.* Written notice will be provided to the parents of a child who is the subject of an assessment within five working days of commencing an assessment. Both custodial and noncustodial parents will be notified, if their whereabouts are known. If it is believed that notification will result in danger to the child or others, an emergency order to prohibit parental notification will be sought from juvenile court.

175.12(2) *Notification of completion of assessment and right to request correction.* Written or electronic notice that indicates that the child abuse assessment is completed will be provided to all

subjects of a child abuse assessment and to the mandatory reporter who made the report of child abuse. Both custodial and noncustodial parents will be notified if their whereabouts are known.

a. The notice will contain the following information pursuant to Iowa Code section 235A.19:

(1) A subject may request correction of the information contained within the child abuse assessment report if the subject disagrees with the information.

(2) A person named responsible for the abuse has the right to appeal if the department does not correct the data or findings as requested.

(3) A subject, other than the person named responsible for the abuse, has the opportunity to file a motion to intervene in an appeal hearing.

b. If the child abuse assessment results in a determination that abuse is confirmed, the notice will indicate the type of abuse, name of the child and name of the person responsible for the abuse and whether the report has been placed on the central abuse registry.

c. The department will provide written or electronic notice to the parent or guardian of each child listed in the family assessment report of the completion of the assessment and review any service recommendations. Because no determination concerning child abuse or neglect is made and nothing is reported to the central abuse registry, a subject of a family assessment will not be afforded the opportunity for a contested case hearing.

175.12(3) *Notification to relatives that a child has been removed.* The department will exercise due diligence in identifying and providing written or electronic notice to relatives within 30 days after an order removing a child from the custody of a parent or parents of the child pursuant to Iowa Code section 232.84.

175.12(4) *Notification to department staff.* When the department staff are the mandatory reporters to an assessment, the department will issue the following notices electronically:

a. Notice of intake decision as required under Iowa Code section 232.70.

b. Outcome notice pursuant to Iowa Code sections 232.71B, 235A.15, and 235A.17(2).

441—175.13(232,235A) Case records. The assessment case record will contain the assessment report and any related correspondence or information that pertains to the assessment or to the child and family. The name of the person who made the report of child abuse will not be disclosed.

175.13(1) *Child abuse assessment report.* A child abuse assessment report has two parts.

a. Report and disposition data. Subjects of the report have access to report and disposition data, including, where applicable, confirmation of placement on the central abuse registry for abuse reports meeting the criteria pursuant to Iowa Code section 232.71D. A child abuse assessment report will be submitted to the central abuse registry only if the abuse is confirmed and determined to meet the criteria pursuant to Iowa Code section 232.71D.

b. Assessment data will be available to subjects. Release of assessment data will be accomplished only when the parent or guardian approves the release. Assessment data will not be submitted to the central abuse registry.

175.13(2) *Family assessment report.* A family assessment report includes assessment data only. Assessment data will be available to subjects. Release of assessment data will be accomplished only when the parent or guardian of a child named in a family assessment report approves the release as provided in Iowa Code section 217.30 or as specified in Iowa Code section 235A.15. Assessment data will not be submitted to the central abuse registry.

175.13(3) *Child abuse assessments where abuse was confirmed but not placed on the central abuse registry.* The following conditions apply to case records for assessments in which abuse was confirmed but not placed on the central registry.

a. Access to the report data and disposition data is authorized only to the subjects of the report, the child protection worker, the law enforcement officer responsible for assisting in the assessment or for the temporary emergency removal of a child from the child's home, the multidisciplinary team assisting the department in the assessment of the abuse, the county attorney, juvenile court, a person or agency responsible for the care of the child if the department or juvenile court determines that

access is necessary, the department or contract personnel necessary for official duties, the department of justice, and the attorney for the department.

b. The child abuse assessment is retained for five years from the date of intake or five years from the date of closure of the service record, whichever occurs later.

c. The child abuse assessment report is subject to the confidentiality provisions of Iowa Code section 217.30. No confidential information will be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

175.13(4) *Child abuse assessments not placed on the central abuse registry where abuse was not confirmed.* The following conditions apply to case records for assessments in which abuse was not confirmed and not placed on the central registry:

a. Access to the assessment data on a child abuse assessment summary where abuse was not determined to have occurred and, therefore, the assessment was not placed on the central abuse registry is authorized only to the subjects of the assessment, the child protection worker, the county attorney, juvenile court, a person or agency responsible for the care of the child if the department or juvenile court determines that access is necessary, the department of justice, and department or contract personnel necessary for official duties.

b. Records are retained for five years from the date of intake or five years from the date of closure of the service record, whichever occurs later.

c. The child abuse assessment report is subject to the confidentiality provisions of Iowa Code section 217.30. No confidential information will be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

175.13(5) *Family assessment.* The following conditions apply to case records for all family assessments:

a. Access to the assessment data on a family assessment report is authorized only to the subjects of the assessment, the child protection worker, a person or agency responsible for the care of the child if the department or juvenile court determines that access is necessary, the department of justice, and department or contract personnel necessary for official duties.

b. Records are retained for five years from the date of intake or five years from the date of closure of the service record, whichever occurs later.

c. The family assessment report is subject to the confidentiality provisions of Iowa Code section 217.30. No confidential information will be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

441—175.14(232,235A) Child protection centers. The department may contract with designated child protection centers for assistance in conducting child abuse assessments. When a child who is the subject of an assessment is interviewed by staff at a child protection center, that interview may be used in conjunction with an interview conducted by the child protection worker. Written reports developed by the child protection center shall be provided to the child protection worker and may be included in the assessment case record. Video or audio records are considered to be part of the assessment process and shall be maintained by the child protection center under the same confidentiality provisions of Iowa Code section 217.30. Services or assistance from a child protection center will not be available through a family assessment.

441—175.15(232) Department-operated facilities. When an allegation of child abuse occurs at a department-operated facility, the allegation will be referred to the department of inspections, appeals, and licensing for investigation or assessment.

441—175.16(232,235A) Jurisdiction of assessments. Child protection workers serving the county in which the child's home is located have primary responsibility for completing the assessment

except when the suspected abuse occurs in an out-of-home placement. Circumstances in which the department will conduct an assessment when another state is involved include the following.

175.16(1) *Child resides in Iowa but incident occurred in another state.* When the child who is the subject of a report of suspected abuse physically resides in Iowa but has allegedly been abused in another state, the worker will do all of the following:

a. Obtain available information from the reporter.

b. Make a report to the office of the other state's protective services agency and request assistance from the other state in completing the assessment.

c. Complete the assessment with assistance, as available, of the other state.

175.16(2) *Child resides in another state, but is present within Iowa.* When the child who is the subject of a report of abuse is a legal resident of another state, but is present within Iowa, the worker receiving the report will do all of the following:

a. Act to ensure the safety of the child.

b. Contact the child's state of legal residency to coordinate the assessment of the report.

c. Commence an assessment if the state of legal residency declines to conduct an investigation.

175.16(3) *Child resides in another state and perpetrator resides in Iowa.* When the child who is the subject of a report of abuse resides in another state and the perpetrator resides in Iowa, the worker receiving the report will do all of the following:

a. Contact the state where the child resides and offer assistance to that state in its completion of a child abuse assessment. This assistance will include an offer to interview the person allegedly responsible for the abuse and any other relevant source of information.

b. Commence an assessment if the child's state of legal residency declines to conduct an investigation.

441—175.17(235A) Multidisciplinary teams. Multidisciplinary teams will be developed in county or multicounty areas in which more than 50 child abuse cases are received annually. These teams may be used as an advisory group to assist the department in conducting child abuse assessments. Multidisciplinary teams consist of professionals practicing in the disciplines of medicine, public health, mental health, social work, child development, education, law, juvenile probation, law enforcement, nursing, and substance abuse counseling. Members of multidisciplinary teams shall maintain confidentiality of cases in which they provide consultation. Rejected intakes will not be shared with multidisciplinary teams since the rejected intakes are not considered to be child abuse information. During the course of a child abuse assessment, information regarding the initial report of child abuse and information related to the child and family functioning may be shared with the multidisciplinary team. After a conclusion is made, only report data and disposition data on confirmed cases of child abuse may be shared with the team members. When the multidisciplinary team is created, all team members shall execute an agreement, filed with the central abuse registry, that specifies:

175.17(1) *Consultation.* The team will be consulted solely for the purpose of assisting the department in the child abuse assessment and diagnosis of child abuse cases.

175.17(2) *Redissemination.* No team member shall redisseminate child abuse information obtained through the multidisciplinary team. This does not preclude redissemination of information as authorized by Iowa Code section 235A.17 when an individual team member has received information as a result of another authorized access provision of the Iowa Code.

175.17(3) *Department not bound.* The department will consider the recommendation of the team in a specific child abuse case but will not, in any way, be bound by the recommendation.

175.17(4) *Confidentiality provisions.* Any written report or document produced by the team pertaining to an assessment case shall be made a part of the file for the case and shall be subject to all confidentiality provisions unless the child abuse assessment results in placement on the central abuse registry, in which case the written report or document shall be subject to all confidentiality provisions of Iowa Code chapter 235A.

175.17(5) *Written records.* Any written records maintained by the team that identify an individual child abuse assessment case shall be destroyed when the agreement lapses.

175.17(6) *Compensation.* Consultation team members shall serve without compensation.

175.17(7) *Withdrawal from contract.* Any party to the agreement may withdraw with or without cause upon the giving of 30 days' notice.

175.17(8) *Expiration date.* The date on which the agreement will expire shall be included.

441—175.18(232) Publicity, education, and training. The department will conduct publicity, education, and training pursuant to Iowa Code section 232.76.

441—175.19(235) Written authorizations. Requests for information from members of the general public as to whether a person is named on the central abuse registry as having abused a child shall be submitted on the Authorization for Release of Child Abuse Information form to the county office of the department or the central abuse registry. The form shall be completed and signed by the person requesting the information and the person authorizing the check for the release of child abuse information.

441—175.20(232) Founded child abuse. Reports of child abuse where abuse has been confirmed will be placed on the central abuse registry as founded child abuse for either five or ten years under any of the circumstances specified by Iowa Code section 232.71D. When none of the placement criteria listed in Iowa Code section 232.71D(3)*"b"* are applicable, reports of denial of critical care by failure to provide adequate clothing or failure to provide adequate supervision and physical abuse where abuse has been confirmed and determined to be minor, isolated, and unlikely to reoccur will not be placed on the central abuse registry as a case of founded child abuse.

175.20(1) *Confidentiality of founded child abuse report and data.* The confidentiality of report and disposition data pertaining to founded child abuse will be maintained as provided in Iowa Code chapter 235A. Access to the report and disposition data on founded child abuse is authorized only as provided in Iowa Code section 235A.15.

175.20(2) *Sealing and expungement of founded child abuse report and data.* Report and disposition data pertaining to founded child abuse will be sealed and expunged as provided in Iowa Code section 235A.18.

441—175.21(235A) Access to child abuse information. Requests for child abuse information shall include sufficient information to demonstrate that the requesting party has authorized access to the information.

175.21(1) *Written requests.* Requests for child abuse information shall be submitted on a Request for Child Abuse Information form to the county office of the department. Requests made for the purpose of determining employability of a person in a department-operated facility will be submitted to the central abuse registry. Subjects of a report may submit a request for child abuse information to the county office of the department on a Request for Child Abuse Information form, a Notice of Child Abuse Assessment: Founded form, a Notice of Child Abuse Assessment: Confirmed Not Registered form, a Notice of Child Abuse Assessment: Not Confirmed form, or a Family Assessment Report form. The county office is granted permission to release child abuse information to the subject of a report immediately upon verification of the identity and subject status.

175.21(2) *Oral requests.* Oral requests for child abuse information may be made when a person making the request believes that the information is needed immediately and if the person is authorized to access the information. When an oral request to obtain child abuse information is granted, the person approving the request will document the approval to the central abuse registry through use of a Request for Child Abuse Information form or a Notice of Child Abuse Assessment: Founded form. Upon approval of any request for child abuse information authorized by this rule, the department will withhold the name of the person who made the report of child abuse unless ordered by a juvenile court or district court after a finding that the person's name is needed to resolve an issue in any

phase of a case involving child abuse. Written requests and oral requests do not apply to child abuse information that is disseminated to an employee of the department, to a juvenile court, or to the attorney representing the department as authorized by Iowa Code section 235A.15.

175.21(3) *Written authorizations.* Requests for information from members of the general public as to whether a person is named on the central abuse registry as having abused a child shall be submitted on an Authorization for Release of Child Abuse Information form to the county office of the department or the central abuse registry. The form shall be completed and signed by the person requesting the information and the person authorizing the check for the release of child abuse information. The department will not provide requested information when the authorization form is incomplete. Incomplete authorization forms are returned to the requester.

441—175.22(235A) Research. Access to child abuse information for bona fide research purposes is governed by Iowa Code section 235A.15 and the fair information practice standards of 441—Chapter 2505.

441—175.23(235A) Citizen review panels. The department will convene child protection services citizen review panels as set forth in the federal Child Abuse Prevention and Treatment Act as amended to August 1, 2026.

These rules are intended to implement Iowa Code sections 232.67 through 232.70, 232.71B, 232.71C, 232.71D, 232.72 through 232.77, and 232.79B and chapter 235A.

RA 26-320

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 71
"Subacute Mental Health Care Facilities"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135G.10

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 135G as amended by 2026 Iowa Acts, House File 2543

Public Hearing

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

October 20, 2026	6200 Park Avenue
11 a.m.	Des Moines, Iowa

Public Comment

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

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Email: jeremiah.junker@dia.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to repromulgate Chapter 71 and implement Iowa Code chapter 135G in accordance with the goals and directives of Executive Order 10, as well as to amend Chapter 71 to implement 2026 Iowa Acts, House File 2543.

Pursuant to Iowa Code section 135G.2, "the purpose of (Iowa Code chapter 135G) is to provide for the development, establishment, and enforcement of basic standards for the operation, construction, and maintenance of a subacute care facility which will ensure the safe and adequate diagnosis, evaluation, and treatment of persons with serious and persistent mental illness so that the persons are able to experience recovery and live successfully in the community."

Iowa Code section 135G.10(1) states the Department and the Department of Health and Human Services (HHS) "shall collaborate in establishing standards for licensing of subacute care facilities to achieve all of the following objectives:

"*a.* Subacute mental health services are provided based on sound, proven clinical practice.

"*b.* Subacute mental health services are established in a manner that allows the services to be included in the federal medical assistance state plan."

Iowa Code section 135G.10(3) states the Department, in consultation with HHS, "shall adopt and enforce rules setting out the standards for a subacute care facility and the rights of the residents admitted to a subacute care facility." Iowa Code section 135G.10(3) also states that the Department and HHS "shall coordinate the adoption of rules and the enforcement of the rules in order to prevent duplication of effort by the departments and of requirements of the licensee."

2026 Iowa Acts, House File 2543, makes a number of statutory amendments to Iowa Code chapter 135G that require corresponding rule changes in Chapter 71. 2026 Iowa Acts, House File 2543, also requires the Department to review and amend its rules to promote the establishment and expansion of and ease of access to subacute mental health care facilities and services, as well as to make employment criteria at a subacute mental health care facility "less stringent than the requirements for the same employment at a state mental health institute."

The references to Iowa Code chapter 135G and section 135G.1 are to that chapter and section as amended by 2026 Iowa Acts, House File 2543.

Analysis of Impact

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

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

Subacute mental health care facilities will bear some costs associated with this proposed rulemaking. However, compared to the existing Chapter 71, this proposed rulemaking should reduce costs of compliance with Chapter 71.

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

Subacute mental health care facilities and residents of such facilities should benefit from this proposed rulemaking, which is intended to promote the establishment and expansion of and ease of access to subacute mental health care facilities and services, consistent with the directives of 2026 Iowa Acts, House File 2543.

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:**

Direct costs can vary greatly based on multiple factors (including the size and/or location of the facility, bed utilization/number of residents, and availability of qualified personnel) and are not easily quantified. However, compared to the existing Chapter 71, this proposed rulemaking should reduce costs of compliance with Chapter 71.

- **Qualitative description of impact:**

Indirect costs can also vary greatly based on multiple factors and are not easily measured. However, compared to the existing Chapter 71, this proposed rulemaking should reduce costs of compliance with Chapter 71. As previously noted, this proposed rulemaking is intended to promote the establishment and expansion of and ease of access to subacute mental health care facilities and services, consistent with the directives of 2026 Iowa Acts, House File 2543.

3. **Costs to the State:**

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

The Department does not anticipate any implementation or enforcement costs beyond those arising from its statutory obligation to implement and enforce Iowa Code chapter 135G.

- **Anticipated effect on State revenues:**

The Department does not anticipate any effects on State revenues associated with this proposed rulemaking.

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

Rulemaking is required by Executive Order 10 and 2026 Iowa Acts, House File 2543, so inaction is not an option.

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

It is the Department's determination that less costly or less intrusive methods do not exist that would properly balance the purpose and directives of Iowa Code chapter 135G with the directives of Executive Order 10 and 2026 Iowa Acts, House File 2543.

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

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

No alternative methods were seriously considered.

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

No alternative methods were seriously considered.

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?

It is the Department's opinion that this proposed rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 71 and adopt the following **new** chapter in lieu thereof:

CHAPTER 71
SUBACUTE MENTAL HEALTH CARE FACILITIES

481—71.1(135G) Purpose—subacute mental health services. Subacute mental health services are intended to be short-term, intensive, recovery-oriented services designed to stabilize an individual who is experiencing a decreased level of functioning due to a mental health condition.

481—71.2(135G) Definitions. The definitions set out in Iowa Code section 135G.1 are adopted by reference in the rules. Additionally, the following definitions apply to this chapter.

"Administrator" means an individual who administers, manages, supervises, and is in general administrative charge of a subacute care facility, whether or not such individual has an ownership interest in the facility and whether or not the functions and duties are shared with one or more individuals.

"Assessment" means the evaluation of a person in psychiatric crisis in order to ascertain the person's current and previous level of functioning, psychiatric and medical history, potential for dangerousness, current psychiatric and medical condition factors contributing to the crisis and support systems that are available.

"Distinct part" means a clearly identifiable area or section within a health care facility, consisting of at least a residential unit, wing, floor, or building containing contiguous rooms.

"Incident" means an unusual occurrence within a facility or on its premises affecting residents, visitors, or employees whether or not there is apparent injury or where hidden injury may have occurred.

"Medication" means any drug, including over-the-counter substances ordered and administered under the direction of a physician, physician associate or advanced registered nurse practitioner.

"Peer support" means services that are provided by individuals in recovery from serious mental illness and delivered to others who also have mental illness.

"Psychiatric care" means the provision of care to patients in a psychiatric unit of an acute care hospital; a freestanding psychiatric hospital; or a mental health clinic.

"Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

"Responsible party" means the person who signs or cosigns the admission agreement required in rule 481—71.13(135G) or the resident's guardian or conservator if one has been appointed. In the event that a resident does not have a guardian, conservator or other person signing the admission agreement, the term "responsible party" shall include the resident's sponsoring agency (e.g., the department of health and human services, the U.S. Department of Veterans Affairs, a religious group, fraternal organization, or foundation that assumes responsibility and advocates for its client patients and pays for their health care).

"Restraint" means the application of physical force, use of a chemical agent, or a mechanical device for the purpose of restraining the free movement of an individual's body to protect the individual or others from immediate harm. Restraint does not include briefly holding without undue force an individual to calm or comfort the individual or holding an individual's hand to safely escort the individual from one area to another.

"Restricted means of egress" means an exit door alarm system for safety of the residents and the public.

"Seclusion" means the involuntary confinement of a resident alone in a room or an area from which the resident is physically prevented from leaving.

481—71.3(135G) Application for licensure.

71.3(1) *Initial application and licensing.* In order to obtain an initial license for a subacute care facility, the applicant must meet all the requirements of the rules, regulations, and standards contained in Iowa Code chapter 135G and in this chapter and apply at least 30 days prior to the proposed licensure date of the subacute care facility on forms provided by the department. The applicant must:

a. Submit a résumé of care with a narrative that includes the following information:

(1) The purpose of the facility.

(2) A description of the target population and limitations on resident eligibility.

(3) Identification and description of the services the facility will provide, which shall minimally include specific and measurable goals and objectives for each of the services to be made available by the facility and a description of the resources needed to provide each of the services, including staff, physical facilities and funds.

(4) A description of the human services system available in the area, including but not limited to social, public health, visiting nurse, vocational training, and employment services, residential living arrangements, and services of private agencies.

(5) A description of working relationships with human services agencies when applicable, which shall include at a minimum:

1. A description of how the facility will coordinate with human services agencies to facilitate continuity of care and coordination of services to residents; and

2. A description of how the facility will coordinate with human services agencies to identify unnecessary duplication of services and plan for development and coordination of needed services;

b. Submit a floor plan of each floor of the facility drawn on 8½- × 11-inch paper showing room areas in proportion, room dimensions, room numbers for all rooms, including bathrooms, the designation of the use to which each room will be put, and window and door location;

c. Submit a photograph of the front and side elevation of the facility;

d. Submit the statutory fee for a subacute care facility license;

e. Show evidence of a certificate signed by the department's fire safety bureau, certifying compliance with fire safety rules.

71.3(2) *Conversion from an intermediate care facility for persons with mental illness.* An intermediate care facility for persons with mental illness may be converted to a subacute care facility pursuant to Iowa Code section 135G.4(2) if the facility:

a. Provides written notice to the department that the facility has employed a full-time psychiatrist and desires to make the conversion; and

b. Submits an application to the department.

71.3(3) *Renewal application or change of ownership.* In order to obtain a renewal or change of the subacute care facility license, the applicant must:

a. Submit to the department the completed application form 30 days prior to the annual license renewal or change of ownership date;

b. Submit the statutory license fee for a subacute care facility with the application for renewal or change of ownership;

c. Have an approved, current certificate from the department's fire safety bureau or its designee, certifying compliance with fire safety rules and regulations; and

d. Submit appropriate changes in the résumé of care to reflect any changes in the resident care program or other services.

71.3(4) *Issuance of license.* Licenses are issued to the person or governmental unit with responsibility for the operation of the facility and authority to comply with all applicable statutes, rules or regulations. The person or governmental unit must be the owner of the facility or, if the facility is leased, the lessee.

481—71.4(135G) Licenses for distinct parts.

71.4(1) Separate licenses may be issued for distinct parts of a health care facility that are clearly identifiable, include specifically designated rooms within the facility, and provide separate categories of care and services.

71.4(2) The following criteria shall be met for a separate licensing of a distinct part:

a. The distinct part serves only residents who require the category of care and services immediately available to the residents within that part;

b. The distinct part meets all of the standards, rules, and regulations pertaining to the category for which a license is being sought;

c. The distinct part is operationally and financially feasible.

481—71.5(135G) Waivers.

71.5(1) Waivers from these rules may be granted by the director of the department if, in addition to the requirements of 7—Chapter 2504:

a. The need for a waiver has been established consistent with the résumé of care or the resident's individual program plan; and

b. There is no danger to the health, safety, welfare, or rights of any resident.

71.5(2) The waiver will apply only to a subacute care facility.

71.5(3) Waivers shall be reviewed by the department at the time of each licensure survey to verify whether the facility is still eligible for the waiver.

481—71.6(135G) Provisional license.

71.6(1) *Provisional license procedure.* The department may issue a provisional license to a subacute care facility pursuant to Iowa Code section 135G.8. The procedure for issuance of a provisional license is as follows:

a. The department will first issue to the facility a report that identifies the deficiency.

b. Within ten working days after receipt of the report, the facility shall provide the department with a written plan of correction.

c. The department will review the written plan of correction within ten working days of receipt. The department may request additional information or revision to the plan prior to accepting the plan.

d. After accepting the written plan of correction, the department will issue a provisional license to the facility, which will not exceed one year in duration.

71.6(2) *Written plan of correction.* The written plan of correction shall contain:

a. How the facility will correct the deficient practice;

b. How the facility will act to protect residents;

c. The measures the facility will take or the systems it will alter to ensure that the deficient practice does not recur; and

d. The date when the plan of correction will be completed, not to exceed 30 days from the date of the department's report.

481—71.7(135G) License requirements.

71.7(1) The license that accurately reflects the current status of the subacute care facility's license shall be displayed in the facility in a conspicuous place that is viewed by the public.

71.7(2) The license shall be valid only for the premises and person named on the license and is not transferable. The license will expire one year after the date of issuance or as indicated on the license. There cannot be more beds added than are stipulated on the license.

481—71.8(135G) Required notifications to the department.

71.8(1) The department shall be notified:

a. Thirty days in advance of any proposed change in the subacute care facility's functional operation or the addition or deletion of required services;

b. Thirty days before any addition, alteration, or new construction is begun in the subacute care facility or on the premises;

c. Thirty days in advance of any closure of the subacute care facility;

d. Within two weeks of any change in administrator;

e. Within 30 days of the date on which any change in the category of license is sought;

f. Within 30 days of any proposed change in the résumé of care for the subacute care facility.

71.8(2) Prior to the purchase, transfer, assignment, or lease of a subacute care facility, the licensee shall:

a. Inform the department of the pending sale, transfer, assignment, or lease of the facility; and

b. Inform the department of the name and address of the prospective purchaser, transferee, assignee, or lessee at least 30 days before the sale, transfer, assignment, or lease is completed.

71.8(3) Within 24 hours, or the next business day, by the most expeditious means available, the department shall be notified:

a. Of any accident causing major injury. "Major injury" is any injury that:

(1) Results in death; or

(2) Requires admission to a higher level of care for treatment, other than for observation; or

(3) Requires consultation with the attending physician, designee of the physician, physician associate, or advanced registered nurse practitioner who determines, in writing, on a form designated by the department, that an injury is a "major injury" based upon the circumstances of the accident, the previous functional ability of the resident, and the resident's prognosis;

b. When a resident attempts suicide, regardless of injury;

c. When damage to the facility is caused by a natural or other disaster;

d. When a fire occurs in a facility and the fire requires the notification of emergency services, requires full or partial evacuation of the facility, or causes physical injury to a resident;

e. When a defect or failure occurs in the fire sprinkler system for more than 10 hours or fire alarm system for more than 4 hours in a 24-hour period.

481—71.9(135G) Reports of dependent adult abuse. Reports of suspected dependent adult abuse shall be made to the department of health and human services.

481—71.10(135G) Administrator.

71.10(1) *Administrator required.* Each subacute care facility shall have one person in charge who is duly approved by the department or acting in a provisional capacity in accordance with these rules.

71.10(2) *Qualifications of an administrator.* The administrator shall be at least 21 years of age, have a high school diploma or equivalent, and meet at least one of the following conditions:

a. Be a mental health professional, as defined in Iowa Code section 228.1(7), with at least one year of experience in an administrative capacity; or

b. Have a four-year degree in human services, psychology, sociology, nursing, health care administration, public administration, or a related field and have a minimum of one year of experience in the field; or

c. Have a master's degree in human services, psychology, sociology, nursing, health care administration, public administration, or a related field; or

d. Be a licensed nursing home administrator.

71.10(3) *Administrator—distinct part.* If a subacute care facility is a distinct part of a licensed health care facility, the administrator of the facility as a whole may serve as the administrator of the subacute care facility.

71.10(4) *Provisional administrator.* A provisional administrator may be appointed on a temporary basis by the subacute care facility licensee to assume the administrative responsibilities of the facility for a period not to exceed 12 months when the facility has, through no fault of its own, lost its administrator and has not been able to replace the administrator, provided the department has been notified and has approved the provisional administrator prior to the date of the administrator's appointment. The provisional administrator must meet the requirements of subrule 71.10(2).

71.10(5) *Administrator—initial licensing of facility.* A facility applying for an initial license cannot have a provisional administrator.

71.10(6) *Duties of administrator.* An administrator shall:

a. Be responsible for the implementation of procedures to support the policies established by the licensee;

b. Select and direct competent personnel who provide services for the subacute care facility;

c. Make a policies and procedures manual available to all staff;

d. Be responsible for a monthly in-service educational program for all employees and maintain records of programs and participants;

e. Make staff payroll records available for departmental review as needed;

f. Furnish to the department within 30 days of the department's request statistical information concerning the operation of the facility.

481—71.11(135G) Administration.

71.11(1) The licensee shall:

a. Assume the responsibility for the overall operation of the subacute care facility;

b. Be responsible for compliance with all applicable laws and with the rules of the department;

c. Establish written policies, which shall be available for review, for the operation of the subacute care facility.

71.11(2) The policy and procedures shall include:

a. Personnel;

b. Admission;

c. Evaluation services;

d. Treatment and discharge plan;

e. Crisis intervention, including restraint and seclusion;

f. Involuntary discharge or transfer;
g. Medication management;
h. Records;
i. Resident rights.

481—71.12(135G) Personnel.

71.12(1) Availability of personnel must be sufficient to meet psychiatric and medical treatment needs of the residents served. Personnel criminal history, child abuse and dependent adult abuse record checks shall be conducted prior to employment.

71.12(2) Staffing shall include at minimum:

a. Twenty-four-hour-per-day, seven-day-per-week availability of on-call psychiatrist or advanced registered nurse practitioner;

b. Twenty-four-hour-per-day, seven-day-per-week availability of on-call registered nurse;

c. A mental health professional as defined in Iowa Code section 228.1(7);

d. Direct care staff; and

e. Social service staff at the bachelor level or one of the following:

(1) The equivalent of four years of full-time technical work experience involving direct contact with people in overcoming their social, economic, psychological, or health problems; or

(2) An equivalent combination of education and experience substituting the equivalent of one year of full-time qualifying work experience for one year (30 semester or equivalent hours) of the required education to a maximum substitution of four years.

71.12(3) Reserved.

71.12(4) The facility shall require regular health examinations for all personnel. Employees shall have a health examination within 12 months prior to beginning employment and regular examinations thereafter at least every four years. The examination shall include, at a minimum, the health status of the employee, including screening and testing for tuberculosis as described in 481—Chapter 59.

a. No person shall be allowed to provide services in a facility if the person has a disease:

(1) That is transmissible through required workplace contact;

(2) That presents a significant risk of infecting others;

(3) That presents a substantial possibility of harming others; and

(4) For which no reasonable accommodation can eliminate the risk.

b. There shall be written policies for emergency medical care for employees in case of sudden illness or accident, including the administrative individuals to be contacted.

c. Health certificates for all employees shall be available for review by the department.

71.12(5) A personnel record shall be kept for each employee.

71.12(6) Orders for medications and treatments shall be correctly implemented by qualified personnel.

481—71.13(135G) Admission, transfer, and discharge.

71.13(1) *General admission policies.*

a. A subacute care facility shall not admit or retain a resident who is in need of greater services than the facility can provide.

b. Prior to admission of an applicant, the facility shall obtain sufficient information to determine if its program is appropriate and adequate to meet the individual's needs.

c. A subacute care facility may only admit as many residents as indicated by the number of beds for which the facility is licensed.

d. A subacute care facility shall adopt policies regarding the admission requirements outlined in subrule 71.13(2).

71.13(2) *Admission requirements.*

a. Eligibility for individualized subacute mental health services will be determined by the standardized preadmission screening utilized by the facility. The screening shall be conducted by

a mental health professional as defined in Iowa Code section 228.1(7), a physician, a physician associate, or an advanced registered nurse practitioner.

b. In order to be admitted, the individual must:

(1) Be 18 years or older;

(2) During the past year, have had a diagnosable mental, behavioral or emotional disorder that meets the diagnostic criteria specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM);

(3) Demonstrate a high degree of impairment through significantly impaired mental, social, or educational functioning arising from the psychiatric condition or serious emotional disturbance;

(4) Demonstrate an impairment that severely limits the skills necessary to maintain an adequate level of functioning outside a treatment program and requires active treatment to obtain an adequate level of functioning;

(5) Demonstrate a low level of stability through any two of the following conditions:

1. The individual presents moderate to high risk of danger to self or others.
2. The individual lacks adequate skills or social support to address mental health symptoms.
3. The individual is medically stable but requires observation and care for stabilization of a mental health condition or impairment.

71.13(3) *Admission agreement.* A subacute care facility shall provide an admission agreement to each resident upon admission to the facility, which includes:

a. Method of payment;

b. Schedule of services and any additional fees;

c. The facility's policies regarding length of stay, discharge and transfer.

71.13(4) *Exclusion criteria.*

a. A subacute care facility shall not admit an individual into the facility if:

(1) The individual manifests behavioral or psychiatric symptoms that require acute care;

(2) The individual can be safely maintained and effectively treated with less intensive services in a community setting; or

(3) The symptoms of the individual do not meet admission criteria in subrule 71.13(2).

b. An individual's lack of adequate place of residence, placement, or housing is not reason to receive subacute mental health services.

71.13(5) *Continued stay criteria policies.* Following admission and thereafter according to resident needs as indicated by professional judgment, standard of care, the resident's treatment plan, or any combination thereof, the mental health professional shall conduct and document an assessment of the resident and determine if:

a. The severity of the behavioral and emotional symptoms continues to require the subacute level of intervention and the DSM diagnosis remains the principal diagnosis.

b. The prescribed interventions remain consistent with the intended treatment plan outcomes.

c. There is documented evidence of active, individualized discharge planning.

d. There is a reasonable likelihood of substantial benefit in the resident's mental health condition as a result of active intervention of the 24-hour supervised program.

e. Symptoms and behaviors that required admission are continuing.

f. A less intensive level of care would be insufficient to stabilize the resident's condition.

g. New issues that meet the admission guidelines in subrule 71.13(2) have appeared.

h. The resident requires further stabilization subsequent to acute care to treat active mental health symptoms such as psychosis, depression or mood disorder.

71.13(6) *Discharge criteria policies.* A resident may be discharged from subacute level of care if:

a. The resident's treatment plan goals and objectives for subacute services have been met and a discharge plan to outpatient or other community-based services is in place.

b. The resident's physical condition necessitates transfer to a more intensive level of care.

c. The resident is not making progress toward treatment goals and there is no reasonable expectation of progress at the subacute level of care.

d. The resident becomes a danger to self, others, or facility structure and requires an emergency transfer to a higher level of care.

e. The resident repeatedly refuses to participate in the resident's treatment plan.

71.13(7) *Discharge or transfer.*

a. The facility shall give prior notification to the resident, as well as the resident's next of kin, legal representative, attending physician or advanced registered nurse practitioner, and sponsoring agency, if any, prior to transfer or discharge of any resident.

b. The subacute care facility shall make proper arrangements for the welfare of the resident prior to transfer or discharge in the event of an emergency or inability to reach the next of kin or legal representative.

c. If the resident is to be transferred to another facility:

(1) Notification shall be made to the receiving facility no less than 24 hours prior to transfer unless paragraph 71.13(6)*"d"* applies.

(2) Prior to the transfer or discharge of the resident, arrangements to provide for continuity of care shall be made with the receiving facility.

d. The appropriate record as set forth in subrule 71.20(1) shall accompany the resident when the resident is transferred or discharged.

481—71.14(135G) Treatment plan.

71.14(1) A treatment plan must be developed with each resident. The plan must be based on initial and ongoing assessment of need, be designed to resolve the acute or crisis mental health symptoms or the imminent risk of acute or crisis mental health symptoms, and be completed within 24 hours of the resident's admission.

71.14(2) The treatment plan must be documented in the resident's record and include the following:

a. The resident's name.

b. The date the plan is developed.

c. Standardized diagnostic formulations, including but not limited to the current Diagnostic and Statistical Manual (DSM) or the current International Statistical Classification of Diseases and Related Health Problems (ICD).

d. Problems and strengths of the resident that are to be addressed.

e. Observable and measurable individual objectives that relate to the specific problems identified.

f. Interventions that address specific objectives, identification of staff responsible for interventions, and planned frequency of interventions.

g. Signatures of mental health professionals responsible for developing the plan, including the qualified prescriber.

h. Signatures of the resident and any parent, guardian, conservator, or legal custodian. Reasons for refusal to sign or inability to participate in treatment plan development must be documented.

i. A projected discharge date and anticipated postdischarge needs, including documentation of resources needed in the community.

j. Review of the treatment plan by the appropriate treatment staff at least daily and upon completion of the stated goals or objectives and documentation of the following:

(1) Progress toward each treatment objective, with revisions as indicated; and

(2) Status of discharge plans, including availability of resources needed by the resident in the community, with revisions as indicated.

481—71.15(135G) Crisis intervention.

71.15(1) There shall be written policies and procedures concerning crisis intervention that are:

a. Directed to maximizing the growth and development of the individual by incorporating a hierarchy of available alternative methods that emphasize positive approaches;

b. Available in each program area and living unit;

c. Available to individuals and their families; and

d. Developed with the participation, as appropriate, of individuals served.

71.15(2) An emergency safety intervention must be performed in a manner that is safe, proportionate, and appropriate to the severity of the behavior and to the individual's chronological and developmental age, size, gender, physical, medical, and psychiatric condition and personal history, including any history of physical or sexual abuse.

481—71.16(135G) Seclusion and restraint.

71.16(1) *Use of a seclusion room.* Pursuant to Iowa Code section 135G.3(2), a seclusion room used by a subacute care facility must meet the conditions of 42 CFR §483.364(b). Under no circumstances shall the use of the seclusion room exceed four hours.

a. A subacute care facility utilizing a seclusion room shall have written policies regarding its use and that:

(1) Specify the types of behavior that may result in seclusion room placement.

(2) Delineate the licensed personnel who may authorize use of the seclusion room.

(3) Require documentation of the time in the seclusion room, the reasons for use of the seclusion room, the reasons for any extension of time beyond one hour, and prohibit the use of the seclusion room in excess of four hours.

(4) Require notice to residents of the types of behavior that may result in seclusion room placement.

b. A staff member shall always be in hearing distance of the seclusion room, visually check the resident at least every 15 minutes, and document every check in writing.

c. A seclusion room may not be used for punishment, for the convenience of staff, or as a substitution for supervision. A seclusion room may only be used when a less restrictive alternative has failed and:

(1) In an emergency to prevent injury to the resident or to others; or

(2) For crisis intervention.

71.16(2) *Use of restraints.* There shall be written policies that define the use of restraint, designate the staff member who may authorize its use, and establish a mechanism for monitoring and controlling its use.

a. Restraint may not be used for punishment, for the convenience of staff, or as a substitution for supervision. Restraint may only be used:

(1) In an emergency to prevent injury to the resident or to others; or

(2) For crisis intervention.

b. Restraint may not result in harm or injury to the resident and may only be used to ensure the safety of the resident or others during an emergency situation until the emergency situation has ceased, even if the restraint order has not expired.

c. The use of restraint should be selected only when other less restrictive measures have been found to be ineffective to protect the resident or others. The staff shall demonstrate effective treatment approaches and alternatives to the use of restraint.

d. Under no circumstances can a resident be allowed to actively or passively assist in the restraint of another resident.

e. Staff trained in the use of emergency safety interventions must be physically present and continually assessing and monitoring the well-being of the resident and the safe use of restraint throughout the duration of the emergency situation.

71.16(3) *Orders for restraint or seclusion.* An order for restraint or seclusion cannot be written as a standing order or on an as-needed basis.

a. Each order for restraint or seclusion shall include:

(1) The name of the ordering physician, physician associate or advanced registered nurse practitioner.

(2) The date and time the order is obtained.

(3) The emergency safety intervention ordered, including the length of time for which restraint or seclusion is authorized.

b. Orders for restraint or seclusion must be by a physician, physician associate or advanced registered nurse practitioner.

(1) Verbal orders must be received while the emergency safety intervention is being initiated by staff or immediately after the emergency safety situation ends and verified in writing in the resident's record by the physician, physician associate or advanced registered nurse practitioner.

(2) Once the one-time order for the specific resident in an emergency safety situation has expired, it may not be renewed on a planned, anticipated, or as-needed basis.

71.16(4) *Simultaneous use prohibited.* Restraint and seclusion shall not be used simultaneously.

71.16(5) *Documentation of use of restraint or seclusion.* Staff must document in the resident's record and in a centralized tracking system any use of restraint or seclusion.

a. Documentation must be completed by the end of the shift in which the intervention occurs or during the shift in which it ends.

b. Documentation shall include:

(1) The order for restraint or seclusion.

(2) The time the emergency safety intervention began and ended.

(3) The emergency safety situation that required restraint or seclusion.

(4) The name of staff involved in the emergency safety intervention.

(5) The interventions used and their outcomes.

(6) The signature of the physician, physician associate or advanced registered nurse practitioner.

71.16(6) *Meeting to process restraint or seclusion.* As soon as reasonably possible after the restraint or seclusion of a resident has terminated, staff must meet to process the restraint or seclusion occurrence and document in writing the meeting.

71.16(7) *Multiple occasions of restraint or seclusion.* A resident who requires restraint or seclusion on multiple occasions should be considered for a higher level of care.

71.16(8) *Staff training.* The facility shall provide to the staff training by qualified professionals on physical restraint and seclusion theory and techniques.

a. The facility shall keep a record of the training, including attendance, for review by the department.

b. Only staff who have documented training in physical restraint and seclusion theory and techniques are authorized to assist with the seclusion or physical restraint of a resident.

481—71.17(135G) Medication management.

71.17(1) Medications must be ordered by qualified prescribers and administered by qualified personnel. For purposes of this subrule, "qualified personnel" means, at a minimum, a certified medication aide.

71.17(2) Prescription medication must be legally dispensed and labeled according to state law.

71.17(3) All medication errors, drug reactions and suspected drug overmedication must be documented and reported to the practitioner who prescribed the medication.

71.17(4) All medications and other preparations intended for internal or external human use must be stored in medicine cabinets or drug rooms. When preservation of the medication or other preparation requires refrigeration, the facility must provide a means of securely refrigerating these items. Such cabinets or drug rooms must be kept securely locked when not in use, with the key in the possession of the supervising nurse or other authorized person.

71.17(5) Schedule II drugs must be stored within two separately locked compartments at all times and accessible only to qualified personnel in charge of administering medication.

71.17(6) Any unused portions of program-prescribed medication(s) must be either turned over to the resident with written authorization and directions by the qualified prescriber or returned to a pharmacy for proper disposition by the pharmacist.

71.17(7) Whenever a resident brings the resident's own prescribed medications into the facility, such medications must not be administered unless identified by a qualified prescriber or pharmacist and ordered by a qualified prescriber. If such medications cannot be administered, they must be packaged, sealed, and returned to an adult member of the resident's immediate family or the legal guardian or securely stored and returned to the resident upon discharge. However, if previously prescribed medication would prove harmful to the resident, the medication may be withheld from the resident and disposed of in accordance with subrule 71.17(6). There must be documentation by the qualified prescriber in the resident's clinical record citing the dangers or contraindications of the medication being withheld.

71.17(8) All potent, poisonous, or caustic materials shall be stored separately from medications, plainly labeled and stored in a specific, well-illuminated cabinet, closet or storeroom, and made accessible only to authorized personnel.

481—71.18(135G) Dietary.

71.18(1) *Nutrition and menu planning.* At least three meals or their equivalent shall be served daily, at regular hours, and menus shall be:

a. Planned and followed to meet the nutritional needs of residents.

b. Planned and served to include foods and amounts necessary to meet federal dietary guidelines.

71.18(2) *Dietary storage, food preparation, and service.* All food shall be handled, prepared, served and stored in compliance with the Food Code adopted pursuant to Iowa Code section 137F.2.

481—71.19(135G) Buildings, furnishings, and equipment.

71.19(1) *Buildings—general requirements.*

a. All windows shall be supplied with window treatments that are kept clean and in good repair.

b. Whenever glass sliding doors or transparent panels are used, they shall be marked conspicuously.

c. The facility shall meet the equivalent requirements of the appropriate group occupancy of the state fire code.

71.19(2) *Furnishings and equipment.*

a. All furnishings and equipment shall be durable, cleanable, and appropriate to their function.

b. Upholstery materials shall be moisture- and soil-resistant as needed, except on furniture provided by the resident and the property of the resident.

71.19(3) *Dining area and common area.* Every facility shall have a dining area and a common area easily accessible to all residents.

a. A common area shall be suitably furnished and maintained for the use of residents and their visitors and may be used for recreational activities.

b. Dining areas shall be kept clean and sanitary and furnished with dining tables and chairs appropriate to the size and function of the facility.

71.19(4) *Bedrooms.* Bedrooms shall meet the following criteria:

a. Each resident is provided with a twin-sized or larger bed, substantially constructed and in good repair. Rollaway beds, metal cots, or folding beds are not acceptable.

b. Each bed is equipped with the following: casters or glides; clean springs in good repair; a clean, comfortable, well-constructed mattress approximately five inches thick and standard in size for the bed; and clean, comfortable pillows of average bed size.

c. Each resident is provided with a bedside table with a drawer to accommodate personal possessions.

d. There is a comfortable chair, either a rocking chair or armchair, per resident bed. The resident's personal wishes are considered.

e. There is drawer space for each resident's clothing. In a bedroom in which more than one resident resides, drawer space is assigned to each resident.

f. Beds and other furnishings do not obstruct free passage to and through doorways.

g. Beds are not placed in such a manner that the side of the bed is against the radiator or in close proximity to it unless the radiator is covered so as to protect the resident from contact with it or from excessive heat.

h. There are no more than two residents per room.

71.19(5) *Bath and toilet facilities.*

a. There shall be a minimum of one toilet and one sink for each four residents and one shower for each eight residents.

b. All sinks shall have paper towel dispensers and an available supply of soap.

c. Toilet paper shall be readily available to residents.

71.19(6) *Heating.* A centralized heating system shall be maintained in good working order and capable of maintaining a comfortable temperature for residents of the facility. Portable units or space heaters cannot be used in the facility except in an emergency.

71.19(7) *Water supply.*

a. Private sources of water supply shall be tested annually and the report made available for review by the department upon request.

b. A bacterially unsafe source of water supply is grounds for denial, suspension, or revocation of license.

c. The department may require testing of private sources of water supply at its discretion in addition to the annual test. The facility shall supply reports of such tests as directed by the department.

d. Hot and cold running water under pressure shall be available in the facility.

e. Prior to construction of a new facility or new water source, private sources of water supply shall be surveyed and comply with the requirements of the department.

481—71.20(135G) Records.

71.20(1) *Resident record.* The licensee shall keep a permanent record about each resident with all entries current, dated, and signed, which includes:

a. Name and previous address of resident;

b. Birth date, sex, and marital status of resident;

c. Provisional or admitting diagnosis;

d. A biopsychosocial history sufficient to provide data on the resident's relevant past history, present situation, social support system, community resource contacts, and other information relevant to appropriate treatment and discharge planning;

e. The name, telephone number and address of the licensed mental health professional completing the biopsychosocial history;

f. Name, address and telephone number of next of kin or legal representative;

g. Name, address and telephone number of the person to be notified in case of emergency;

h. Pharmacy name, telephone number, and address;

i. Written orders for treatment and medications, signed by a physician, physician associate or advanced registered nurse practitioner;

j. Any change in the resident's condition;

k. Notations describing the resident's condition on admission, transfer, and discharge;

l. A copy of instructions given to the resident, legal representative, or facility in the event of discharge or transfer;

m. Individualized treatment and discharge or transfer plan pursuant to rule 481—71.14(135G);

n. Progress notes, including any use of seclusion or restraint pursuant to rule 481—71.16(135G), recorded by the physician, physician associate, advanced registered nurse

practitioner or mental health professional and, when appropriate, others significantly involved in active treatment modalities. Progress notes must contain a concise assessment of the resident's progress and recommendations for revising the treatment plan as indicated by the resident's condition;

o. The discharge summary, including a recapitulation of the resident's hospitalization, recommendations for appropriate services concerning follow-up, and a brief summary of the resident's condition on discharge.

71.20(2) *Confidentiality of resident records.* The facility shall have policies and procedures providing that each resident is assured confidential treatment of all information, including information contained in electronic records.

a. The facility shall limit access to any resident records to staff and consultants providing professional services to the resident. Information may be made available to staff only to the extent that the information is relevant to the staff person's responsibilities and duties. This restriction does not preclude access by representatives of state or federal regulatory agencies.

b. The resident, or the resident's legal guardian, shall be entitled to examine all information and have the right to secure full copies of the record at reasonable cost upon request unless the physician, physician associate, advanced registered nurse practitioner or mental health professional determines the disclosure of the record or a section thereof is contraindicated, in which case the designated information will be redacted prior to making the record available to the resident. This determination and the reasons for it must be documented in the resident's record.

71.20(3) *Incident records.*

a. Each subacute care facility shall maintain an incident record report and have available incident report forms.

b. A report of every unusual occurrence shall be detailed on the printed incident report form.

c. The person in charge at the time of the unusual occurrence shall oversee the preparation of and sign the incident report.

d. A copy of the incident report shall be kept on file in the facility and be available for review and a part of administrative records.

71.20(4) *Retention of records.*

a. Records shall be retained in the facility for five years following termination of services to the resident, even when there is a change of ownership.

b. When the facility ceases to operate, the resident's record shall be released to the facility to which the resident is transferred or, if no transfer occurs, to the individual's physician or advanced registered nurse practitioner.

481—71.21(135G) Residents' rights in general.

71.21(1) *Policies and procedures.* Each facility shall ensure that policies and procedures are written and implemented, include all of the following subrules, and govern all areas of service provided to staff and residents, their families or legal representatives. The policies and procedures shall be reviewed annually by the facility and be available to the public.

71.21(2) *Grievances.* Written policies and procedures shall include a method for submission of grievances and recommendations by residents or their responsible parties and a method to ensure a response and disposition by the facility. The written grievance procedure shall ensure protection of the resident from any form of reprisal or intimidation and include:

a. The name of an employee or an alternate staff person designated to be responsible for handling grievances and recommendations; and

b. Methods to investigate and assess the validity of a grievance or recommendation, resolve grievances, and take action.

71.21(3) *Informed of rights and responsibilities.* Policies and procedures shall include a provision that each resident be fully informed of the resident's rights and responsibilities as a resident and of all rules governing resident conduct and responsibilities. This information must be provided upon admission.

a. The facility shall inform residents about what they may expect from the facility and its staff and what is expected from residents.

b. Residents' rights and responsibilities shall be presented in language understandable to the resident. If the facility serves residents who are non-English-speaking or deaf or hard of hearing, steps shall be taken to translate the information into the person's native language or sign language. In the case of visually impaired residents, either Braille or a recording shall be provided.

c. A statement shall be signed by the resident and legal guardian, if applicable, indicating an understanding of these rights and responsibilities. The statement shall be maintained in the record and a copy of the signed statement given to the resident or legal guardian.

71.21(4) *Informed of health condition.* Each resident or legal guardian shall be fully informed by a physician, physician associate, advanced registered nurse practitioner or mental health professional of the resident's health and medical condition unless medically contraindicated as documented by a physician, physician associate, advanced registered nurse practitioner or mental health professional in the resident's record.

71.21(5) *Posting of names.* The facility shall post in a prominent area the name, telephone number, and address of the survey agency, the local law enforcement agency and the protection and advocacy agency designated to provide to residents another course of redress.

71.21(6) *Dignity preserved.* Each resident shall be treated with consideration, respect, and full recognition of the resident's dignity and individuality, including privacy in treatment and in care of personal needs.

a. Corporal punishment, verbal abuse, or any other activity that would be damaging to an individual's self-respect shall be prohibited by written policy.

b. Medication shall not be used as punishment, for the convenience of staff, or as a substitute for a program.

c. Staff shall display respect for residents when speaking with, caring for, or talking about them, as constant affirmation of the individuality and dignity of human beings.

d. Residents shall be examined and treated in a manner that maintains the privacy of their bodies, including a closed door to shield the resident from passersby. People not involved in the care of the residents cannot be present without the resident's consent while the resident is being examined or treated.

e. Staff shall knock and be acknowledged before entering a resident's room unless the resident is not capable of a response. This requirement does not apply under emergency conditions.

71.21(7) *Communications.* Each resident may communicate, associate, and meet privately with persons of the resident's choice, unless to do so would infringe upon the rights of other residents. Each resident may send and receive personal mail unopened unless prohibited in the treatment plan, which requires explicit approval of the resident or legal guardian.

71.21(8) *Visiting hours.* Subject to reasonable scheduling restrictions, visiting policies and procedures shall permit residents to receive visits from anyone they wish. Visiting hours shall be posted.

a. Reasonable, regular visiting hours shall not be less than 12 hours per day and take into consideration the special circumstances of each visitor. A particular visitor(s) may be restricted by the facility for one of the following reasons:

(1) The resident refuses to see the visitor(s).

(2) The visit would not be in accordance with the treatment plan.

(3) The visitor's behavior is unreasonably disruptive to the functioning of the facility.

b. Reasons for denial of visitation shall be documented in the resident's records.

71.21(9) *Privacy.* Space shall be provided for residents to receive visitors in comfort and privacy.

71.21(10) *Telephone calls.* Telephones shall be available and accessible for residents to make and receive calls with privacy. Residents who need help shall be assisted in using the telephone.

71.21(11) *Mail.* Arrangements shall be made to provide assistance to residents who require help in reading or sending mail.

71.21(12) *Permission to leave premises.* Residents shall be permitted to leave the facility and environs at reasonable times if permitted in writing by the physician, physician associate, advanced registered nurse practitioner, mental health professional, or administrator.

71.21(13) *Resident activities.* Each resident may participate in recreational activities as desired unless contraindicated for reasons documented in the resident's record.

71.21(14) *Resident property.* Each resident may retain and use personal clothing and possessions, as space permits, and cash and other financial instruments provided that the use of such items is not otherwise prohibited.

a. The personal property shall be kept in a secure location that is convenient to the resident.

b. Residents shall be advised, prior to or at the time of admission, of the kinds and amounts of clothing and possessions permitted for personal use and whether the facility will accept responsibility for maintaining these items (e.g., cleaning and laundry).

c. Any personal clothing or possessions retained by the facility for the resident shall be identified and recorded on admission and the record placed on the resident's chart. The facility shall be responsible for secure storage of items and returning the items to the resident promptly upon request or upon discharge from the facility.

481—71.22(135G) Health and safety.

71.22(1) *Emergency care.* Each facility shall have written policies and procedures for emergency medical and psychiatric treatment, which include immediate notification by the person in charge to the resident's physician, physician associate, advanced registered nurse practitioner or mental health professional of any accident, injury or adverse change in the resident's condition. "Immediate" for purposes of this subrule means within 24 hours.

71.22(2) *First-aid kit.* A first-aid emergency kit shall be available on each floor.

71.22(3) *Infection control.* Each facility shall have a written and implemented infection control program.

71.22(4) *Safe environment.* The licensee of a subacute care facility is responsible for the provision and maintenance of a safe environment for residents and personnel. The subacute care facility shall meet the fire and safety rules as promulgated by the department's fire safety bureau.

71.22(5) *Disaster.* The licensee shall have a posted, written emergency plan to be followed in the event of fire, tornado, explosion, or other emergency. Documented training shall be provided to ensure that all employees are knowledgeable of the emergency plan.

71.22(6) *Smoking.* A subacute care facility shall follow the smokefree air Act, Iowa Code chapter 142D.

These rules are intended to implement Iowa Code chapter 135G.

RA 26-321

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 301
"State Building Code"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 103A.7 and 2026 Iowa Acts, House File 2297

State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, House File 2297

Public Hearing

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

October 21, 2026	6200 Park Avenue
10 a.m.	Des Moines, Iowa

Public Comment

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

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Email: jeremiah.junker@dia.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to implement 2026 Iowa Acts, House File 2297. 2026 Iowa Acts, House File 2297, requires the State Building Code Commissioner to adopt as part of the State Building Code a requirement that a new single-family or two-family residential construction must include a passive method for the mitigation of radon listed in Appendix AF of the International Residential Code, 2021 edition, published by the International Code Council. 2026 Iowa Acts, House File 2297, specifies that the requirement adopted by the Commissioner as part of the State Building Code shall only apply to single-family or two-family residential construction commenced after the adoption of the requirement. Additionally, 2026 Iowa Acts, House File 2297, provides that provisions of the State Building Code relating to radon mitigation requirements shall be applicable to all new single-family and two-family residential construction in Iowa.

Analysis of Impact

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

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

Builders of new single-family or two-family residential construction may bear some costs associated with this proposed rulemaking, and by extension, some purchasers of new single-family or two-family residential construction may bear some costs associated with this proposed rulemaking. Local building departments and officials may also bear some costs associated with this proposed rulemaking as part of their building code enforcement work. However, this proposed rulemaking is

required by 2026 Iowa Acts, House File 2297, and it is the Commissioner's opinion that this proposed rulemaking imposes the minimal costs potentially associated with the rulemaking mandate in 2026 Iowa Acts, House File 2297.

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

Purchasers and residents of new single-family or two-family residential construction throughout Iowa will benefit from this proposed rulemaking.

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:**

Direct costs can vary greatly based on multiple factors (including the size, complexity, and location of a project, as well as the passive radon mitigation construction technique selected) and are not easily quantified. Additionally, this proposed rulemaking is required by 2026 Iowa Acts, House File 2297, and it is the Commissioner's opinion that this proposed rulemaking imposes the minimal costs potentially associated with the rulemaking mandate in 2026 Iowa Acts, House File 2297.

- **Qualitative description of impact:**

Indirect costs of compliance can also vary greatly based on multiple factors and are not easily quantified, and it is the Commissioner's opinion that this proposed rulemaking imposes the minimal costs of compliance potentially associated with the rulemaking mandate in 2026 Iowa Acts, House File 2297.

3. **Costs to the State:**

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

The Department does not anticipate that it will bear significant implementation or enforcement costs associated with this proposed rulemaking since the Department rarely has any enforcement role associated with single-family or two-family residential construction. Implementation and enforcement costs will instead be borne by local building departments and officials who do have an enforcement role associated with single-family or two-family residential construction.

- **Anticipated effect on State revenues:**

The Department does not anticipate an effect on State revenues.

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

This proposed rulemaking is required by 2026 Iowa Acts, House File 2297, so inaction is not an option.

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

This proposed rulemaking is required by 2026 Iowa Acts, House File 2297. It is the Commissioner's opinion that this proposed rulemaking does not exceed what is explicitly required by 2026 Iowa Acts, House File 2297, and it imposes the minimal costs potentially associated with the rulemaking mandate in 2026 Iowa Acts, House File 2297.

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

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

No alternative methods were seriously considered. 2026 Iowa Acts, House File 2297, appears rather clear in its rulemaking directive, and it is the Commissioner's opinion that this proposed rulemaking closely aligns with what is explicitly required by 2026 Iowa Acts, House File 2297.

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

No alternative methods were seriously considered. 2026 Iowa Acts, House File 2297, appears rather clear in its rulemaking directive, and it is the Commissioner's opinion that this proposed rulemaking closely aligns with what is explicitly required by 2026 Iowa Acts, House File 2297.

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?

It is the Commissioner's opinion that this proposed rulemaking does not have a substantial impact on small business. Additionally, this proposed rulemaking aligns with what is explicitly required by 2026 Iowa Acts, House File 2297, which does not provide any exceptions for small businesses.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** division heading in **481—Chapter 301**:

Part 8
RADON MITIGATION

ITEM 2. Adopt the following **new** rule 481—301.45(103A):

481—301.45(103A) Scope and applicability. Part 8 applies to all new single-family or two-family residential construction throughout the state of Iowa, commenced after the adoption of this part.

ITEM 3. Adopt the following **new** rule 481—301.46(103A):

481—301.46(103A) Passive radon mitigation requirements. All new single-family or two-family residential construction must include a passive method for the mitigation of radon listed in Appendix AF, "Radon Control Methods," of the International Residential Code, 2021 edition, published by the International Code Council, located at www.iccsafe.org. The passive methods for the mitigation of radon are listed in Section AF103 of Appendix AF.

ITEM 4. Adopt the following **new** rule 481—301.47(103A):

481—301.47(103A) Testing. Radon testing is not required, but if it is performed, it must be in compliance with Section AF104 of Appendix AF.

RA 26-322

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 552
"Accessible Prescription Labels"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 147 and 155A.49 as enacted by 2026 Iowa Acts, House File 2585

State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, House File 2585

Public Hearing

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

October 20, 2026 10:30 a.m.	6200 Park Avenue Des Moines, Iowa Virtual participation information will be available on the public calendar on the Department of Inspections, Appeals, and Licensing website prior to the hearing.

Public Comment

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

Laura Berardi
Iowa Board of Pharmacy
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.725.2183
Email: Laura.Berardi@dia.iowa.gov

Purpose and Summary

This proposed rulemaking updates the Board of Pharmacy's rules to implement 2026 Iowa Acts, House File 2585. This proposed rulemaking instructs pharmacies licensed by the Board how to comply with the new law, which requires every pharmacy in Iowa to either be able to provide prescription labels that are accessible to patients who are blind, visually impaired, or have a print disability or to refer those patients to a pharmacy that can provide such labeling.

All references to Iowa Code section 155A.49 are to that section as enacted by 2026 Iowa Acts, House File 2585.

Analysis of Impact

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

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

Pharmacies will bear the cost of this proposed rulemaking; however, this proposed rulemaking and associated costs are required by law. Additionally, 2026 Iowa Acts, House File 2585, and this

proposed rulemaking allow pharmacies that are not able to provide accessible labeling to refer the patient to a pharmacy that can provide such accessible labeling.

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

Pharmacy patients who are blind, visually impaired, or have a print disability will benefit from having clearer guidelines on the accessible options available to them. Furthermore, pharmacies that do not already have accessible labeling or associated referral policies in place may benefit from this proposed rulemaking.

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:**

Costs incurred by pharmacies will depend on whether the pharmacy decides to add accessible labeling or to refer to another pharmacy and if the pharmacy adds a service, what type of service the pharmacy decides to provide. Costs for various types vary widely, from printing labels and directions in a larger font, to machines that produce Grade 2 Braille labels, to audio-enabled label makers. If pharmacies chose to refer these patients to another pharmacy, there is a risk of losing money in terms of business and number of clients. On the other hand, pharmacies that add accessible labels may see more customers.

Whether pharmacies chose to provide the labels or make referrals, there will be training time in bringing their employees up to date on this new law.

2026 Iowa Acts, House File 2585, explicitly prohibits any additional costs of these accessible labels from being passed on to the consumer.

- **Qualitative description of impact:**

Patients who will benefit from increased access to accessible prescription labels will benefit in terms of health, safety, self-sufficiency, and, therefore, quality of life. Additionally, some pharmacies may benefit from established, statewide rules related to accessible labels and referrals, rather than having to establish their own piecemeal policies.

3. **Costs to the State:**

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

Costs to the agency for implementation and enforcement will include implementation costs to add questions to the pharmacy renewal form and make corresponding changes to the database to capture information about accessible labeling availability. The law includes an added annual task for agency staff of creating a list of pharmacies that offer accessible labeling, which is expected to take a minimum amount of staff time to compile. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557.

- **Anticipated effect on State revenues:**

This rulemaking has no anticipated impact on State revenues.

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

The Board is required to implement these rules by 2026 Iowa Acts, House File 2585, so inaction is not an option.

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

The Board is required to implement these rules by 2026 Iowa Acts, House File 2585. The Board does not believe there is a less costly or less intrusive method to achieve the purpose of this proposed rulemaking.

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

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

The Board is required to implement these rules by 2026 Iowa Acts, House File 2585. The Board considered a separate survey of pharmacies to gather the required information about their accessible labeling capabilities.

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

A separate survey of pharmacies, when an annual renewal form is already completed by licensees, was determined to be unnecessarily cumbersome and likely to net a much lower response rate.

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 small businesses possibly affected by this proposed rulemaking would be small, independent pharmacies. The new law requiring this rulemaking, 2026 Iowa Acts, House File 2585, allows pharmacies to make referrals instead of purchasing equipment necessary to provide accessible labels themselves, thereby exempting any pharmacies that do not feel they can meet the requirements of providing accessible labels. Otherwise, 2026 Iowa Acts, House File 2585, does not allow for any exemption or less stringent rules for small businesses.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** subrule 552.21(6):

552.21(6) *Accessible prescription-related measures for persons who are blind, visually impaired, or have other print disabilities.* Pursuant to Iowa Code section 155A.49, upon the request of a patient or the patient's authorized representative, a pharmacy, except as provided in Iowa Code section 155A.49(3), will provide accessible prescription drug labels, bag tags, and medical guides (labeling) in accordance with the requirements identified in Iowa Code section 155A.49 and as provided herein or will provide an appropriate referral as outlined in paragraph 552.21(6)*"c."*

a. Accessible labeling will be compliant with current industry standards and the United States Government Accountability Office guidelines (Prescription Drug Labels: Actions Needed to Increase Awareness of Best Practices for Accessible Labels for Individuals Who Are Blind or Visually Impaired) published December 9, 2016.

b. A pharmacy will provide notice to the public of the availability of accessible labeling, such as posted signage, a notice on the pharmacy's website that is readable by screen readers, a message in a telephone system, or in another manner that is accessible by the affected patients. At least one audio format is required.

c. A pharmacy that cannot provide accessible labeling in accordance with Iowa Code section 155A.49 and paragraph 552.21(6)*"a"* will refer the patient to a pharmacy that can provide such accessible labeling and ensure continuity of care in conformance with the standard of care.

RA 26-323

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 553
"Controlled and Precursor Substances"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 124.201
State or federal law(s) implemented by the rulemaking: Iowa Code section 124.201

Public Hearing

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

October 20, 2026	6200 Park Avenue, Suite 100
10 a.m.	Des Moines, Iowa

Virtual participation for the public hearing will be available on the Department of Inspections, Appeals, and Licensing website.

Public Comment

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

Jeremiah Junker
Iowa Board of Pharmacy
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: jeremiah.junker@dia.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to add 20 substances to Schedule I, one substance to Schedule IV, and three substances to the list of precursor substances in the Iowa controlled substances Act (CSA) in response to similar scheduling action taken by the federal Drug Enforcement Administration. This proposed rulemaking would temporarily add marijuana and delta-9-tetrahydrocannabinols, which are components of an FDA-approved product or subject to the State's medical cannabidiol Act, to Schedule III of the Iowa CSA in response to similar action by the federal Drug Enforcement Administration.

Analysis of Impact

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

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

For Schedule I substances, law enforcement and the Department of Public Safety will bear the cost of enforcement to ensure these illicit substances are removed from the public to prevent public harm from exposure. For precursor substances, entities that engage in the utilization of these substances will bear the cost of the reporting requirements of such substances.

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

For Schedule I substances, Iowa residents will benefit from the removal of these illicit substances or prosecution for the distribution of these illicit substances. For precursor substances, Iowa residents will benefit from the removal of these substances for illicit purposes.

Iowa residents who currently hold medical cannabidiol program certifications will benefit due to the deregulation of medical cannabis products from federal Schedule I to Schedule III, recognizing the approved medical use and relieving the threat of federal law enforcement action for legitimate use.

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 quantitative impact is variable and unknown but is likely to be minimal as all entities impacted would already have processes and systems in place to comply with State and federal laws and regulations relating to the handling of controlled substances.

- **Qualitative description of impact:**

The qualitative impact is on public health and safety. The addition of illicit substances that have no medicinal value and are likely to be addictive allows law enforcement and the Department of Public Safety to remove such substances from the public and prevent exposure and likely harm from such exposure.

3. **Costs to the State:**

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

The cost of implementation and enforcement by this Board or the Department of Public Safety is negligible as no new processes are needed.

- **Anticipated effect on State revenues:**

There is minimal anticipated impact to State revenues by way of Iowa CSA registration application fees from State-licensed medical cannabidiol manufacturers and dispensers.

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

As noted above, the costs are negligible, but the cost of inaction would likely increase exposure and result in public harm from illicit substances.

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

There are no identified methods that are less costly or less intrusive.

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

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

There were no alternative methods identified.

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

As noted above, the cost and impact of the addition of substances does not outweigh the benefit to the public or the likely harm to public health and safety from inaction.

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?

While not specifically identified in this proposed rulemaking, any registrant would be authorized to petition the Board for a waiver of Board rules that are not required by the Iowa Code (in accordance with 481—Chapter 6). This opportunity is available to any business entity regardless of its size. A petition for waiver of one or more Board rules would include information that would demonstrate how the petitioner would continue to protect the public by alternate means if the rule is waived, in whole or in part.

Text of Proposed Rulemaking

ITEM 1. Rescind rule 481—553.13(124,124B) and adopt the following **new** rule in lieu thereof:

481—553.13(124,124B) Temporary designation of controlled and precursor substances.

553.13(1) For cannabis-derived products, the board will modify the schedule of controlled substances in accordance with Iowa Code section 124.201A.

553.13(2) Amend Iowa Code section 124.204(4) by adding the following new paragraph:

cr. 1-(4-chlorophenyl)-2-(methylamino)propan-1-one. Other names: 4—CMC, 4-Chloromethcathinone.

cs. 3-methoxyphencyclidine. Other names: 1-(1-(3-methoxyphenyl)cyclohexyl)piperidine; 3-MeO—PCP.

553.13(3) Amend Iowa Code section 124.204(9) by adding the following new paragraphs:

y. 2-(2-((2,3-dihydrobenzofuran-5-yl)methyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: Ethyleneoxynitazene.

z. 2-(2-(benzodioxol-5-ylmethyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other names: Methylenedioxynitazene; 3',4'-methylenedioxynitazene.

aa. 2-(2-(4-ethoxybenzyl)-5-methyl-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: 5-methyl etodesnitazene.

ab. 2-(2-(4-ethoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N-ethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: N-desethyl etonitazene.

ac. N-ethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: N-desethyl protonitazene.

ad. 2-(2-(4-ethoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-dimethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: N,N-dimethylamino etonitazene.

ae. 2-(4-isopropoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers. Other name: N-pyrrolidino isotonitazene.

af. 8-bromo-1-methyl-6-phenyl-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine, its salts, isomers, and salts of isomers. Other name: bromazolam.

ag. 2-Fluorodeschloroketamine, its salts, isomers, and salts of isomers. Other names: 2-(2-fluorophenyl)-2-(methylamino)cyclohexan-1-one, 2-FDCK.

ah. O-Desmethyltramadol. Other names: O-DSMT; desmetramadol; 3-[(1R,2R)-2-[(dimethylamino)methyl]-1-hydroxycyclohexyl]phenol.

ai. Methyl (E)-2-((1'S,6'S,7'S)-6'-ethyl-4-methoxy-3-oxo-3',5',6',7',8',8a'-hexahydro-2'H-spiro[indoline-2,1'-indolizine]-7'-yl)-3-methoxyacrylate including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts

is possible. Other name: mitragynine pseudoindoxyl. Since nomenclature of this substance is not internationally standardized, compounds of this structure, regardless of numerical designation of atomic positions, are covered.

aj. Methyl (E)-2-((2S,3S,7aS,12aR,12bS)-3-ethyl-7a-hydroxy-8-methoxy-1,2,3,4,6,7,7a,12,12a,12b-decahydroindolo[2,3-a]quinolizin-2-yl)-3-methoxyacrylate including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible. Other names: MGM—15; dihydro-7-hydroxymitragynine. Since nomenclature of this substance is not internationally standardized, compounds of this structure, regardless of numerical designation of atomic positions, are covered.

ak. Methyl (E)-2-((2S,3S,7aS,12aR,12bS)-3-ethyl-9-fluoro-7a-hydroxy-8-methoxy-1,2,3,4,6,7,7a,12,12a,12b-decahydroindolo[2,3-a]quinolizin-2-yl)-3-methoxyacrylate including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, eithers, and salts is possible. Other names: MGM—16; 9-fluoro-dihydro-7-hydroxymitragynine; 10-fluoro-dihydro-7-hydroxymitragynine (depending on numbering convention). Since nomenclature of this substance is not internationally standardized, compounds of this structure, regardless of numerical designation of atomic positions, are covered.

al. 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-5,6-dichloro-1,3-dihydro-2H-benzo[d]imidazol-2-one, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other names: 5,6-dichloro brorphine; SR—14968.

am. 5,6-dichloro-1-(1-(4-chlorobenzyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other names: 5,6-dichloro desmethylchlorphine; SR—17018.

an. 3-(3-(1-(1-(4-chlorophenyl)ethyl)piperidin-4-yl)-2-oxo-2,3-dihydro-1H-benzo[d]imidazol-1-yl)propanenitrile, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other names: N-propionitrile chlorphine; cychlorphine.

ao. 8-(1-(4-chlorophenyl)ethyl)-1-phenyl-1,3,8-triazaspiro[4.5]decan-4-one, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Other names: spirochlorphine; R—6890.

553.13(4) Amend Iowa Code section 124B.2(1) by adding the following new paragraphs:

ak. 1-boc-4-piperidone (tert-butyl 4-oxopiperidine-1-carboxylate) and its salts.

al. Propionyl chloride.

am. P2P methyl glycidic acid (2-methyl-3-phenyloxirane-2-carboxylic acid; BMK glycidic acid) and its esters, its optical and geometric isomers, its salts, salts of its optical and geometric isomers and its esters, and any combination thereof, whenever the existence of such is possible, including the following:

(i) Methyl ester of P2P methyl glycidic acid (methyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P methyl glycidicate; BMK methyl glycidicate).

(ii) Ethyl ester of P2P methyl glycidic acid (ethyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P ethyl glycidicate; BMK ethyl glycidicate).

(iii) Propyl ester of P2P methyl glycidic acid (propyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P propyl glycidicate; BMK propyl glycidicate).

(iv) Isopropyl ester of P2P methyl glycidic acid (isopropyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P isopropyl glycidicate; BMK isopropyl glycidicate).

(v) Butyl ester of P2P methyl glycidic acid (butyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P butyl glycidicate; BMK butyl glycidicate).

(vi) Isobutyl ester of P2P methyl glycidic acid (isobutyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P isobutyl glycidicate; BMK isobutyl glycidicate).

(vii) sec-Butyl ester of P2P methyl glycidic acid (sec-butyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P sec-butyl glycidicate; BMK sec-butyl glycidicate.

(viii)tert-Butyl ester of P2P methyl glycidic acid (tert-butyl 2-methyl-3-phenyloxirane-2-carboxylate; P2P tert-butyl glycidicate; BMK tert-butyl glycidicate.

553.13(5) Amend Iowa Code section 124.204(6) by adding the following new paragraph:

n. 1-(4-fluorophenyl)propan-2-amine. Other names: para-fluoroamphetamine, 4—FA, 4-Fluoroamphetamine.

553.13(6) Amend Iowa Code section 124.208(9) by adding the following new paragraphs:

c. Marijuana, as defined in Iowa Code section 124.101(20), in a U.S. Food and Drug Administration-approved product or subject to a state medical marijuana license in accordance with Iowa Code chapter 124E.

d. Marijuana extract, as defined in 21 CFR 1308.11(d), in a U.S. Food and Drug Administration-approved product or subject to a state medical marijuana license in accordance with Iowa Code chapter 124E.

e. Naturally derived delta-9-tetrahydrocannabinols in a U.S. Food and Drug Administration-approved product or in marijuana subject to a state medical marijuana license in accordance with Iowa Code chapter 124E.

(1) Naturally derived delta-9-tetrahydrocannabinols means those delta-9-tetrahydrocannabinols, except as in paragraphs 553.13(6)*"c"* and *"d,"* that are naturally contained in a plant of the genus Cannabis (cannabis plant).

(2) Naturally derived delta-9-tetrahydrocannabinols do not include any material, compound, mixture, or preparation that falls within the definition of hemp set forth in 7 U.S.C. §1639o.

(3) Naturally derived delta-9-tetrahydrocannabinols do not include any delta-9-tetrahydrocannabinols contained in substances excluded from the definition of marijuana as set forth in Iowa Code section 124.101(20).

553.13(7) Amend Iowa Code section 124.210(3) by adding the following new paragraph:

bi. Cipepofol.

RA 26-324

PUBLIC SAFETY DEPARTMENT[661]

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 141
"Closed-Circuit Surveillance Systems"

Iowa Code section(s) or chapter(s) authorizing rulemaking: Executive Order 10 and 99F.4
State or federal law(s) implemented by the rulemaking: Iowa Code section 99F.4

Public Hearing

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

October 20, 2026 9:30 to 10 a.m.	125 Public Conference Room Oran Pape State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which 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
215 East 7th Street
Des Moines, Iowa 50319
Email: wagler@dps.state.ia.us

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 141 and adopt a new chapter in lieu thereof. The purpose of proposed Chapter 141 is to provide equipment specifications and requirements for closed-circuit surveillance systems in casinos.

Analysis of Impact

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

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

Any operator licensed by the Iowa Racing and Gaming Commission who is currently operating an excursion gambling boat or racetrack enclosure will bear the costs of this proposed rulemaking.

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

Any person participating in gambling activities or any victim of a crime with a component occurring within a licensed facility will benefit from this proposed rulemaking.

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 operator is responsible for installing, maintaining, and operating a closed-circuit surveillance system according to specifications set forth in this proposed rulemaking. The Department is proposing an increased retention period for certain areas in a casino from 21 days to 30 days. About 50 percent of licensed facilities are already retaining footage for 30 days or more. The Iowa Gaming Association

(IGA) has estimated it may cost some of the remaining facilities anywhere from $10,000 to $100,000 to invest in additional storage to accommodate the increased retention period.

There may also be additional costs for cameras that are currently analog to upgrade to IP-based cameras. There is a combined total of approximately 1,345 analog cameras across 20 licensed properties that will need to be upgraded to be IP-based by January 1, 2031. The cost to outfit a mid-tier IP-based camera is roughly $425. The cost to each licensed property will vary depending on the number of analog cameras currently in use.

The investment in additional storage and upgraded technology represents roughly 0.1 percent of the industry's total FY 2026 gaming revenue.

- **Qualitative description of impact:**

The operator is responsible for providing and maintaining training for surveillance employees as outlined in this proposed rulemaking.

3. **Costs to the State:**

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

There are no costs to the Department or any other agency to implement and enforce this proposed rulemaking.

- **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:**

Maintaining surveillance systems that reflect current technological capabilities provides the Special Enforcement Operations Bureau (SEOB) of the Division of Criminal Investigation (DCI) with greater ability to investigate criminal activity occurring in licensed gaming facilities. Inaction could compromise the integrity of Iowa's gaming industry.

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

Retention periods for surveillance footage vary from state to state. The retention period in Iowa could be shorter; however, the DCI SEOB has several documented instances where footage had been purged prior to the discovery of a criminal act. The increase in retention period is to protect the consumer, mitigate industry loss, and aid in the investigation of crimes occurring in gambling structures.

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

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

During the rule revision process, the Department adopted several comments and suggestions for alternative verbiage proposed by the IGA.

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

Other methods evaluated by the Department ultimately did not further the goal of preserving high standards within the gaming industry. Adopting alternative methods would undermine the longstanding values of preserving public trust and maintaining integrity within the industry.

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 is not expected to have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 141 and adopt the following **new** chapter in lieu thereof:

CHAPTER 141
CLOSED-CIRCUIT SURVEILLANCE SYSTEMS

661—141.1(99F) Definitions. The following definitions apply to this chapter:

"Administrator" means the administrator of the commission.

"Applicant" means any person applying for an occupational license or applying for a license to operate an excursion gambling boat, or the officers and members of the board of directors of a qualified sponsoring organization located in Iowa.

"Casino surveillance" means the observation of gambling activities in a gaming facility licensed by the commission.

"Catastrophic failure" means an event in which the surveillance system becomes inoperable, unresponsive, or unavailable, which prevents the operators from effectively monitoring the gaming areas, recording the gaming areas, or both.

"Closed network" or *"closed circuit"* means all digital recording equipment and all other associated surveillance equipment that shall be designed, configured, and maintained on a separate and exclusive network system located on the same premises as the casino or on property adjacent to the casino that has been approved by the DCI for the location of surveillance equipment pursuant to subrule 141.8(1). This closed network system shall not be touched by, connected to, or partitioned from any other network unless approval has been received from the assistant director for gaming operations of the DCI. Approval or disapproval of such a request by the assistant director is subject to review by the director of investigative operations or the commissioner of public safety.

"Commission" means the Iowa racing and gaming commission.

"DCI" means the division of criminal investigation, Iowa department of public safety.

"Dedicated coverage" means camera coverage where the sole function is to view and record a specific area whenever activity is occurring in that area.

"Designated sports wagering area" means an area, as designated by a licensee and approved by the commission, in which sports wagering is conducted.

"Gambling activities" means participating in any form of on-site wagering as defined by Iowa Code chapter 99F and approved by the commission; the movement, storage, and handling of uncounted gambling revenues; the manual exchange of moneys for forms of wagering credit on the gaming floor; public entrance into and public egress from the gaming floor, except that egress through emergency exits that are actively alarmed is not included; and any other activities so defined by the commission.

"Gambling game" means any game of chance authorized by the commission.

"Gangplank" means the walkways that passengers use to embark and disembark from the excursion gambling boat.

"IP-based surveillance system" means a system that utilizes, at a minimum, network-based cameras and a network-based recording system.

"Land-based facility" means the licensee's operation where the soft count room is located, if other than on an excursion gambling boat.

"Licensee" means a qualified sponsoring organization conducting gambling games on an excursion gambling boat or in a racetrack enclosure licensed by the Iowa racing and gaming commission under Iowa Code section 99F.7.

"Locked-down mode" means that the gaming facility is closed for an extended period of time due to an exigent event beyond normally scheduled closure. All currency and cheques have been verified and secured.

"Operator" means an entity licensed by the Iowa racing and gaming commission to operate an excursion gambling boat or racetrack enclosure.

"Slot change booth" means a structure on the floor of a licensed gaming establishment that houses a coin-counting device that is utilized to redeem coins or tickets from patrons.

661—141.2(99F) Closed-circuit surveillance system.

141.2(1) Every licensee shall install, maintain and operate, on the same premises where the casino is located or, with the approval of the DCI, on a property adjacent to the casino, a closed-circuit surveillance system, including a digital recording system, according to specifications set forth in these rules and provide to the commission and the DCI access at all times to the system or its signal.

141.2(2) Any casino issued a license on or after July 1, 2004, will be required to install a recording system that is totally digital and that meets the standards outlined in this chapter.

141.2(3) All licensees shall have in place a fully IP-based surveillance system by January 1, 2031. For new licensees, surveillance systems must utilize a fully IP-based surveillance system.

661—141.3(99F) Specified equipment. The closed-circuit surveillance system shall include, at minimum, the following equipment.

141.3(1) *Cameras.* The system shall include pan-tilt-zoom cameras, commonly referred to as PTZ cameras, that are light-sensitive and designed or installed so that the direction of the camera lens is not viewable by the public. Each camera within the system shall have the capability to provide a clear, unobstructed view of the table number of the gaming table or slot machine in color, with the ability to change to black and white. After January 1, 2031, any newly installed cameras that view gaming-related activities and movement or counting of funds must be at a resolution threshold of no lower than 2 megapixels or 1920 x 1080 pixels.

141.3(2) *Date and time generators.* Each system shall be capable of synchronized recording in military time, with both the time and date of the recorded events displayed without obstructing the recorded view.

141.3(3) *Universal power supply.* The system and its equipment must be directly and securely wired in a way to prevent tampering with the system. In the event of a loss in power to the surveillance system, an auxiliary or backup power source must be available and capable of providing uninterrupted power restoration to the elements of the surveillance system that enable surveillance personnel to observe the gaming activity remaining open for play and all areas monitored by dedicated coverage.

141.3(4) *Domes for cameras.* The domes shall be made of sufficient quality and size to accommodate PTZ cameras and shall be capable of accommodating clear, unobstructed views.

141.3(5) *Recorders.* Each camera specified by these standards must possess the capability of having its view displayed on a video or computer monitor and recorded. The surveillance system must include enough monitors and recording capacity to simultaneously display and record multiple gaming, cage, drop, and count room activities and record the views of dedicated coverage. Recording systems shall be capable of copying original images while maintaining the original native format and storing images in a format that contains a method to verify the authenticity of the original recordings and copies. The licensee shall supply the medium for download and transfer of the information.

141.3(6) *Digital systems.*

a. All images and audio shall be digitally recorded and stored on a system with backup and retrieval capabilities.

b. The surveillance system director or manager shall have control and oversight of the digital recording system.

c. All camera coverage and audio in DCI offices and interview rooms are not to be accessed by anyone outside of the DCI without the express permission of the DCI.

d. The system shall provide uninterrupted recording while the playback or copy function is used.

e. Areas with coverage shall be recorded at a sufficient rate of images per second so that, when played back in real time, there is no motion loss detectable to the human eye.

f. If the licensee chooses to use a network for the digital recording equipment, it must be a closed network with limited access located on the same premises as the casino or, with the approval of the DCI, on a property adjacent to the casino. Nothing in this paragraph shall be interpreted to prevent the commission from utilizing or transmitting for regulatory purposes images recorded by a video surveillance system.

g. The licensee shall provide the DCI and the commission representative with the necessary software and hardware to review a downloaded recording. Additionally, the licensee shall provide the DCI and the commission representative with printers at their request.

h. The licensee shall be responsible for staffing the surveillance room with licensed staff trained in the use of digital equipment. Surveillance employees shall be capable of downloading or copying digital audio or images, or both, for evidentiary purposes.

661—141.4(99F) Specified surveillance. Every licensee or operator shall conduct and record, as determined by either the commission or the DCI, surveillance that allows clear, unobstructed views of all on-site gambling activities in the following areas of the gaming floor, designated sports wagering area, and related areas, land-based facilities, and racetrack enclosures.

141.4(1) *Slot machines and electronic table games.* Every licensee that exposes these devices for play shall install, maintain, and operate a casino surveillance system capable of monitoring and recording the device number. Dedicated coverage is not required.

141.4(2) *Table games.*

a. The surveillance system must possess the capability to monitor and record all gaming or card table surfaces; table number, including table bank trays with sufficient clarity to permit identification of all chips, cash, card values, and the outcome of the game; dice in craps games with sufficient clarity to read the dice in their stopped position after each roll; and all roulette tables and wheels with sufficient clarity to legibly read and determine the outcome. Each table or card game, with a bankroll, shall have the capability of being monitored and recorded by no less than two cameras. Exceptions include one dedicated camera covering more than one table if the clarity standard can be met.

b. For licensees that offer dealer assisted or semi-automated table games for play shall install, maintain, and operate a casino surveillance system capable of:

(1) Monitoring the dealer terminal and associated controls.

(2) Utilizing dedicated coverage to capture the outcome of each game, as listed in paragraph 141.4(2)*"a,"* to sufficiently detect irregularities, cheating, or collusion between dealers and players.

(3) Recording and retaining the activity in accordance with the established time frame requirements.

141.4(3) *Progressive table games.* Each progressive table game must be monitored by dedicated coverage that provides views of the table surface so that the card values and card suits can be identified and a view of the progressive meter jackpot amount. For linked progressive table meters, each meter must be covered by dedicated coverage.

141.4(4) *Casino cage, slot change booth, sports wagering counter, sports wagering or ticket redemption center.* The surveillance system must possess the capability to monitor and record a general overview of activities occurring in each casino cage, slot change booth, sports wagering counter, sports wagering or ticket redemption center with sufficient clarity to identify patrons and employees at the counter area, cash drawers, vaults, safes, countertops, coin and currency counting machines, and chip storage and to identify chip, token, and currency denominations. The casino cage, sports wagering counter, and slot change booth area in which fills, credits, sports wagering tickets, and jackpots are transacted must be monitored by dedicated coverage that provides views with sufficient clarity to identify the chip, currency values and the amounts on the fill/credit slips.

141.4(5) *Count rooms.* The surveillance system must possess the capability to monitor and record all areas within the hard or soft count room, including walls, doors, scales, wrapping machines, coin sorters, currency counters, vaults, safes, and general work surfaces, whenever funds or persons are present. The counting surface in the soft count room must be made of a transparent material that maintains its transparency from the view of the camera. Any area where uncounted coin or currency is stored must be monitored by dedicated coverage. In addition, the hard count and soft count process must be monitored by dedicated coverage.

141.4(6) *Movement of funds.* The surveillance system must possess the capability to monitor and record the movement of cash, gaming chips, and drop boxes. All casino and designated sports wagering area entrance and exit doors, elevators, stairs, gangplanks, and loading and unloading areas shall also possess the capability to be monitored and recorded if they are utilized for the movement of uncounted moneys, gaming chips, and redeemable gaming coupons.

141.4(7) *Admissions entrance and exits.* The admissions entrance and exit areas to the gaming floor must be monitored by dedicated coverage with sufficient clarity to identify patrons and employees at the admissions entrance and exit areas.

141.4(8) *Overall views.* The surveillance system must possess the capability to monitor and record the casino pit area and general casino floor with sufficient clarity to permit identification of players, employees, patrons, and spectators.

661—141.5(99F) DCI offices. The following shall be additional mandatory specifications for said room or rooms:

141.5(1) DCI office(s) shall possess the ability to access surveillance photos via a shared drive or through electronic transmission.

141.5(2) DCI office(s) shall be provided with equipment allowing audio pickup from soft count rooms that is clear and audible.

141.5(3) All video from interview rooms or detention areas shall be recorded.

141.5(4) All video from DCI interview rooms must be on an independent system that is separate from the main surveillance system or included in the main surveillance system with only the DCI and designated surveillance system manager having access. A system access log shall record any time the surveillance system manager accesses live or recorded video of these areas. If the system is not capable of providing such logs, then a stand-alone solution shall be approved by the DCI. These logs shall be immediately available to the DCI or the commission upon request.

141.5(5) The DCI shall be provided with at least one surveillance workstation consisting of, at minimum, the same monitoring equipment provided at a single work station within the surveillance monitor room unless otherwise approved by the DCI.

661—141.6(99F) Camera lenses. All closed-circuit cameras shall be equipped with lenses of sufficient quality and resolution to clearly show the value of currency, checks, gaming chips, and playing cards.

661—141.7(99F) Lighting. Adequate lighting shall be present in all areas of the casino and count rooms to enable the video surveillance system to provide clear viewing and reproductions.

661—141.8(99F) Surveillance room. There shall be provided in each gambling facility or gambling structure a room specifically utilized to monitor and record gambling activities. The surveillance room shall be staffed with a minimum of two trained surveillance employees at all times while the facility is operating and one trained surveillance employee at all times when the facility is closed, except for brief absences while system coverage is maintained. In addition, licensed gaming facilities may have satellite monitoring equipment. The following are specifications for the operation of equipment in the surveillance room and of satellite monitoring equipment.

141.8(1) *Surveillance equipment location.* All equipment that may be utilized to monitor or record views obtained by a casino surveillance system must remain in a room located on the same premises as the casino or, with the approval of the DCI, on property adjacent to the casino. The room must be used exclusively for casino surveillance purposes. The satellite monitoring equipment must be capable of being locked or disabled when not in use. The entrance to the casino surveillance room and satellite monitoring equipment room must be locked or secured at all times. The surveillance equipment room shall have one dedicated overview camera that views the surveillance equipment. The equipment server room will only be accessible by the surveillance department and all additional granted accesses beyond this group must be approved by the DCI and must be logged, excluding exigent circumstances.

a. Critical surveillance components, including video recorders/archivers, core management servers, accessory/application servers, control/operator workstations, camera control equipment, time/date synchronization servers, and access control servers, shall be housed in an area dedicated to surveillance operations, physically separated from other casino operational systems, and secured with restricted access.

b. Noncritical infrastructure, such as network switches, routers, patch panels, and auxiliary connectivity equipment, may reside in shared IT rooms provided that:

(1) Access is restricted and key-controlled;

(2) Surveillance systems and data remain segregated from other operational systems; and

(3) Physical and electronic safeguards maintain the security, integrity, and auditability of the surveillance function.

141.8(2) *Surveillance system personnel.* Personnel assigned to using, maintaining, and supervising of the surveillance system will have clearly defined job descriptions and duties. Personnel shall complete initial and annual operator-developed training and be able to demonstrate competency and proficiency in operation of the surveillance system and knowledge of games and house rules at each property, as documented by the licensee, prior to independent operation of the system. Training records shall be maintained and made available upon request.

141.8(3) *Override capability.* Casino surveillance equipment must have total override capability over any other satellite monitoring equipment in other casino offices, with the exception of the DCI rooms.

141.8(4) *Access.* DCI and commission employees shall at all times be provided immediate access to the casino surveillance room and satellite monitoring equipment. Also, all DCI and commission employees shall have access to all records and areas of such rooms.

141.8(5) *Surveillance logs.* Entries in the log shall be recorded when specific surveillance is requested by the DCI or the commission or whenever any activity that appears unusual, irregular, illegal or in violation of commission rules is observed. Also, all communications received or sent from the surveillance room in regard to surveillance activities or casino operations shall be logged unless otherwise directed by the DCI.

141.8(6) *Blueprints.* A copy of the configuration of the casino floor shall be updated and made available within 72 hours of any approved change after adjustments have been made unless otherwise approved by the DCI. The location of any change and the location of surveillance cameras, gaming tables and slot machines by assigned numbers shall also be included. Copies of the blueprints shall be made available immediately upon completion to the DCI and commission. The DCI or the commission may decide that the blueprints be made available in either physical or electronic format.

141.8(7) *Storage and retrieval.* Surveillance personnel shall label and file all recordings for ease of retrieval. The date and time of the recording shall be recorded. Recordings of public admission entrances, public exits, ATMs, money exchange kiosks, table games and overviews, casino cashier cages and areas where check-cashing activities occur shall be retained for 30 days unless a longer period is specified by the DCI, the commission, or court order. All other recordings shall be retained for at least seven days after recording unless a longer period is specified by the DCI, the commission, or court order. Original audio, video, and digital recordings shall be released to the DCI or commission upon demand.

141.8(8) *Malfunctions.* Each malfunction of surveillance equipment must be repaired within 24 hours of the malfunction. If, after 24 hours, activity in the affected area cannot be monitored, the game or machine shall be closed until such coverage can be provided. A record of all malfunctions shall be kept and reported to the DCI each day. In the event of a dedicated coverage malfunction, the licensee must immediately provide alternative camera coverage or other security measures that will protect the subject activity. If other security measures are taken, the licensee must immediately notify the DCI. The DCI, in its discretion, will determine whether the other security measures are adequate. In the event of a catastrophic failure of the surveillance system, the DCI must be informed immediately, and a determination will be made as to whether gaming is allowed to continue.

141.8(9) *Security.* Entry to the surveillance room and access to satellite monitoring equipment shall be limited to persons approved by the DCI or the commission. A log of personnel entering and exiting the surveillance room and accessing satellite monitoring equipment shall be maintained and submitted to the DCI or the commission upon request.

141.8(10) *Additional specifications.*

a. Audio and video or digital monitoring and recording shall be continuous in the detention areas when someone is being detained. These recordings must be retained for 30 days after the recorded event, unless directed otherwise by the administrator, DCI or court order.

b. The commission, its employees, and DCI agents shall, at all times, be provided immediate access to the surveillance room and all areas of the casino.

141.8(11) *Written plans and alterations.*

a. Every operator or applicant for licensing shall submit to the commission for approval by the administrator and to the DCI for approval a written casino surveillance system plan no later than 60 days prior to the start of gaming operations.

b. A written casino surveillance system plan must include a casino floor plan that shows the placement of the surveillance room and all casino surveillance equipment in relation to the locations specified for coverage and a detailed description of the casino surveillance system and its equipment. In addition, the plan may include other information that evidences compliance with these rules by the licensee, operator or applicant.

c. The operator may change the location of the surveillance room, table games, slot machines, and other gaming devices. The surveillance system must also be adjusted, if necessary, to provide the coverage specified by these rules. A DCI agent must approve the change in the surveillance system before the relocated surveillance room, table games, slot machines, or other gaming devices may be placed into operation. Formal documentation depicting DCI approval of any changes will be submitted to the DCI and the commission upon completion and approval.

EXCEPTION: A commission representative may allow a gambling game to be placed in operation pending approval by a DCI agent.

661—141.9(99F) Nongambling hours. Surveillance will be maintained during nongambling hours as follows.

141.9(1) *Cleanup and removal time.* At any time that cleanup operations or money removal is being conducted in the casino area, the surveillance room must be staffed with a minimum of one trained surveillance employee at all times.

141.9(2) *Locked-down mode.* Any time the casino is closed and in a locked-down mode, sufficient surveillance coverage must be conducted to monitor and record the casino in general so that security integrity is maintained. During this period, the presence of a trained surveillance employee shall not be required.

661—141.10(99F) Annual audit.

141.10(1) *Surveillance system review.* Each licensee shall be subject to an annual surveillance system inspection by the DCI. The audit will include:

a. An overall review of the surveillance system and the surveillance system's abilities with the surveillance director.

b. Verification of required coverages.

c. Image quality testing.

d. System retention abilities.

e. System redundancy and power protection testing.

f. Review of event and system update/upgrade logs and access logs.

141.10(2) *Inspection report.* The licensee shall be provided with a copy of the signed inspection. Any deficiencies or areas for improvement shall be corrected within the timelines agreed upon by the licensee, the commission, and the DCI.

661—141.11(99F) Waivers from requirements. Written requests for waivers of these rules may be filed pursuant to 7—Chapter 2504.

These rules are intended to implement Iowa Code section 99F.4.

RA 26-325

TRANSPORTATION DEPARTMENT[761]

Regulatory Analysis

Notice of Intended Action to be published: subrule 2506.3(3)
"Contested Cases"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321.89
State or federal law(s) implemented by the rulemaking: Iowa Code section 321.89

Public Hearing

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

October 20, 2026 10 to 10:30 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 530 737 495#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which 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:

Ryan Pell
800 Lincoln Way
Ames, Iowa 50010
Email: ryan.pell@iowadot.us

Purpose and Summary

The purpose of the proposed amendment is to modify the language from the emergency rulemaking under 761—Chapter 2506 published in response to 2026 Iowa Acts, Senate File 2463, for additional clarity.

Analysis of Impact

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

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

There are no costs or fees associated with this proposed amendment beyond those of the underlying statute.

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

Persons subject to contested case procedures will benefit from the typographical corrections.

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

- **Quantitative description of impact:**

There are no quantitative impacts beyond those of the underlying statute.

- **Qualitative description of impact:**

There are no qualitative impacts beyond those of the underlying statute.

3. **Costs to the State:**

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

There are no implementation or enforcement costs beyond those of the underlying statute.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues beyond those of the underlying statute.

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

There is no benefit of inaction. The proposed amendment aligns the rules with the new notification time frame set forth in the underlying statute.

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

There are no less costly or less intrusive methods to achieve the purpose of the proposed rule amendment, which is to conform with underlying statute.

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

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

The Department did not consider alternatives for the proposed rulemaking.

- **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?

There is no impact on small business beyond those of the underlying statute.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 2506.3(3) as follows:

2506.3(3) In lieu of the requirements set forth in this chapter, these requirements shall be construed ~~to supersede or constrain~~ as preserving and leaving intact the required time frames in which a person must file an appeal request found in rules 761—400.44(17A,321), 761—401.9(17A,307,321), 761—411.6(17A,321,321L), 761—505.6(452A), 761—524.14(325A) and 761—540.8(321N); 761—subrules 425.17(5), 431.4(3) and 451.4(3); and 761—paragraph 601.4(8) *"h."*

RA 26-326

UTILITIES COMMISSION[199]

Regulatory Analysis

Notice of Intended Action to be published: 199—Chapters 17 and 35
"Funding for Electric Transmission System Expansion and Load Forecasting Report"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 476.10C as enacted by 2026 Iowa Acts, House File 2799

State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, House File 2799

Public Hearing

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

October 21, 2026 10 a.m.	Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa

Public Comment

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

IT Support
Utilities Commission
1375 East Court Avenue
Des Moines, Iowa 50319
Phone: 515.725.7300
Email: ITsupport@iuc.iowa.gov

Purpose and Summary

The purpose of the proposed rulemaking is to implement 2026 Iowa Acts, House File 2799, which was signed into law by Governor Reynolds on June 2, 2026. This legislation enacts new Iowa Code section 476.10C, which establishes a new fund in the State treasury under the control of the Economic Development Authority (Authority). The purpose of the fund is for the Authority to commission a report from Iowa State University of Science and Technology (ISU). It requires the Commission to collect remittances from electric utilities to be deposited in the fund and to allow inclusion of the remittances in the budgets approved by the Commission pursuant to Iowa Code section 476.6. All references to Iowa Code section 476.10C in the proposed text are to that section as enacted by 2026 Iowa Acts, House File 2799. The rulemaking establishes a maximum aggregate assessment as required by law and the procedure associated with issuing assessments, and inclusion of the amounts within these budgets pursuant to Iowa Code section 476.6.

Analysis of Impact

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

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

The persons affected by this rulemaking that would bear the costs would be all electric utilities. The Commission anticipates that rate-regulated electric utilities will recover costs from ratepayers

as allowed by Iowa Code section 476.10C as enacted by 2026 Iowa Acts, House File 2799. The Commission does not regulate the rates of municipal utilities and rural electric cooperatives and therefore cannot comment on their recovery mechanisms.

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

The remittances collected under the proposed rulemaking would be deposited into a fund under the control of the Authority. Electric utilities will benefit from the clarification on the assessment being annual and in a specific time frame, providing some predictability for budgeting purposes. The maximum aggregate assessment amount similarly provides transparency for planning purposes. Ratepayers, policymakers, and any interested stakeholders (all Iowans) will benefit from the publicly available report created by ISU with funds collected as a result of this rulemaking.

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 quantitative impact will be increased costs borne by all electric utilities. The rate-regulated utilities' customers will be impacted by increased costs included within energy efficiency and demand response plan budgets if utilities exercise the option to recover costs through that mechanism. Recovery mechanisms by municipal utilities and rural electric cooperatives are not under the jurisdiction of the Commission. The $1,000,000 maximum is the highest possible amount that would be spread across all electric utilities. The methodology to determine the annual aggregate assessment amount provides some additional funding for Authority available to help bridge the gap between the end of the fiscal year and the receipt of remittances from utilities. It also includes a true-up mechanism to ensure the fund is not collecting more funding than needed over time.

- **Qualitative description of impact:**

The qualitative impact of this rulemaking will be requiring the electric utilities to contribute toward the creation of a load forecasting and electric transmission system capacity expansion analysis report. The law requires ISU to solicit input from residential, commercial, and industrial customers and the electric industry. The report will be published on the Authority's website.

3. **Costs to the State:**

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

The Commission will incur administrative costs when issuing the assessments to the electric utilities. The Authority would incur nominal costs due to the statutory requirements and providing the information to the Commission as specified in the rules.

- **Anticipated effect on State revenues:**

Remittances from utilities will be deposited into the fund created pursuant to Iowa Code section 476.10C and under the control of the Authority.

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

This rulemaking is required by statute; therefore, inaction is not an option.

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

The Commission does not believe there are any less costly methods of securing the public benefit associated with this proposed rulemaking.

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

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

The Commission did not consider any alternative methods for implementing the requirements set out by Iowa Code section 476.10C as enacted by 2026 Iowa Acts, House File 2799.

- **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?

There is no anticipated impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** rule 199—17.11(476):

199—17.11(476) Load forecast and transmission analysis funding.

17.11(1) *Applicability and proportionate share.* Commencing in fiscal year 2028 and continuing each year thereafter, the commission shall issue an annual assessment to each electric public utility that reports gross operating revenues derived from the utility's intrastate public utility operations under the procedures and timelines set forth in this rule. Each electric public utility's total remittance due shall be based on its proportionate share of total gross operating revenues derived from intrastate public utility operations as accepted by the commission in the annual report filing.

17.11(2) *Definitions.* The following definitions apply to this rule:

"Fiscal year" means the state accounting cycle beginning July 1 and ending June 30 of the following calendar year.

"Fund" means the fund created pursuant to Iowa Code section 476.10C.

"Reconciliation amount" means an amount equal to the difference between the unobligated fund balance and 5 percent of the spending projection.

"Spending projection" means the estimated annual expenses for work completed on the report required by Iowa Code section 15.120A as determined by the economic development authority (authority).

17.11(3) *Maximum annual aggregate assessment.* The maximum annual aggregate assessment calculated or demanded under this rule shall not exceed $1,000,000, or the maximum percentage defined by Iowa Code section 476.10C, whichever is less.

17.11(4) *Timelines.* Before October 1 of each year, the authority will provide the following financial information to the commission: the current fund balance as of September 15 of that fiscal year, the outstanding obligations against that fund balance, and the estimated spending projection for the fiscal year. The commission shall issue utility assessment invoices on or before October 15. Within 30 days from the commission's issuance of the invoice, each electric public utility shall submit the remittance to the commission, which shall expeditiously thereafter forward the remittance to the fund.

17.11(5) *Calculation of annual aggregate assessment.* The commission shall calculate the annual aggregate assessment using the information provided by the authority pursuant to subrule 17.11(4).

a. In the first year of the assessment, the amount of the assessment will equal 110 percent of the spending projection for fiscal year 2028.

b. In each subsequent year, the aggregate assessment will equal 105 percent of the spending projection for the fiscal year unless the unobligated fund balance at the beginning of the fiscal year equals 10 percent or more of the spending projection for the fiscal year. If the unobligated fund balance at the beginning of the fiscal year equals 10 percent or more of the spending projection for the fiscal year, then the aggregate assessment will be reduced by the reconciliation amount.

ITEM 2. Amend paragraph **35.5(4)"f"** as follows:

f. The budget for the plan and for each program for each year of implementation or for each of the next five years of implementation, whichever is less, itemized by proposed costs and consistent with the accounting plan required pursuant to subrule 35.9(1). Cost categories for the plan and program budgets include overhead and incentives as described herein, and the cost categories shall be further described by the following subcategories: classifications of persons working on energy efficiency and demand response programs, full-time equivalents, dollar amount of labor costs, and the name of outside firm(s) employed and a description of service(s) to be provided. The electric energy efficiency budget shall include a separate category for the anticipated amount for the purpose of the fund established in Iowa Code section 476.10C.

(1) and (2) No change.

ITEM 3. Amend subrule 35.6(3) as follows:

35.6(3) With the filing of a utility's application for approval of the utility's energy efficiency plan, each utility shall provide, for the commission's review, a calculation of the percentage of the utility's expected annual Iowa retail rate revenue, which the utility shall determine by dividing the total projected budget for the five-year plan by the total projected Iowa retail rate revenues for the five-year plan period. The calculation of the percentage of the utility's expected annual Iowa retail rate revenue for the electric energy efficiency budget shall not include the anticipated remittance amount to the commission for the purpose of the fund established in Iowa Code section 476.10C. The calculation of a utility's percentage of Iowa retail rate revenue may be subject to confidential treatment under Iowa Code chapters 22 and 550 upon request of the utility and as determined by the commission based on the commission's review of such request.

ITEM 4. Amend paragraph **35.9(1)"a"** as follows:

a. Each utility shall maintain a subaccount system, work order system, or accounting system that identifies individual costs by each program. Electric utilities shall maintain a separate account that identifies the funding submitted to the commission for the purpose of the fund established in Iowa Code section 476.10C.

RA 26-327

UTILITIES COMMISSION[199]

Regulatory Analysis

Notice of Intended Action to be published: rule 199—41.6(476)
"Water and Wastewater System Enhancement Infrastructure"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 476.59 as enacted by 2026 Iowa Acts, Senate File 2304, and 476.84

State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, Senate File 2304

Public Hearing

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

October 30, 2026 9 a.m.	Utilities Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa

Public Comment

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

IT Support
Utilities Commission
1375 East Court Avenue
Des Moines, Iowa 50319
Phone: 515.725.7300
Email: ITsupport@iuc.iowa.gov

Purpose and Summary

The purpose of the proposed rulemaking is to implement 2026 Iowa Acts, Senate File 2304, which was signed into law by Governor Reynolds on June 1, 2026. This legislation enacted new Iowa Code section 476.59, which authorizes alternative ratemaking mechanisms for water and wastewater treatment companies to use for system enhancement infrastructure. The new statute requires the Commission to review system enhancement plans and conduct contested case proceedings for the application of such plans. Under the new statute, the Commission is also charged with reviewing the system enhancement charge that is created from the approval of the system enhancement plans. The reference to Iowa Code section 476.59 in the proposed text is to that section as enacted by 2026 Iowa Acts, Senate File 2304. The rulemaking establishes procedures for implementing the law.

Analysis of Impact

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

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

The persons affected by this rulemaking that would bear the costs would be any investor-owned public utility providing water or wastewater service subject to rate regulation by the Commission pursuant to Iowa Code section 476.1 that wishes to recover costs of certain investments in infrastructure. The costs of the rulemaking will ultimately be passed onto the utility's ratepayers.

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

The persons benefiting from this rulemaking would be any investor-owned public utility providing water or wastewater service subject to rate regulation by the Commission pursuant to Iowa Code section 476.1 that wishes to recover costs of certain investments in infrastructure so as to be able to recover costs outside of traditional ratemaking principles or traditional cost recovery mechanisms. The utility's ratepayers may also benefit from the rulemaking by having a consistent, streamlined process. By including the system enhancement plan, the utility may not need to file as many rate cases, which could financially benefit ratepayers by allowing more time to pass in between expensive rate cases.

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 quantitative impact will be increased costs borne by the investor-owned water or wastewater service providers that wish to file for recovery of certain infrastructure projects under this new rule. However, this rule also provides for recovery of the certain infrastructure costs, which would likely outweigh the cost borne for the Commission's review and contested case proceeding. The utility pays the Commission's costs of the rulemaking and any proceeding under the new rule; however, those costs will then be passed onto the utility's ratepayers.

- **Qualitative description of impact:**

The qualitative impact of this rulemaking will be requiring the company to create and file a system enhancement plan and subsequent system enhancement charge, if the plan is approved. This will only be required if the company chooses to request alternative ratemaking principles for the recovery of the system enhancement infrastructure.

3. **Costs to the State:**

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

The Commission will incur costs through receiving and reviewing system enhancement improvement plans and system enhancement charges for compliance with the new rules, as well as conducting contested case proceedings.

- **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 rule could result in increased expenses for water and wastewater companies under the Commission's rate jurisdiction to participate and prepare for Commission review and contested cases. However, this rule allows companies to collect revenue more quickly and without a full rate case review, which is a benefit and could save or even provide the companies more money in the long run. The Commission would be required to review these filings whether there were rules or not because they are required by the underlying statute; however, the statute requires the Commission to create rules, so inaction is not a possibility.

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

The Commission does not believe there are any less costly methods of securing the public benefit associated with this proposed rulemaking.

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

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

The Commission did not consider any alternative methods for implementing the requirements set out by Iowa Code section 476.59 as enacted by 2026 Iowa Acts, Senate File 2304.

- **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?

There is no anticipated impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** rule 199—41.6(476):

199—41.6(476) Water and wastewater system enhancement infrastructure.

41.6(1) *Commission order required.* The commission shall issue a final order within 243 days of the filing of the eligible utility's application unless otherwise ordered by the commission for good cause.

41.6(2) *Application filing timeline.*

a. An application for water or wastewater system enhancement improvements cannot be filed by a water or wastewater utility during the pendency of a rate case as prescribed in Iowa Code section 476.6.

b. A water or wastewater system enhancement improvement application may be filed once per year for the five years following the issuance of a final order for a water or wastewater utility's most recent rate case.

(1) The issuance of a final order for a rate case utilizing a historic test year is a commission order making a final determination with regard to the utility's rates.

(2) The issuance of a final order for a rate case utilizing a future test year is the final commission order following the subsequent proceeding.

41.6(3) *Extension for good cause shown.* Pursuant to Iowa Code section 476.59(3)*"c,"* any intervening party to the contested case may petition the commission for an extension of time for issuing a final order; such petition shall be ruled upon by the commission within 14 days of the filing. The commission may, on its own action, issue an order extending the time for which a final order must be issued; such an order shall detail the good cause for extension of the timeline.

41.6(4) *Contested case.* In addition to rule 199—1.6(17A,474) and 199—Chapters 14 and 2506, the following rules shall also apply:

a. Upon the filing of an application, interested parties have 30 days to request a formal procedural schedule be set in the matter.

b. A hearing in the matter shall be held no later than 175 days after the filing of an application unless good cause is shown to extend the timeline.

41.6(5) *Contributions in aid of construction.* Pursuant to Iowa Code section 476.89(4)*"b"*(2), an eligible utility cannot recover contributions in aid of construction.

a. "Contribution in aid of construction" is defined in 199—paragraph 21.3(5)*"a."*

b. If a project detailed in a plan is receiving contributions in aid of construction, the eligible utility is required to clearly identify the amount received for the project.

41.6(6) *Notice to customers.* Upon filing an application, the eligible utility is required to also provide a proposed notice of rate increase to be distributed to all customers. The commission will approve or deny the proposed notice within 30 days of filing. The notice is required to include the following information:

a. The total requested increase.

b. When the increase will take effect.

c. The average impact on monthly bills per rate class in total percentage increase and total dollar amounts.

d. The assigned docket number from the commission's electronic filing system.

e. How an impacted customer can contact the eligible utility to ask questions regarding the rate increase.

f. How an impacted customer can contact the commission.

g. How an impacted customer can become involved in the proceeding.

RA 26-328

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 17
"Veterans License Fee Fund"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 35A.5 and 35A.11
State or federal law(s) implemented by the rulemaking: Iowa Code section 35A.11

Public Hearing

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

October 22, 2026 9:30 a.m.	Video call link: meet.google.com/uxj-rixs-sdk Or dial: 314.492.4461 Conference ID: 699 779 120#

Public Comment

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

Mike Olson
Iowa Department of Veterans Affairs
Legislative Liaison
1301 Summit Street
Marshalltown, Iowa 50158
Phone: 641.750.6185
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

The Department is proposing a revised Chapter 17 to update procedures and reduce unnecessary text pursuant to Executive Order 10. Relevant content will be streamlined to provide greater clarity and remove unnecessary elaboration on certain rules.

Analysis of Impact

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

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

There are no costs associated with the proposed rulemaking.

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

Organizations applying for support from the Veterans License Fee Fund will benefit from the proposed rulemaking.

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

- **Quantitative description of impact:**

There are no costs associated with the proposed rulemaking.

- **Qualitative description of impact:**

This rulemaking will positively impact applicants by making the requirements and process easier to understand.

3. **Costs to the State:**

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

No costs are expected.

- **Anticipated effect on State revenues:**

No effect on State revenues is expected.

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

There is no cost to the proposed rulemaking, and the benefit will be a more concise description of the application requirements and process. Action is required pursuant to Executive Order 10.

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

Not applicable.

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

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

There are no viable alternative methods.

- **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 rulemaking is not anticipated to have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 801—Chapter 17 and adopt the following **new** chapter in lieu thereof:

CHAPTER 17
VETERANS LICENSE FEE FUND

801—17.1(35A) Purpose. These rules establish guidelines utilized by the commission of veterans affairs for grants and authorized expenditures from the veterans license fee fund to fulfill the responsibilities of the commission.

801—17.2(35A) Grants.

17.2(1) Grant applicants must have nonprofit or governmental status or be a nationally recognized veterans service organization.

17.2(2) The amount of funding awarded to an applicant is at the discretion of the commission. Applications with at least 50 percent of total project or program funding, exclusive of future pledges, are encouraged. Applicants must include a budget for the entire project to include sources and uses of funds and a timeline for completion. Grants may be paid as the last dollar in at the discretion of the commission. Projects and programs should generally be completed within one year of grant award.

17.2(3) Recurring requests for funding are not guaranteed but may be granted at the sole discretion of the commission. Grants are not intended to be built into an organizational budget with the expectation for continuous and ongoing funding.

17.2(4) Grant recipients will submit a written report on the effectiveness of the project or program to the commission no later than three months following completion.

17.2(5) The commission will maintain an application form with any additional details and requirements that will be available upon request from the department.

801—17.3(35A) Expenditures. Moneys in this fund may be used for administrative expenses related to the business of the commission of veterans affairs, to include outreach and awareness, professional development, mileage, per diem, conference call capabilities, printing, and other costs for meetings.

801—17.4(35A) Administration. This fund will be administered by the department.

These rules are intended to implement Iowa Code section 35A.11.

ARC 0634D

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rulemaking related to exhibition requirements and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to adopt a new Chapter 59, "Exhibition Requirements," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 163.2A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 163.

Purpose and Summary

This proposed rulemaking adopts new Chapter 59, "Exhibition Requirements," to consolidate animal exhibition rules into one chapter, improve clarity, and reduce repetitive language. This proposed rulemaking brings together general animal health, veterinary inspection, disease prevention, and species-specific requirements, including poultry exhibition provisions relocated from 21—Chapter 60. This proposed rulemaking updates identification requirements to require official electronic identification for exhibition swine and either official electronic identification or a qualifying purebred registry tattoo for exhibition cattle. This proposed rulemaking also specifies electronic registration and reporting requirements for applicable exhibitions and incorporates references to Iowa's animal import requirements in 21—Chapter 65. These proposed changes are intended to make exhibition requirements easier to locate and administer, while supporting animal disease prevention and traceability.

References to rule 21—64.1(163) and 21—Chapter 65 are to those as published in concurrent rulemakings (**ARC 0638D** and **ARC 0639D**, IAB 9/30/26, respectively).

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 29, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319
Phone: 515.518.7609
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 21—Chapter 59:

CHAPTER 59
EXHIBITION REQUIREMENTS

21—59.1(163) Definitions.

"Animal" means any nonhuman vertebrate of the kingdom Animalia.

"Cervid" means all animals belonging to the Cervidae family.

"CWD monitored herd" means a herd of cervids enrolled in the chronic wasting disease herd certification program, as defined by 9 CFR Part 55, dated February 8, 2002, as one-year, two-year, three-year, four-year and five-year monitored herds in accordance with the time in years such herds have been in compliance with the chronic wasting disease herd certification program.

"Exhibition" means an exhibit, demonstration, show or competition involving an event on the state fairgrounds, a county fair or another exhibition event.

"Foreign animal disease" means diseases of animals not known to exist in the United States.

"Livestock" means the same as defined in Iowa Code section 717.1.

"NAHLN laboratory" means an approved diagnostic laboratory participating in the National Animal Health Laboratory Network.

"Official electronic identification" means a nationally unique identification tag approved by the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA APHIS) that is permanently associated with an animal bearing the U.S. shield and that must be visually and electronically readable.

"Official veterinarian" means a licensed and accredited veterinarian retained by the exhibition who is responsible for the inspection of animals for disease, verifying certificates of veterinary inspection and overseeing animal health during the exhibition.

"Poultry" means chickens, turkeys, domestic waterfowl, domestic game birds, ratites and exhibition birds, excluding doves and pigeons.

"Poultry exhibition" means an exhibition, demonstration, show, competition, sale, swap meet, flea market or live bird market involving poultry.

"Swine exhibition" means an exhibit, demonstration, show or competition involving an event on the state fairgrounds, a county fair or another exhibition event involving swine.

21—59.2(163) Health requirements for exhibition of animals.

59.2(1) *General requirements.*

a. Animals must not originate from an area under quarantine.

b. All animals originating from out of state must meet the state of Iowa's import requirements as outlined in 21—Chapter 65.

59.2(2) *Certificate of veterinary inspection.* Animals are not eligible for exhibition until the owner or agent presents an official certificate of veterinary inspection unless otherwise exempt by these rules. No certificate of veterinary inspection will be required on livestock, poultry and birds exhibited at a county 4-H or FFA show.

a. The certificate of veterinary inspection must be issued by a licensed and accredited veterinarian prior to entry into the show as indicated below.

(1) Swine within seven days prior to the date of entry into the exhibition grounds.

(2) Sheep within 14 days prior to the date of entry into the exhibition grounds.

(3) All animals, except swine and sheep, within 30 days prior to the entry into the exhibition grounds.

b. The certificate of veterinary inspection must indicate that the veterinarian has inspected the animals and any nurse stock that accompany them, the date inspected and that they are apparently free from symptoms of any infectious, contagious or communicable disease.

c. Any evidence of any infectious, contagious or communicable disease, including but not limited to warts, ringworm (club lamb fungus), draining abscesses, footrot, sore mouth or pink eye, shall eliminate the animal from the show.

d. Individual official identification must be listed on the certificate of veterinary inspection unless otherwise exempted.

e. Individual certificates of veterinary inspection will not be required in certain classes if the division superintendent for the exhibition has made prior arrangements with the official veterinarian and state veterinarian to have all animals inspected on arrival.

59.2(3) *Official veterinarian.*

a. The state fair must have an official veterinarian.

b. County fairs and other exhibitions must have an official veterinarian who will inspect all livestock, poultry and birds when they are unloaded or shortly thereafter.

59.2(4) *Removal from fair or exhibition.* The official veterinarian in charge shall order that any animals found to be infected with any infectious, contagious or communicable disease are to be immediately isolated from the remainder of the animals until such time the infected animal(s) can be removed from the fair or exhibition. The state veterinarian must be notified immediately upon any suspicion of a reportable or foreign animal disease as defined in rule 21—64.1(163), and all animals afflicted with or exposed to suspected foreign animal disease must be isolated.

59.2(5) *Disinfection.*

a. State fair—disinfection of livestock quarters. It shall be the duty of the livestock superintendents under the authority of the chief of the division of animal industry to supervise the disinfection of all buildings, stalls and pens at the state fairgrounds just prior to the opening of such fair and in between shows.

b. County fairs and other exhibitions—disinfection of livestock quarters. It shall be the duty of all secretaries of all county fairs or exhibitions of livestock or livestock superintendents in the state of Iowa, at exhibitions other than the state fair, to supervise the disinfecting of all buildings, stalls and pens prior to the opening of such county fair or exhibition of livestock and in between shows.

59.2(6) *Cattle.*

a. Individual identification. All cattle intended for exhibition shall have individual official identification. Acceptable forms of official individual identification include a USDA APHIS-approved electronic identification tag bearing the U.S. shield or a purebred registry tattoo if the certificate of veterinary inspection is accompanied with registration papers that show the purebred registry tattoo.

b. Certificate of veterinary inspection. All cattle intended for exhibition shall be accompanied by a certificate of veterinary inspection that lists individual official identification.

c. Out of state. All cattle originating from out of state must meet the state of Iowa's import requirements as outlined in 21—Chapter 65.

59.2(7) *Swine.*

a. Individual identification. All swine intended for exhibition shall have individual official electronic identification.

b. Certificate of veterinary inspection.

(1) All swine intended for exhibition shall be accompanied by a certificate of veterinary inspection that lists individual official electronic identification.

(2) All swine shall be inspected again upon arrival at the exhibition site and before the swine are unloaded or leave a designated and isolated inspection area.

(3) Biosecurity and sanitary practices shall be implemented for all inspections.

c. Pseudorabies testing. Swine originating outside Iowa must have a negative test for pseudorabies within 30 days prior to the show. Test results must be listed on the certificate of veterinary inspection. Individual show regulations may have more restrictive time restrictions.

d. Out of state. All swine originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

e. Registration of swine exhibitions. All exhibitions that include the exhibition of swine must be registered with and approved by the state veterinarian at least 30 days prior to the exhibition. The sponsor must electronically file the approved registration form. The registration form includes the name of the exhibition and the physical address, telephone number and premises identification number of its location; the name, physical address and telephone number of the veterinarian; and the date(s) of the exhibition. Sales of swine will not be allowed unless the event has been registered with and received approval from the state veterinarian at least 30 days prior to the event.

f. Swine exhibition report required. The sponsor of the swine exhibition shall electronically submit to the department the approved report form within five business days after the conclusion of the exhibition. The form includes the following:

(1) Name of the exhibition and the physical address, telephone number and premises identification number of its location;

(2) Name, physical address and telephone number of the veterinarian;

(3) Date(s) that the exhibition occurred;

(4) Name, physical address, telephone number and premises identification number of the owner of the swine, if different than the premises of origin;

(5) Name, physical address and telephone number of the premises of origin and the physical address, telephone number and premises identification number of the premises from which the swine was moved after the exhibition if such premises is a different premises; and

(6) Official electronic identification.

g. Inspection of swine. The sponsor of the exhibition must retain an Iowa licensed and accredited veterinarian to supervise the health of the swine at the exhibition location.

59.2(8) *Sheep and goats.*

a. Individual identification. All sheep and goats intended for exhibition shall be individually identified.

(1) Sheep. All sexually intact sheep and wethers 18 months of age and older must be identified with an individual scrapie flock of origin identification tag, and this number must be listed on the certificate of veterinary inspection.

(2) Goats. All sexually intact goats and wethers 18 months of age and over must be identified with an individual scrapie flock of origin identification tag or by an official registered tattoo, and one of these numbers must be listed on the certificate of veterinary inspection. The certificate of veterinary inspection must be accompanied by the registered tattoo paperwork.

b. Certificate of veterinary inspection. All sheep and goats intended for exhibition shall be accompanied by a certificate of veterinary inspection that lists individual identification.

c. Out of state. All sheep and goats originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

59.2(9) *Horses and mules.* All horses and mules intended for exhibition shall be accompanied by a certificate of veterinary inspection that lists a description that includes name, age, breed, sex, color and distinctive markings, or in lieu of color and distinctive markings, digital photographs sufficient to identify the individual equine (pictures of front and both sides), and may include unique permanent forms of identification if available (tattoos, microchips, brands). All horses and mules originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

59.2(10) *Poultry and birds.*

a. Certificate of veterinary inspection. All poultry and birds intended for exhibition shall be accompanied by a certificate of veterinary inspection.

b. Testing. All poultry and birds exhibited must come from U.S. pullorum-typhoid clean or equivalent flocks or have had a negative pullorum-typhoid test performed within 90 days of the exhibition by an authorized tester or a licensed and accredited veterinarian. Approved test results must accompany the poultry and birds. An approved certificate verifying this status shall accompany the exhibit.

c. Registration of poultry exhibitions/sales. All exhibitions and sales that include the exhibition or sale of poultry must be registered with and approved by the state veterinarian at least 30 days prior to the exhibition. The sponsor must electronically file the approved registration form. The registration form includes:

(1) Name of the exhibition and the physical address, telephone number and premises identification number of its location.

(2) Name, physical address and telephone number of the veterinarian.

(3) Name and tester number of the pullorum-typhoid tester.

(4) Date(s) of the exhibition.

d. Inspection of poultry. A licensed and accredited veterinarian shall inspect all poultry on the premises of the poultry exhibition, show or sale on the day of the activity to ensure poultry are free of infectious, contagious or communicable disease. All poultry showing signs of any infectious, contagious or communicable disease shall be removed from the premises immediately. The state veterinarian must be notified immediately upon any suspicion of a reportable or foreign animal disease as defined in rule 21—64.1(163), and all animals afflicted with or exposed to suspected foreign animal disease must be isolated.

e. Sales. The sale of poultry will not be allowed at unregulated facilities or events, including but not limited to flea markets, swap meets and live bird markets, unless such facilities or events have been registered with and approved by the state veterinarian at least 30 days prior to the event.

f. Out of state. All poultry and birds originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

59.2(11) *Dogs and cats.* Dogs and cats exhibited must have current, official rabies vaccination certificates. A certificate of veterinary inspection is not required for in-state dogs and cats. All dogs and cats originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

59.2(12) *Cervids.*

a. Individual identification. All cervids intended for exhibition shall have individual official identification.

b. Certificate of veterinary inspection. All cervids intended for exhibition shall be accompanied by a certificate of veterinary inspection listing individual official identification.

c. Chronic wasting disease. All cervids intended for exhibition shall originate from a CWD monitored herd that has been enrolled in the program for at least one year. All cervids must have been kept for at least one year or have been natural additions.

d. Out of state. All cervids originating from out of state must meet the state of Iowa's import requirements outlined in 21—Chapter 65.

These rules are intended to implement Iowa Code sections 163.1 and 163.14.

ARC 0635D

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rulemaking related to hatcheries and chick dealers and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to rescind Chapter 60, "Poultry," and to adopt a new Chapter 60, "Hatcheries and Chick Dealers," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 163.2A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 159, 163, 168 and 197 and 9 CFR Part 145.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 60, renamed "Hatcheries and Chick Dealers," to modernize references, clarify licensing requirements, and eliminate provisions that duplicate the Iowa Code. This proposed rulemaking incorporates federal poultry disease-control standards dated September 30, 2025, and distinguishes licensing requirements for hatcheries from those for chick dealers, including retaining poultry improvement plan compliance documentation for hatchery applicants while removing that separate submission requirement for dealers. This proposed rulemaking also updates turkey disease-control provisions and aligns respiratory disease reporting with rule 21—64.1(163), which is part of a concurrent rulemaking published herein (**ARC 0638D**, IAB 9/30/26). Poultry exhibition requirements are relocated to 21—Chapter 59, which is in a concurrent rulemaking published herein (**ARC 0634D**, IAB 9/30/26), to consolidate exhibition rules in one chapter. These changes improve clarity and organization while retaining core disease-control, sanitation, labeling, and licensing requirements.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 29, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319
Phone: 515.518.7609
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 21—Chapter 60 and adopt the following **new** chapter in lieu thereof:

CHAPTER 60
HATCHERIES AND CHICK DEALERS

21—60.1(168) Chickens, turkeys, domestic waterfowl, and domestic game birds.

60.1(1) For the purpose of assisting the state of Iowa in maintaining its pullorum-typhoid free status, the secretary adopts the provisions of 9 CFR §145.23(b)(3)(i) through (vii), §145.33(b)(3)(i) through (vii), §145.43(b)(3)(i) through (vi), §145.53(b)(3)(i) through (vii), §145.73(b)(2)(i), §145.83(b)(2)(i), §145.93(b)(3)(i) through (vii), and §145.103(b)(3)(i) through (ix) dated September 30, 2025.

60.1(2) All hatching eggs, baby chicks or started pullets must originate from flocks or hatcheries that are pullorum-typhoid clean as defined by 9 CFR §145.23 dated September 30, 2025.

60.1(3) All boxes, crates, coops or other containers shall be new or disinfected before being used to move poultry within the state of Iowa. Each such box, crate, coop or other container that is attached to a customer lot shall be plainly labeled by identifying the customer lot thereof with a label to be supplied by the National Poultry Improvement Plan (NPIP)-recognized official state contact agency. The label

shall contain the name of the seller and a description of the contents as specified in Iowa Code section 168.5(4).

21—60.2(168) License for hatcheries and dealers of baby chicks or domestic fowl.

60.2(1) License for hatcheries. In order to qualify for the license to engage in the business of custom hatching or producing baby chicks and other baby domestic fowl under six weeks of age for sale within this state, the applicant shall comply with the following requirements:

a. An application for a license shall be accompanied by the required license fee.

b. All hatchery applicants shall assist the state in maintaining its pullorum-typhoid free status by accompanying license application with evidence or affidavit indicating compliance with regulations of 9 CFR Part 145 dated September 30, 2025.

60.2(2) License for dealers of baby chicks and domestic fowl. In order to qualify for the license to engage in the business of offering baby chicks and domestic fowl for sale or selling them within this state, the applicant shall comply with the following requirement: an application for a license shall be accompanied by the required license fee.

60.2(3) Prior to issuing the license, the department of agriculture and land stewardship may inspect the applicant's business establishment. All the requirements of Iowa Code section 168.5 shall be complied with.

21—60.3(163) Turkeys. All turkey-hatching eggs or turkey poults must originate from flocks or hatcheries that comply with the following requirements of the department.

60.3(1) For the purpose of assisting the state of Iowa in maintaining its U.S. mycoplasma gallisepticum clean state status, the secretary adopts the provisions of 9 CFR §145.44(c), §145.14(b) and §145.43(c) dated September 30, 2025.

60.3(2) All eggs used for hatching shall be identified by the flock owner as to the flock of origin.

60.3(3) Flock and hatchery owners shall report any signs of respiratory disease listed in rule 21—64.1(163) to the department.

These rules are intended to implement Iowa Code sections 159.1, 163.1, 168.2, 168.5, 168.6, 168.7, and 197.1.

ARC 0636D

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rulemaking related to registration of Iowa-foaled horses and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to rescind Chapter 62, "Registration of Iowa-Foaled Horses and Iowa-Whelped Dogs," and to adopt a new Chapter 62, "Registration of Iowa-Foaled Horses," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 99D.22.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 99D.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 62 to remove greyhound-related provisions and consolidate requirements governing the registration of Iowa-foaled horses. This proposed rulemaking combines common requirements for thoroughbreds, standardbreds, and quarter horses;

updates departmental forms and terminology; and removes duplicative provisions and references that no longer apply. This proposed rulemaking also establishes an affidavit-based alternative for documenting broodmare residency before foaling, simplifies the conditions for registration when a mare and foal leave Iowa before a departmental post-foaling inspection, and changes the annual Mare Status Report deadline from December 31 to December 1. These proposed changes are intended to improve administration of the Iowa Horse Breeders' Program and clarify the documentation needed to establish eligibility.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 29, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319
Phone: 515.518.7609
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 21—Chapter 62 and adopt the following **new** chapter in lieu thereof:

CHAPTER 62
REGISTRATION OF IOWA-FOALED HORSES

21—62.1(99D) Definitions. For purposes of this chapter, unless a different meaning is clearly indicated by the context:

"Department" means the Iowa department of agriculture and land stewardship.

"Owner of a thoroughbred stallion," "owner of a standardbred stallion" or *"owner of a quarter horse stallion"* means the person who owns at least 51 percent of a thoroughbred, standardbred or quarter horse stallion for one service season or more.

"Secretary" means the Iowa secretary of agriculture.

21—62.2(99D) Iowa horse breeders' fund and Iowa thoroughbred horse breeders' promotion fund.

62.2(1) Iowa-foaled horses records and breeder payments:

a. The department will establish and maintain a records system titled the "Iowa horse breeders' fund." This records system will feature a list of thoroughbred, standardbred and quarter horses that have qualified to be Iowa-foaled horses.

b. A sum equal to 12 percent of the purse won by an Iowa-foaled horse shall be used to promote the horse breeding industry. This percentage shall be applicable to all races that are limited to Iowa-foaled horses as well as all other races that are won by Iowa-foaled horses.

c. The 12 percent shall be withheld by the licensee from the breakage and shall be paid at the end of the race meeting to the department, which, in turn, shall deposit the 12 percent in a special fund to be known as the "Iowa horse breeders' fund" and pay the 12 percent by December 31 of each calendar year to the breeder of the winning Iowa-foaled horse.

d. A sum equal to 6 percent of the purse won by an Iowa-foaled thoroughbred horse shall be used as a supplement to promote the thoroughbred horse breeding industry for horses placing second through fourth place. This percentage shall be applicable to all thoroughbred races that are held at Prairie Meadows racetrack.

e. The 6 percent supplement shall be withheld by the licensee from the horse breeders' fund for thoroughbreds and shall be paid at the end of the race meeting to the department, which, in turn, shall deposit it in a special fund to be known as the "Iowa thoroughbred horse breeders' promotion fund." This fund will pay 6 percent of the money earned to each horse placing second, third and fourth place by December 31 of each calendar year to the breeder of the Iowa-foaled thoroughbred horse.

62.2(2) All foals/horses qualified through the department to be Iowa-foaled horses will be listed by a department registration number.

62.2(3) As the department receives this money from the licensee, the department shall credit each horse, by registration number, with the amount. At the end of each calendar year, the department shall pay the amount credited to winning Iowa-foaled horses to the Iowa-foaled horse breeder.

62.2(4) The department will implement and maintain a system of keeping the Iowa state racing commission informed and updated relative to all horses that are eligible to race as Iowa-foaled.

62.2(5) The department shall have the authority to inspect the premises to verify that the animals are maintained under conditions appropriate to each species to ensure that the animals are properly cared for and that the standards of proper animal welfare are met.

21—62.3(99D) Forms. The following forms to qualify thoroughbred, standardbred and quarter horses as registered Iowa-foaled horses can be obtained from the department. The forms shall provide for the applicant to certify the truthfulness and accuracy of the information.

62.3(1) Application for Iowa Stallion Eligibility, Form S-1.

62.3(2) Stallion Transfer of Ownership, Form S-6.

62.3(3) Record of Mares Bred, Form S-3.

62.3(4) Broodmare Registration Application, Form M-4.

62.3(5) Mare Status Report, Form M-5.

62.3(6) Mare Transfer of Ownership, Form M-6.

62.3(7) Application for Iowa-Foaled Registration, Form I-6.

21—62.4(99D) Disciplinary actions.

62.4(1) A person shall not knowingly provide false information to the department. If the department finds that a person knowingly furnished false information to the department relating to the registration of a horse under these rules, then the department may deny, temporarily suspend or permanently suspend all registrations and eligibility certificates by or on behalf of the person. The department may withhold payment of breeder's awards to a breeder if the breeder is not in compliance with Iowa Code chapter 717 or rules adopted pursuant to that chapter. If a breeder does not come into compliance, the department may deny the registration of a breeder's foals. In addition, the department may temporarily or permanently suspend previously approved registrations.

62.4(2) Upon receipt of information from the Iowa racing and gaming commission that a person has been disqualified from licensure (suspended for 365 days or denied), the department shall deny, temporarily suspend or permanently suspend all registrations and eligibility certificates by or on behalf of the person. The department may determine that horses certified as Iowa-foaled horses prior to commission action are eligible to race as Iowa-foaled; however, the disqualified person is denied receipt of moneys from the Iowa horse breeders' fund. If the Iowa racing and gaming commission subsequently grants licensing privileges to a previously disqualified person, the department shall make an independent determination as to the person's eligibility to have registrations and eligibility certificates by or on behalf of the person reinstated or granted.

62.4(3) Whenever action is taken under this rule, the department shall remit the withheld breakage to the breakage pool at the track where the money was generated. In such cases, the money shall instead be retained by the racetrack and distributed in the manner as provided in Iowa Code section 99D.12.

62.4(4) The registration of an Iowa-foaled horse shall not be denied or suspended under this rule if either of the following applies:

a. The horse had previously been owned by the person subject to discipline, but the horse had been, in good faith, transferred to another person prior to the imposition of discipline by the department. The department, however, may still impose the discipline if the department determines that the purpose of the transfer was to circumvent the discipline.

b. The horse is in the possession of or under the control of a person subject to discipline, but the person has never had an ownership interest in the horse.

21—62.5(99D) Access to premises and records. The department inspectors shall have access to records and to the premises on which qualified Iowa-foaled horses are kept.

DIVISION I
IOWA REGISTERED STALLION REQUIREMENTS

21—62.6(99D) Notification requirements for Iowa registered stallions. The owner or owner's authorized representative must give immediate notification to the department if a stallion leaves the state. If the stallion leaves the state for breeding purposes, the stallion will no longer be registered. Subsequently, if the owner(s) wish to return the stallion to service in Iowa, the original application procedure will be required. If an Iowa registered stallion is moved within Iowa to stand at another location, the department must be notified before the stallion is offered for service at the new Iowa location. If an Iowa registered stallion is moved, temporarily, to another state for medication, its certification will remain valid as long as the department is properly notified.

21—62.7(99D) Stallion qualification and application procedure. To qualify a stallion as an Iowa registered stallion, the owner is required to complete the application for Iowa Stallion Eligibility and forward it to the Horse Racing Section, Iowa Department of Agriculture and Land Stewardship. This registration shall be valid as long as all stallion residency and notification procedures are properly met.

62.7(1) In the event of a sale or transfer of ownership of a stallion, qualified with the department, the transfer of ownership shall be executed on the Stallion Transfer of Ownership Form S-6.

62.7(2) If the new owner(s) wish to qualify the stallion as an Iowa stallion, then the new owner(s) must submit an application for Iowa Stallion Eligibility along with a copy of the bill of sale and meet all other department requirements.

21—62.8(99D) Application information.

62.8(1) Every person wanting to offer or stand a stallion as an Iowa registered stallion must file with the department a written application, utilizing Form S-1, and providing the following:

a. Name of stallion;

b. The name(s) of the owner(s) and address(es);

c. The place where the stallion stood for service during the previous year;

d. The place where the stallion will stand for service;

e. A statement that the stallion will not stand for service any place outside the state of Iowa during the calendar year in which the foal is conceived; and

f. Details concerning right of ownership, such as a bill of sale, contract or other documents providing proof of ownership, which must show any agreements concerning breeding rights, repurchase agreements and other types of concessions; and any other relevant information requested by the department.

62.8(2) An official certificate of registration will be returned within ten working days to the applicant.

21—62.9(99D) Breeding record—report of mares bred. Every person offering or standing any stallion for services as an Iowa registered stallion shall maintain a complete breeding record of the stallion and all mares of any breed bred to the stallion.

62.9(1) Such records shall be available to the department for inspection by a department inspector and shall include the following information:

a. The name of the mare;

b. The dam and sire of the mare;

c. The name and address, including zip code, of the owner(s) of the mare;

d. The first and last dates on which the stallion was bred to the mare;

e. The place where the stallion was standing for service at the time of the breeding of the mare;

f. The person(s) in charge of the stallion at the time of service to the mare; and

g. Any other relevant information requested by the department.

62.9(2) A report titled "Record of Mares Bred" must be filed with the department by September 1 of each year. The report must be filed on Form S-3 provided by the department.

DIVISION II
IOWA-FOALED HORSES AND BROODMARES

21—62.10(99D) Iowa-foaled horses and broodmares. To qualify for the Iowa horse breeders' fund program, horses must be Iowa-foaled.

62.10(1) Eligibility for broodmare residence and Iowa-foaled status shall be determined by the department by conducting both a pre-foal inspection of the broodmare and post-foal inspection of the broodmare and foal.

a. Pre-foal inspection of the broodmare. A foal shall not be eligible for Iowa-foaled status if it cannot be determined when the broodmare began her residency. However, a foal may be registered if the owner of the broodmare submits a signed, dated and notarized affidavit. The affidavit must attest that the broodmare arrived on a specific date in Iowa and remained in Iowa through foaling. In addition, the affidavit shall also contain the name of the broodmare and the state number of the broodmare. It must be postmarked to the department prior to the foal being born. Documentation from a third party supporting the broodmare's residency must be included with the affidavit.

b. Post-foal inspection of the broodmare and foal. A foal shall not be eligible for Iowa-foaled status if the broodmare and foal leave or are removed from the state before the foal is inspected by a

department inspector. However, a foal may be registered if it left or was removed from the state prior to the post-foal inspection by the department if all of the following conditions are met:

(1) The owner of the foal submits a signed, dated and notarized affidavit executed by a veterinarian licensed to practice in Iowa. The affidavit must attest that the veterinarian saw the foal within seven days of its birth, that the veterinarian has reason to believe that the foal was born in Iowa, and the basis for the veterinarian's belief that the foal was born in Iowa. In addition, the affidavit shall also contain the name of the broodmare, the state number of the broodmare, the sex and a physical description of the foal, the date of the birth and the foaling address. It must be postmarked to the department no more than ten days after foaling.

(2) The owner has filed a timely Mare Status Report, Form M-5, on the mare of the foal.

62.10(2) Additionally, for broodmares to be eligible for the Iowa horse breeders' fund program and for their foals to be eligible to enter races limited to Iowa-foaled horses, it is required that:

a. A Broodmare Registration Application, Form M-4, must be submitted to the department prior to foaling. This registration will cover the mare her entire productive life as long as there is not a change of ownership and the mare meets the eligibility rules set forth in Iowa Code chapter 99D.

b. The owner(s) of the mare must complete and return the Mare Status Report to the department by December 1 of the year bred.

c. The Mare Status Report must show the place where the mare will foal in this state and the person who will be responsible for the mare at the time of foaling.

d. The Mare Status Report must indicate whether the mare is to be bred back to an Iowa registered stallion or to a stallion standing at service outside the state of Iowa. If the breeding plans as stated on the Mare Status Report are changed, the department must be notified.

62.10(3) A Mare Transfer of Ownership, Form M-6, must be submitted to the department when a mare already in the program is purchased by a new owner. The Mare Transfer of Ownership will provide the following information:

a. Name of mare;
b. Date of transfer;
c. Color of mare;
d. State registration number;
e. National breed registration number;
f. Date of sale;
g. Name, address, and phone number of seller; and
h. Name, address, and phone number of buyer.

21—62.11(99D) Iowa-foaled horse status. A foal from a broodmare meeting the eligibility requirements will be eligible to become an Iowa-foaled horse.

62.11(1) An application to be an Iowa-foaled horse must be filed with the department. The application must be filed on an Application for Iowa-Foaled Registration, Form I-6, provided by the department.

62.11(2) The form shall be completed by the owner(s) of the foal or horse or by the owner's authorized representative. This registration will cover the foal or horse its entire productive life.

62.11(3) The owner(s) shall complete an application for an Iowa-foaled registration, showing the name of the broodmare; name of the sire; date of foaling; and color, sex, and markings of the foal or horse.

a. Thoroughbred foals. To complete the official registration of an Iowa-foaled horse, the owner(s) must forward the Jockey Club Certificate by registered mail to the department. If the horse has met all requirements for registration, the department shall affix its official seal on the face of the Jockey Club Certificate, which shall include the department's registration number for the horse, and return the certificate within ten working days from the date of receipt. In the event the horse has met all requirements for registration but the department fails to affix its official seal on the face of the Jockey Club Certificate after proper presentation, the list of Iowa-foaled horses prepared by the department shall serve as official notification of Iowa-foaled status until the department's official seal is affixed. If the

Jockey Club Certificate is lost or destroyed, a duplicate Jockey Club Certificate for that horse must be forwarded to the department and must be recertified by the department.

b. Standardbred foals. The department will verify registration with the U.S. Trotting Association, and if the horse has met all requirements for Iowa-foaled registration, the department shall place the name and number of the horse on the official department list of Iowa-foaled standardbreds. Placement on the list shall constitute the official certification of the horse as Iowa-foaled.

c. Quarter horse foals. To complete the official registration of an Iowa-foaled horse, the owner(s) must forward the American Quarter Horse Association Certificate to the department. If the horse has met all requirements for registration, the department shall affix its official seal on the face of the American Quarter Horse Association Certificate, which shall include the department's registration number for the horse, and return the certificate within ten working days from the date of receipt. In the event the horse has met all requirements for registration but the department fails to affix its official seal on the face of the American Quarter Horse Association Certificate after proper presentation, the list of Iowa-foaled horses prepared by the department shall serve as official notification of Iowa-foaled status until the department's official seal is affixed. If the American Quarter Horse Association Certificate is lost or destroyed, a duplicate American Quarter Horse Association Certificate for that horse must be forwarded to the department and must be recertified by the department.

21—62.12(99D) Quarter horse embryo transfer for Iowa-foaled status. Quarter horse embryo transfers may be eligible for Iowa-foaled status in accordance with the following provisions:

62.12(1) The recipient mare must be in the state of Iowa before the first day of December the year prior to foaling and must remain in Iowa until the foal or foals are born and are inspected by the department.

62.12(2) There is no limit to the number of foals eligible for Iowa-foaled status, provided the donor mare or a recipient mare:

a. Carries the foal full term;

b. Meets all the required Iowa rules; and

c. Is inspected by the department.

62.12(3) Registration and status reports of recipient mares and donor mares must be submitted to the department with proper identification, including but not limited to registration certificates, brands, and identification numbers prior to the time the donor mare is serviced.

62.12(4) Recipient mares must have a name, brand, or some means of identification and must be photographed for inspection purposes.

These rules are intended to implement Iowa Code section 99D.22.

ARC 0637D

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

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

The Agriculture and Land Stewardship Department hereby proposes to rescind Chapter 63, "Branding," Iowa Administrative Code, and to adopt a new Chapter 63 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 169A.13A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 169A.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 63 to clarify livestock brand administration and update statutory references. This proposed rulemaking expressly provides for the sale or transfer of a livestock brand and requires the transfer to be recorded with the Department using the prescribed form and a $25 transfer fee. Existing requirements governing brand locations and the resolution of conflicting brands are retained. These proposed changes provide a clear process for recording changes in brand ownership, while maintaining the existing framework for distinguishing brands and resolving conflicts.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 29, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319
Phone: 515.518.7609
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 21—Chapter 63 and adopt the following **new** chapter in lieu thereof:

CHAPTER 63
BRANDING

21—63.1(169A) Location of brands on livestock.

63.1(1) Brands shall be recorded on one of either side of the animals, in any one of three locations: shoulder, rib, or hip.

63.1(2) For brands recorded prior to 1996, each location is considered a separate brand and not in or under conflict with the same or similar brand in a different location or on a different side.

63.1(3) A livestock brand may be sold or transferred. The transfer must be recorded with the department using the brand transfer form and a transfer fee of $25.

This rule is intended to implement Iowa Code section 169A.5.

21—63.2(169A) Brands in conflict.

63.2(1) Whenever two or more brands are determined by the secretary to be in or under conflict, the secretary shall give written notice to the brand owners.

63.2(2) When herds bearing a similar brand are maintained in close proximity to each other, and the secretary determines that confusion or conflict may arise therefrom, then the secretary shall direct any change or changes in the position of the brands so as to remove such confusion or conflict.

63.2(3) When two or more brands are determined by the secretary to be in or under conflict, then the owner having recorded said brand on the earliest date shall be given preference in retaining said brand.

This rule is intended to implement Iowa Code section 169A.4.

ARC 0638D

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rulemaking related to infectious and contagious diseases and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to rescind Chapter 64, "Infectious and Contagious Diseases," Iowa Administrative Code, and to adopt a new Chapter 64 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 163.2A, 165A.3 and 189A.13.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 163 and 189 and 9 CFR Parts 54, 55 and 79.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 64 to update animal disease reporting and control requirements, consolidate definitions, and remove outdated program provisions. This proposed rulemaking revises the reportable disease list; updates references to federal regulations and animal health program standards; and revises requirements addressing diagnostic testing, identification, herd certification, vaccination documentation, and disease surveillance. This proposed rulemaking replaces

C-punch identification of Johne's-positive cattle with official electronic identification and removes older pseudorabies program and brucellosis indemnity provisions. Exhibition requirements and general livestock identification, movement, and market provisions are reorganized into the chapters addressing those subjects. These proposed changes are intended to improve clarity and support effective disease detection, traceability, prevention, and response.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 29, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319
Phone: 515.518.7609
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 21—Chapter 64 and adopt the following **new** chapter in lieu thereof:

CHAPTER 64
INFECTIOUS AND CONTAGIOUS DISEASES

21—64.1(163) Reporting disease. Whenever any person or persons who shall have knowledge of the existence of any infectious or contagious disease, such disease affecting the animals within the state or resulting in exposure thereto, which may prove detrimental to the health of the animals within the state, it shall be the duty of such person or persons to report the same in writing to the state veterinarian, animal health division, who shall then take such action as deemed necessary for the suppression and prevention of such disease. The following named diseases are infectious, contagious or communicable, and the diagnosis or suspected diagnosis of any of these diseases, as well as any disease classified by the World Organization for Animal Health and any disease classified by the United States Department of Agriculture (USDA) as a foreign animal disease, in animals must be reported promptly to the Iowa department of agriculture and land stewardship by the veterinarian making the diagnosis or suspected diagnosis.

64.1(1) *Multiple species diseases.*

a. Anthrax (*Bacillus anthracis*).
b. Bluetongue (Serotype 8).
c. Brucellosis.
d. Crimean Congo hemorrhagic fever.
e. Echinococcosis/hydatidosis.
f. Epizootic hemorrhagic disease.
g. Equine encephalomyelitis (Eastern).
h. Foot and mouth disease.
i. Heartwater.
j. Highly pathogenic avian influenza.
k. Japanese encephalitis.
l. Johne's disease (Paratuberculosis, *Mycobacterium avium paratuberculosis*).
m. Leishmaniosis.
n. Leptospirosis.
o. Meliodsosis (*Burkholderia pseudomallei*).
p. Mycobacterium tuberculosis complex (*M. bovis*, *M. caprae*, *M. tuberculosis*).
q. New world screwworm (*Cochliomyia hominivorax*).
r. Old world screwworm (*Chrysomya bezziana*).
s. Infection with orthobunyuaviruses—Simbu serogroup (Akbane virus, Schmallenberg virus).
t. Pseudorabies (Aujeszky's disease).
u. Q fever.
v. Rabies.
w. Rift Valley fever.
x. Rinderpest.
y. SARS-CoV-2.
z. Surra (*Trypanosoma evansi*).
aa. Trichinellosis.
ab. Trypanosomiasis (tsetse-transmitted, *Trypanosoma congolense*, *T. vivax*, *T. brucei*, *T. simiae*).
ac. Tularemia.
ad. Vesicular stomatitis.
ae. West Nile Virus.

64.1(2) *Cattle diseases.*

a. Anaplasmosis (*Anaplasma marginale*, *A. centrale*).
b. Bovine babesiosis (*Babesia bovis*, *B. bigemina*, *B. divergens*).
c. Bovine genital campylobacteriosis (*Campylobacter fetus venerealis*).
d. Bovine spongiform encephalopathy.
e. Bovine viral diarrhea (BVD, mucosal disease).

f. Contagious bovine pleuropneumonia (*Mycoplasma mycoides mycoides*).
g. Enzootic bovine leukosis (BLV).
h. Haemorrhagic septicaemia (*Pasteurella multocisa*, serotypes B/Asian or E/African).
i. Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis (IBR/IPV).
j. Malignant catarrhal fever.
k. Lumpy skin disease.
l. Theileriosis (*Theileria annulata*, *T. orientalis*, *T. pava*).
m. Trichomonosis.

64.1(3) *Swine diseases.*

a. African swine fever.
b. Classical swine fever (hog cholera).
c. Nipah virus.
d. Porcine cysticercosis (*Taenia solium*).
e. Porcine reproductive and respiratory syndrome (PRRS).
f. Swine vesicular disease.
g. Transmissible gastroenteritis.

64.1(4) *Sheep and goat diseases.*

a. Caprine arthritis/encephalitis.
b. Contagious agalactia (*Mycoplasma agalactiae*, *M. Capricolum capricolum*, *M. putrefaciens*, *M. mycoides capri*, *M. mycoides mycoides* LC).
c. Contagious caprine pleuropneumonia (*Mycoplasma capricolum capripneumoniae*).
d. Enzootic abortion of ewes (ovine chlamydiosis, *Chlamydophila abortus*).
e. Maedi-visna/ovine progressive pneumonia.
f. Mange (*Sarcoptes scabiei var ovis*, *Chorioptes bovis*, *Psoroptes ovis*, *P. cuniculi*, *Psoregates ovis*).
g. Nairobi sheep disease.
h. Peste des petits ruminants.
i. Salmonellosis (*Salmonella abortusovis*).
j. Scrapie.
k. Sheep pox and goat pox.
l. Theleriosis (*Theileria lestoquardi*, *T. luwenshuni*, *T. uilenbergi*).

64.1(5) *Equine diseases.*

a. African horse sickness.
b. Contagious equine metritis (CEM, *Taylorella equigenitalis*).
c. Dourine (Trypanosoma equiperdum).
d. Equine infectious anemia (EIA).
e. Equine influenza (virus type A).
f. Equine piroplasmosis (babesiosis, *Theileria equi*, *Babesia caballi*).
g. Equine rhinopneumonitis.
h. Equine viral arteritis.
i. Glanders (*Burkholderia mallei*).
j. Hendra.
k. Pigeon Fever (*Corynebacterium pseudotuberculosis*, ulcerative lymphangitis).
l. Strangles (*Streptococcus equi equi*).
m. Venezuelan equine encephalomyelitis.
n. Western equine encephalomyelitis.

64.1(6) *Avian diseases.*

a. Avian chlamydiosis.
b. Avian infectious bronchitis.
c. Avian infectious laryngotracheitis.
d. Avian metapneumovirus (domestic poultry).
e. Avian mycoplasmosis (*M. gallisepticum*).

f. Avian mycoplasmosis (*M. synoviae*).
g. Duck virus hepatitis (domestic poultry).
h. Fowl cholera.
i. Fowl typhoid (*Salmonella enterica—Gallinarum*).
j. Low pathogenic avian influenza in poultry.
k. Infectious bursal disease (Gumboro disease).
l. Marek's disease.
m. Newcastle disease (domestic poultry).
n. Pullorum disease (*Salmonella enterica—Pullorum*).

64.1(7) *Lagomorph diseases.*
a. Myxomatosis.
b. Rabbit haemorrhagic disease.

64.1(8) *Fish diseases.*
a. Epizootic haematopoietic necrosis (EHN).
b. Epizootic ulcerative syndrome (*Aphanomyces invadans*, EUS).
c. Gyrodactylosis (*Gyrodactylus salaris*).
d. Infection with *Megalocytivirus pargus* 1 (infectious spleen and kidney necrosis virus (ISKNV), turbot reddish body iridovirus (TRBIV), red sea bream iridoviral disease (RSIV)).
e. Infectious salmon anemia (ISA).
f. Infection with salmonid alphavirus (SAV).
g. Koi herpesvirus disease.
h. Spring viraemia of carp (SVC).
i. Viral hemorrhagic septicemia (VHS).

64.1(9) *Mollusk diseases.*
a. Infection with abalone herpes virus.
b. Infection with *Bonamia exitiosa*.
c. Infection with *Bonamia ostreae*.
d. Infection with *Haplosporidian nelsoni* (Hp).
e. Infection with *Marteilia refringens*.
f. Infection with *Mikrocytos mackini*.
g. Infection with Ostreid herpesvirus-1.
h. Infection with *Perkinsus marinus*.
i. Infection with *Perkinsus olseni*.
j. Infection with *Xenohaliotis californiensis*.

64.1(10) *Crustacean diseases.*
a. Acute hepatopancreatic necrosis disease (*Vibrio parahaemolyticus* pVA-1 plasmid).
b. Crayfish plague (*Aphanomyces astaci*).
c. Infection with decapod iridescent virus (DIV1).
d. Infection with *Enterocytozoon hepatopenaei* (EHP).
e. Infectious hypodermal and haematopoietic necrosis (IHHN).
f. Infectious myonecrosis (IMN).
g. Necrotizing hepatopancreatitis (*Hepatobacter penaei* NHP).
h. Taura syndrome (TS).
i. White spot syndrome (WSS).
j. White tail disease (*Macrobrachium rosenbergii* nodovirus).
k. Yellowhead disease (yellow head virus genotype 1).

64.1(11) *Amphibian diseases.*
a. Infection with *Batrachochytrium dendrobatidis* or *B. salamandrivorans* (*Bsal*).
b. Infection with ranavirus (*Ranavirus* species).

64.1(12) *Other diseases.*
a. Camel pox.
b. Chronic wasting disease.

c. Infection of dromedary camels with Middle East Respiratory Syndrome coronavirus (MERS).

Reporting is required for any case or suspicious case of an animal having any disease that may be caused by bioterrorism, epidemic or pandemic disease, or novel or highly fatal infectious agents or biological toxins and that might pose a substantial risk of a significant number of animal fatalities, incidents of acute short-term illness in animals, or incidents of permanent or long-term disability in animals.

This rule is intended to implement Iowa Code sections 163.1, 163.2, 189A.12, 189A.13 and 197.5.

21—64.2(163) Definitions.

"Accredited veterinarian" means the same as defined in rule 21—65.1(163).

"Administrator" means the administrator of the Animal and Plant Health Inspection Service (APHIS) of USDA or any employee of USDA to whom the administrator has delegated authority to act on behalf of the administrator.

"APHIS representative" means an individual employed by USDA APHIS in animal health activities who is authorized by the administrator to perform the functions and duties involved.

"Approved laboratory" means an American Association of Veterinary Laboratory Diagnosticians (AAVLD)-accredited laboratory or the National Veterinary Services Laboratory in Ames, Iowa.

"Certificate of veterinary inspection" or *"CVI"* means the same as defined in 21—65.1(163).

"Certified CWD cervid herd" means a herd of cervids that has been enrolled in the CWD Herd Certification Program and has attained certified status as defined by 9 CFR Part 55 dated February 9, 2022.

"Cervid" means all animals belonging to the family Cervidae.

"Cervid CWD surveillance identification program" or *"CCWDSI program"* means a CWD surveillance program that requires identification and laboratory diagnosis on all deaths of cervids 12 months of age and older, including but not limited to deaths by slaughter, hunting, illness, and injury for at least five years, unless the herd owner purchases or assembles a herd of animals from herds with certified status and concurrently enrolls the resulting herd in a state herd certification program.

"Chronic wasting disease" or *"CWD"* means a transmissible spongiform encephalopathy of cervids.

"Commingle" means to group animals together in a manner that allows them to have physical contact with each other, including contact through a fence, but not limited contact. Commingling includes sharing the same section in a transportation unit where physical contact can occur.

"Department" means the Iowa department of agriculture and land stewardship.

"Designated epidemiologist" means a veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the state veterinarian.

"Directly to slaughter" means movement from a farm to a slaughter establishment as defined in Iowa Code chapter 163, excluding movement through an auction market or livestock dealer's place of business.

"Disease" means any harmful divergence from an animal's normal physiological or structural state that disrupts vital functions and may include but is not limited to bacteria, virus, fungus protozoa, and parasites.

"Exposed" means that an animal has stood on a premises with or been in contact with any animal known to be affected with a contagious, infectious or transmissible disease; been placed in a premises, stable, yard or other enclosure where such diseased animal or animals have been kept unless such premises, stable, yard or other enclosure has been thoroughly cleaned and disinfected after containing animals so affected; or had contact indirectly through fomites, including but not limited to vectors, inanimate objects, people, aerosols, water and feed.

"Flock identification number" or *"flock ID number"* means the unique alphanumeric premises identification number that appears on the official identification issued to a flock; that conforms with the standards for an epidemiologically distinct premises as outlined in 9 CFR 79.1 dated August 21, 2001; and that is assigned by USDA and approved by the department.

"Foreign animal disease" means an important transmissible disease of animals that is not known to exist in the United States.

"Individual CWD herd plan" means a written herd management and testing plan that is designed by the herd owner; the owner's veterinarian, if requested; and a designated epidemiologist to identify and eradicate CWD from an affected, exposed or adjacent herd.

"Low pathogenic avian influenza" or *"LPAI"* means an infectious, contagious disease of poultry caused by Type A influenza virus. For the purposes of these rules, LPAI shall include only subtypes identified as H5 or H7.

"LPAI affected" means a designation applied to poultry diagnosed as infected with LPAI based on laboratory results, clinical signs or epidemiologic investigation.

"Monitored CWD cervid herd" means a herd of cervids that is in compliance with the CCWDSI program as defined in this rule. Monitored herds are defined as one-year, two-year, three-year, four-year, and five-year monitored herds in accordance with the time in years such herds have been in compliance with the CCWDSI program.

"Official cervid identification" means the same as defined in 21—Chapter 65.

"Official CWD test" means a test approved by the USDA APHIS administrator to diagnose CWD that is conducted at an official laboratory approved by the USDA APHIS administrator.

"Official individual identification" means the same as defined in rule 21—65.1(163).

"Official laboratory" means a USDA-approved, AAVLD-accredited laboratory or the National Veterinary Services Laboratory in Ames, Iowa.

"Owner" means a person, partnership, company or corporation or any other legal entity that has legal or rightful title to animals.

"Owner statement" means a statement signed by an owner certifying that the sexually intact animals are not scrapie-positive, suspect, high-risk or exposed and that they did not originate from an infected, source, exposed or noncompliant flock.

"Permit" means an official document for movement of affected or exposed animals that is issued by the state veterinarian, or USDA Area Veterinarian-in-Charge, or designee.

"Premises" means a parcel of land, ground, an area, buildings, enclosures or facilities sufficient to house animals.

"Poultry" means the same as defined in rule 21—65.1(163).

"Poultry flock" means a group of poultry, generally of the same age, that are hatched, housed, managed and sold together as one unit.

"Quarantine" means the perfect isolation of all diseased or suspected animals from contact with other animals as well as the exclusion of other animals from the premises, yards, stables, enclosures or grounds where suspected or diseased animals are or have been kept. Movement of animals or animal products is strictly prohibited without specific written permission.

"Scrapie" means a nonfebrile, transmissible, insidious degenerative disease affecting the central nervous system of sheep and goats.

"Scrapie eradication program" means the cooperative state-federal-industry program administered by USDA APHIS and states to control and eradicate scrapie.

"Scrapie flock certification program" or *"SFCP"* means a voluntary state-federal-industry cooperative program established and maintained to reduce the occurrence and spread of scrapie, to identify flocks that have been free of evidence of scrapie over specified time periods, and to contribute to the eventual eradication of scrapie. This program was formerly known as the voluntary scrapie flock certification program.

"Scrapie flock plan" means the same as "postexposure management and monitoring plan" or "PEMMP" as described in 9 CFR 54.8 dated August 21, 2001.

"Sheep or goat flock" means a group of sheep or goats, or a mixture of both species, residing on the same premises or under common ownership or supervision on two or more premises with animal interchange between the premises. Changes in ownership of part or all of a flock do not change the identity of the flock or the regulatory requirements applicable to the flock.

"Slaughter" or *"disposal"* means the removal or depopulation of the poultry flock.

"Source flock" means a flock in which a department or USDA APHIS representative has determined that at least one animal was born that was diagnosed as a scrapie-positive animal at an age of 72 months or less.

"State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Guam.

"Trace" means all actions required to identify the origin or destination of an animal.

"Traceback" means the process of identifying the herd of origin of CCWDSI-positive animals, including herds that were sold for slaughter.

21—64.3(163) Disease prevention and suppression. Whenever the chief of the division of animal industry shall have knowledge of an outbreak of any contagious, infectious or communicable disease among domestic animals in the state, the chief of the division of animal industry shall take such action as necessary for the prevention and suppression of such disease, including establishment, enforcement and maintenance of quarantines. The chief of the division of animal industry is authorized and empowered to obtain the assistance of any peace officer.

This rule is intended to implement Iowa Code sections 163.1 and 163.10.

21—64.4(163) Sale of vaccine. No attenuated or live culture vaccine or virus shall be sold or offered for sale at retail except to a licensed veterinarian of this state, nor shall it be administered to any livestock or poultry, except by or under the supervision of a licensed veterinarian of the state of Iowa.

This rule is intended to implement Iowa Code section 163.1.

21—64.5(163) Chiefs of Iowa and U.S. animal industries to cooperate. The department hereby authorizes and directs the chief of the division of animal industry to cooperate with USDA in all regulations for the prevention, control and eradication of contagious and infectious diseases among domestic animals in the state of Iowa.

This rule is intended to implement Iowa Code section 163.1.

21—64.6(163) Animal blood or tissue sample collection. Any animal slaughtered in Iowa is subject to having blood or tissue samples taken in order to determine whether the animal is infected with an infectious, contagious or communicable disease. Upon written notification from the department or USDA, the management of a slaughter facility shall provide for or permit the collection of blood or tissue samples for testing from any animal confined at or being slaughtered at such a facility. If the department or USDA chooses to place government employees or private contractors in the facility for the purpose of collecting the blood or tissue samples, neither the facility nor the management of the facility shall charge a fee for providing such access. In addition, the slaughter facility shall provide blood or tissue collectors access to facilities routinely available to plant employees such as restrooms, lockers, break rooms, lunchrooms, and storage facilities to facilitate blood or tissue collection in the same manner and on the same terms as the facility provides access to the facility to meat inspectors employed by the department or the Food Safety Inspection Service of USDA.

GLANDERS AND FARCY CONTROL

21—64.7(163) Preventing spread of glanders. No person owning or having the care or custody of any animal affected with glanders or farcy, or that there is a reason to believe is affected with said disease, shall lead, drive or permit such animal to go on or over any public grounds, unenclosed lands, street, road, public highway, lane or alley; permit such animal to drink at any public watering trough, pail or spring; or keep such diseased animal in any enclosure in or from which such diseased animal may come in contact with, or in proximity to, any animal not affected with such disease.

This rule is intended to implement Iowa Code section 163.20.

21—64.8(163) Disposal of diseased animal. Whenever any animal affected with glanders dies or is destroyed, the carcass of such animal shall be disposed of as determined by the department. Because

glanders is transmissible to human beings, great care must be exercised in handling diseased animals or carcasses.

This rule is intended to implement Iowa Code section 163.1.

21—64.9(163) Glanders quarantine. It shall be the duty of the chief of the division of animal industry to maintain quarantine on all animals affected with glanders until such animals have been destroyed by consent of the owner or otherwise, carcasses have been disposed of in accordance with rule 21—64.8(163), and the premises where the same have been kept have been thoroughly cleaned and disinfected.

This rule is intended to implement Iowa Code sections 163.1 and 163.2.

RABIES CONTROL

21—64.10(163) Rabies—exposed animals. Whenever rabies is known to exist in any community, it shall be the duty of all owners of exposed animals to immediately confine animals securely to prevent them from spreading the infection should they develop the disease.

This rule is intended to implement Iowa Code sections 163.1 and 351.39.

21—64.11(163) Rabies quarantine. When quarantine is established in any community on account of the existence of rabies, all dogs not confined or muzzled shall be promptly destroyed.

This rule is intended to implement Iowa Code sections 163.1 and 351.40.

21—64.12(351) Control and prevention of rabies.

64.12(1) *Antirabies vaccine.* Vaccines and immunization procedures recommended in the Compendium of Animal Rabies Prevention and Control prepared by the National Association of Public Health Veterinarians (NASPHV), Inc., 2016 edition, are approved by the department.

64.12(2) *Tag and certificate.*

a. A veterinarian shall issue a tag with the numerical number thereon, and the certificate of vaccination shall designate the tag number.

b. Each rabies vaccination certificate issued by the veterinarian must be the NASPHV Form #51, Rabies Vaccination Certificate, which can be obtained from vaccine manufacturers or the NASPHV website (www.nasphv.org). The form must be completed in full and signed by the administering or supervising veterinarian. Computer-generated forms containing the same information are acceptable.

This rule is intended to implement Iowa Code sections 351.35 and 163.1.

BRUCELLOSIS

21—64.13(163) Certified brucellosis-free herd. In order to qualify a herd of cattle as brucellosis-free and receive a certificate evidencing the same, the owner thereof shall comply with the following requirements.

64.13(1) *Certified brucellosis-free herd.* A herd may qualify for initial certification by a minimum of four consecutive negative brucellosis ring tests (BRTs) conducted at not less than 90-day intervals; or at least two consecutive negative blood tests not less than 10 months nor more than 14 months apart. A herd may qualify for recertification by a negative blood test within 10 to 12 months of each anniversary date, and the certification period being 12 months. If recertification is not conducted within 60 days following the anniversary date, then certification may be reinstated if a herd blood test is conducted within 14 months of the last certificate date.

a. One of the following methods may be used to qualify a herd as certified brucellosis-free:

(1) Conducting at least two consecutive negative herd blood tests not less than 10 months nor more than 14 months apart, or

(2) For dairy cattle, conducting a minimum of four consecutive negative BRTs, or other brucellosis milk test approved by the USDA APHIS administrator, not less than 90 days after the last negative BRT or other official brucellosis milk test approved by the USDA APHIS administrator.

b. Certification will remain in effect for one year beginning with the date of issuance of the certified brucellosis-free herd certificate. One of the following methods may be used to maintain certification:

(1) A negative herd blood test conducted within 10 to 12 months of the last certification date for continuous status. Lapsed certification may be reinstated if a herd blood test is conducted within 14 months of the last certificate date. A new certification test date may be established by the owner and if the herd is negative to a herd blood test on that date, provided that the date is within one year of the previous certification date; or

(2) For dairy cattle, a minimum of four consecutive negative BRTs, or other official brucellosis milk test approved by the USDA APHIS administrator, must be conducted at approximately 90-day intervals, with the fourth test conducted within 60 days before the one-year anniversary of the previous certification date.

64.13(2) *Additions to certified herds.*

a. Movement of cattle or bison into a certified brucellosis-free herd must meet the state of Iowa import requirements for cattle or bison as prescribed in 21—Chapter 65.

b. Cattle or bison from a certified brucellosis-free herd, area or state do not need to be tested prior to movement. However, they must be tested within 60 to 120 days after being added in order to qualify for certified brucellosis-free status for sale purposes.

64.13(3) *Request for certification or recertification.* The owner or veterinarian shall make a request to the chief of the division of animal industry for certification or recertification for a brucellosis-free herd when the required tests are completed.

This rule is intended to implement Iowa Code section 164.4.

21—64.14(163) Restraining animals. To facilitate the vaccination, the taking of a blood sample or identifying animals as reactors, it shall be the duty of the owner to confine the animals in a suitable enclosure and to restrain the individual animal in a manner sufficient to permit the veterinarian to perform any of the services required under laws and rules of Iowa.

This rule is intended to implement Iowa Code section 164.4.

21—64.15(163) Quarantines.

64.15(1) Bovine animals classified as reactors shall be quarantined on the premises and not permitted to mingle with other cattle until disposed of for slaughter under a permit issued by the department or its authorized agent.

64.15(2) All bovine animals comprising a herd operating under an individual herd plan shall be quarantined when one of the herd's members has been classified as a reactor, and such quarantine is to remain in effect until three consecutive negative herd blood tests have been made, with the first negative herd blood test occurring 30 to 60 days after all reactors have been removed from the herd and slaughtered. The second of these tests must occur 180 to 210 days after all reactors have been removed from the herd and slaughtered. The third test (releasing test) must occur 365 days or more after all reactors have been removed and slaughtered. The releasing test must include all intact cattle, bison, or both over six months of age. No animals of such a herd may be moved or sold except to slaughter under a permit issued by the department or its authorized agent except that the department in hardship cases may permit the movement of such animals other than to slaughter with quarantines remaining in effect at the new location, together with any new animals with which they may commingle.

64.15(3) Owners of animals tested for brucellosis shall hold the entire herd on the premises until the results of the test are determined.

64.15(4) Notice of quarantine shall be delivered in writing by the department or its authorized agent to the owner or caretaker of all cattle quarantined.

This rule is intended to implement Iowa Code sections 164.15 and 164.19.

21—64.16(163) Identification of bovine animals.

64.16(1) *Identification tag.* Every veterinarian, in conjunction with the testing of any bovine animal for brucellosis or the vaccination of any such animal, shall insert an electronic identification tag of the

type approved by the department in the right ear of each animal that is not so identified, provided that in the case of an animal registered with a purebred association, the registry or tattoo number assigned to the animal by such association may be used for identification in lieu of an identification tag. Identification must be recorded on the brucellosis test record.

64.16(2) *Official vaccinates.* An animal vaccinated with RB-51 brucella abortus vaccine must have an official electronic identification tag in the right ear or an individual animal registration tattoo. Additionally, the animal must be tattooed in the right ear with the U.S. Registered Shield and the letter "V," which shall be preceded by a letter "R" and followed by a number corresponding to the last digit of the year in which the animal was vaccinated. All vaccinations must be reported at the time of vaccination by submitting the USDA APHIS VS 1-24 or VS 1-26 or comparable form to the department.

64.16(3) *Reactor identification.* Bovine-reactor cattle shall be permanently branded with a hot iron on the tailhead over the fourth to the seventh coccygeal vertebrae with the letter "B" that is at least two inches by two inches, and shall also be tagged in the left ear with a reactor identification tag approved by the department within 15 days of the date of testing.

This rule is intended to implement Iowa Code sections 164.11 and 164.12.

21—64.17(163) Cleaning and disinfection. After any disclosure of reactors to the brucellosis test and following their disposal for slaughter, the owner of such cattle shall be required to clean and disinfect all barns and premises in which said cattle have been held. Such cleaning and disinfection shall be done in accordance with instructions and with a disinfectant approved by the department.

This rule is intended to implement Iowa Code section 163.1.

21—64.18(163) Disposal of reactors.

64.18(1) Reactor cattle disclosed in herds operating under an individual herd plan shall be tagged and branded within 15 days of the date the blood samples were taken. In accordance with Iowa law, an additional 30 days will be allowed for slaughter.

64.18(2) All reactors shall be disposed of for slaughter only in plants operating under federal meat inspection or slaughtering establishment approved by the department and must be accompanied by a shipping permit USDA APHIS VS 1-27 issued by an accredited veterinarian.

64.18(3) No cattle shall be disposed of through public sales or sales barns.

This rule is intended to implement Iowa Code section 164.17.

21—64.19(163) Brucellosis tests and reports. "Brucellosis test" means the blood serum test for brucellosis, applied in accordance with a technique approved by the department.

64.19(1) All brucellosis tests conducted at state-federal expense must be performed at a state-federal laboratory as determined by the department.

64.19(2) Testing shall be conducted by a licensed and accredited veterinarian.

64.19(3) All brucellosis tests conducted by a veterinarian must be reported to the department, on forms prescribed, within seven days following completion of such tests. A copy of such tests shall also be given to the herd owner by the veterinarian.

64.19(4) Reports of vaccination shall be rendered by the veterinarian within 30 days in compliance with the regulation.

This rule is intended to implement Iowa Code section 164.10.

21—64.20(163) Suspect animals designated as reactors. A nonvaccinated animal classified as a suspect on the brucellosis test may be reclassified as a reactor by the veterinarian obtaining the blood sample provided that such an animal is known to have aborted and is from a herd containing reactors.

ERADICATION OF BOVINE TUBERCULOSIS

21—64.21(163) Tuberculosis tests classified. Tuberculosis tests adopted by the department are:

64.21(1) Cervical tuberculin test (CFT).

64.21(2) Comparative cervical tuberculin (CCT).

64.21(3) Bovine interferon gamma for cattle.
64.21(4) Single cervical tuberculin (SCT) test for cervids.
64.21(5) Dual Path Platform VetTB Assay (DPP) test for cervids.

21—64.22(163) Acceptance of bovine tuberculosis tests. The CFT will be accepted provided it has been applied by a regularly employed state or federal veterinarian, by an accredited veterinarian or by an approved veterinarian when endorsed by the authorities of the state of origin, provided the observations be made at the seventy-second hour. CCT or bovine interferon gamma will be accepted provided it has been applied by a regularly employed state or federal veterinarian.

This rule is intended to implement Iowa Code section 164.4.

21—64.23(163) Ear tags. All cattle tested for tuberculosis must be identified by an official electronic identification attached to the right ear.

21—64.24(163) Tuberculin reactors. All cattle that react to the tuberculin test, as well as those which show physical evidence of tuberculosis, shall be marked for identification by branding with the letter "T" not less than two or more than three inches high on the hip near the tailhead, and to the left ear shall be attached a metal tag bearing a serial number and the inscription "REACTOR".

This rule is intended to implement Iowa Code section 165.4.

21—64.25(163) Reporting of tests. Reporting of tests must conform with 9 CFR 77.33(d) dated October 23, 2000.

This rule is intended to implement Iowa Code sections 163.1 and 164.4.

21—64.26(163) Slaughtering reactors.

64.26(1) Reactors to the tuberculin test must be brought directly to slaughter at a slaughtering establishment having federal inspection under a permit.

64.26(2) When it is found on slaughter that animals are affected with tuberculosis, the chief of the division of animal industry may order an immediate investigation and, if deemed advisable, have all cattle on the premises from which the tubercular animals originated tested for tuberculosis.

21—64.27(163) Agriculture tuberculin rules. The rules adopted by the department governing the establishment of tuberculosis-free accredited herds and accredited areas or units in Iowa will be applied to such herds and to areas or units in cooperation with USDA APHIS.

This rule is intended to implement Iowa Code section 165.12.

21—64.28(163) Tuberculosis-free accredited herd. A herd that has passed at least two consecutive official tuberculosis tests of all eligible animals conducted at 9- to 15-month intervals, has no evidence of exposure to bovine tuberculosis and meets the standards of the USDA APHIS Uniform Methods and Rules for Bovine Tuberculosis Eradication dated January 1, 2003, shall be a tuberculosis-free accredited herd.

This rule is intended to implement Iowa Code section 165.12.

21—64.29(163) Recertification. Accredited herd status is maintained through biennial herd testing during a period of three months prior to the anniversary date to three months following the anniversary date. If the reaccreditation test is conducted following the anniversary date, the accredited status of the herd will be suspended until the reaccreditation test is completed.

This rule is intended to implement Iowa Code section 165.32.

21—64.30(163) Supplemental diagnostic testing. Cattle and bison shall not be subjected to a CFT retest at an interval of less than 60 days. The CCT injection must occur either (1) within 10 days following the CFT injection or (2) more than 60 days following the CFT injection. This test shall be administered only by a state or federal veterinarian specifically trained in the application of the test. Bovine interferon gamma assay can be used either (1) in parallel with CCT testing, (2) as a replacement

for CCT test for retesting CFT test suspect or (3) in parallel with the CFT test or CCT test in affected herds.

This rule is intended to implement Iowa Code sections 163.1, 165.10, 165.13 and 165.26.

21—64.31(163) Milk. All milk and other dairy products fed to calves shall be pasteurized by a pasteurization method described in 9 CFR 58.101 dated December 31, 1981.

This rule is intended to implement Iowa Code section 163.1.

21—64.32(163) Sanitary measures. All reasonable sanitary measures and other recommendations by the state and federal authorities for the control of tuberculosis shall be complied with.

This rule is intended to implement Iowa Code section 163.1.

21—64.33(163) Reactors—removal. All cattle that react to the tuberculin test are required to be immediately isolated from other cattle.

21—64.34(163) Certificate. Strict compliance with these methods and rules shall entitle the owner of tuberculosis-free herds to a certificate, "TUBERCULOSIS-FREE ACCREDITED HERD", to be issued by USDA APHIS and the division of animal industry of the department. Said certificate shall be good for one year from date of test unless revoked at an earlier date.

This rule is intended to implement Iowa Code section 165.12.

21—64.35(163) Violation of certificate. Failure on the part of the owners to comply with these methods and rules shall be considered sufficient cause for immediate cancellation of the cooperative agreement with them by the state and federal officials.

This rule is intended to implement Iowa Code section 165.12.

21—64.36(163) Tuberculin—administration. In accordance with the provisions of Iowa Code chapter 165, the department shall have control of the sale, distribution and use of all tuberculin used in the state and shall formulate regulations for its distribution and use. Only licensed accredited veterinarians shall be entitled to administer tuberculin to any animal included within the scope of this chapter.

This rule is intended to implement Iowa Code section 165.13.

21—64.37(163) Sale of tuberculin. No person, firm or corporation shall sell or distribute tuberculin to any person or persons in the state of Iowa except to licensed and accredited veterinarians.

This rule is intended to implement Iowa Code section 165.12.

21—64.38(165) Fee schedule.

64.38(1) *Injection.* Thirty dollars per stop (herd) and two dollars per head.

64.38(2) *Reading.* Thirty dollars per stop (herd) and two dollars per head.

64.38(3) *Tagging and branding reactors.* Five dollars for the first reactor and three dollars for each additional reactor.

CHRONIC WASTING DISEASE (CWD)

21—64.39(163) Supervision of the cervid CWD surveillance identification program. The state veterinarian's office will conduct an annual inventory of cervids in a herd enrolled in the CCWDSI program.

21—64.40(163) Surveillance procedures. For cervid herds enrolled in this voluntary certification program, surveillance procedures shall include the following.

64.40(1) *Slaughter establishments.* All slaughtered cervids 12 months of age and older must have brain tissue submitted at slaughter and examined for CWD by an official laboratory. This brain tissue sample will be obtained by a state or federal meat inspector or accredited veterinarian on the premises at the time of slaughter.

64.40(2) *Cervid herds.* All cervid herds must be under continuous surveillance for CWD as defined in the CCWDSI program.

64.40(3) *Identification.* All cervid animals must receive identification before 12 months of age and be identified with two forms of official cervid identification as defined in 21—Chapter 65.

21—64.41(163) Official CWD tests.

64.41(1) The following are recognized as official cervid tests for CWD:

a. Histopathology.

b. Immunohistochemistry.

c. Western blot.

d. Enzyme-linked immunosorbent assay (ELISA).

e. Any other tests performed by an official laboratory to confirm a diagnosis of CWD.

64.41(2) A copy of official laboratory reports shall be maintained by the owner for purposes of completion of the annual inventory examination for recertification. Such diagnosis shall include examination of brain and any other tissue as directed by the state veterinarian. If there are deaths for which tissues were not submitted for laboratory diagnosis due to postmortem changes or unavailability, the department shall determine compliance.

21—64.42(163) Investigation of CWD affected animals identified through surveillance. Traceback must be performed for all animals diagnosed at an official laboratory as affected with CWD. All herds of origin and all adjacent herds having contact with affected animals as determined by the CCWDSI program must be investigated epidemiologically. All herds of origin, adjacent herds, and herds having contact with affected animals or exposed animals must be quarantined. The department will investigate CWD suspect herds.

21—64.43(163) Duration of quarantine. Quarantines placed in accordance with these rules must maintain compliance with rules 21—64.39(163) through 21—64.52(163). Quarantines maintaining compliance shall be removed after five years from the date of the last CWD detected test or after all animals have died or been depopulated and have been tested without the detection of CWD.

21—64.44(163) Individual CWD herd plan. The herd owner; the owner's veterinarian, if requested; and the epidemiologist shall develop a plan for eradicating CWD in each affected herd. The plan must be designed to reduce and then eliminate CWD from the herd, to prevent spread of the disease to other herds, and to prevent reintroduction of CWD after the herd becomes a certified CWD cervid herd. Animals that die, are depopulated, or are otherwise killed must be tested for CWD. The herd plan must be developed and signed within 60 days after the determination that the herd is affected. The plan must address herd management and adhere to rules 21—64.39(163) through 21—64.52(163). The plan must be formalized as a memorandum of agreement between the owner and program officials, must be approved by the state veterinarian, and must include plans to obtain certified CWD cervid herd status. No movement restrictions may be removed prior to formalization of the agreement.

21—64.45(163) Identification and disposal requirements. Affected and exposed animals must remain on the premises where they are found until they are identified and disposed of in accordance with direction from the state veterinarian. The department and the Iowa department of natural resources shall approve disposal issues of affected and exposed animals including manner and site.

21—64.46(163) Cleaning and disinfecting. Premises must be cleaned and disinfected under state supervision within 15 days after affected animals have been removed.

21—64.47(163) Methods for obtaining certified CWD cervid herd status. Certified CWD cervid herd status must include all cervids under common ownership. The animals that are part of a certified herd cannot be commingled with other cervids that are not certified, and a minimum geographic separation of 30 feet between herds of different status must be maintained in accordance with the USDA

Chronic Wasting Disease Program Standards dated May 2019. The escape, disappearance or death of any cervid shall be promptly reported along with identification numbers and estimated time of escape, disappearance or death. Tissue samples shall be available. A herd may qualify for status as a certified CWD cervid herd by one of the following means:

64.47(1) Purchasing a certified CWD cervid herd. Upon request and with proof of purchase, the department shall issue a new certificate in the new owner's name. The anniversary date and herd status for the purchased animals shall be the same as for the herd to which the animals are added, or if part or all of the purchased herd is moved directly to premises that have no other cervids, the herd may retain the certified CWD status of the herd of origin. The anniversary date of the new herd is the date of the most recent herd certification status certificate.

64.47(2) Upon request and with proof by records, a herd owner shall be issued a certified CWD cervid herd certificate by complying with the CCWDSI program for a period of five years.

21—64.48(163) Recertification of CWD cervid herds. A herd is certified for 12 months. Annual inventories conducted by the department, a licensed and accredited veterinarian, or authorized state or federal personnel are required every 9 to 15 months from the anniversary date. A complete physical herd inventory will be completed by the department, a licensed and accredited veterinarian, or authorized federal personnel every three years. For continuous certification, adherence to the provisions in these rules and all other state laws and rules pertaining to raising cervids is required. A herd's certification status is immediately terminated and a herd investigation shall be initiated if CWD affected or exposed animals are determined to originate from that herd.

21—64.49(163) Movement into a certified CWD cervid herd.

64.49(1) Animals originating from certified CWD cervid herds may move into another certified CWD cervid herd with no change in the status of the herd of destination.

64.49(2) The movement of animals originating from noncertified or lesser status herds into certified CWD cervid herds will result in the redesignation of the herd of destination to the lesser status.

21—64.50(163) Movement into a monitored CWD cervid herd.

64.50(1) Animals originating from a monitored CWD cervid herd may move into another monitored CWD cervid herd of the same status.

64.50(2) The movement of animals originating from a herd that is not a monitored CWD cervid herd or from a lower status monitored CWD cervid herd will result in the redesignation of the herd of destination to the lesser status.

21—64.51(163) Recognition of monitored CWD cervid herds. The state veterinarian shall issue a monitored CWD cervid herd certificate, including CWD monitored herd status as CWD monitored Level 1 during the first calendar year, CWD monitored Level 2 during the second calendar year, CWD monitored Level 3 during the third calendar year, CWD monitored Level 4 during the fourth calendar year, CWD monitored Level 5 during the fifth calendar year, and CWD certification at the completion of the fifth year and thereafter so long as program standards are met.

21—64.52(163) Recognition of certified CWD cervid herds. The state veterinarian shall issue a certified CWD cervid herd certificate when the herd first qualifies for certification. The state veterinarian shall issue a renewal form annually so long as program standards are met.

PARATUBERCULOSIS (JOHNE'S) DISEASE CONTROL IN CATTLE

21—64.53(165A) Supervision of the Johne's disease program. The state veterinarian's office will provide supervision for the Johne's disease program.

21—64.54(165A) Official Johne's disease tests. Official tests include but are not limited to:

1. Fecal and tissue culture.
2. Direct fecal polymerase chain reaction (PCR).
3. Histology of tissue.

21—64.55(165A) Herd plan. The herd owner; the owner's veterinarian, if requested; and the department may develop a plan for preventing the introduction of and controlling the spread of Johne's disease in each affected herd.

21—64.56(165A) Identification and disposal requirements. Affected animals must remain on the premises where they are found until they are permanently identified with an official electronic identification tag by an accredited veterinarian. Affected animals may be moved only for the purpose of consigning the animal to slaughter.

21—64.57(165A) Segregation, cleaning and disinfecting. Positive animals, consigned to slaughter through a state- or federal-approved auction market, must be maintained separate and apart from noninfected animals. Positive animals must be the last class of animal sold. Cleaning and disinfection of the alleyways, pen(s) and sale ring used to house positive animals must be accomplished prior to the next scheduled sale. Affected animals entering slaughter marketing channels must be moved directly to the slaughter facility or the slaughter market concentration point. Transportation vehicles used to haul affected animals shall be cleaned and disinfected after such use and before transporting any additional animals.

21—64.58(165A) Intrastate movement requirements.

64.58(1) Animals that are positive to an official Johne's disease test may be moved from the farm of origin for slaughter only if the animals are moved directly to a recognized slaughtering establishment and accompanied by an owner-shipper statement that identifies the animals as positive to an official Johne's disease test and the owner-shipper statement is delivered to the consignee. Positive animals shall be identified prior to movement by application of an official electronic identification tag.

64.58(2) Animals that are positive to an official Johne's disease test may be moved within Iowa for slaughter and consigned to a state- or federal-approved slaughter market if the animals are accompanied by an owner-shipper statement that identifies the animals as positive to an official Johne's disease test and the owner statement is delivered to the consignee. Positive animals shall be identified prior to movement by an official electronic identification tag in the right ear of the animal.

64.58(3) Animals that are positive to an official Johne's disease test may be moved within Iowa for purposes other than slaughter only by permit from the state veterinarian.

LOW PATHOGENIC AVIAN INFLUENZA (LPAI)

21—64.59(163) Supervision of the low pathogenic avian influenza program. The state veterinarian's office shall provide oversight and supervision of the LPAI program in Iowa.

21—64.60(163) Surveillance procedures. Surveillance procedures shall only apply to commercial poultry flocks of 10,000 or more layers, commercial chicken broiler operations with 10,000 or more broilers, and commercial turkey operations with 1,000 or more turkeys. Breeders that participate in, and qualify under, the USDA APHIS National Poultry Improvement Plan (NPIP) U.S. Avian Influenza Clean program and meet or exceed the surveillance provisions of this plan are exempt from further certification under this rule. For poultry flocks, surveillance procedures shall include the following.

64.60(1) *Turkeys and turkey poults.*

a. Preslaughter/movement testing. A minimum of six blood samples per flock may be collected and forwarded to an approved laboratory for LPAI testing within 21 days prior to depopulation or movement; or

b. Slaughter/disposal testing. Six blood samples per flock shall be collected at slaughter/disposal and forwarded to an approved laboratory for LPAI testing.

c. Sick flock testing. Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

d. Routine serologic testing. A test for LPAI should be included.

64.60(2) *Laying chickens and pre-lay pullets.*

a. Preslaughter/disposal/movement testing. Eleven blood samples shall be collected and forwarded to an approved laboratory for LPAI testing within 30 days prior to depopulation or disposal of spent hens or movement of pre-lay pullets to another farm.

b. Sick flock testing. Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

c. Routine serologic testing. A test for LPAI of 11 birds per barn during a 12-month period shall be collected and forwarded.

64.60(3) *Broiler chickens.*

a. Preslaughter testing. Eleven blood samples may be collected and forwarded to an approved laboratory for LPAI testing within 21 days prior to depopulation; or

b. Slaughter/disposal testing. Eleven blood samples shall be collected at slaughter/disposal and forwarded to an approved laboratory for LPAI testing.

c. Sick flock testing. Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

d. Routine serologic testing. A test for LPAI should be included.

21—64.61(163) Official LPAI tests.

64.61(1) Official tests for LPAI are:

a. Agar gel immunodiffusion (AGID).

b. ELISA.

c. Influenza type A antigen detection tests, including PCR tests approved by the state veterinarian. All positive tests results shall be reported immediately to the state veterinarian.

d. Any other tests performed by an approved laboratory to confirm a diagnosis of LPAI.

64.61(2) Tests positive to screening for avian influenza through AGID, ELISA, and any other tests performed by an approved laboratory to confirm a diagnosis of LPAI must be forwarded to National Veterinary Services Laboratory in Ames, Iowa, for subtype testing.

21—64.62(163) Investigation of LPAI affected poultry identified through surveillance. All poultry diagnosed at an approved laboratory as infected with LPAI must be traced back to the flock or farm of origin. All flocks having contact with affected or exposed poultry as determined by the designated epidemiologist must be investigated epidemiologically. All farms of origin and flocks having contact with affected or exposed poultry must be quarantined, pending the results of the epidemiological investigation.

21—64.63(163) Duration of quarantine. Quarantines imposed in accordance with these rules shall be in effect for a minimum of three months after the last detection of active avian influenza virus on the premises. Active avian influenza virus on the premises will be determined through the use of sentinel poultry or virus isolation.

21—64.64(163) Flock plan.

64.64(1) The flock owner; the owner's veterinarian, if requested; and the department shall develop a plan for eradicating LPAI in each affected flock. The plan must be designed to reduce and then eliminate LPAI from the flock, to prevent spread of the disease to other flocks, and to prevent

reintroduction of LPAI after the flock becomes disease-free. The flock plan must be developed and signed within 15 days after the determination that the flock is affected.

64.64(2) The flock plan will include but is not limited to the following areas:

a. Movement of vehicles, equipment, and people on and off the premises.

b. Cleaning and disinfection of vehicles entering and leaving the premises.

c. Proper elimination of daily mortality through composting on premises, incineration on premises, or other approved method.

d. Biosecurity procedures for people entering or leaving the facility.

e. Controlled marketing.

(1) No poultry shall be removed from the premises for a minimum of 21 days after the last detection of active avian influenza virus on the premises. Immune flocks that have recovered from avian influenza infection may remain on the premises for the remainder of their scheduled life span.

(2) After 21 days, poultry marketing will only be allowed for delivery to slaughter establishments at the close of business for the week.

(3) Trucks used to transport poultry from an infected premises must be cleaned and disinfected.

(4) Eggs that are washed, sanitized, and packed in new materials may be moved into normal marketing channels, but trucks hauling these eggs must not visit another premises between the production site and the market. Egg handling materials must be destroyed at the plant or cleaned, sanitized, and returned to the premises of origin without contacting materials going to other premises. Disposable egg flats or sanitized, plastic flats must be used to transport eggs.

(5) Eggs that are sold as "nest run" and are not washed and sanitized must be moved directly to only an off-line breaking operation without poultry for pasteurization and used for breaking only. The egg handling materials must be handled as described in subparagraph 64.64(2)*"e"*(4).

(6) Liquid eggs from layer flocks may continue to move from breaking operations directly to pasteurization plants provided that the transport vehicles are cleaned and disinfected before entering and leaving the premises.

f. Vaccination. An avian influenza vaccine will be considered for use only if allowed by the state veterinarian and USDA APHIS.

(1) A killed H5 or H7 vaccine may be used to immunize all noninfected poultry remaining on the premises. Laying-flock replacement poultry should be vaccinated at least two weeks before entering the laying operation.

(2) Slaughter withdrawal times must be followed in the marketing of poultry.

g. Housing facilities and manure. Before a new flock is placed in an infected house, manure must be removed and the housing facilities must be cleaned and disinfected. Manure shall not be removed from the premises for a minimum of 30 days after the last active detection of avian influenza virus in a house. Manure from infected housing facilities must be carried in covered conveyances. Manure handling and disposal will be at the direction of the state veterinarian.

h. Wild bird, insect, and rodent control. Wild bird, insect, and rodent control programs must be implemented and effective on the premises before a facility is repopulated with poultry.

64.64(3) The plan must address flock management and be in compliance with all provisions of these rules.

21—64.65(163) Cleaning and disinfecting. The housing facilities must be cleaned and disinfected under state supervision within 15 days after affected poultry and manure have been removed.

SCRAPIE DISEASE

21—64.66(163) Supervision of the scrapie eradication program. The scrapie eradication program is a cooperative program between the department and USDA APHIS and is supervised by full-time animal health veterinarians employed by the state or federal government.

21—64.67(163) Official scrapie test. An official scrapie test is any test used for the diagnosis of scrapie in a live or dead animal, approved by USDA APHIS for that use, and conducted at an approved laboratory.

21—64.68(163) Scrapie-positive animal. A scrapie positive animal means an animal for which a diagnosis of scrapie has been made by an approved laboratory through one of the following methods:

64.68(1) Histopathological examination of central nervous system (CNS) tissues from the animal for characteristic microscopic lesions of scrapie;

64.68(2) The use of protease-resistant protein analysis methods, including but not limited to immunohistochemistry or western blotting, on CNS or peripheral tissue samples from a live or a dead animal for which a given method has been approved by the administrator for use on that tissue;

64.68(3) Bioassay;

64.68(4) Scrapie-associated fibrils (SAF) detected by electron microscopy; or

64.68(5) Any other test method approved by the administrator in accordance with 9 CFR 54.10 dated August 21, 2001.

21—64.69(163) Infected scrapie flock. An infected scrapie flock is any flock in which the designated scrapie epidemiologist (DSE) has determined that a scrapie-positive female animal has resided, unless an epidemiological investigation conducted by the DSE shows that the animal did not give birth or abort in the flock.

21—64.70(163) Exposed scrapie flock. An exposed scrapie flock is any flock in which:

1. A scrapie-positive animal was born or gave birth; or
2. A high-risk or suspect female animal currently resides; or
3. A high-risk or suspect animal once resided that gave birth or aborted in the flock and from which tissues were not submitted for official scrapie testing.

21—64.71(163) Suspect scrapie flock. A flock is classified as suspect when:

64.71(1) A sheep or goat that exhibits any of the following possible signs of scrapie and that has been examined by an accredited veterinarian or a department or USDA APHIS representative. Possible signs of scrapie include weight loss despite retention of appetite; behavioral abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high-stepping gait of forelimbs, bunny hop movement of rear legs, or swaying of back end; increased sensitivity to noise and sudden movement; tremor, star gazing, head pressing, recumbency, or other signs of neurological disease or chronic wasting;

64.71(2) A sheep or goat that has tested positive for scrapie or for the protease-resistant protein associated with scrapie on a live-animal screening test, or any other official test, unless the animal is designated as a scrapie-positive animal; or

64.71(3) A sheep or goat that has tested inconclusive or suggestive of scrapie on an official test for scrapie.

21—64.72(163) Flock of origin. The flock of origin means the flock of birth for male animals and, for female animals, means the flock in which the animal most recently resided in which it either was born, gave birth, or resided during lambing or kidding.

21—64.73(163) Records.

64.73(1) *Recordkeeping requirements for owners.* Records on every animal that requires official ID shall be maintained for five years from the time the animal leaves the sheep/goat flock or dies. For animals not born in the sheep/goat flock, records must include the flock-of-origin number or the previous owner's name and address, the date of acquisition, a description of the animal (sheep or goat, and breed or class), and the flock of birth, if known. When official ID tags are applied, it is recommended that the owner correlate official ID with production records, such as lambing dates, for all breeding animals. The owner shall maintain a record of the name and address of the market or buyer, the date, the number

of animals sold, and a description of the animals (sheep or goat, and breed or class) for all animals moved from the sheep/goat flock. The owner must supply the market or buyer with the owner's flock ID number. A CVI is required for every change of ownership of animals in Iowa, other than for animals sold to slaughter. A copy of the CVI must be maintained for every animal purchased, and for every animal sold privately, other than to slaughter. For animals sold to slaughter, records must show the date of sale, the number of animals sold, and where or to whom sold.

64.73(2) Reserved.

21—64.74(163) Scrapie flock plans.

64.74(1) Infected and source sheep/goat flocks will be quarantined by the department upon the determination of their status. A written scrapie flock cleanup plan shall be signed by the owner of an infected or source sheep/goat flock, and the requirements set out in the scrapie plan shall be adhered to until its completion. The scrapie flock plan may consist of:

a. Whole flock depopulation;

b. The removal of genetically susceptible female animals, suspect animals, positive animals, and the female offspring of positive female animals; or

c. The removal of high-risk animals as defined in 9 CFR 79.4 dated August 21, 2001.

64.74(2) Indemnity may be paid for animals removed, if funds are available through USDA. All flock plans require cleaning and disinfecting procedures as part of the requirements. Upon completion of the flock plan, the quarantine may be released, with the approval of the DSE, and following an inspection of the premises by a state or federal animal health official. At that time, the owner is required to sign a PEMMP and agree to the requirements set out in that plan. Exposed flocks may also be quarantined, or have other movement restrictions placed on them, and may require a PEMMP plan that is consistent with current USDA regulations.

21—64.75(163) Noncompliant scrapie flock. A flock is noncompliant when:

1. Any source or infected flock whose owner declines to enter into a flock plan or PEMMP agreement within 60 days of the flock's being designated as a source or infected flock;
2. Any exposed flock whose owner fails to make animals available for testing within 60 days of notification, or as mutually agreed upon by the department and the owner, or whose owner fails to submit required postmortem samples;
3. Any flock whose owner or manager has misrepresented, or who employs a person who has misrepresented, the scrapie status of an animal or has misrepresented any other information on a certificate, permit, owner statement, or other official document within the last five years;
4. Any flock whose owner or manager has moved, or who employs a person who has moved, an animal in violation of this chapter within the last five years; or
5. Any flock that does not meet the requirements of a flock plan or PEMMP.

21—64.76(163) Movement restrictions for animals and flocks. A sexually intact animal shall not be moved from an infected or source flock, except under permit. Permitted animals may be moved to slaughter, to a research or diagnostic facility, or to another facility as specified in the flock plan. High-risk, suspect, and sexually intact exposed animals from other than infected or source flocks will be placed under movement restrictions. The movement restrictions on the flock and the criteria for release of these restrictions shall be specified as part of either the flock plan or the PEMMP. Animals from noncompliant flocks shall be placed under movement restrictions and shall be moved only by permit.

These rules are intended to implement Iowa Code chapter 163.

ARC 0639D

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rulemaking related to animal and livestock importation and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to rescind Chapter 65, "Animal and Livestock Importation," Iowa Administrative Code, and to adopt a new Chapter 65 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 163.2A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 163 and 9 CFR Parts 160 through 162.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 65 to modernize animal import documentation, update identification and disease-testing requirements, and streamline provisions governing entry into Iowa. These proposed rules require Department-approved electronic certificates of veterinary inspection, clarify certificate content and timing, and provide an exemption for animals traveling directly for veterinary care and returning to their origin without a change in ownership. This proposed rulemaking revises electronic identification requirements for cattle, bison, and swine; updates species-specific testing and chronic wasting disease requirements; and requires rabies vaccination for imported cats four months of age and older. It also removes separate vesicular stomatitis and avian influenza/Newcastle disease entry provisions while specifying the State veterinarian's authority to evaluate disease-related entry risks and impose conditions. Swine production health plan documentation and electronic reporting requirements are also updated.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 29, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319
Phone: 515.518.7609
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 21—Chapter 65 and adopt the following **new** chapter in lieu thereof:

CHAPTER 65
ANIMAL AND LIVESTOCK IMPORTATION

21—65.1(163) Definitions.

"Accredited veterinarian" means a veterinarian licensed in the state of origin and approved by the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA APHIS) to perform certain functions of federal and cooperative state-federal programs in accordance with the provision of Title 9 Code of Federal Regulations (CFR) Parts 160 through 162 dated February 25, 2020.

"Approved auction market" means a stockyard, livestock market, buying station, concentration point, or any other premises under state or federal veterinary supervision where livestock are assembled for sale or sale purposes and that has been approved by the department or USDA as provided in 9 CFR 71.20 dated January 24, 2020.

"Certificate of veterinary inspection" or *"CVI"* means the same as defined in Iowa Code section 163.2.

"Cervids" means all animals belonging to the Cervidae family.

"Chronic wasting disease" or *"CWD"* means a transmissible spongiform encephalopathy of cervids.

"Domestic fowl" means any member of the class Aves that is propagated or maintained under control of a person for commercial, exhibition, or breeding purposes or as a pet.

"Exotic birds" means birds not native to the United States, excluding poultry.

"Feral swine" means the same as defined in Iowa Code section 163.33.

"Livestock" means the same as defined in Iowa Code chapter 717.

"Official individual identification" means a nationally unique individual identification that is permanent and traceable, including but not limited to a USDA-approved identification ear tag that conforms to the alphanumeric national uniform ear tagging system (NEUS), the Animal Identification Number (AIN) ear tagging system, a flock-based number system, a location-based number system or any other numbering system approved by USDA; a registered purebred tattoo; or other identification that conforms to the USDA Animal Disease Traceability Official Identification Device Standards dated November 5, 2024. All official ear tags must be visually readable. An owner's private brand or tattoo, even if permanent and registered in the state of origin, is not acceptable official individual identification of an animal for the purpose of entry into Iowa.

"Poultry" means chickens, turkeys, domestic waterfowl, ratites, and domestic game birds, except doves and pigeons.

"Pre-entry permit" means a written or verbal authorization provided by the department prior to the importation of animals into Iowa. If required, a pre-entry permit number must be obtained and listed on the CVI accompanying the animals.

"Recognized slaughter establishment" means a slaughtering establishment operating under the provisions of either the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) dated January 3, 2012, or an equivalent state meat inspection program.

"Transitional swine" means swine that have been, or have had the potential to be, exposed to feral swine.

21—65.2(163) Pre-entry permits.

65.2(1) Requests for permits should be directed to the Animal Industry Division, Department of Agriculture and Land Stewardship, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319, or may be made by telephoning the division at 515.281.5547 during normal business hours.

65.2(2) All permits shall be valid for one shipment only and shall be void 15 days after the date of issuance.

65.2(3) Pre-entry permits are required for:

a. All cervids.

b. Captive wild-type or transitional swine.

c. Cattle and bison originating from states, zones or areas not classified as tuberculosis-free or brucellosis-free.

21—65.3(163) General requirements and limitations.

65.3(1) *Restricted animals.* The following animals are restricted from importation into the state:

a. No animal, as defined in Iowa Code section 717A.1, including poultry or birds of any species, cats, and dogs, that is affected with, has been recently exposed to, or has been recently treated for any infectious, contagious or communicable disease or that originates from a quarantined area, control area, infested zone or affected state shall be shipped or in any manner transported or moved into Iowa, unless approved by the state veterinarian.

(1) The state veterinarian shall have sole discretion in determining whether to approve the entry of an animal into Iowa under this rule and shall consider the specific characteristics and spread of the infectious, contagious or communicable disease.

(2) The state veterinarian may require but is not limited to requiring the following:

1. An animal to be inspected by a licensed and accredited veterinarian and issued a CVI within a prescribed period of time before the movement and found to be free from clinical signs of infectious, contagious or communicable disease,
2. An animal to be consigned directly to a recognized slaughter establishment and be slaughtered within a prescribed period of time,
3. Isolation of the animal pursuant to a quarantine for a prescribed period of time after entry,
4. Additional animal identification,
5. A pre-entry permit issued by the state veterinarian, and

6. Compliance with a treatment plan approved by the state veterinarian before the state veterinarian approves entry into Iowa.

b. Prairie dogs (*Cynomys sp.*), sun squirrels (*Heliosciurus sp.*), rope squirrels (*Funisciurus sp.*), dormice (*Graphiurus sp.*), Gambian giant pouched rats (*Cricetomys sp.*), brush-tailed porcupines (*Atherurus sp.*), and striped mice (*Hybomys sp.*) are prohibited from importation into the state.

65.3(2) *Cleaning and disinfection of transportation vehicles.* All vehicles used for hauling into the state of Iowa livestock for feeding, breeding, or stock purposes must be cleaned and disinfected before such shipments of livestock are loaded.

65.3(3) *CVI.* Animals imported into the state must be accompanied by a CVI, unless specifically exempted by this chapter.

a. A CVI must be on an official electronic form approved by the department.

b. A copy of the approved CVI shall be forwarded immediately to the state of origin.

c. An approved CVI must be issued within 10 days of inspecting the animals and shall not be valid more than 30 days from the date of inspection of the animals.

d. The approved CVI must accompany the animals to their final destination in Iowa.

e. All information required on the CVI must be fully completed by the issuing veterinarian and must include the following:

(1) Name and address of the consignor;

(2) Name and address of the consignee;

(3) Point of origin, including:

1. Physical address.

2. Premises identification, if assigned by the chief livestock health official in the state of origin;

(4) Point of destination of the animals, including physical address;

(5) Date of inspection;

(6) Number of animals inspected;

(7) Official individual identification or group identification of all animals. Ranges of official individual identification are permitted so long as the range is consecutive and all-inclusive of animals shipped;

(8) Species, sex, age, and breed of each animal;

(9) Test results and herd, state, area or zone status on diseases specified in this chapter;

(10) Pre-entry permit number, if required; and

(11) A statement by the issuing veterinarian that the animals identified on the CVI have been inspected and are free of signs of infectious, contagious or communicable disease.

65.3(4) *Veterinary care.* An animal moved directly from its origin for veterinary medical examination or treatment and returned to the point of origin without a change in ownership does not need to be accompanied by a CVI.

21—65.4(163) Cattle and bison.

65.4(1) *General.*

a. CVI. All cattle and bison imported into the state must be accompanied by a CVI, except the following:

(1) Cattle or bison consigned directly to an approved auction market, and

(2) Cattle or bison consigned directly to a recognized slaughter establishment.

b. Identification. All cattle and bison listed below that are imported into the state must have official electronic individual electronic identification.

(1) All sexually intact cattle and bison 18 months of age and over,

(2) All dairy cattle of any age, and

(3) Cattle and bison of any age used for rodeo, recreational events, shows or exhibitions.

65.4(2) *Requirements and limitations, general.*

a. Cattle or bison originating from herds or areas under quarantine shall not be admitted into the state unless approved by the department.

b. Cattle or bison known to be infected with Johne's disease shall not be imported except to a recognized slaughter establishment willing to accept the infected animal(s) and shall be accompanied by a CVI that identifies the animals as positive to an official Johne's disease test and lists the official individual electronic identification of said cattle or bison.

65.4(3) *Testing.*

a. Tuberculosis test. A tuberculosis test is required for importation of cattle or bison that do not originate from an accredited tuberculosis-free herd, state or zone:

(1) For cattle or bison from an accredited free herd, the accredited free herd number and date of last test must be listed on the CVI.

(2) Cattle and bison more than six months of age that originate from a herd, state, or zone that is not accredited as tuberculosis-free or as modified accredited advanced zone require a negative tuberculosis test within 60 days prior to importation.

(3) Cattle and bison less than 6 months of age that originate from a herd, state, or zone that is not accredited as tuberculosis-free or as modified accredited advanced zone must originate from a herd that has been whole-herd tested negative for tuberculosis within 12 months prior to importation. The date of last test must be listed on the CVI.

b. Brucellosis test.

(1) A brucellosis test is required for importation of cattle or bison that do not originate from a certified brucellosis-free herd, state or area.

(2) For cattle or bison originating from a certified brucellosis-free herd, the certified brucellosis-free herd number and date of last test must be listed on the CVI.

(3) Bison and cattle originating from a brucellosis designated surveillance area (DSA) as determined by the USDA must comply with all requirements of the state of origin to leave the DSA.

c. Trichomoniasis test. A bull must have a negative trichomoniasis test within 30 days prior to importation and have no subsequent sexual exposure. The trichomoniasis test is either one negative polymerase chain reaction (PCR) test or three consecutive weekly negative trichomoniasis foetus cultures. This testing requirement does not apply if the bull is:

(1) Over 4 months of age but under 24 months of age and listed on the CVI as "virgin" or not having been sexually exposed to any female;

(2) Being sent directly to slaughter or to an auction market and directly to slaughter; or

(3) Temporarily in the state for a rodeo or exhibition and leaves after the event, so long as the bull is not sold and has no contacts with females.

65.4(4) *Rodeo bulls.*

a. Tuberculosis test. A negative tuberculosis test is required within 12 months prior to importation. The date of test must be included on the CVI.

b. Brucellosis test. A negative brucellosis test is required within 12 months prior to importation. The date of test must be included on the CVI.

21—65.5(163,166D) Swine.

65.5(1) *General.*

a. CVI. All swine imported into the state, except swine consigned directly to a recognized slaughter establishment or an approved auction market or swine that are moved in accordance with an approved swine production health plan (SPHP), must be accompanied by a CVI.

b. Identification. All swine imported into the state, except swine consigned directly to a recognized slaughter or an approved auction market or swine that are moved in accordance with an approved SPHP, must have official electronic individual identification.

c. Quarantined herds. Swine originating from herds or areas under quarantine shall not be admitted into the state unless approved by the department.

d. Feral swine. Feral swine are not eligible for importation into the state.

e. Transitional swine. Transitional swine must meet the requirements in subrule 65.5(4) in addition to the general requirements.

65.5(2) *Testing.*

a. Brucellosis test. All breeding swine imported into the state must:

(1) Originate from herds not known to be infected with, or exposed to, brucellosis and be accompanied by proof of a negative brucellosis test conducted within 30 days prior to importation; or

(2) Originate directly from a validated brucellosis-free herd. The date of the last test and herd validation number must be included on the CVI; or

(3) Originate directly from a validated brucellosis-free state.

b. Pseudorabies test. All breeding swine imported into the state must:

(1) Originate from a herd not known to be infected with, or exposed to, pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days of importation; or

(2) Originate from a qualified pseudorabies negative (QN) herd (the date of last test and herd number shall be listed on the CVI); or

(3) Originate from a pseudorabies Stage IV or Stage V state.

65.5(3) *Captive wild-type and transitional swine.* Captive wild-type and transitional swine imported into the state must:

a. Originate from herds not known to be infected with, or exposed to, brucellosis and be accompanied by proof of a negative brucellosis test conducted within 30 days prior to importation;

b. Originate from herds not known to be infected with, or exposed to, pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days prior to importation; and

c. Have a pre-entry permit from the state veterinarian.

21—65.6(163) Goats.

65.6(1) *General.*

a. CVI. All goats imported into the state, except goats consigned directly to a recognized slaughter establishment or an approved auction market, must be accompanied by a CVI.

b. Identification.

(1) All goats imported must be officially identified with either ear tags or tattoos that meet the requirements specified in 9 CFR 79.2 and 79.3 dated August 21, 2001, and the Scrapie Eradication Uniform Methods and Rules dated June 1, 2005.

(2) Exemptions to requirements for individual identification of goats include:

1. Goats less than 18 months of age consigned directly to a recognized slaughter or approved auction market establishment;

2. Wethers less than 18 months of age;

3. Goats less than 18 months of age consigned directly to an Iowa-approved terminal feedlot. The CVI must list the approved terminal feedlot number for the feedlot.

c. Requirements and limitations, general. Goats originating from herds or areas under quarantine shall not be admitted into the state unless approved by the department.

65.6(2) Reserved.

21—65.7(163) Sheep.

65.7(1) *General.*

a. CVI. All sheep imported into the state, except sheep consigned directly to a recognized slaughter or an approved auction market, shall be accompanied by a CVI.

b. Identification.

(1) All sheep imported into the state must be officially individually identified with ear tags that meet the requirements specified in 9 CFR 79.2 and 79.3 dated August 21, 2001, and the Scrapie Eradication Uniform Methods and Rules dated June 1, 2005, unless otherwise exempted.

(2) Exemptions to requirements for individual identification of sheep include:

1. Sheep less than 18 months of age consigned directly to a recognized slaughter or approved auction market establishment;

2. Wethers less than 18 months of age;

3. Sheep less than 18 months of age consigned directly to an Iowa-approved terminal feedlot. The CVI must list the approved terminal feedlot number for the feedlot.

c. Requirements and limitations, general. Sheep originating from flocks or areas under quarantine shall not be admitted into the state unless approved by the department.

65.7(2) Reserved.

21—65.8(163) Equine.

65.8(1) *General.*

a. CVI. All equine imported into the state of Iowa shall be accompanied by a CVI that includes a description of the animal(s), including name, age, breed, sex, color, and distinctive markings or, in lieu of color and distinctive markings, digital photographs sufficient to identify the individual equine (pictures of front and both sides), and may include unique permanent forms of identification if available (tattoos, microchips, brands).

b. Brucellosis. Equidae that are positive to a brucellosis test or that show evidence of "poll evil" or "fistulous withers" whether draining or not shall not be allowed to enter the state for any purpose.

65.8(2) *Testing—equine infectious anemia (EIA).* All Equidae imported into the state must be accompanied by proof of a negative EIA serological test conducted within 12 months prior to importation, except foals under 6 months of age accompanied by their dams that meet the EIA test requirements. The name of the testing laboratory, laboratory accession number, and date of test must appear on the CVI.

21—65.9(163) Cervids.

65.9(1) *General.*

a. CVI. All cervids imported into the state shall be accompanied by a CVI.

b. Import permit. All cervids imported into this state, except cervids consigned directly to a recognized slaughter establishment, must have a pre-entry permit issued by the state veterinarian. The permit number must be listed on the CVI.

c. Identification. All cervids imported into the state must have official individual identification. Official individual identification and all forms of identification must be listed on the CVI.

d. Chronic wasting disease monitoring program participation required.

(1) Cervids shall only be allowed into Iowa from herds that are currently enrolled in and have satisfactorily completed at least five years in an official recognized CWD monitoring program. The CWD herd number for each individual animal must be listed on the CVI.

(2) Cervids entering Iowa for exhibition shall only be allowed into Iowa from herds that are currently enrolled in an official recognized CWD monitoring program. The CWD herd number and herd status must be listed on the CVI.

65.9(2) *Testing.*

a. Tuberculosis test.

(1) Cervids six months of age or older imported into this state, except cervids imported directly to a recognized slaughter establishment, must:

1. Originate from a herd not under quarantine and be tested negative for tuberculosis within 90 days of importation by the Single Cervical Tuberculin (SCT) test or Cervid Dual Path Platform (DPP) VetTB Assay. The test date must be listed on the CVI; or

2. Originate from an accredited or qualified herd. The whole-herd test dates and herd number shall be listed on the CVI.

(2) Cervids less than 6 months of age imported into the state must originate from a herd that has been whole-herd tested negative for tuberculosis within the last 12 months or must originate from an accredited herd.

b. Reserved.

65.9(3) *Requirements and limitations, general.* Cervids originating from an area endemic for CWD shall not be allowed entry into Iowa. Cervids that originate from a herd within a five-mile radius of a positive CWD premises are prohibited from entry for three years.

21—65.10(163) Dogs and cats.

65.10(1) *General.*

a. CVI. All dogs and cats imported into the state must be accompanied by a CVI indicating apparent freedom from disease or exposure to infectious or contagious disease, except dogs for exhibition and performing dogs entering for a limited period of time.

b. Dogs or cats originating from rabies-quarantined areas shall not be admitted.

65.10(2) *Rabies.*

a. Cats. All cats four months of age and older must have a current rabies vaccination with a USDA-approved rabies vaccine. The rabies vaccination must be listed on the CVI.

b. Dogs. All dogs four months of age and older must have a current rabies vaccination with a USDA-approved rabies vaccine. The rabies vaccination must be listed on the CVI.

21—65.11(163) Poultry, domestic fowl, and hatching eggs.

65.11(1) *CVI.* All poultry, domestic fowl, and their hatching eggs imported into the state, except poultry and domestic fowl consigned directly to a recognized slaughter establishment or an approved auction market, must be accompanied by a CVI. For poultry and hatching eggs classified under provisions of the National Poultry Improvement Plan (NPIP), a VS Form 9-3, Report of Sales of Hatching Eggs, Chicks and Poults, may be substituted in lieu of CVI.

65.11(2) *Testing.*

a. Pullorum-typhoid test.

(1) An official negative test for pullorum-typhoid is required within 30 days of importation for domestic fowl or live poultry or for the flock from which hatching eggs originate unless otherwise exempted.

(2) Exemptions to the test requirements. No test is required for the following:

1. Imported domestic fowl, live poultry or hatching eggs originating from flocks classified under provisions of the NPIP, or an equivalent program as determined by the department, as pullorum-typhoid clean.

2. Exotic birds, other pet birds or birds housed at an Association of Zoos and Aquariums (AZA)-accredited zoo.

3. Poultry consigned directly to a recognized slaughter establishment.

b. Mycoplasma gallisepticum test—turkeys. Live turkeys or turkey hatching eggs for importation must originate from a flock that has been tested annually and can be classified as U.S. mycoplasma gallisepticum clean as provided by the NPIP or an equivalent program as determined by the department. Turkeys consigned directly to a recognized slaughter establishment are not affected by this subrule.

21—65.12(163) Swine production health plan (SPHP).

65.12(1) *General.*

a. SPHP. A swine production health plan is a written agreement developed for a swine production system and designed to maintain the health of the swine and detect signs of infectious, contagious or communicable disease. The plan must include all of the following:

(1) Premises identification number, address and phone number for the site owner and the animal owner for all premises that are part of the swine production system and that receive or send swine in interstate commerce.

(2) Name, address, phone number, and email address for the swine production system's licensed accredited veterinarian(s).

(3) Provisions for regular veterinary inspections of all swine maintained on the identified premises, at intervals no greater than 30 days, by the swine production system's licensed accredited veterinarian(s).

(4) Description of the recordkeeping system of the swine production system.

(5) The signature of each official of each swine production system identified in the plan, including the owner or authorized agent of the swine production system, the swine production system's licensed accredited veterinarian(s), the state veterinarian, a USDA APHIS representative, and the state animal health official from each state in which the swine production system has a premises.

(6) Acknowledgment that the managers of all the swine production system's premises listed in the plan have been notified that any failure of the participants in the swine production system to abide by the provisions of the plan and the applicable provisions of 9 CFR Part 71 dated November 5, 2024, and Part 85 dated January 14, 2019, constitutes a basis for the cancellation of the swine production health plan.

b. Interstate swine movement report. An interstate swine movement report is an electronic document detailing interstate movement of animals within a swine production health system. The interstate swine movement report must include the following information:

(1) The name, location and premises identification number of the premises from which the swine are to be moved.

(2) The name, location and premises identification number of the premises to which the swine are to be moved.

(3) The date of movement.

(4) The number, age and type of swine to be moved.

(5) A description of any individual identification or group identification associated with the swine.

(6) The name of the swine production system's licensed accredited veterinarian(s) who is inspecting the pigs.

(7) The health status of the herd from which the swine are to be moved, including any disease of regulatory concern to the state or the USDA APHIS.

(8) An accurate statement that swine on the premises from which the swine are to be moved have been inspected by the swine production system's licensed accredited veterinarian(s) within 30 days prior to the interstate movement, consistent with the dates specified by the premises' swine production health plan, and found free from signs of communicable disease.

c. Swine production system. A swine production system is an enterprise that consists of multiple sites of swine production (i.e., sow herds, nursery herds, and growing or finishing herds) that do not include a recognized slaughter facility or livestock market, that are connected by ownership or contractual relationships, and between which swine are moved while remaining under the control of a single owner or a group of contractually connected owners.

d. Swine production system's licensed accredited veterinarian. A swine production system's licensed accredited veterinarian is a licensed accredited veterinarian who is named in a swine production health plan for a premises within a swine production system and who performs inspection of such premises and animals and other duties related to the movement of swine in a swine production system.

65.12(2) *Identification of swine moving interstate within an SPHP.* Swine that are moved into the state within a swine production system to other than a recognized slaughter facility or an authorized livestock market are not required to be individually identified when moved provided that the following requirements are met:

a. The swine may be moved interstate only to another premises identified in a valid swine production health plan for that swine production system.

b. The swine production system must operate under a valid swine production health plan in which both the sending and receiving states have agreed to allow the movement.

c. The swine must have been found free from signs of any communicable disease during the most recent inspection of the premises by the swine production system's licensed accredited veterinarian(s) within 30 days prior to movement.

d. Prior to the movement of any swine, the producer(s) moving swine must deliver the required interstate swine movement report to the following individuals identified in the swine production health plan:

(1) The swine production system's licensed accredited veterinarian for the premises from which the swine are to be moved.

(2) The state animal health officials for the state of origin of the swine.

(3) The state veterinarian for the state of destination of the swine.

(4) Individuals designated by the state animal health officials.

e. The receiving premises must not commingle swine received from different premises in a manner that prevents identification of the premises that sent the swine or groups of swine. This

requirement may be met by use of permanent premises or individual animal identification, by keeping groups of animals received from one premises physically separate from animals received from other premises, or by any other effective means.

f. For each premises, the swine production system must maintain for three years after their date of creation records that will allow a state animal health official to trace any animal on the premises back to its previous premises and must maintain copies of each swine production health plan signed by the producer, all interstate swine movement reports issued by the producer, and all reports the swine production system's accredited veterinarian(s) issues documenting the health status of the swine on the premises.

g. Each premises must allow state animal health officials access to the premises upon request to inspect animals and review records.

h. Every seven calendar days, each swine production system must send the state veterinarian a written summary that is based on the interstate swine movement report data and that shows how many animals were moved in the past seven calendar days, the premises from which they were moved, and the premises to which they were moved.

65.12(3) *Cancellation of SPHP.* The following procedures apply to cancellation of, or withdrawal from, a swine production health plan:

a. The state veterinarian may cancel the state's participation in a swine production health plan by giving written notice to all swine producers, USDA APHIS representatives, accredited veterinarians, and other state animal health officials listed in the plan. Withdrawal shall be effective upon the date specified by the state veterinarian in the notice, but for shipments in transit, withdrawal shall become effective seven days after the date of such notice. Upon withdrawal of the state, the swine production health plan may continue to operate among the other states and parties that are signatory to the plan.

b. A swine production system may withdraw one or more of its premises from participation in the plan upon giving written notice to the state veterinarian, the USDA APHIS administrator, the accredited veterinarian(s), and all swine producers listed in the plan. Withdrawal shall be effective upon the date specified by the swine production system in the written notice, but for shipments in transit, withdrawal shall become effective seven days after the date of such notice.

c. The state veterinarian shall cancel a swine production health plan after determining that swine movements within the swine production system have occurred that were not in compliance with the swine production health plan or with other requirements of this chapter. Before a swine health production plan is canceled, the state veterinarian shall inform a representative of the swine production system of the reasons for the cancellation. The swine production system may appeal the cancellation in writing in accordance with Iowa Code chapter 17A and 7—Chapter 2506. This cancellation shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the state veterinarian.

21—65.13(163) Penalties. A person violating a provision of this chapter shall be subject to a civil penalty of at least $100 but not more than $1,000. In the case of a continuing violation, each day of the continuing violation is a separate violation. A person who falsifies a CVI shall be subject to a civil penalty of not more than $5,000 for each reference to an animal falsified on the certificate.

These rules are intended to implement Iowa Code chapter 163.

ARC 0633D

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rulemaking related to identification, movement and buying and selling of livestock and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to rescind Chapter 66, "Livestock Movement," and to adopt a new Chapter 66, "Identification, Movement and Buying and Selling of Livestock," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 163.2A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 163 and 172B.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 66, renamed "Identification, Movement and Buying and Selling of Livestock," to consolidate requirements governing livestock identification, intrastate movement, markets, and dealers. This proposed rulemaking organizes species-specific identification requirements and exemptions, clarifies livestock market dealer permitting, and updates movement documentation and veterinary oversight provisions. This proposed rulemaking removes older bovine brucellosis market classifications and associated procedures; incorporates relevant identification, recordkeeping, and terminal-feedlot provisions from Chapter 64; and extends the required notice of cancellation of a feeder pig dealer's bond or irrevocable letter of credit from 30 to 90 days. These proposed changes are intended to improve traceability, clarify responsibilities for livestock transactions, and streamline administration while maintaining animal health and financial responsibility requirements.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 29, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319
Phone: 515.518.7609
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 21—Chapter 66 and adopt the following **new** chapter in lieu thereof:

CHAPTER 66
IDENTIFICATION, MOVEMENT AND BUYING AND SELLING OF LIVESTOCK

21—66.1(163) Definitions.

"Approved livestock market" means the same as defined in 21—Chapter 65.

"Certificate of veterinary inspection" or *"CVI"* means the same as described in 21—subrule 65.3(3).

"Feeder pig" means the same as defined in Iowa Code chapters 166D and 202C.

"Livestock" means cattle, horses, sheep, goats, swine (other than feeder swine), or any other animals of the bovine, equine, ovine, caprine or porcine species. "Livestock" also includes all species of cervids raised under confinement or agricultural conditions for the production of meat, the production of other agricultural products, sport, or exhibition.

"Official individual identification" means the same as defined in 21—Chapter 65.

"Recognized slaughter establishment" means the same as defined in 21—Chapter 65.

"Slaughter affidavit" means a signed document that verifies origin, ownership and health status of livestock moving to directly to slaughter.

"Standard transportation certificate" means the same as "transportation certificate" as defined in Iowa Code chapter 172B.

INTRASTATE MOVEMENT OF ANIMALS

21—66.2(163) Identification required.

66.2(1) Identification is required for all livestock when there is a change in ownership. Livestock required to be officially identified shall have official identification applied upon, or before, departure from the current herd or flock of origin by the animal owner or the owner's agent.

66.2(2) An animal that already has identification recognized as official for Iowa does not need to have any additional official identification applied.

21—66.3(163) Restrictions on the removal of official identification. No person shall remove or tamper with any approved means of identification required to be on an animal unless the identification is removed for medical purposes and a new identification is applied to the animal as soon as possible and prior to commingling and approved by the department. A record documenting the change of official identification must be made as required in 9 CFR 86.4 dated May 9, 2024.

21—66.4(163) Cattle and bison.

66.4(1) *Identification.* All cattle and bison listed below require official identification unless otherwise provided in this rule.

a. All sexually intact cattle and bison 18 months of age and over,

b. All dairy cattle of any age, and

c. Cattle and bison of any age used for rodeo, recreational events, shows or exhibitions.

66.4(2) *Approved identification types.* The following are approved identification types:

a. Official electronic identification.

b. Breed association tattoos for registration purposes, accompanied by the breed registration certificate.

c. For all bovine animals two years of age and older received for sale or shipment to a recognized slaughtering establishment, a back tag approved by the United States Department of Agriculture (USDA) and affixed to the animal as directed by the department.

21—66.5(163) Sheep and goats.

66.5(1) *Identification required.* Sheep and goats required to be officially identified include:

a. All sexually intact sheep or goats.

b. All sheep or goats over 18 months of age.

66.5(2) *Identification not required.* Sheep and goats that do not require official identification include:

a. Sheep or goats less than 18 months of age moving into an approved terminal feedlot.

b. Any sheep or goat under 18 months of age moving directly to recognized slaughter establishment or approved auction market.

c. Wethers less than 18 months of age.

d. Goats raised and maintained apart from sheep and used exclusively for meat and fiber production.

e. Pet goats raised and maintained apart from sheep and not registered or used for exhibition.

f. Dairy goats raised and maintained apart from sheep and not registered or used for exhibition.

g. Sheep or goats moved for grazing or similar management reasons provided that the sheep are moved from a premises owned or leased by the owner of the sheep to another premises owned or leased by the owner of the sheep.

66.5(3) *Approved identification types.*

a. All sheep requiring official identification must be officially identified with either ear tags that meet the requirements specified in 9 CFR 79.2 and 79.3 dated August 21, 2001, and the Scrapie Eradication Uniform Methods and Rules dated June 1, 2005.

b. All goats requiring official identification must be officially individually identified with ear tags or tattoos that meet the requirements specified in 9 CFR 79.2 and 79.3 dated August 21, 2001, and the Scrapie Eradication Uniform Methods and Rules dated June 1, 2005, unless otherwise exempted.

66.5(4) *Flock ID.* If a sheep or goat was not identified prior to departing from its flock of birth or if its identification has been lost, then the sheep or goat must be identified upon, or before, departing from the current flock in which the animal resides and the flock of birth, or previous flock of origin, should be recorded, if known. No person shall apply a flock ID tag to a sheep or goat that has not resided in that sheep/goat flock. If a sexually intact animal that requires official identification is of uncertain origin or if the animal is identified with a blue metal "meat only" tag or a red or yellow tag denoting exposure or test status, then the animal may not be used for breeding and must be restricted until slaughter.

66.5(5) *Veterinarian's responsibilities when identifying sheep or goats.* A veterinarian may be called upon to officially identify sheep and goats and may be issued official identification for the sheep and goats in the form of the serial number ear tags for carrying out this duty. The veterinarian may apply the ID only if the flock-of-origin information is available. Sexually intact animals that require official identification and are of unknown origin shall not be used for breeding and must be restricted until slaughter. When sheep or goats are identified, the veterinarian applying the ID must record the serial tag number applied to each sheep or goat and the following information (this requirement may be accomplished by collecting a completed owner/seller statement form): the flock-of-origin ID number

or name and address of the current owner, if different from the owner of the flock of origin, and the name and address of the buyer, if a change of ownership is occurring. The flock of birth should also be recorded, if known. These records must be kept for five years and made available for inspection upon request.

21—66.6(163) Swine.

66.6(1) *Identification.*

a. All swine, except swine consigned directly to a recognized slaughter or an approved auction market or swine moved in accordance with an approved swine production health plan (SPHP), must have official identification.

b. The identification shall be applied by the owner, the pig dealer, or the livestock dealer at the farm of origin or by the pig dealer or livestock dealer at the first concentration point.

66.6(2) *Approved identification types.*

a. Breeding swine.

(1) The following are approved identification types for breeding swine:

1. Tattoos approved by the department.
2. Official electronic identification.

(2) Breeding swine qualified to move intrastate without individual tests may move with unique identification of each animal if they are all identified as a group to the swine herd of origin by an official premises tattoo.

b. Feeder swine.

(1) The following are approved identification types for feeder swine:

1. Ear tags or tattoos with an alphanumeric system to provide unique identification with each swine herd, each lot, or each individual swine.
2. Official electronic identification.

(2) Electronic devices, other devices, or marks when applied will provide permanent identification with each swine herd, each lot, or each individual swine.

21—66.7(163) Cervids.

66.7(1) *Identification.* All cervids must be identified before 12 months of age and be identified with two unique animal identification numbers for each individual. One of these numbers must be a nationally unique official animal identification.

66.7(2) *Approved animal identification types.* A nationally unique official animal identification number approved by the USDA Animal and Plant Health Inspection Service (APHIS) as described in 9 CFR Part 55 dated April 29, 2014.

a. National Uniform Eartagging System tag that is either eight or nine characters.

b. Animal identification number.

c. Premises-based number that combines the official premises identification number with a unique identification number. Both numbers must appear on the tag.

d. Any other numbering system approved the USDA APHIS administrator for animals in commerce.

21—66.8(163) Movement of livestock within the state.

66.8(1) All livestock transported within Iowa, where a change of ownership is involved, must be accompanied by a standard transportation certificate or one of the following:

a. Certificate of veterinary inspection.

b. USDA APHIS Form 1-27 for quarantined livestock consigned to slaughter.

c. Slaughter affidavit.

d. Stamped bill of sale.

66.8(2) All of the foregoing documents must be properly executed by a licensed and accredited veterinarian and must indicate the following:

a. Destination of the livestock.

b. Purpose of the movement.

c. Number of animals in the movement.

d. Description of the animals in the movement.

e. Point of origin.

f. Name and address of the consignor.

66.8(3) A slaughter affidavit shall only be used only for livestock, excluding horses, moving directly to slaughter.

66.8(4) A stamped bill of sale may be used for livestock classes that do not require individual identification.

a. The stamped bill of sale must contain the following statement: "I certify as a licensed and accredited veterinarian that these animals have been inspected by me and that they are not showing any signs of infectious, contagious or communicable diseases except where noted."

b. The stamped bill of sale must be signed by the veterinarian or contain the veterinarian's stamped signature, applied and initialed by someone authorized by the veterinarian.

c. Market consignment records must be signed or initialed by the inspecting veterinarian as proof of inspection before the stamped certification can be applied to the bill of sale by an authorized person.

66.8(5) Swine being relocated intrastate without a change of ownership are exempt from health certification, identification requirements, and transportation certification, except as required by Iowa Code chapter 172B, provided relocation records are sufficient to determine the origin, the number relocated, the date relocated, and destination of the relocated swine and are available for inspection. Relocation records, if required, shall be maintained and available for inspection for a minimum of two years.

66.8(6) Cervids. All intrastate movements of cervids other than to a state or federally inspected slaughter establishment shall be accompanied by a certificate of veterinary inspection, including individual official identification. Movement of cervids, other than direct movement to slaughter, shall only be allowed from herds that have been enrolled in the Iowa chronic wasting disease (CWD) monitoring program and have successfully completed at least one year. As used in this subrule, "been enrolled" means that the herd owner has received from the department written notification of the herd's enrollment and participation in the program.

LIVESTOCK MARKET DEALER

21—66.9(163) Livestock market dealer.

66.9(1) *Supervision.* All places where livestock are assembled, either bought or sold for purposes other than immediate slaughter, whether by private sale or public auction, when not under federal supervision must be under state supervision. All livestock markets and dealers shall be under the general supervision of the Chief, Division of Animal Industry, Iowa Department of Agriculture and Land Stewardship, Des Moines, Iowa 50319.

66.9(2) *Before movement.* Before movement, the livestock shall comply with requirements as set forth below.

66.9(3) *Imported for resale.* Livestock imported for resale shall meet all health requirements governing their admission into the state as set forth in 21—Chapter 65.

66.9(4) *Livestock market dealer permit required.*

a. Any person who is engaged in the business of buying for resale, or selling, or exchanging livestock as a principal or agent or who claims to be so engaged, either interstate or intrastate, shall first obtain a permit from the department to conduct business. However, a person is not required to be licensed as a livestock market dealer if any of the following apply:

(1) The person is licensed as an agent for a packer operating under Iowa Code chapter 172A, the person only buys for the packer, and the livestock move directly to slaughter.

(2) The person is licensed as a feeder pig dealer under Iowa Code section 163.30 and does not sell livestock other than feeder pigs.

(3) The person is the owner or operator of a farm who does not claim to be so engaged and who sells or exchanges only those livestock that have been kept by the person solely for feeding or breeding purposes.

b. A separate livestock market dealer permit is required for each location.

66.9(5) *Livestock market dealer's agent permit required.* An individual working for a person holding a permit required by subrule 66.9(4) shall obtain, in lieu of a livestock dealer permit, a permit as a livestock market dealer's agent. A person shall not act as an agent for more than one dealer at the same time. A person shall not act as an agent for a dealer and hold a livestock market dealer permit in the person's own name.

66.9(6) *Permitting period.* A livestock market dealer permit and a livestock market dealer's agent permit shall be issued for a time period commencing on July 1 and ending June 30 of the following year.

66.9(7) *Fee for permit.* The following nonrefundable fee shall accompany each application for a permit or the renewal of a permit.

a. Livestock market dealer permit—$50.

b. Livestock market dealer's agent permit—$10.

66.9(8) *Bonding requirement.* An applicant for a livestock market dealer permit shall submit a bond to the department with the secretary of agriculture named as trustee. The bond shall be payable for the use and benefit of any person damaged as a result of a violation of this chapter. The amount of the bond shall be calculated in the same manner and contain the same condition clauses as required by the United States Packers and Stockyards Administration as adopted in 9 CFR 201.30 and 201.31 dated May 1, 2000. However, a person applying for a permit is exempt from providing a bond if the person can show that the person has a valid bond on file and maintained with the United States Packers and Stockyards Administration in an amount equivalent to or greater than that required by federal regulations.

66.9(9) *Information required.* An applicant for a livestock market dealer market permit or a livestock market dealer agent permit or a renewal of a permit shall provide the department with information required on the permit application, including but not limited to the name, address, email address, and telephone number of the applicant; a listing of any state, country, or province in which the applicant is licensed or permitted to engage in a similar business; and any past or pending legal or administrative action or investigation conducted or ongoing regarding that license or permit.

66.9(10) *Permits not transferable.* Livestock market dealer and livestock market dealer agent permits are not transferable.

This rule is intended to implement Iowa Code sections 163.1, 163.11, and 163.14.

21—66.10(163) Responsibility of persons handling animals in commerce to ensure the official identification of animals. Licensed sheep dealers and auction markets and those that provide transport must ensure that animals are properly identified upon taking possession of the animals. Animals lacking official ID must either be declined or be identified by the licensed dealer or market with official ID issued to the dealer or market immediately upon the dealer's or market's taking possession and prior to commingling of the animals.

21—66.11(163) Duties and responsibilities of the livestock market management. All livestock market owners, operators, or managers shall cooperate in obtaining full compliance with all state laws and rules and with the federal regulation (9 CFR Part 78 dated September 12, 1986) and shall agree to:

66.11(1) Notify the department and USDA as to method of operation (buying, receiving, and selling of livestock).

66.11(2) Furnish a schedule of regular sale dates, including species sold and time of sale(s), and notify the department and USDA of all changes of regular sale dates not less than five days in advance.

66.11(3) Provide for chutes and divisions of yarding and pens as required to handle livestock according to their classification.

66.11(4) Furnish the name of the licensed and accredited veterinarian who will be held primarily responsible for all inspections.

66.11(5) Permit no animals to be sold at any time prior to veterinary inspection.

66.11(6) Clean and disinfect all chutes, whether portable or stationary, and all pens, alleyways, and scales after each sale and at any time when ordered to do so by the accredited veterinarian, the department, or USDA and in accordance with the procedure determined by the accredited veterinarian, the department, or USDA.

66.11(7) In the event of sale, transfer, or change in ownership or ownership shares, or change of name, notify the department and USDA immediately.

Failure to comply with any of the foregoing provisions shall be deemed sufficient reason to remove a market from the state- or federal-approved list or revoke the permit to operate as a livestock dealer or both.

This rule is intended to implement Iowa Code section 163.1.

21—66.12(163) Releasing livestock. The licensed and accredited veterinarian in charge of the livestock market shall be held responsible for ensuring all animals released from the livestock market are released in compliance with Iowa laws, rules, and federal regulation Title 9—CFR dated November 5, 2024. All release forms must be signed or otherwise approved by the veterinarian or someone authorized by the veterinarian. The livestock market management shall cooperate to see that all animals are released only on approved release forms. All livestock transported within Iowa, where a change of ownership is involved, must be accompanied by documentation as provided for in rule 21—66.8(163).

This rule is intended to implement Iowa Code chapters 163, 163A, 164, and 172B and section 163.12.

21—66.13(163) Veterinary inspection. All livestock auction markets, marketing agencies, sales barns, or sales yards shall provide for veterinary inspection by a licensed and accredited veterinarian.

66.13(1) The accredited veterinarian shall:

a. Allow for sufficient time to perform the accredited veterinarian's duties.

b. Inspect all animals marketed prior to the sale.

c. Be present during the entire time the sale is in progress.

d. Prohibit the sale of any animal deemed to be diseased.

e. Have full authority to reject or detain any animal(s) at the owner's expense or any animal(s) that in the accredited veterinarian's opinion are diseased or exposed in conformance with Iowa Code chapter 163, which for any reason may be detrimental to the health of the animals within the state.

f. Notify the state animal health official of the suspicion or diagnosis of any reportable or foreign animal disease.

g. Not allow any animal to be released if there are any pending, required regulatory tests.

h. Not allow any animal to be released prior to vaccination when vaccination is required.

i. Must obtain permits for movement (either interstate or intrastate) at the owner's expense when permits are required.

j. Issue all releasing documents before allowing animals to be removed from the livestock market.

k. Deliver copies of all certificates of veterinary inspections to the division of animal industry immediately.

l. Report promptly all violations or refusals to comply with state laws, rules and federal regulations to the proper state or federal inspectors.

m. Ensure the premises is maintained in sanitary conditions at all times.

n. Supervise the cleaning and disinfection of yards following sales.

66.13(2) Failure to comply with any of the foregoing provisions shall be deemed sufficient reason to remove the licensed and accredited veterinarian's approval as the livestock market veterinarian.

This rule is intended to implement Iowa Code section 163.1.

21—66.14(163) Responsibility of persons handling animals in commerce to ensure the official identification of animals. Licensed sheep dealers, permitted livestock market dealers operating as an approved livestock market, and those that provide transport must ensure that animals are properly identified upon taking possession of the animals. Animals lacking official ID must either be declined or

be identified by the licensed dealer or market with official ID issued to the dealer or market immediately upon the dealer's or market's taking possession and prior to commingling of the animals.

21—66.15(163) Recordkeeping.

66.15(1) *Livestock market permit holders.* All livestock market permit holders are required to comply with the recordkeeping requirements below. Failure to do so shall constitute grounds for revoking their permit.

a. Maintain accurate records, including, for all livestock, records of:

(1) Origin.

(2) Identification.

(3) Destination or other disposition.

b. Such records shall be made available for inspection by an authorized state or federal inspector upon request. Such records shall be kept for a period of not less than two years.

66.15(2) *Livestock auction markets for sheep and goats.*

a. Markets must collect a completed and signed owner/seller statement form from each seller presenting sheep and goats that require official identification or must post where animals are unloaded signs that state: "sexually intact sheep or goats that are known to be scrapie-positive, suspect, high-risk, or exposed, or that originated from a known infected, source, exposed, or noncompliant sheep/goat flock may not be unloaded or sold through this market."

b. For animals identified by the market, the serial tag numbers applied to each seller's animals must be recorded.

c. Animals that require official identification but that cannot be identified to their flock of origin shall not be sold as breeding animals.

d. Records must indicate the seller or flock ID number(s) or serial tag numbers of the animals involved and will serve as documentation of the buyers of animals presented by any particular seller.

e. The market must always record, either on the owner/seller statement form or separately, the following information on all sexually intact animals that require official identification:

(1) Seller's flock ID number or seller's name and address.

(2) Name or flock ID number of the owner of the flock of origin if different from the seller.

(3) Buyer's name and address or buyer's flock ID number. All animals moving interstate must depart from the market with either a certificate of veterinary inspection or slaughter affidavit; all animals remaining in Iowa must depart from the market with a certificate of veterinary inspection, veterinary signature-stamped bill of sale, or slaughter affidavit. Certificates of Veterinary Inspection for animals moving interstate must contain the statement set forth in rule 21—64.208(163). All of these documents must be made available for inspection upon request and maintained as official records for five years.

66.15(3) *Recordkeeping requirements for licensed sheep dealers.* The dealer must either collect a completed and signed owner/seller statement form from the person from whom the dealer takes possession of the animals or must post signs as described in 21—subrule 64.204(2) if there is any possibility that the animals will move interstate, other than through slaughter channels. The dealer must always record, either on the owner/seller statement form or separately, the following information on all sexually intact animals that require official identification: the seller's flock ID number or seller's name and address and the name of the owner of the flock of origin, or flock-of-origin ID number, if different from the seller. For animals identified by the dealer, the serial tag number applied to each animal must be recorded. Animals that move interstate, other than to slaughter, must be inspected by a veterinarian and have a certificate of veterinary inspection that includes the required statements as set forth in rule 21—64.208(163). All animals that do not go to slaughter must be inspected by a veterinarian and have a certificate of veterinary inspection completed prior to sale unless the animals are being sold at a permitted livestock auction market where a veterinary inspection will occur. For animals that are taken to a livestock auction market, the dealer must provide to the market for its records a list of all flock ID numbers or serial tag numbers in the group. For animals that are resorted and sold, records must identify all potential buyers of any animal acquired. Every effort should be made to maintain the identity of groups from the same flock, through separate penning or use of temporary ID, such as chalk

marking, in order to simplify efforts to identify the final destination of individual animals. If animals are under 18 months of age and the dealer picks them up at the owner's premises and delivers them directly to slaughter, then the official identification requirement may be waived; however, a record of the transaction must be maintained. Records must document the buyer's name and address or buyer's flock-of-origin ID number, date of sale, and animals sold for all private sales or sales to slaughter so that animals can be traced to their final destination. All records must be kept for five years and made available for inspection upon request.

This rule is intended to implement Iowa Code section 163.1.

21—66.16(163) Swine—brucellosis.

66.16(1) All breeding swine four months of age or over moving through a livestock market or offered for sale or sold by the owner by private treaty must:

a. Originate from a validated herd, or from a validated brucellosis-free state according to Title 9—CFR as amended effective May 23, 1994, and published in the Federal Register, Vol. 59, No. 77, April 21, 1994, or

b. Be proved negative to a brucellosis test conducted within 60 days prior to sale or service and originate from a herd not under quarantine.

66.16(2) All breeding swine showing a positive reaction to a brucellosis test conducted at a livestock market shall be tagged in the left ear with a reactor tag and moved direct to slaughter on permit. The herd of origin shall be placed under quarantine for immediate test. Such quarantine to remain in effect until a complete negative herd test is conducted.

66.16(3) The negative animals from a reactor group disclosed at a livestock auction market can return to the farm of origin under strict quarantine to be tested no sooner than 30 days nor later than 60 days from the date of test.

FEEDER PIG DEALER

21—66.17(163) Feeder pig dealer bonding/letter of credit requirement and claims procedures.

66.17(1) *General requirement.*

a. In addition to the bond required in Iowa Code section 163.30, a feeder pig dealer shall maintain on file with the department evidence of financial responsibility consisting of a surety bond furnished by a surety or an irrevocable letter of credit issued by a financial institution. Bonds and irrevocable letters of credit filed with the department shall be on the forms prescribed by the animal industry division. Bonds and irrevocable letters of credit shall be written so as to provide funds to protect purchasers of feeder pigs who incur damages in Iowa as a result of sick or diseased pigs obtained from a feeder pig dealer or who otherwise suffer damages arising from a breach of contract relating to the sale of feeder pigs by the feeder pig dealer described in the bond or irrevocable letter of credit.

b. Terms of the bond or irrevocable letter of credit shall provide that if the bond or irrevocable letter of credit is canceled as to future transactions, written notice of the cancellation shall be provided to the department at least 90 days in advance of the cancellation. Such notice shall be provided to the department either by personal delivery to or certified mail. The feeder pig dealer shall provide an adequate replacement bond or irrevocable letter of credit prior to the effective date of the cancellation. The dealer's failure to submit an adequate replacement bond or irrevocable letter of credit shall result in the immediate suspension of the dealer's license to do business until such bond or irrevocable letter of credit is provided.

66.17(2) *Applicability.* A bond or irrevocable letter of credit filed pursuant to this rule shall only be subject to claims that arise after July 1, 2004, and are subsequent to feeder pig dealer licensing or relicensing with the department.

66.17(3) *Amount of bond.* The amount of financial responsibility shall be based on the annual volume of feeder pig sales in Iowa reported by the feeder pig dealer to the department or, at the option of the feeder pig dealer, the annual volume of all livestock or feeder pig sales reported to the United States Packers and Stockyards Administration. The following table shall be used to determine the level of additional financial responsibility:

TABLE FOR COMPUTING SURETY BOND
OR IRREVOCABLE LETTER OF CREDIT EQUIVALENTS

Volume Range in Dollars		Additional Financial
(not less than)	(not more than)	Responsibility Required
$ 1	$ 6,500,000	$ 5,000
$ 6,500,001	$ 7,150,000	$ 6,000
$ 7,150,001	$ 7,800,000	$ 7,000
$ 7,800,001	$ 8,450,000	$ 8,000
$ 8,450,001	$ 9,100,000	$ 9,000
$ 9,100,001	$ 9,750,000	$10,000
$ 9,750,001	$16,250,000	$11,000
$16,250,001	$22,750,000	$12,000
$22,750,001	$29,250,000	$13,000
$29,250,001	$35,750,000	$14,000
$35,750,001	$42,250,000	$15,000
$42,250,001	$48,750,000	$16,000
$48,750,001	$55,250,000	$17,000
$55,250,001	$61,750,000	$18,000
$61,750,001	$68,250,000	$19,000
$68,250,001	$74,750,000	$20,000
$74,750,001	$81,250,000	$21,000
$81,250,001	$87,750,000	$22,000
$87,750,001	$94,250,000	$23,000
$94,250,001	$100,750,000	$24,000
$100,750,001	And higher	$25,000

66.17(4) *Claims.* A person who has suffered damages in Iowa as a result of sick or diseased pigs obtained from a feeder pig dealer, or who otherwise suffers damages arising from a breach of contract relating to the sale of feeder pigs by the feeder pig dealer, may file a claim against a bond or irrevocable letter of credit provided under this rule. A claim against the bond shall be valid only for a claim incurred in the state of Iowa for which there is a final judgment from a court of competent jurisdiction.

66.17(5) *Procedure.* A person filing a claim against the bond or irrevocable letter of credit shall submit both of the following before such claim shall be considered to be completed:

a. A notarized and completed copy of the claim form.

b. An official copy of the court judgment or other order that has established the debt as a bona fide adjudicated debt, including the date that the judgment was entered.

66.17(6) *Disputes.* The department shall review any claim filed and, upon determining that a completed form and the required documents have been submitted, shall provide written notification of the claim to both the feeder pig dealer and the issuer of the bond or irrevocable letter of credit. The feeder pig dealer and the issuer of the bond or irrevocable letter of credit shall have 20 calendar days to file a written dispute of the claim. The dispute of the claim shall be limited to the following grounds only:

a. The claim is not covered by the bond or irrevocable letter of credit.

b. The claim is not a final adjudicated judgment.

c. The claim does not relate to damages incurred in Iowa.

d. The claim is for a judgment that has already been settled or compromised.

66.17(7) *Costs of settling disputes.* If a dispute is filed on a claim, the department shall schedule an administrative hearing to determine whether the dispute is valid. The costs of the department in resolving

the dispute, including the costs incurred in holding the administrative hearing, shall be paid out of the proceeds of the bond or irrevocable letter of credit prior to distribution of any proceeds, whether the dispute is upheld or denied.

66.17(8) *Catchwords.* Feeder swine purchased for resale by a pig dealer must be officially identified and accompanied by a certificate of veterinary inspection.

This rule is intended to implement Iowa Code sections 163.30 and 163.61 and chapter 202C.

21—66.18(163) Revocation or denial of permit. The department may revoke or refuse to issue or renew a livestock market dealer permit, a pig dealer license, a livestock market dealer agent permit, or a pig dealer agent permit if the department finds that the applicant, a person with an ownership interest in the applicant, or an individual employed by the applicant has done any of the following:

66.18(1) Has not filed or maintained a surety bond in the form and amount as required by Iowa Code section 163.30 or chapter 202C.

66.18(2) Has violated the provisions of Iowa Code chapter 163, 163A, 164, 165, 166, 166A, 166B, or 166D or the rules adopted pursuant to those chapters.

66.18(3) Has made false or misleading statements as to the health or physical condition or origin of livestock or feeder pigs or practiced fraud or misrepresentation in connection with the buying or receiving of livestock or feeder pigs or the selling, exchanging, soliciting or negotiating the sale of livestock or the weighing of livestock or feeder pigs.

66.18(4) Has failed to maintain and keep suitable animal health and movement records as required or to provide access to the department to the records.

66.18(5) Has had a license or permit suspended or revoked or has been otherwise barred from engaging in the buying, selling, or assembling of livestock or feeder pigs or receiving livestock or feeder pigs on consignment by either the USDA or by another state unless the department concludes after an investigation that the facts leading to the suspension or revocation demonstrate that granting the license or permit will not create a substantial risk to the Iowa livestock or feeder pig industry. This subrule shall also apply if there is a pending action to suspend or revoke a permit.

66.18(6) Has failed to comply with any lawful order of the department or a state or federal court.

This rule is intended to implement Iowa Code chapters 163 and 170.

APPROVED TERMINAL FEEDLOTS

21—66.19(163) Approved terminal feedlots. Approved terminal feedlots allow purchasers of young sexually intact feeder sheep or goats from out of state to bring those animals into Iowa without official identification provided that the animals are restricted to an inspected and approved premises and all are delivered to slaughter by 18 months of age.

66.19(1) *Requirements for approved terminal feedlots.*

a. All sexually intact sheep or goats of out-of-state origin that have arrived without official identification must be moved directly to slaughter by 18 months of age. Other sheep or goats that require official identification may be maintained on the premises provided that the requirements described herein are met. The approved terminal feedlot premises must be designated as one of the following:

(1) Feeder-only premises. Feeder-only premises may contain only feeder sheep or goats destined to slaughter by 18 months of age.

(2) Breeding flock/slaughter-only premises. The breeding flock/slaughter-only premises allows a breeding flock to be maintained on the site. All offspring must be sent to slaughter by 18 months of age, except as noted below, and do not require official ID provided that the slaughter sheep or goats move directly to slaughter. Adult sheep or goats must be identified, and any of their offspring retained as replacement breeding stock must have official ID applied prior to weaning. Production, inventory, purchase, and sales records will be inspected on all breeding animals.

(3) Separate operation premises. The separate operation premises allows sheep or goats other than the nonidentified feeder sheep or goats to be kept on site, and sold other than to slaughter, but these animals must be separated from the feeder animals by a distance of 30 feet or by a solid wall that prevents contact or the passage of fluids. Offspring must be identified prior to weaning. Records must

account for the arrival and dispersal of each individual sheep or goats in the separate flock, and there shall be no identification exemption on these sheep or goats.

b. All three types of approved terminal feedlot premises require that all nonidentified feeder sheep or goats be moved directly to slaughter, or another approved terminal feedlot, prior to 18 months of age. These sheep or goats may only be sold through a licensed market or licensed dealer if the owner identifies sexually intact sheep or goats with official blue metal "meat only" tags and the animals are sold to slaughter.

66.19(2) *Identification at approved terminal feedlots.* Out-of-state origin sexually intact feeder sheep or goats moved to an approved terminal feedlot will be exempted from identification requirements provided that the feedlot maintains compliance with all rules and regulations governing approved terminal feedlots.

66.19(3) *Registration of approved terminal feedlots.* All approved terminal feedlots must obtain a permit issued by the department. Approved terminal feedlots will be subject to periodic records and premises inspections. The department shall assign an approved terminal feedlot number for each approved terminal feedlot facility.

66.19(4) *Records for approved terminal feedlots.* All approved terminal feedlots must maintain appropriate records for a period of five years. Records will include Certificates of Veterinary Inspection for all sheep and goats of out-of-state origin received by the facility and slaughter records sufficient to conduct inventory reconciliation. If a breeding flock or any other sheep or goats that require official identification are maintained on the same premises, then records shall also include an inventory of sheep and goats, lambing and kidding records, bills of sale, slaughter receipts, and any Certificates of Veterinary Inspection sufficient to account for the acquisition and dispersal of all animals. Failure to maintain appropriate records shall be grounds for revocation of the feedlot permit. All sheep and goats without official identification must be moved directly to slaughter, and movement to slaughter must be completed before any of the sheep and goats reach the age of 18 months. If blue metal "meat only" tags are applied, then records on tags applied must be maintained for origin of the group(s) (state, market, or individual), date of tagging, and destination (date sold and buyer).

These rules are intended to implement Iowa Code chapter 163.

ARC 0632D

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Proposing rulemaking related to dangerous wild animals and providing an opportunity for public comment

The Agriculture and Land Stewardship Department hereby proposes to rescind Chapter 77, "Dangerous Wild Animals," Iowa Administrative Code, and to adopt a new Chapter 77 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 717F.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 717F.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 77 to streamline dangerous wild animal rules by removing provisions that duplicate Iowa Code chapter 717F and retaining administrative and animal-care requirements. This proposed rulemaking retains provisions addressing notification of insurance cancellation or reduction, lifetime health and ownership records, enclosure conditions,

warning signs, and relinquishment. This proposed rulemaking also requires an owner to immediately notify the Department, in addition to an animal warden or other local law enforcement official, when a dangerous wild animal escapes and updates the euthanasia reference to the American Veterinary Medical Association's 2020 guidelines. These changes are intended to reduce repetition and clarify responsibilities for animal care and public safety.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 29, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Colin Tadlock
Iowa Department of Agriculture and Land Stewardship
Hoover State Office Building
1305 East Walnut Street
Des Moines, Iowa 50319
Phone: 515.518.7609
Email: colin.tadlock@iowaagriculture.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind 21—Chapter 77 and adopt the following **new** chapter in lieu thereof:

CHAPTER 77
DANGEROUS WILD ANIMALS

21—77.1(717F) Continued ownership.

77.1(1) *Insurance.* The contents of the insurance policy must provide for notification to the department if the policy is canceled or reduced.

77.1(2) *Records.* The person who continues to own or possess a dangerous wild animal must maintain health and ownership records for the dangerous wild animal for the life of the animal, including deaths and cause of each death; the complete name, address and telephone number of the person to whom an animal was transferred or sold; the date the animal was transferred or sold; and the current location of each animal's records.

77.1(3) *Enclosure.* The person who continues to own or possess a dangerous wild animal must confine the dangerous wild animal in a primary enclosure on the person's premises. The primary enclosure should be of sound construction and maintained in good repair to protect the animal from injury. Construction materials and maintenance shall allow the animal to be kept clean. The animal should be housed or caged in a manner that allows the animal to perform the normal behavior patterns of its species and prevents disease, liberation, or accidental injury to the animal and the public. The animal should have adequate food, shelter, ventilation, and lighting for its species. Appropriate sanitation measures must be taken. Food supplies and bedding materials must be adequate, appropriate, and sanitary. Equipment must be available for the removal and disposal of waste materials to minimize vermin infestation, odors, and disease hazards.

77.1(4) *Signs.* The person who continues to own or possess a dangerous wild animal must display at least one visible, readable sign with suitable wording on the person's premises where the dangerous wild animal is kept warning the public that the dangerous wild animal is confined there.

21—77.2(717F) Escape notification. The person who continues to own or possess a dangerous wild animal must immediately notify an animal warden or other local law enforcement official and the department of any escape of a dangerous wild animal.

21—77.3(717F) Relinquishment. If the person who continues to own or possess a dangerous wild animal is no longer able to care for the animal, both of the following shall apply:

1. The person must so notify the department, stating the planned disposition of the dangerous wild animal.
2. The person must dispose of the dangerous wild animal by transferring ownership and possession to a wildlife sanctuary or providing for its destruction by euthanasia according to the American Veterinary Medical Association Guidelines for Euthanasia of Animals: 2020 Edition.

These rules are intended to implement Iowa Code chapter 717F.

ARC 0615D

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

Proposing rulemaking related to Iowa state industries and providing an opportunity for public comment

The Department of Corrections hereby proposes to rescind Chapter 37, "Iowa State Industries," Iowa Administrative Code, and to adopt a new Chapter 37 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 904.108 and 904.804.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 904.

Purpose and Summary

This proposed rulemaking rescinds and adopts a new Chapter 37 with revised administrative rules to satisfy the requirements of Executive Order 10. The purpose of Chapter 37 is to offer work training opportunities, partner with private sector employers, and produce goods for public and private entities, ultimately improving employability, reducing recidivism, and enhancing public safety. Pursuant to Executive Order 10, the Department conducted a comprehensive review of this chapter to eliminate restrictive terms, obsolete rules, and language that duplicates State statutes. Specifically, this proposed rulemaking does the following:

- Removes all references to the Prison Industries Advisory Board to align administrative rules with the statutory changes mandated by 2024 Iowa Acts, Senate File 2385, which dissolved the Board and transferred duties directly to the Department.
- Simplifies vendor appeal protocols by cleanly adopting by reference the Uniform Rules on Agency Procedure under 7—Chapter 2506.
- Replaces redundant statutory language regarding core functions with citations to the Iowa Code to prevent rules from becoming instantly obsolete when underlying laws shift.
- Maintains procedural compliance with the dual-agency directives between the Department and Iowa Workforce Development (IWD).
- The result is a streamlined chapter that maintains essential public transparency while ensuring alignment with provisions of the Iowa Code.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 5, 2026. A public hearing was held on the following date(s):

- August 25, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa. This proposed rulemaking maintains existing statutory practices. Iowa State Industries is entirely self-funded and receives no State appropriation.

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 201—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Jen Rathje
Iowa Department of Corrections
Jessie Parker Building
510 East 12th Street
Des Moines, Iowa 50319

Phone: 515.802.0898
Email: jen.rathje1@iowa.gov

Public Hearing

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

October 20, 2026 9:30 to 10:30 a.m.	Via Google Meet Video at meet.google.com/ahi-ycey-mmc Or dial: (US) +1 262.674.7955 PIN: 724 733 906#
October 20, 2026 1:30 to 2:30 p.m.	Via Google Meet Video at meet.google.com/sqq-hehw-aqh Or dial: (US) +1 402.732.7226 PIN: 876 842 527#

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 201—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37
IOWA STATE INDUSTRIES

201—37.1(904) Function. Iowa state industries, established by Iowa Code chapter 904, is administered by a state director and operates manufacturing, farming, surplus and private sector work programs. Each business is entirely self-funded and receives no state appropriation.

37.1(1) Iowa state industries is charged with making available to offenders of the state correctional institutions opportunities for work in meaningful jobs that will enable the offenders' chances of a successful return to society as law-abiding and self-supporting members of the community upon the offenders' release.

37.1(2) Iowa state industries is further charged with enabling offenders to work in order to provide financial assistance to their dependents, make restitution, pay the cost of board and maintenance in a correctional institution, and accumulate savings upon their eventual return to the community.

This rule is intended to implement Iowa Code section 904.804.

201—37.2(904) Sale of products.

37.2(1) Iowa state industries may sell products as outlined in Iowa Code section 904.815.

37.2(2) Iowa state industries may sell products to a general contractor when the products purchased will be sold to a public entity as provided in Iowa Code section 904.815. The public entity will submit a written request to Iowa state industries specifying the products and quantities to be purchased. Such sales will be limited to contractors involved in construction, renovation, and remodeling projects. Sales to a general contractor above $50,000 will be approved by the state director.

37.2(3) Catalogs are available online at www.iaprisonind.com or at the Iowa state industries showroom and main office, located at 1445 East Grand Avenue, Des Moines, Iowa 50316. Inquiries or requests for a mailed catalog may be made by calling 800.332.7922.

37.2(4) Information may be obtained from or reported to Iowa state industries at the Business Office, 406 North High Street, Anamosa, Iowa 52205; telephone 319.462.3706. Information is also available online at www.iaprisonind.com.

This rule is intended to implement Iowa Code section 904.815.

201—37.3(904) Procurement of goods and services.

37.3(1) The provisions of 11—Chapter 117 are hereby adopted by reference with the following amendments.

a. Strike "department of administrative services" and insert in lieu thereof "Iowa state industries" in all rules.

b. In lieu of the definitions of "department" and "director", insert the following:

"Department" means the division of Iowa state industries.

"Director" means the director of the division of Iowa state industries or the director's designee.

c. Rules 11—117.7(8A) and 11—117.15(8A) and 11—subrule 117.4(3) are not adopted.

d. In lieu of the text of 11—subrule 117.14(1), insert the following: "Purchase of goods. An agency may acquire goods not otherwise available through a master agreement in accordance with the procurement threshold guidelines in 11—subrule 117.5(3)."

37.3(2) For vendor appeals involving a competitive solicitation, 7—Chapter 2506 applies. For all other purchasing actions, including noncompetitive procurement and contract administration, the following process shall apply:

a. Step 1. Appeals will be filed in writing to the Business Manager, Iowa State Industries, 406 North High Street, Anamosa, Iowa 52205, within five working days of notification of the action being appealed. The appeal is to state the specific grounds upon which the vendor is challenging the action. The business manager, Iowa state industries, will notify the vendor in writing of the decision within ten working days.

b. Step 2. If the appeal is not resolved, it may be further appealed by the vendor to the Director of Iowa State Industries, Jessie Parker State Office Building, 510 East 12th Street, Des Moines, Iowa 50319, within ten working days of the notification of the Step 1 appeal response. The director of Iowa state industries will notify the vendor in writing of the decision within 15 working days.

c. Step 3. An unresolved appeal to the Director of Iowa State Industries will be referred to the Director of the Department of Corrections, Jessie Parker State Office Building, 510 East 12th Street, Des Moines, Iowa 50319, within ten working days of the notification of the Step 2 appeal response. The director of the department of corrections will notify the vendor in writing of the decision within 15 working days.

This rule is intended to implement Iowa Code section 904.813.

201—37.4(904) Private sector employment projects.

37.4(1) *Definitions.*

"Deputy director of prison industries" means the department of corrections deputy director responsible for the day-to-day operations of prison industries, including private sector individuals.

"Director" means the same as defined in Iowa Code section 904.101(5).

"Wage range" means the same as described in Iowa Code section 904.809(1)*"c."*

"Workforce development board" means the board created in Iowa Code section 84A.1A.

"Workforce development director" means the same as described in Iowa Code section 84A.1(2).

37.4(2) *Employer application.* Private sector employers requesting offender labor will submit an application to the deputy director of prison industries or designee. Required application information will be provided in accordance with Iowa state industries policies and procedures.

a. Upon receiving an application to use offenders in a private sector work program, the deputy director of prison industries or designee will provide a copy of the private sector work proposal, including job descriptions and proposed wages to the workforce development division administrator.

b. The deputy director of prison industries or designee will send a letter to the department of workforce development requesting the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county where the work is being performed, and the current employment level of the company that will employ the offenders.

c. The deputy director of prison industries or designee and the warden at the proposed institution will review the proposed projects with the board of supervisors and the sheriff in the county where the project will be located.

37.4(3) *Verification.* Upon written request from the deputy director of prison industries or designee, the workforce development division administrator shall verify the employment levels and prevailing wages paid for similar jobs in the area and provide to the deputy director of prison industries or designee, in writing:

a. The average wage rate for the proposed job(s);

b. The wage range;

c. The current unemployment rate for the county where the work is being performed; and

d. The current employment levels of the company that will employ the offenders based upon the most recent quarter for which data is available.

37.4(4) *Prevailing wages.* The deputy director of prison industries or designee will obtain employment levels in the locale of the proposed job(s) and the prevailing wages for the job(s) in question from the department of workforce development prior to authorizing any private sector work program. The deputy director of prison industries or designee will consider the average wage rate and wage range from the department of workforce development for the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide. To reduce possible displacement of civilian workers, the deputy director of prison industries shall advise prospective employers and eligible offenders of the following requirements:

a. Offenders shall not be eligible for unemployment compensation while incarcerated.

b. Before the employer initiates work utilizing offender labor, the deputy director of prison industries or designee will provide the baseline number of jobs as established by the department of workforce development.

c. Annually, the deputy director of prison industries or designee will request from the department of workforce development the actual number of civilian workers by employer and will compile a side-by-side comparison of each employer.

37.4(5) *Ineligible projects.* The deputy director of prison industries or designee will evaluate the information from the department of workforce development to verify nondisplacement of civilian workers consistent with Iowa Code section 904.809(1)*"d."*

37.4(6) *Notification and review.*

a. The deputy director of prison industries or designee will provide a copy of the private sector work proposal and the department of workforce development review of the private sector work proposal to the following:

(1) Warden at the proposed work site;

(2) Local labor organization(s); and

(3) Department of Justice, Washington, D.C.

b. Within 14 calendar days of receiving the department of workforce development review, the deputy director of prison industries or designee will consolidate the recommendations for review and approval by the director of corrections.

37.4(7) *Disputes.*

a. Anyone who believes that the private sector work program violates this rule shall advise the department of workforce development. A written complaint may be filed in accordance with rule 877—1.2(84A). The workforce development director shall consult with the deputy director of prison

industries before the workforce development board makes a final recommendation(s) to resolve any complaint.

b. The deputy director of prison industries will assist the department of workforce development in compiling all information necessary to resolve the dispute. The workforce development board shall notify the deputy director of prison industries and interested parties in writing of the recommended action to resolve a complaint, which will be binding on all parties.

This rule is intended to implement Iowa Code section 904.809.

201—37.5(904) Utilization of offender labor in construction and maintenance projects.

37.5(1) *Definitions.*

"Director" means the same as defined in Iowa Code section 904.101(5).

"Employer" means a contractor or subcontractor providing maintenance or construction services under contract to the department of corrections or under the department of administrative services.

"Workforce development director" means the same as described in Iowa Code section 84A.1(2).

37.5(2) *Scope.* Utilization of offender labor applies only to contractors or subcontractors providing construction or maintenance services to the department of corrections. The contract authority for providing construction or maintenance services may be the department of administrative services.

37.5(3) *Employer application.* Employers working under contract with the state of Iowa may submit an application to the department of corrections to employ offenders. Requests for such labor shall not include work release offenders assigned to community-based corrections under Iowa Code chapter 904.

a. The employer's application shall include:

(1) Scope of work, including type of work and required number of workers;

(2) Proposed wage rate;

(3) Location;

(4) Duration; and

(5) Reason for utilizing offender labor.

b. The department of corrections will verify through the department of workforce development the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county where the work is being performed, and the current employment level of the employer that will employ the offenders.

37.5(4) *Verification.* Upon written request from the department of corrections, the workforce development division administrator shall verify the employment levels and prevailing wages paid for similar jobs in the area and provide to the director, in writing:

a. The average wage rate for the proposed job(s);

b. The wage range;

c. The prevailing wage as determined by the U.S. Department of Labor;

d. The current unemployment rate for the county where the work is being performed;

e. The current employment levels of the employer that will employ the offenders based upon the most recent quarter for which data is available.

37.5(5) *Safety training.* The employer shall document that all offenders employed in construction and maintenance projects receive an Occupational Safety and Health Administration (OSHA) 10-Hour outreach course provided free of charge by an authorized OSHA outreach trainer.

37.5(6) *Prevailing wages.*

a. The director will not authorize an employer to employ offenders in hard labor programs without obtaining from the department of workforce development employment levels in the locale of the proposed jobs and the prevailing wages for the jobs in question. The average wage rate and wage range from the department of workforce development will be based on the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide.

b. To reduce any potential displacement of civilian workers, the director will advise prospective employers and eligible offenders of the following requirements:

(1) Offenders will not be eligible for unemployment compensation while incarcerated.

(2) Before the employer initiates work utilizing offender labor, the director will provide the baseline number of jobs as established by the department of workforce development.

(3) If the contract to employ offender labor exceeds six months, the director will:

1. Request and receive from the workforce development division administrator the average wage rates and wage ranges for jobs currently held by offenders and current employment levels of employers employing offenders; and

2. Compile a side-by-side comparison of each employer.

37.5(7) *Disputes.* Anyone who believes that the employer's application violates this rule shall present concerns in writing to the workforce development board. A written complaint may be filed with the workforce development board for any dispute arising from the implementation of the employer's application in accordance with rule 877—1.3(84A). The workforce development board shall consult with the director prior to making recommendations. The director will assist the workforce development board in compiling all information necessary to resolve the dispute. The workforce development board shall notify the director and interested parties in writing of the corrective action plan to resolve the dispute, which will be binding on all parties.

This rule is intended to implement Iowa Code section 904.701.

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CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

Proposing rulemaking related to community-based corrections and providing an opportunity for public comment

The Department of Corrections hereby proposes to rescind Chapter 40, "Community-Based Corrections Administration," and to adopt a new Chapter 40, "Community-Based Corrections," and to rescind Chapter 41, "Preconviction Service," Chapter 42, "Probation Services," Chapter 43, "Residential Facilities," Chapter 44, "Work Release," Chapter 45, "Parole," and Chapter 47, "OWI Programs," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 904.108.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 321J, 811, 901, 904, 906, 907, 908, and 910.

Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 40 with a consolidated, unified regulatory framework to satisfy the requirements of Executive Order 10. The purpose of Chapter 40 is to govern the administration and delivery of all Community-Based Corrections (CBC) services across the State's eight district departments, including preconviction, probation, parole, residential, work release, and operating a motor vehicle while under the influence (OWI) programming. Pursuant to Executive Order 10, the Department conducted a comprehensive review of the CBC administrative rules to eliminate restrictive terms, obsolete rules, and language that duplicates State statutes. This proposed rulemaking takes essential mandates previously scattered across standalone chapters (Chapters 40 through 45 and 47) and organizes them into a single cohesive chapter while preserving essential safety and service requirements and achieving the regulatory benefit in a more efficient and less burdensome format.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 5, 2026. A public hearing was held on the following date(s):

- August 25, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 201—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Jen Rathje
Iowa Department of Corrections
Jessie Parker Building
510 East 12th Street
Des Moines, Iowa 50319
Phone: 515.802.0898
Email: jen.rathje1@iowa.gov

Public Hearing

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

October 20, 2026 9:30 to 10:30 a.m.	Via Google Meet Video at meet.google.com/ahi-ycey-mmc Or dial: (US) +1 262.674.7955 PIN: 724 733 906#
October 20, 2026 1:30 to 2:30 p.m.	Via Google Meet Video at meet.google.com/sqq-hehw-aqh Or dial: (US) +1 402.732.7226 PIN: 876 842 527#

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 201—Chapter 40 and adopt the following **new** chapter in lieu thereof:

TITLE III
COMMUNITY-BASED CORRECTIONS

CHAPTER 40
COMMUNITY-BASED CORRECTIONS

DIVISION I
GENERAL PROVISIONS

201—40.1(904) Title III definitions.

"Community service" means unpaid public service as a condition of probation established pursuant to Iowa Code chapter 907 or in lieu of restitution as authorized in Iowa Code chapter 910.

"Conditions of probation" means the same as described in Iowa Code section 907.6.

"Contraband" means weapons, alcohol, drugs, money, obscene materials, or material advocating disruption of or injury to clients, employees, programs, or physical facilities. "Contraband" also includes anything that is illegal to possess under federal or state law, anything that is prohibited by the facility, or materials that are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs.

"Department" means the Iowa department of corrections as defined in Iowa Code section 904.101(4).

"District department" means the same as defined in Iowa Code section 904.101(7).

"District director" means the same as defined in Iowa Code section 904.101(8).

"Deputy director" means the deputy director for community-based corrections of the department.

"Parole" means the same as defined in Iowa Code section 906.1.

"Parole agreement" means the same as described in Iowa Code section 906.11.

"Parole plan" means a document listing place of employment, residence and the supervising parole officer.

"Presentence investigations" means the same as described in Iowa Code sections 901.2 and 901.3.

"Pretrial release" means the same as described in Iowa Code section 811.2.

"Probation" means the same as defined in Iowa Code section 907.1.

"Probation agreement" means the same as described in Iowa Code section 907.6.

"Probation service" means the same as described in Iowa Code section 907.2.

"Restitution plan of payment" means the same as defined in Iowa Code section 910.1(8).

"Supervision" means supervision during the probationary period as described in Iowa Code section 907.8.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.2(904) Grievance procedures.

40.2(1) The department will maintain policies and procedures establishing a grievance process applicable to all persons under supervision.

40.2(2) Persons under supervision will be provided notice of the grievance process in accordance with department policy.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.3(904) Electronic case records. The department will maintain an electronic case record for all persons under supervision.

40.3(1) The contents of electronic case records will be maintained in accordance with department policy and may include identification data, institutional information, case plans, restitution plans,

supervision or release plans, generic notes, disciplinary reports, transfer reports, progress reports, releases of information, and discharge records, as applicable.

40.3(2) Written procedures will govern the security, maintenance, accessibility, closure, and destruction of electronic case records in accordance with department policy.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.4(904) Case management system and risk/needs assessment. The department will utilize the statewide approved case management system and a statewide validated risk/needs assessment instrument for persons under supervision when required by statute or department policy.

40.4(1) Risk and needs information will be used to inform supervision and case planning consistent with the risk-need-responsivity model and core correctional practices.

40.4(2) Resources will be prioritized for clients who pose a greater risk to reoffend.

40.4(3) Moderate-risk and high-risk clients will receive evidence-based case planning and case management in accordance with department policy.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.5(904,907,910) Restitution. Unless otherwise provided by statute or rule, this rule applies to persons under supervision of the district department.

40.5(1) *Restitution plan of payment.* When restitution is ordered by the court, the department will ensure that a restitution plan of payment is prepared, submitted, reviewed, and modified in accordance with Iowa Code chapter 910.

a. A restitution plan of payment will be developed for any client under supervision who is court ordered to pay restitution unless the court-ordered restitution plan has been completed.

b. Factors that must be considered in developing the restitution plan of payment are outlined in Iowa Code section 910.5(2)*"a"*(1).

c. A copy of the restitution plan will be given to the client in accordance with Iowa Code section 907.8(1).

d. The department will maintain policies and procedures governing the development and modification of restitution plans of payment.

e. The approved restitution plan of payment will be forwarded to the appropriate clerk of court by the district department or to the person responsible for collection if collections are performed by the district department.

40.5(2) *Restitution compliance.* Persons under supervision will comply with the terms of the restitution plan of payment.

a. Payments shall be submitted in a timely manner to the clerk of court or to the department, as applicable.

b. If payments are made to the clerk of court, the client must provide proof of payment to the department.

c. When community service is ordered in lieu of financial restitution, the department will provide statements to the appropriate clerk of court in accordance with department policy.

This rule is intended to implement Iowa Code sections 907.8 and 910.5.

201—40.6(904,906) Transportation reimbursement.

40.6(1) In accordance with Iowa Code sections 904.909 and 906.18, a client under supervision who escapes, absconds, or otherwise violates conditions requiring return to custody must reimburse the department for the actual cost incurred by the department.

40.6(2) Actual cost means the following:

a. Actual salary, to include overtime, of all personnel involved;

b. Actual personal expenses of personnel involved;

c. Ground mileage at the rate paid to state employees;

d. Actual cost of any common carrier fee for personnel and the client. Airfare will be booked at regular coach; and

e. Actual costs of contract services.

This rule is intended to implement Iowa Code sections 904.909 and 906.18.

201—40.7(904) Authorization to carry firearms.

40.7(1) The department may authorize employees to carry a firearm while performing official duties. The department will establish policies and procedures governing the authorization of probation/parole officers and reserve peace officers subject to Iowa Code chapter 80D.

40.7(2) Probation/parole officers and reserve peace officers subject to Iowa Code chapter 80D must complete the Iowa law enforcement academy curriculum before being authorized to carry a firearm. Officers authorized before February 9, 2005, are exempt from this requirement.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

DIVISION II
PRECONVICTION SERVICES

201—40.8(811,901,904) Preconviction services.

40.8(1) *Pretrial services.*

a. The district department will designate staff to conduct pretrial screenings and administer pretrial release services.

b. The district department will establish a system of communication with law enforcement and the judiciary regarding the availability of pretrial services.

c. The department will maintain policies and procedures governing pretrial services, including but not limited to:

(1) Identification and timely screening of persons eligible for pretrial services,

(2) Screening criteria that require consideration of conditions contained within Iowa Code section 811.2,

(3) Reporting violations of conditions of release to the court,

(4) Supervision of persons released under pretrial services, and

(5) Notifying the supervising agent of any pretrial screenings for existing clients.

d. A grievance process applicable to persons under pretrial supervision will be provided in accordance with rule 201—40.2(904).

e. Electronic case records will be maintained on each active case under supervised release in accordance with rule 201—40.3(904).

40.8(2) *Presentence investigation.*

a. The district department will conduct presentence investigations ordered by the court.

b. The department will maintain policies and procedures governing presentence investigations, including but not limited to:

(1) Preparation of presentence investigation reports in accordance with Iowa Code section 901.3,

(2) Inclusion of the results of a department-approved validated risk assessment,

(3) Timely transmittal of the presentence investigation report to the court, and

(4) Confidential handling of presentence investigation reports in accordance with Iowa Code section 901.4.

This rule is intended to implement Iowa Code chapters 811 and 901 and section 904.108(1)*"l."*

DIVISION III
PROBATION SERVICES

201—40.9(904,907,908,910) Probation services. The department will provide probation services throughout each district department and will maintain policies and procedures governing probation supervision, including but not limited to:

40.9(1) Uniform classification and supervision of probationers.

40.9(2) Use of the statewide approved case management system and a statewide validated risk/needs assessment instrument to inform supervision and case planning consistent with the risk-need-responsivity model and core correctional practices in accordance with rule 201—40.4(904).

40.9(3) Establishment of probation conditions that meet the approval of the court and procedures to ensure clients receive those conditions in writing, including documentation of receipt.

40.9(4) Searches of clients under probation supervision and the search and seizure of their property in accordance with court requirements.

40.9(5) Reporting violations of probation and recommending revocation to the court.

40.9(6) Determining when an arrest may be made or a client should be taken into custody.

40.9(7) Requesting discharge from probation, including recommendations when a client has met court obligations, no longer poses a threat to the community, or cannot benefit substantially from further supervision.

40.9(8) A grievance process for clients under probation supervision in accordance with rule 201—40.2(904).

40.9(9) Maintenance of an electronic case record for each client under supervision in accordance with rule 201—40.3(904).

40.9(10) Preparation, submission, review, and modification of the restitution plan of payment will be conducted in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

40.9(11) Preparation, submission, review, and modification of the plan of community service in accordance with Iowa Code chapters 907 and 910.

40.9(12) Preparation, submission, review, modification, collection and retention of supervision enrollment fees, including the waiver of fees for persons determined unable to pay, in accordance with Iowa Code section 904.912.

This rule is intended to implement Iowa Code chapter 907 and sections 904.108, 908.11 and 910.5.

DIVISION IV
PAROLE SERVICES

201—40.10(904,906,908,910) Parole services.

40.10(1) *Supervision.* Persons granted parole by the board of parole are supervised by a district department. Conditions of parole are imposed as established and approved by the board of parole.

40.10(2) *Effective date/parole agreement.* Parole is effective only upon the incarcerated individual's acceptance of the terms of parole as evidenced by the signing of the parole agreement unless otherwise prescribed by law. The parole agreement is issued only upon the written order of the board of parole and only after approval of the parole plan. A parolee will not be released on parole prior to execution of the parole agreement. The parole agreement will contain the conditions of parole and the parolee's reporting instructions.

40.10(3) *Delivery of services.* The department will deliver parole services in accordance with department policy and procedures, including but not limited to:

a. The administration of earned and honor time;

b. Authorization of community placement furloughs in accordance with Iowa Code section 904.108(2);

c. Provision of clothing, transportation, and money in accordance with Iowa Code section 906.9;

d. Availability of emergency medical care and response to sudden illness or accidents;

e. Establishment of a grievance process with notice provided in accordance with rule 201—40.2(904); and

f. Development of a restitution plan of payment in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

40.10(4) *Parole violations.*

a. The department may report violations of parole conditions to the board of parole in accordance with board requirements set forth in rules 205—11.5(908) and 205—11.6(908).

b. With supervisory approval, a parole officer may arrest a parolee when there is probable cause to believe a parole violation has occurred that may result in revocation. All actions of the arresting agent will be in accordance with Iowa Code sections 908.1 and 908.2.

c. When a parolee is believed to have absconded, a preliminary parole violation filing will be submitted and a warrant for arrest requested.

40.10(5) *Voluntary return to institution.* A parolee may voluntarily return to a department institution for treatment or training for a period not to exceed 90 days upon approval of a voluntary return agreement by the district department, institution warden, and parolee, and following a hearing before a parole board administrative law judge.

40.10(6) *Discharge from parole.* Discharge from parole supervision will be determined and administered in accordance with department policy and Iowa Code section 906.15 and requirements set forth in 205—Chapter 12.

40.10(7) *Supervision enrollment fee.* The department will have policies and procedures governing the preparation, submission, review, modification, collection and retention of supervision enrollment fees, including the waiver of fees for persons determined unable to pay, in accordance with Iowa Code section 904.912.

This rule is intended to implement Iowa Code sections 904.108, 904.912, 906.9, 906.11, 906.15, 906.16, 908.1, 908.2 and 910.5.

DIVISION V
RESIDENTIAL FACILITIES

201—40.11(904,907,908,910) Residential facilities.

40.11(1) The department will ensure the admission of residents in accordance with the correctional continuum, court order, release order from the board of parole, or purchase of service agreement or contract with federal correctional agencies.

40.11(2) At intake, facility staff will discuss with each resident program goals, services available, facility rules governing conduct, disciplinary procedures, client fiscal management, residents' rights, communication privileges, and all federal Prison Rape Elimination Act (PREA) orientation and education standards and will obtain written documentation from the resident that these matters were discussed.

40.11(3) Facility staff will know the whereabouts of all residents and ensure that staff are available to residents 24 hours a day.

40.11(4) Provision and maintenance of a safe environment for residents will occur, including compliance with applicable fire, building, health, and safety requirements.

40.11(5) The department will maintain policies and procedures governing residential facilities, including but not limited to:

a. Inventorying and documentation of resident property.

b. Facility rules, sanctions, appeal procedures, and compliance with applicable federal PREA standards.

c. A grievance process applicable to activities other than disciplinary action in accordance with rule 201—40.2(904).

d. Use of physical force by facility staff, including reporting requirements, in accordance with statutes or regulations.

e. Searching of residents and their property, and seizure of property or contraband.

f. Emergency medical care and response to sudden illness or accidents.

g. Handling and administration of prescription and nonprescription medications.

h. Provision of meals meeting recognized minimum daily nutritional requirements and, if food service is provided, compliance with applicable health and safety requirements for food service operations.

i. Procedures for recommending removal or revocation of residential placement consistent with risk reduction.

j. Procedures for requesting discharge from a residential facility when a resident has met court requirements, no longer poses a threat to the community, or cannot benefit substantially from further supervision.

k. Use of the statewide approved case management system and a statewide validated risk/needs assessment instrument to inform supervision and case planning consistent with the risk-need-responsivity model and core correctional practices in accordance with rule 201—40.4(904).

l. Maintenance of an electronic case record for each resident in accordance with rule 201—40.3(904).

This rule is intended to implement Iowa Code section 907.3 and chapters 904, 908, and 910.

DIVISION VI
OWI PROGRAMS

201—40.12(904,910) OWI programs.

40.12(1) *Applicability.* Clients convicted of an offense under Iowa Code chapter 321J, sentenced to the custody of the director of corrections, and assigned to a continuum of programming, including treatment providers, residential facilities, and institutions, will be subject to these rules and department policy governing supervision and treatment.

40.12(2) *Facility selection and oversight.* The department will select appropriate facilities and treatment providers for the risk management and programming of clients. Any facility operated by or under contract with the department will comply with department policies, including all applicable federal PREA standards.

40.12(3) *Administrative responsibility.* The district director is responsible for all programs and clients subject to this rule. Any change in the custody status of clients must be approved by a department official.

40.12(4) *Movement of clients.*

a. The department will utilize standardized placement criteria founded on the presumption that assignment will be made to the least restrictive and most cost-effective component of the continuum for the purposes of risk management, substance use treatment, education, and employment. Criteria established to determine continuum assignment consists of the client's previous criminal record, present charges and attitude toward treatment. The continuum is defined as consisting of three basic components, namely:

(1) Incarceration until released by the board of parole or expiration of sentence,

(2) Short-term incarceration of approximately 60 days with subsequent transfer to a community corrections OWI residential program, and

(3) Direct placement to a community corrections residential program.

b. When there is insufficient bed space in the community-based correctional program to accommodate the client, the court may order the client to be released on personal recognizance or bond, released to the supervision of the district department, or held in jail.

c. Priority for placement will be based on the date of institutional admission or as soon as practical unless an exception is made by the department for special circumstances.

d. When a client is sentenced and ordered to department supervision and space is unavailable in a community program, or when supervision concerns arise, the district director or designee may request temporary placement at the Iowa medical and classification center (IMCC) or the Iowa correctional institution for women (ICIW), with approval by the deputy director or designee until space is available in the community program.

e. If medical conditions prohibit program participation and community resources, including University Hospitals, are not available to sufficiently meet client needs, the client may be assigned to IMCC/ICIW for treatment until the client's health status permits placement into a community-based correctional program.

f. Transfer of clients may be delayed by the department for security or medical reasons. Clients with active detainers or clients refusing to participate in the program may be transferred to an institution.

g. Clients placed with the department will transfer out of custody to their assigned facility unless an exception is made by the department.

h. The department will maintain policies governing the temporary confinement of clients who present a threat to the safety or security of the public, facility staff, or residents.

i. The department will maintain contingency plans to ensure continuity of custody or programming during emergencies, including fire, tornado, chemical spill, or work stoppage.

j. Clients housed in community facilities may be transferred to IMCC/ICIW on the recommendation of the district director or designee and with the approval of the deputy director or designee for reclassification and assignment to an institution. Transfer recommendations may be made for security, disciplinary, treatment, medical, or legal reasons.

k. Clients whose parole or work release is revoked may be returned to the OWI continuum, if eligible, or returned to the designated classification center for reclassification and placement in an institution.

40.12(5) *Fiscal.*

a. The department will not enter into a subcontract for custody, housing, or treatment of clients without the written approval of the deputy director. Contracts must include provisions protecting the department from liability arising from subcontractor actions.

(1) Subcontractors will be paid only for services on a reimbursement basis.

(2) The department will not pay for substance use treatment otherwise available and funded from other sources.

(3) The department and any subcontractors will, whenever possible, offset the cost of providing substance use treatment with third-party reimbursements.

b. The department will maintain a schedule of daily fees.

c. Clients may not be denied services due to an inability to pay the daily fee.

d. The department will maintain policies and procedures that ensure that all clients surrender their earnings to facility staff for the purpose of financial management and savings. Those policies and procedures will provide for the proper accounting and disbursement of all client funds, including but not limited to deduction of a daily fee where appropriate.

e. Upon request by the district director or designee, the county shall provide temporary confinement of clients allegedly violating the conditions of the assignment to a treatment program. The department will negotiate a reimbursement rate with each county.

f. A county holding clients ordered to jail due to insufficient space in a community-based corrections program will be reimbursed by the department.

g. If a client escapes or participates in an act of absconding from the facility to which the client is assigned, the client will reimburse the department for the cost of transportation in accordance with rule 201—40.6(904,906).

40.12(6) *Program structure.*

a. The district department will provide or arrange 24-hour housing and supervision of clients, either directly or through a contract with other agencies or individuals.

b. Each client will sign a department-approved supervision agreement. Failure to sign or comply with the agreement may result in reason to recommend returning the client to an institution.

c. Clients will participate in an appropriate continuum of programming. To the extent possible, capable clients will be employed a minimum of 30 hours per week.

d. Clients will be allowed to leave the facility for treatment, employment, and food service when those activities are not provided at the facility. In all other circumstances, clients may only leave the facility without supervision in accordance with furlough procedures.

e. Subcontractors will utilize department policies and procedures concerning client discipline.

f. Restitution plans will be established in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

g. A client identified as needing continuing care will receive follow-up treatment according to the client's identified needs. The client will receive correctional supervision following release from the facility unless the client's sentence has legally expired.

h. Visitation will be provided in accordance with department policy. Visiting privileges may be limited to the extent necessary for treatment, security, or management reasons.

i. Medical care for emergencies, illness, injury, or death will be provided in accordance with department policy.

j. The department will follow established policies governing violations, transfer recommendations, parole recommendations, earned time awards, and earned loss time.

k. The department will follow established policies for responding to an escape or unauthorized absence of a client from a facility, including circumstances indicating flight or criminal activity.

This rule is intended to implement Iowa Code sections 904.513, 904.909 and 910.5.

DIVISION VII
WORK RELEASE

201—40.13(904) Work release.

40.13(1) *Supervision.*

a. Persons committed to the director of the department and approved for work release by the board of parole will be supervised by a district department.

b. Residential facility intake procedures apply in accordance with 201—subrule 40.11(2) and are not restated.

c. Work release clients may be eligible to participate in day reporting in accordance with department policy WR/OWI-19. Day reporting allows selected clients an opportunity to move from a residential facility to a home setting.

40.13(2) *Facility requirements.* The provisions set forth in rule 201—40.11(904,907,908,910) apply to this rule and are not restated.

40.13(3) *Earned time.* Earned time will be awarded in accordance with department policy.

40.13(4) *Continuity of operations.* The department will maintain contingency plans to ensure proper continuation of the program in the event of emergencies, including fire, tornado, chemical spill, or work stoppage.

40.13(5) *Visitation.* Visitation will be provided in accordance with department policy. Visiting privileges may be limited to the extent necessary for security or management reasons.

40.13(6) *Transportation.* Department staff may provide transportation in order to facilitate program objectives or for security purposes.

40.13(7) *Restitution plan of payment.* Restitution plans of payment will be established in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

40.13(8) *Resident finances.* The department will maintain policies and procedures that ensure that all residents surrender their earnings to the facility in accordance with Iowa Code section 904.905. The department will provide for the proper accounting for the receipt and disbursement of resident earnings.

40.13(9) *Furloughs.* Furloughs for work release clients will be administered in accordance with department policy.

40.13(10) *Violations.* When disciplinary problems occur with residents who have been approved for work release but not yet placed, designated staff will determine whether the situation is serious enough to warrant further review by the board of parole.

a. For purposes of this subrule, designated staff means authorized persons from the district department, the deputy director, or the sending institution.

b. Work release violations may be classified as technical, minor, or major in accordance with department policy, depending on the seriousness and frequency. The classification will determine the sanction or range of sanctions to correspond with the violation(s).

c. Requests for temporary custody in a county jail or municipal holding facility may be issued by authorized staff of the department in those cases where the resident is considered dangerous, likely to flee or in serious violation of the work release program. The requests will be in accordance with Iowa Code section 904.908 and department policy.

d. Residents who are out of place of assignment are considered in serious violation of work release rules and possibly guilty of a felony under Iowa Code section 719.4. Escapes will be reported to designated authorities in accordance with department policy and critical incident policy.

40.13(11) *Reimbursement for transportation.* Transportation costs incurred due to a work release client escaping or absconding will be assessed against the work release client in accordance with rule 201—40.6(904,906).

40.13(12) *Transfers.*

a. Clients guilty of serious work release violations may be recommended for reclassification or transfer by a district department. Designated staff will determine whether the resident is to be transferred to a secure institution.

b. Transfers from one facility to another facility to a designated Iowa classification center may be allowed in special circumstances with the approval of the department.

40.13(13) *Discharge.* Under no circumstance will work release supervision extend beyond the expiration of a work releasee's sentence.

40.13(14) *Federal contracts for work release.* In order to qualify nonfederal work release clients for employment in the performance of federal contracts, under presidential Executive Order 11755, each district department will ascertain:

a. That the rate of pay and other conditions of employment will be at a similar rate and mode to others employed in like duties;

b. That employment of the work release client will not result in the displacement of other persons already employed, not be utilized where a surplus of labor exists, and not harm existing contracts; and

c. Representatives of affected unions will have been consulted.

40.13(15) *Home work release.*

a. Pursuant to Iowa Code section 904.901, home work release provides the opportunity in exceptional circumstances for qualified clients of correctional institutions to return to their homes.

b. Persons committed to the director of the department and approved for home work release by the board of parole will be supervised by a district department.

c. Home work release is additionally governed by the provisions of department policy CBC-RS-02.

This rule is intended to implement Iowa Code sections 904.901 through 904.909.

ITEM 2. Rescind and reserve **201—Chapter 41**.

ITEM 3. Rescind and reserve **201—Chapter 42**.

ITEM 4. Rescind and reserve **201—Chapter 43**.

ITEM 5. Rescind and reserve **201—Chapter 44**.

ITEM 6. Rescind and reserve **201—Chapter 45**.

ITEM 7. Rescind and reserve **201—Chapter 47**.

ARC 0613D

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

Proposing rulemaking related to jail facilities and providing an opportunity for public comment

The Department of Corrections hereby proposes to rescind Chapter 50, "Jail Facilities," Iowa Administrative Code, and to adopt a new Chapter 50 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 356.36.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 356A and sections 17A.10, 17A.12, 80B.11A, 356.36, and 356.43.

Purpose and Summary

The purpose of this proposed rulemaking is to conduct a comprehensive review of Chapter 50 in accordance with the mandates of Executive Order 10. While this chapter was reviewed through the lens of reducing redundancy, the Department has determined that the current language is neither obsolete nor unnecessary. Given the high-risk nature of jail operations and the specific compliance needs of local facilities, the existing language is essential for maintaining clear, unambiguous minimum standards. Rule language has been intentionally retained to provide a single, comprehensive operating manual for jail administrators. Reducing information in these sections or relying solely on statutory cross-references would create a fragmented regulatory landscape, increasing the risk of operational errors and safety failures at the local level. Because these rules serve as the primary benchmark for mandatory annual inspections across Iowa's 96 jail facilities, maintaining the current level of detail is necessary. Rather than broad rescission, the Department implemented targeted updates to clarify standards and improve operational safety across rules 201—50.3(356,356A), 201—50.10(356,356A), 201—50.11(356,356A), 201—50.13(356,356A), 201—50.15(356,356A), 201—50.17(356,356A), and 201—50.22(356,356A).

These specific standards are developed in consultation with stakeholders pursuant to Iowa Code section 356.36, including the Iowa State Sheriffs' and Deputies' Association (ISSDA), the Iowa Chiefs of Police Association, the Iowa State Association of Counties (ISAC), and the League of Cities, that have reached a consensus that these standards are the essential baseline for safe facility management.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 5, 2026. A public hearing was held on the following date(s):

- August 25, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 201—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Jen Rathje
Iowa Department of Corrections
Jessie Parker Building
510 East 12th Street

Des Moines, Iowa 50319
Phone: 515.802.0898
Email: jen.rathje1@iowa.gov

Public Hearing

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

October 20, 2026 9:30 to 10:30 a.m.	Via Google Meet Video at meet.google.com/ahi-ycey-mmc Or dial: (US) +1 262.674.7955 PIN: 724 733 906#
October 20, 2026 1:30 to 2:30 p.m.	Via Google Meet Video at meet.google.com/sqq-hehw-aqh Or dial: (US) +1 402.732.7226 PIN: 876 842 527#

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 201—Chapter 50 and adopt the following **new** chapter in lieu thereof:

TITLE IV
JAIL INSPECTION STANDARDS

CHAPTER 50
JAIL FACILITIES

201—50.1(356,356A) Definitions. The following are defined terms:

"Activity area" means such area, distinct from the living unit, where prisoners may congregate for programming. This area is to be under constant staff observation.

"Alternative jail facility" means a facility designated pursuant to Iowa Code chapter 356A and that is used as a halfway-house-type facility rather than a jail-type operation. These facilities shall be subject to inspection and accreditation by the state jail inspector utilizing applicable administrative rules for residential facilities pursuant to 201—Chapter 40 and other acceptable operational standards.

"Average daily population" means the average number of prisoners housed daily during any given time period.

"Barrier-free" means no walls or other obstructions impeding contact by staff within their assigned area of operation.

"Capacity" means the number of prisoner occupants that any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage and fixture requirements of the standards.

"Cell" means prisoner occupancy bedroom space with toilet and lavatory facilities.

"Cellblock" means a group of cells with an associated dayroom.

"Classification" means a system of obtaining pertinent information concerning prisoners with which to make a decision on assignment of appropriate housing, security level, and activities.

"Continuous visual observation" means uninterrupted visual contact unaided by closed circuit television (CCTV).

"Dayroom" means a common space shared by prisoners residing in a cell or group of cells; to which prisoners are admitted for activities, such as dining, bathing, or passive recreation; and that is situated immediately adjacent to prisoner sleeping areas.

"Detention area" means that portion of the facility used to confine prisoners.

"Direct supervision jail" means a style of jail construction designed to facilitate direct contact between officers and prisoners. The officer is stationed inside the housing unit. Evaluation and classification of prisoners are ongoing and continuous functions of a direct supervision jail and are based on close contact with prisoners.

"Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such an impairment, or being regarded as having such an impairment.

"DOC" means the Iowa department of corrections.

"Dormitory" means an open area for two or more prisoners with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures, such as a shower, a table, recreation equipment, or similar items.

"Emergency situation" means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

"Evaluation" means an ongoing process whereby judgments are made concerning a prisoner based upon the behavior of that prisoner.

"Existing facility" means any place in use as a jail or for which bids have been let for construction prior to September 12, 2001.

"Holding cell" means a secure room or cell where prisoners may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

"Holdover" means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Housing unit" means a detention area. This area may be a single-occupancy cell, multiple-occupancy cell, cellblock, or dormitory.

"Inspection unit" means the state jail inspection unit.

"Jail" means any place administered by the county sheriff and designed to hold prisoners for as long as lawfully required but not to exceed one year pursuant to Iowa Code chapters 356 and 356A.

"Jail administrator" means the sheriff, sheriff's designee, or the executive head of any agency operating a jail. The jail administrator shall be responsible for the operation of the facility according to these rules.

"Jailer" means any person who is involved in the booking or supervision of prisoners, who has direct contact with prisoners or who has control over the movement or release of prisoners within the jail. Jailers shall meet the requirements of rules 201—50.10(356,356A) and 201—50.11(356,356A).

"Jail inspector" means the department of corrections employee responsible for inspections of jails and enforcement of these rules by authority of Iowa Code section 356.43.

"Jail supervisor" means any person who is responsible for the routine operation of a jail during assigned duty hours. While this person does not have to be on the premises at all times, the person must be readily available for consultation.

"Juvenile" means any person under the age of 18 years.

"Living unit" means an area within a housing unit and that contains individual sleeping compartments, dayrooms, all necessary personal hygiene fixtures, and sufficient tables and seats to accommodate capacity.

"Lock down" means whenever prisoners are required to be in their individual cells or locked in same.

"Mail" means anything that is sent to or by prisoners through the United States Postal Service.

"Major remodeling" means construction that changes the architectural design of an existing jail and that increases or decreases capacity.

"Medical practitioner" means a licensed physician, licensed osteopathic physician or physician associate or a medical resource, such as a hospital or clinic.

"Mental illness" means a psychiatric illness or disease expressed primarily through abnormalities of thought, feeling, and behavior producing either distress or impaired function.

"Minister" means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

"Monitoring" means having a reasonable degree of knowledge or awareness of what activities a prisoner is engaged in during incarceration.

"Multiple-occupancy cell" means a cell designed for more than one prisoner and accessible to a dayroom.

"Nonsecure hold" means a nonsecure area within a law enforcement facility that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Person performing jail duties" means all persons directly involved in the provision of services to prisoners or the operation of a jail, except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a jailer.
2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with prisoners or routine access to areas occupied by prisoners.

"Physical jeopardy" means, due to the prisoner's physical or mental condition, the prisoner is in peril of serious physical harm.

"Pod" means a grouping of two or more housing units, usually found in large facilities, which will aid in the control of prisoners.

"Prisoner" means any individual confined in a jail.

"Residential facilities" means the facilities governed by 201—Chapter 40.

"Roving supervising officer" means an officer who provides direct supervision of prisoners by continuously moving through the housing unit, cells, and activity area of the unit.

"Segregation cell" means a single-occupancy cell equipped with tamper-resistant bunks, a toilet, and a wash basin that are of the type recommended for maximum security housing.

"Unencumbered space" is floor space that is not encumbered by furnishings or fixtures. "Unencumbered space" is determined by subtracting the floor area encumbered by furnishings and fixtures from the total floor area. (All fixtures must be in operational position for these calculations.)

"Waiver" means a waiver of a specific standard granted by the DOC in accordance with 201—Chapter 2504.

"Weapons" means any instrument, excluding restraining devices, chemical control agents and electronic control devices, with an intended use of self-defense, protection of another, or to gain or maintain compliance from an individual.

201—50.2(356,356A) General provisions.

50.2(1) *Applicability.* These rules apply to all facilities regulated by Iowa Code chapters 356 and 356A except temporary holding facilities that are covered by 201—Chapter 51.

50.2(2) *Capacity.* Established capacities as determined by these rules shall not be exceeded except in the event of an emergency and then only for such a period of time as is necessary to arrange for alternate housing or release of sufficient prisoners to bring the number of persons confined into compliance with the rated capacity.

50.2(3) *Right to inspect and visit.* The chief jail inspector or authorized representatives shall visit and inspect jails and may do so on an unannounced basis. Jail personnel and supervisors shall cooperate in inspections and shall exhibit to the inspectors, upon request, all books, records, medical records, data, documents and accounts pertaining to a jail or to the prisoners confined and shall assist inspectors to

perform the functions, powers and duties of their office. Provisions of the first paragraph of Iowa Code section 356.43 shall control to the extent of any inconsistency of the provisions of this subrule.

50.2(4) *Other standards.* Nothing contained in these standards shall be construed to prohibit local officials from adopting standards and requirements governing their employees and facilities, provided such standards and requirements exceed and do not conflict with standards mandated in this chapter. These standards shall not be construed as authority to violate any state fire safety standard, building standard, health and safety code, or any constitutional requirement. No jail shall be operated without substantially meeting these rules, absent the granting of a waiver.

50.2(5) *Equal opportunity.* Facilities, programs, and services shall be available on an equitable basis to both males and females even though each standard does not specify that it applies to both males and females.

50.2(6) *Nondiscriminatory treatment.* Each jail administrator shall ensure that staff and prisoners are not subject to discriminatory treatment based upon race, religion, nationality, disability, sex or age absent compelling reason for said discriminatory treatment. Discrimination on the basis of a disability is prohibited in the provision of services, programs, and activities.

201—50.3(356,356A) Inspection and compliance. The chief jail inspector or authorized representatives shall visit and inspect each jail within this state at least annually to determine the degree of compliance with these standards and within 45 days of each inspection shall report the results to the sheriff and the governing body responsible for the facility.

50.3(1) *Notice of noncompliance with minimum standards.* Whenever the jail inspector or designee makes the determination that a jail or other holding facility is not in compliance with established minimum state jail standards, the chief administrator of the affected governmental facility shall be notified by letter posted or personal delivery of the noncompliance status. The notice shall specify:

a. The statute(s) and any rules alleged to have been violated.

b. The deficiencies cited.

c. The time period allowed for the submission of an acceptable plan of compliance within the appropriate time limitation.

d. The right to request a hearing pursuant to rule 201—2506.34(17A,356).

50.3(2) *Enforcement of minimum standards; remedial orders.* Upon receipt of a notice of noncompliance pursuant to subrule 50.3(1), the responsible authorities shall initiate appropriate corrective measures within the time prescribed by the jail inspection unit in its notice (which shall not exceed 90 days) and shall complete the corrections within a reasonable time as prescribed by the notice of noncompliance. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that will bring the facility into compliance within a reasonable time. If the responsible officials receiving a notice of noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the jail inspection unit may order the jail in question or any portion thereof closed, that further confinement of prisoners or classifications of prisoners in the noncomplying jail or any portion thereof be prohibited, or that all or any number of prisoners then confined be transferred to and maintained in another jail or detention facility, or any combination of remedies as set forth in subrule 50.3(1). This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506 concerning contested cases. The matter shall then proceed in accordance with 7—Chapter 2506. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that would bring the facility into compliance within a reasonable time. The remedial order shall be in writing and shall specifically identify each minimum standard with which the jail has failed to comply. Such remedial order shall become final and effective 30 days after receipt thereof.

50.3(3) *Precedent.* Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination or adjudication by the jail inspection unit, the nature of the action taken with regard to any matter or the disposition of any matter pending before the jail inspection unit is not necessarily of meaningful precedential value, and the department shall not be bound by the precedent of any previous action, determination, or adjudication in the

subsequent disposition of any matter pending before it. The director or the respondent may request that an informal conference be held to determine whether the noncompliance matter can be resolved in a just manner in furtherance of the public interest. Neither the director nor respondent is required to use this informal procedure. If the director and respondent agree to negotiate a settlement, the various points of the settlement, including a stipulated statement of facts, shall be set forth in writing and shall be binding on both parties.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.

201—50.4(356,356A) Physical plant—general.

50.4(1) *Building to meet existing codes.* All facilities are required to be structurally sound and to meet existing building code and health code requirements.

50.4(2) *Professional inspections.*

a. The state jail inspector may require for good reason that an agency operating a jail cause it to be examined by an architect, engineer, licensed electrician, health inspector, plumber, heating and air-conditioning specialist, food establishment inspector, state fire marshal or fire inspector or any other person with expertise who may be of assistance to the state jail inspector in making an informed decision relative to the jail operation or structure. Inspection by a municipal inspector qualified in these areas may be permitted.

b. Any facility determined to be deficient following inspection may be ordered closed by the jail inspector, or specific conditions limiting its operation may be imposed in lieu of closing. An order of closure shall contain the following:

(1) Statute(s) and rule(s) violated.

(2) A brief description of the deficiencies.

(3) The effective date of the order.

(4) An explanation of remedies required before reopening.

An order of closure shall adhere to subrules 50.3(1) and 50.3(2). This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506 concerning contested cases. The matter shall then proceed in accordance with 7—Chapter 2506.

c. In the event that any agency fails to cooperate in an inspection, the jail inspector may arrange for an inspection and the agency operating the facility shall be financially responsible for any expense involved.

50.4(3) *Heating and ventilation.* All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for prisoners and staff. Fans and an adequate supply of cold liquids will be made available and utilized when indoor temperatures exceed 85 degrees Fahrenheit.

50.4(4) *Cells.* Maximum security cells shall be equipped with tamper-resistant bunks, secured table(s) and seat(s), plus a toilet and washbasin recommended for jail or prison use. Cells shall have an adequate supply of both hot and cold water; mixing valves may be used. Housing areas of less secure design need not contain tamper-resistant fixtures.

50.4(5) *Lighting.* Lighting shall be a minimum of 20 candlepower at the table top for the purposes of reading and writing. Living areas shall be devoid of dark areas. Hallways, entrances and exits shall be sufficiently lit to observe a person entering or exiting. Light controls shall be out of the control of prisoners. Housing areas may be variably illuminated to allow sleep, but continuous observation of prisoners must be possible. All exits shall be equipped with independent emergency lighting sources.

50.4(6) *Screens.* If windows are opened for ventilation, screens shall be installed and maintained in good repair.

50.4(7) *Electrical.* Drop cords shall not be used as permanent wiring. Electrical service shall meet the requirements of the governmental body permitted by statute to adopt standards for electrical service. Appliances shall plug directly into a fixed receptacle. Emergency generator power shall be available. Emergency generator power shall be tested at regular intervals not less than monthly. A record of test dates shall be maintained.

50.4(8) *Storage.*

a. Storage of any type in primary detention areas is not permitted except for supplies necessary for the operation of the jail.

b. Adequate storage space for prisoners' personal clothing and property shall be provided. Space provided shall be secure, and the prisoner's name or identification number shall be affixed to the storage space. Property shall be inventoried and accounted for as provided in Iowa Code section 804.19.

c. Janitorial supplies shall be stored in a manner to prevent unauthorized prisoner access. Janitorial supplies and equipment shall not be stored in prisoner living areas.

d. Areas used for storage of chemicals, paints, and cleaning supplies shall not be accessible to prisoners and such products shall be stored away from the primary detention area. Such storage shall not be in boiler or furnace rooms.

50.4(9) *Mirrors.* Mirrors within detention areas shall be of tamper-resistant construction and securely fixed in place.

50.4(10) *Firearms lockers.* A place inaccessible to prisoners shall be provided where officers entering the security area can store firearms.

50.4(11) *Noise level.* Prisoner noise inside the jail shall be controlled to ensure an orderly and secure jail operation. Jail policy shall include a rule pertaining to noise level. Prisoners must be advised of the rule.

201—50.5(356,356A) Physical requirements for existing facilities. This rule shall apply to all jails in existence prior to June 30, 1984. In cases where an existing jail undergoes major remodeling after September 12, 2001, rules 201—50.6(356,356A) and 201—50.7(356,356A) shall apply to the area being upgraded.

50.5(1) Each single-occupancy cell for prisoners in normal status shall have a minimum floor area of 40 square feet provided that the prisoner is not required to spend more than 16 hours during any 24-hour period in the cell.

50.5(2) Each single-occupancy cell must provide 50 square feet of floor space for prisoners held more than 16 hours during any 24-hour period.

50.5(3) Multiple-occupancy cells shall provide 40 square feet of floor space for the first prisoner and an additional 20 square feet for each additional prisoner provided that no prisoner is required to spend more than 16 hours in the cell during any 24-hour period.

50.5(4) Prisoners held in multiple-occupancy cells for more than 16 hours during any 24-hour period shall have a minimum of 50 square feet of floor space for the first prisoner and 30 additional square feet of floor space for each additional prisoner.

50.5(5) Except in emergency situations, no multiple-occupancy cell shall house more prisoners than the rated capacity.

50.5(6) Dormitory units shall have a minimum of 60 square feet of floor space per prisoner.

50.5(7) Each single-occupancy cell, multiple-occupancy cell and dormitory unit shall provide the following:

a. A minimum of 7 feet from floor to ceiling height.

b. A bunk of adequate size for normal-sized adults.

c. Access to a functional toilet.

d. Access to a lavatory that furnishes both hot and cold water; mixing valves may be used.

e. Sufficient tables and seats to accommodate the rated capacity of the unit. The tables and seats may be located in the cells or in an adjacent dayroom.

f. A functionally operating shower that furnishes both hot and cold water; mixing valves may be used. This shower may be either in the housing unit itself or in an adjacent area.

50.5(8) Each dayroom shall have a minimum floor area of 30 square feet. There shall be an additional 15 square feet for each prisoner beyond one.

201—50.6(356,356A) Physical requirements for new and remodeled facilities—after June 30, 1984. This rule shall apply to jails that are of new construction and to all major remodeling after June 30, 1984. For jails that are of new construction and for all major remodeling after September 12, 2001, rule

201—50.7(356,356A) shall apply. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

50.6(1) New housing units may be single-occupancy cells, multiple-occupancy cells or dormitory units. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 70 square feet of floor space for the first prisoner and an additional 50 square feet of floor space for each additional prisoner. Dormitory units shall provide a minimum of 60 square feet per prisoner.

50.6(2) All housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each prisoner.

c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.

d. A dayroom that provides a minimum floor area of 30 square feet for the first prisoner and an additional 15 square feet for each prisoner beyond one (dormitories excluded).

e. A functionally operating shower that produces both hot and cold water.

f. A lavatory that furnishes both hot and cold water for each group of nine prisoners or portion thereof.

g. A functional toilet for each group of nine prisoners or portion thereof.

50.6(3) Each maximum security cell shall have a security-type toilet/lavatory combination fixture that provides adequate hot and cold running water. These cells may rely on common toilet facilities located outside the detention room provided that the prisoner is never involuntarily locked in the room and denied access to the toilet facilities.

50.6(4) Holding cells shall provide a minimum of 20 square feet per prisoner with a total capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time, not to exceed 24 hours, except in cases of emergency, while awaiting booking, processing, transfer, court appearance or discharge. Detainees will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

50.6(5) The facility shall be designed to admit natural lighting and to give access to outside viewing by prisoners where practical.

50.6(6) The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

50.6(7) Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

50.6(8) All hinged doors serving as required exits shall swing with exit traffic.

201—50.7(356,356A) Physical requirements for new and remodeled facilities—after September 12, 2001. This rule shall apply to jails that are of new construction and all major remodeling or reconstruction after September 12, 2001. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

50.7(1) New housing units may be single-occupancy cells, multiple-occupancy cells or dormitory units. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 35 square feet of unencumbered floor space for each prisoner. Dormitory units shall provide a minimum of 60 square feet per prisoner.

50.7(2) All housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each prisoner.

c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.

d. A dayroom that provides a minimum floor area of 30 square feet for the first prisoner and an additional 15 square feet for each prisoner beyond one (dormitories excluded).

e. A functionally operating shower that produces both hot and cold water for each group of 12 prisoners.

f. A lavatory that furnishes both hot and cold water for each group of nine prisoners or portion thereof.

g. A functional toilet for each group of nine prisoners or portion thereof.

50.7(3) Each maximum security cell shall have a security-type toilet/lavatory-combination fixture that provides adequate hot and cold running water. These cells may rely on common toilet facilities located outside the detention room provided that the prisoner is never involuntarily locked in the room and denied access to the toilet facilities.

50.7(4) Holding cells shall provide a minimum of 20 square feet per prisoner with a total capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time, not to exceed 24 hours, except in cases of emergency, while awaiting booking, processing, transfer, court appearance or discharge. Detainees will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

50.7(5) Exercise areas shall be 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time in accordance with paragraph 50.18(1)*"c."*

50.7(6) The facility shall be designed to admit natural light and to give access to outside viewing by prisoners where practical.

50.7(7) The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

50.7(8) Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

50.7(9) All hinged doors serving as required exits shall swing with exit traffic.

201—50.8(356,356A) Physical requirements for new and remodeled facilities—after December 28, 2005. This rule shall apply to all jails that are of new construction and to all major remodeling or reconstruction after December 28, 2005.

50.8(1) Cells and dormitory units.

a. Single-occupancy cells shall provide a minimum of 35 square feet of unencumbered floor space. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 70 square feet of total floor space.

b. Multiple-occupancy cells shall provide a minimum of 25 square feet of unencumbered floor space for each prisoner. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 35 square feet of unencumbered floor space for each occupant.

c. Dormitory units shall provide a minimum of 60 square feet of floor space for each prisoner, exclusive of lavatories, showers, and toilets.

50.8(2) All housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each prisoner and at least 12 inches off the floor.

c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.

d. A dayroom that provides a minimum floor area of 35 square feet of space per prisoner (exclusive of lavatories, showers and toilets) for the maximum number of prisoners who use the dayroom at one time. No dayroom shall encompass less than 100 square feet of space (exclusive

of lavatories, showers and toilets). Dayrooms shall provide sufficient seating and writing surfaces (dormitories excluded).

e. A functionally operating shower that produces both hot and cold water for each group of 12 prisoners.

f. A lavatory that furnishes both hot and cold water for each group of nine prisoners or portion thereof.

g. A functional toilet/stool for each group of nine prisoners or portion thereof. Urinals may be substituted for up to one-third of the toilets in housing units for male prisoners.

50.8(3) Each maximum-security cell shall have a security-type toilet/lavatory-combination fixture that provides adequate hot and cold running water.

50.8(4) Holding cells/special-needs cells.

a. Holding cells shall provide a minimum of 20 square feet per prisoner with a maximum capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time not to exceed 24 hours, except in cases of emergency, while the persons are awaiting booking, processing, transfer, court appearance or discharge. Prisoners will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

b. Special-needs cells. A jail may contain one or more single-occupancy cells, designated as special-needs cells, in which to temporarily contain violent persons. The cell shall have not less than 40 square feet of floor space and a ceiling height of not less than 7 feet. The cell shall be constructed to minimize self-injury. Toilet facilities may be controlled from outside the cell and may be in the floor. Water need not be available in the cells, but water shall be accessible from staff upon request.

50.8(5) Exercise areas.

a. This paragraph shall apply to all jails constructed on or before July 1, 2008. Exercise areas may be indoor or outdoor exercise areas and shall contain 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time but not less than 500 square feet of unencumbered space. Segregation units may have individual exercise areas containing a minimum of 180 square feet of unencumbered space. Exercise areas shall provide opportunity for adequate exercise in accordance with paragraph 50.18(1)*"c."* Exercise areas shall not be the same as dayrooms.

b. This paragraph shall apply to all jails that are of new construction and to all major remodeling or reconstruction after July 1, 2008. Exercise areas may be indoor or outdoor exercise areas and shall contain 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time but not less than 500 square feet of unencumbered space. Segregation units may have individual exercise areas containing a minimum of 180 square feet of unencumbered space. Exercise areas shall have a minimum ceiling height of 18 feet. Exercise areas shall provide opportunity for adequate exercise in accordance with paragraph 50.18(1)*"c."* Exercise areas shall not be the same as dayrooms.

50.8(6) The facility shall be designed to admit natural light and to give access to outside viewing by prisoners where practical.

50.8(7) The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

50.8(8) Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

50.8(9) All hinged doors serving as required exits shall swing with exit traffic.

201—50.9(356,356A) Fire safety and emergency evacuation.

50.9(1) *Approval of building plans.* All new construction or major remodeling plans shall be approved by the state fire marshal prior to commencement of construction.

50.9(2) *Compliance with state fire marshal rules.* No jail shall be occupied by a prisoner unless the state fire marshal or qualified local fire prevention authority has issued a certificate of inspection

within the last 18 calendar months documenting that the jail complies with the fire safety standards for jails included in administrative rules promulgated by the state fire marshal. Jails may be inspected by the state fire marshal, or by personnel of local fire departments deemed by the state fire marshal qualified to conduct inspections, on a schedule determined by the state fire marshal. The state jail inspection unit of the department of corrections, a jail administrator, or the chief executive of an agency that administers a jail may request that the state fire marshal inspect a jail for compliance with fire safety standards. If the state fire marshal finds that a jail is not in substantial compliance with fire safety standards based on such an inspection, the state fire marshal may require the jail administrator to submit to the state fire marshal a plan of correction of violations of these standards. The director of the DOC may initiate proceedings to close the jail if the jail does not comply with the plan of correction.

50.9(3) *Evacuation plan.* The administrator of each jail shall prepare a written plan for emergency evacuation of the facility in the event of fire or other disaster. This plan shall include security arrangements and one or more alternate housing arrangements for displaced prisoners. All personnel employed in the facility shall be thoroughly familiar with this plan, and relevant portions thereof shall be conspicuously posted. Evacuation drills shall be practiced or simulated by all staff on at least an annual basis, and a record thereof shall be maintained according to subrule 50.22(10).

50.9(4) *Release of prisoners.*

a. There shall be a reasonable expectation of the prompt removal of prisoners in the event of a life-threatening situation. Keys for all locks necessary for emergency exit shall be readily accessible and clearly identifiable with cell and door locks.

b. There shall be at least one full set of jail keys, other than those regularly used, stored in a safe place accessible only to appropriate persons, for use in the event of an emergency.

50.9(5) *Fire extinguishers.* All jails shall be equipped with fire extinguishing equipment approved and located in accordance with standards established by the state fire marshal by administrative rule. Fire extinguishers shall be tested at least annually to ensure they remain in operative condition. A record of such checks shall be maintained.

50.9(6) *Emergency lighting.* All exits shall be equipped with independent emergency lighting sources. All corridors and passage aisles shall be illuminated by independent emergency lighting sources. Lighting shall be arranged to ensure no area will be left in darkness.

50.9(7) *Required exits.* Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each prisoner to at least two separate and distinct exits from each floor. Passage aisles or corridors shall be kept clear. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are readily available. Elevators shall not be counted as required exits.

50.9(8) *Fire alarms.* A means of fire detection utilizing equipment of a type meeting requirements established by the state fire marshal shall be installed and maintained. These alarms shall be ceiling-mounted if possible and shall be located and protected from prisoner access. The detection equipment shall be battery-operated or constructed as to continue operating during a power failure. Battery-operated systems shall be tested monthly. Electronic systems shall be tested at least annually. A record of test dates and results shall be maintained according to subrule 50.22(10).

50.9(9) *Heating appliances.* Heating appliances and water heaters shall not be located along the path of required exits.

50.9(10) *Hinged doors.* All hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, shall swing with exit traffic.

50.9(11) *Mattresses.* Only fire-resistant mattresses of a type that will not sustain a flame and certified by an independent testing laboratory and that meet the standards established by the state fire marshal shall be used in jails. Mattresses that are ripped, are excessively cracked or contain large holes shall be replaced. Pillows shall be replaced when torn or excessively cracked.

50.9(12) *Sprinkler heads.* If installed, sprinkler heads accessible to prisoners not under direct supervision must be of the weight-sensitive type, be protected with a sleeve that would hamper the tying of material on the sprinkler head, or be recessed into the wall or ceiling.

201—50.10(356,356A) Minimum standards for jail personnel.

50.10(1) *Minimum hiring standards.* Applicants must meet the following minimum standards before serving as a jail administrator, jailer, or temporary holding facility personnel:

a. Be 18 years of age or older.

b. Be able to read and write in English.

c. Be of good moral character as determined by a thorough background investigation, including a fingerprint search conducted of local, state and national fingerprint files.

d. Be not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill the person's duties.

e. Have the ability to perform the essential elements of the position as defined in department job specifications.

f. Be an appropriate candidate for employment as determined by the hiring authority's review of a qualified psychological screening.

50.10(2) *Minimum retention standards.* An employee who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for jail employment, or who has repeatedly failed to observe these rules will not be retained.

50.10(3) *Conflict of interest.* A person working in a jail will not transact any business with a prisoner nor arrange any business transaction with a prisoner through another party. The jail will have a written code of ethics that the jail provides to all employees. At a minimum, the code will:

a. Prohibit staff from using their official positions to secure privileges for themselves or others.

b. Prohibit staff from engaging in activities that constitute a conflict of interest.

201—50.11(356,356A) Training for jail personnel.

50.11(1) *Initial orientation.* Except in an emergency situation, all persons performing jail duties and dispatchers subject to performing jail duties within the confines of the jail shall meet the following requirements, and the provision of this information and training shall be documented:

a. The individual shall be fully knowledgeable of the administrative rules referring to jail standards.

b. The individual shall be fully knowledgeable of jail rules, written policies and procedures as adopted by the jail administrator.

c. The individual shall have been given specific orientation with respect to a prisoner's rights during confinement and procedures adopted to ensure those rights.

d. If the individual is to have access to a firearm at any time, the individual shall hold a valid permit to carry weapons issued under the authority of Iowa Code chapter 724. The individual shall be professionally trained and qualified in the use of any firearm, electric restraint control device, and chemical control agents prior to use in connection with the individual's duties at the jail.

e. The jail administrator shall, by either written or electronic means, record the acknowledgement of all jailers and jail supervisors attesting that they have full knowledge of the administrative rules referring to jail standards and the written policies and procedures governing the jail's operation.

f. The individual shall have been instructed in the use of required firefighting equipment and the fire and emergency evacuation plan.

g. All staff who administer medication shall be trained in accordance with the Iowa State Sheriffs and Deputies Association medication training program or other recognized medication administration course.

50.11(2) *Training documented.* All jailers and jail administrators shall meet and document the completion of all training requirements as specified by the Iowa law enforcement academy training standards as found in 501—Chapter 9. The jail administrator shall, by either written or electronic means, record the acknowledgment of all persons attending the training.

50.11(3) *First aid.* At least one staff member on duty at the facility shall be currently trained in first aid (or the equivalent) and CPR.

This rule is intended to implement Iowa Code section 80B.11A.

201—50.12(356,356A) Standard operating procedures manual. Pursuant to the authority of Iowa Code sections 356.5 and 356.36, each jail shall establish and the jail administrator shall ensure compliance with a standard operating procedures manual to include the following administrative rules: subrules 50.2(5), 50.2(6), 50.4(11), 50.9(3), 50.9(4), 50.10(1) through 50.10(3), and 50.11(1) and rules 201—50.13(356,356A) through 201—50.22(356,356A) as noted. The following standards do not require written policy: subparagraph 50.13(2)*"c"*(3) and subrules 50.15(4), 50.16(4), and 50.16(8).

201—50.13(356,356A) Admission/classification and security.

50.13(1) *Admission and classification.*

a. No person shall be confined or released from confinement without appropriate process or order of court.

b. With the exception of incidental contact under staff supervision, the following classes of prisoners shall be kept separate by architectural design barring conversational and visual contact from each other:

(1) Juveniles and adults (pursuant to Iowa Code section 356.3).

(2) Females from males (exception—alternative jail facilities) (pursuant to Iowa Code section 356.4).

c. The following shall be kept separate whenever possible:

(1) Felons from misdemeanants.

(2) Pretrial prisoners from sentenced prisoners.

(3) Witnesses from prisoners charged with crimes.

d. The following shall be kept physically separated:

(1) Prisoners of whom violence is reasonably anticipated.

(2) Prisoners who are a health risk to others.

(3) Prisoners of whom sexually deviant behavior is reasonably anticipated.

(4) Prisoners likely to be exploited or victimized by others.

e. Detention of juveniles shall be pursuant to Iowa Code section 232.22.

f. All staff involved in the booking process or the supervision of prisoners shall be trained in suicide prevention. At the time of booking, an attempt shall be made (either by observation for marks or scars or direct questioning of the prisoner) to determine if the prisoner is suicidal.

(1) The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation to aid in suicide prevention:

1. Does the prisoner show signs of depression?
2. Does the prisoner appear overly anxious, afraid, or angry?
3. Does the prisoner appear unusually embarrassed or ashamed?
4. Is the prisoner acting or talking in a strange manner?
5. Does the prisoner appear to be under the influence of alcohol or drugs?
6. Does the prisoner have any scars or marks that indicate a previous suicide attempt?

(2) In all cases, the following questions will be asked of the prisoner:

1. Have you ever tried to hurt yourself?
2. Have you ever attempted to kill yourself?
3. Are you thinking about hurting yourself?

g. Housing for prisoners with disabilities shall be designed for their use, or reasonable accommodations shall be provided for the prisoners' safety and security.

h. Jail personnel shall ask each prisoner within 24 hours of the prisoner's incarceration if the prisoner is a military veteran. If so, jail personnel shall advise the prisoner that the prisoner may be entitled to a visit from a veteran service officer to determine if veteran services are required or available and, within 72 hours, shall provide the prisoner with contact information for the county commission of

veteran affairs and provide the prisoner the opportunity to contact the county commission of veteran affairs to schedule a visit from a veteran service officer.

50.13(2) *Security and control.* The jail administrator shall develop and implement written policies and procedures for the jail that provide for the control of prisoners and for the safety of the public and the jail staff. The policy and procedures shall include all of the following.

a. Supervision of prisoners.

(1) Twenty-four-hour supervision of all prisoners shall be provided pursuant to Iowa Code section 356.5(6).

(2) When staff is not within the confinement area of the jail, a staff person shall be in a position to hear prisoners in a life-threatening or emergency situation; or a calling device to summon help will be provided. By policy and practice there shall be a means of ensuring that appropriate personnel will be available on a 24-hour basis to respond to an emergency, including but not limited to fire, assaults, suicide attempts, serious illness, and to preserve order, within a reasonable time period.

(3) At least hourly, personal observation of individual prisoners shall be made and documented. Prisoners considered to be in physical jeopardy because of physical or mental condition, including apparently intoxicated persons, as indicated by the medical history intake process and by personal observation, shall be checked personally at least every 30 minutes until the condition is alleviated. A CCTV-audio monitoring system may supplement but shall not replace personal observations. In order to use a CCTV-audio monitoring system, the following requirements must be met: CCTV and audio must be operational at all times. Visual and audio must be clear and distinct. Observation of shower and restroom activities shall be at the discretion of the jail administrator.

(4) No employee or visitor of one sex shall enter a housing unit occupied by the other sex unless advance notice has been provided except in case of an emergency (does not apply to alternative jail facilities). Advance notice may be provided with respect to but not limited to inmate orientation, inmate handbook, broadcast via inmate notification system, booking notification system, posted notification, or verbal announcement prior to entering the housing unit.

(5) When females are housed in the jail, at least one female staff member shall be on duty in the jail at all times, in accordance with Iowa Code section 356.5(6) (does not apply to alternative jail facilities).

(6) All juveniles arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention. The activities of juveniles arrested for crimes other than the above shall be monitored at all times, and the juvenile shall be observed by means of personal supervisory checks at no more than 30-minute intervals.

b. Weapons. Except in an emergency situation, no weapons shall be allowed in an area occupied by prisoners.

c. Searches.

(1) All prisoners and property entering or leaving the jail shall be thoroughly searched; searches of persons charged with a simple misdemeanor shall follow provisions of Iowa Code section 804.30. The prisoner's name or identification number shall be affixed to the property or storage space. Receipts shall be made for property taken from prisoners at the time of admission and returned to prisoners at the time of release.

(2) All persons entering a jail may be searched for contraband. Persons may be denied admission if they refuse to consent to a required search.

(3) A search notice shall be posted in a conspicuous place (no policy required).

(4) Prisoner rules shall contain a clear definition of each item permitted in the jail. All other items shall be considered contraband.

(5) Random, unannounced, and irregular searches of areas accessible to prisoners shall be conducted for contraband and weapons.

d. Key control. Jail keys shall be stored in a secure area when not in use. There shall be at least one full set of jail keys, separate from those in use, stored in a safe place accessible only to designated jail personnel for use in the event of an emergency. The jail administrator will identify those persons who may have access to keys.

e. Facility security.

(1) All areas of the jail shall be inspected regularly and frequently and kept clear of large posters, pictures and articles of clothing that obstruct the view of prisoners by jail staff.

(2) All jail locks, doors, bars, windows, screens, grilles and fencing shall be inspected on at least a monthly basis. Any damaged or nonfunctioning equipment or fixtures shall be reported to the jail administrator in writing. The jail administrator shall ensure prompt repair of any damaged or nonfunctioning equipment or fixture.

(3) The jail administrator shall develop written policy and procedures for the movement and transportation of prisoners outside the secure area of the jail. The policy shall require procedures that will ensure the safety of the jail staff and the public and prevent prisoner escape. The policy shall provide procedures for movement of prisoners for medical treatment and to and from the courts and other facilities. The classification and security risk of the prisoner to be moved will determine the number of staff required and the type of restraints to be used, if any.

(4) The jail administrator shall have written plans for situations that threaten facility security. Such situations include but are not limited to bomb threats, riots, hunger strikes, disturbances, hostage situations, escape attempts, medical emergencies, natural disasters and staff work stoppage. The plans shall be made available to all applicable personnel and reviewed by jail staff at least annually and updated as needed.

f. Restraint devices. The jail administrator shall have a written policy on restraint devices. Restraint devices shall not be applied as punishment. Restraint devices shall be used only when a prisoner is a threat to self or others or jeopardizes jail security. There shall be defined circumstances under which supervisory approval is needed prior to application of restraints. Restraint devices shall not be applied for more time than is necessary to alleviate the condition requiring the use of the restraint device. While restrained, prisoners shall be either clothed or covered in a manner that maximizes prisoner privacy. Four/five-point restraints shall be used only when other types of restraints have proven ineffective. If prisoners are restrained in a four/five-point position, the following minimum procedures shall be followed:

(1) Observation by staff shall be continuous. (A CCTV system may be used.)

(2) Personal visual (non-CCTV) observation of the prisoner and the restraint device application shall be made at least every 15 minutes.

(3) Restraint guidelines shall include consideration of an individual's physical and health condition, such as body weight.

(4) All decisions and actions shall be documented.

201—50.14(356,356A) Cleanliness and hygiene.

50.14(1) *Housekeeping.*

a. The jail shall be kept clean and sanitary. Toilets, wash basins, showers and other equipment throughout the facility shall be maintained in good working order. Walls, floors and ceilings shall be well maintained.

(1) Unless cleaning is done by staff, necessary cleaning equipment shall be provided to prisoners. Cleaning equipment shall be removed from the cell and dayroom areas when cleaning is completed.

(2) The jail shall be maintained in a pest-free condition. Persons spraying chemicals shall be certified by the Iowa department of agriculture and land stewardship. Prisoners and staff shall not be directly exposed to the chemicals being used.

b. The jail shall have a sharps disposal container for razors and needles. The facility shall be equipped to handle disposal of contaminated or hazardous waste according to universal health precautions.

50.14(2) *Clothing, bedding, and hygiene items.* Prisoners held in excess of 24 hours shall be provided sanitary bedding and linens sufficient to ensure comfort under existing temperature conditions. These items may be withheld by the jail administrator if deemed necessary pursuant to subrule 50.21(5). A standard issue shall include:

a. Toilet articles necessary for daily personal hygiene.

b. Institutional clothing may be issued.

c. If, upon admission to a jail with an average daily population exceeding ten persons, it is determined that the prisoner will be held longer than 24 hours, facility-provided clothing shall be issued.

d. The laundry means and schedule shall be adequate to meet the daily needs of the prisoners. Prisoners shall receive clean linens and clothing no less than weekly.

50.14(3) *Personal hygiene.*

a. For sanitation and health reasons, prisoners shall be required to keep themselves clean at all times.

b. Unless medically exempted, all prisoners to be held over 24 hours shall be required to shower or bathe.

c. Prisoners may be required to shave or cut their hair only for sanitation.

d. Jail personnel shall establish procedures for prisoner hair care.

e. The sharing of instruments that are subject to blood contamination, such as nonelectric razors and toothbrushes, is prohibited. Electric razors properly sterilized under medically approved conditions may be shared.

201—50.15(356,356A) Medical services. The jail administrator shall establish a written policy and procedure to ensure that prisoners have the opportunity to receive necessary medical attention for the prisoners' objectively serious medical and dental needs that are known to the jail staff. A serious medical need is one that has been diagnosed by a physician or physician associate as requiring treatment or is one that is so obvious that even a lay person would easily recognize the necessity for a physician's or physician associate's attention. The plan shall include a procedure for emergency care. Responsibility for the costs of medical services and products remains that of the prisoner as allowed by Iowa Code section 356.7. However, no prisoner will be denied necessary medical services, dental service, medicine or prostheses because of a lack of ability to pay. Medical and dental prostheses shall be provided only for the serious medical needs of the prisoner as determined by a licensed health care professional. Cosmetic or elective procedures need not be provided.

50.15(1) *Medical resources.* Each jail shall have a designated medical practitioner, which may include a hospital or clinic staffed by licensed physicians, licensed osteopathic physicians or physician associates, designated for the medical supervision, care and treatment of prisoners as deemed necessary and appropriate. Medical practitioners shall be available on a 24-hour basis.

50.15(2) *Trained staff.*

a. All staff who administer medication shall be trained in accordance with the Iowa State Sheriffs and Deputies Association medication training program or other recognized medication administration course.

b. At least one staff member on duty at the jail shall be currently trained in first aid (or the equivalent) and CPR.

50.15(3) *Prisoner involvement.* No prisoner shall be involved in any phase of delivery of medical services.

50.15(4) *First-aid kits.* A first-aid kit approved by qualified medical personnel shall be available to staff (no policy required).

50.15(5) *Chemical control agents.* A prisoner affected by a chemical control agent shall be offered a medical examination and appropriate treatment as soon as reasonable.

50.15(6) *Screening upon admission.*

a. Any person who is obviously injured, ill or unconscious shall be examined by qualified medical personnel before being admitted to a jail.

b. Prisoners suspected of having a contagious or communicable disease shall be separated from other prisoners until examined by qualified medical personnel.

c. As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the jail. The intake procedure shall include screening for potential self-injury or potential suicide. Jail staff with actual knowledge that there is a substantial risk that a prisoner intends to commit suicide shall take reasonable measures to abate that risk. The jail shall have a written suicide

prevention plan. Essential elements of the plan shall include annual training to recognize the potential for suicide, communication between staff, appropriate housing and intervention procedures.

d. During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person's self or others, shall be admitted to the jail only after the arresting officer/agency has demonstrated a reasonable effort to comply with the emergency hospitalization procedure, as provided in Iowa Code section 229.22. The jail shall have a written plan to provide prisoners access to services for the detection, diagnosis and treatment of mental illness. The plan shall include a mental health screening process at admission.

e. Prisoners shall be provided with information on how they can obtain necessary medical attention, and the agency's policy and procedure shall also reflect this.

50.15(7) *Medication procedures.*

a. Written policies and procedures pertaining to providing medication shall be established.

b. All prescription medicine shall be securely stored and inventory control practiced. Inventory control shall include documentation of all medication coming into the jail and the amount of medication returned or destroyed when a prisoner is released.

c. A written procedure for recording the taking or administering of all medications shall be established.

Prescription medication, as ordered by a medical practitioner or licensed dentist, shall be provided in accordance with the directions of the prescribing medical practitioner or dentist. Prisoners with medication from a personal medical practitioner or dentist may be evaluated by a medical practitioner or dentist selected by the jail administrator to determine if the present medication is appropriate.

50.15(8) *Medical records.* A separate medical record shall be maintained for each prisoner receiving medical care. The record shall include the illness being treated, medication administered, special diets required, medical isolations and the name of the attending health professional or institution. The record may be kept in the prisoner's file jacket but must be labeled confidential.

50.15(9) *Medication storage.*

a. Prisoners' medications shall be stored at the proper temperature, as defined by the following terms:

(1) Room temperature: temperature maintained between 15 degrees centigrade (59 degrees Fahrenheit) and 30 degrees centigrade (85 degrees Fahrenheit).

(2) Cool: temperature between 8 degrees centigrade (46 degrees Fahrenheit) and 15 degrees centigrade (59 degrees Fahrenheit).

(3) Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit).

(4) All medication required to be "cool" or "refrigerated" shall be stored in a separate refrigerator or in a separate locked container within a refrigerator that is used for other purposes.

b. Any medications bearing an expiration date must not be administered beyond the expiration date.

c. Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending medical practitioner, shall be destroyed by the jail administrator or designee in the presence of a witness. A record of drug destruction shall be made in each prisoner's medical record. The record shall include the name, the strength and the quantity of the drug destroyed, and the record shall be signed by the jail administrator or designee and by the witness.

d. Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to 481—Chapter 552.

e. Jails utilizing unit dose packaging shall have written policies and procedures providing for the return of drugs so packed to the issuing pharmacy. Policy shall include proper recordkeeping of disposal.

201—50.16(356,356A) General food service requirements.

50.16(1) *Prisoner being held.* If a prisoner is held over a meal period, a meal of adequate nutrition shall be provided.

50.16(2) *Daily meals.* The three meals provided for each 24-hour duration shall be served at reasonable and proper intervals; at least one meal shall be a hot meal. Food must be served at the proper temperature; hot foods shall be reasonably hot and cold foods reasonably cold.

50.16(3) *Time of serving.* Meals shall be served at approximately the same time every day.

50.16(4) *Documentation.* The facility shall document that its food service meets or exceeds nationally recommended minimum dietary allowances for basic nutrition for appropriate age groups. Dietary guidelines meeting the above requirements shall be certified by a qualified nutritionist or dietitian (no policy required).

50.16(5) *Medical diets.* Special diets as prescribed by a medical practitioner shall be followed and documented. The medical practitioner who prescribes the special diet shall specify a date on which the diet will be reviewed for renewal or discontinuation. Unless specified by the prescribing medical practitioner, a certified dietitian shall develop the menu.

50.16(6) *Religious requests.* When a special diet is requested by a prisoner as part of the prisoner's religious beliefs, the facility shall meet that need, unless the facility can demonstrate that its refusal does not impose a substantial burden on the exercise of the prisoner's religion or that its refusal furthers some compelling interest and is the least restrictive means of furthering that interest.

50.16(7) *Punishment.* Deviation from normal feeding procedures shall not be used as punishment.

50.16(8) *Inspection of facilities of outside food service providers.* If food service is provided by outside sources, only a facility with a food establishment license or those required to undergo inspection by other statutes shall be utilized to provide these services. The transfer of food shall be done under sanitary conditions (no policy required).

201—50.17(356,356A) In-house food services.

50.17(1) Food preparation areas shall be clean and sanitary in accordance with state health standards regulating the operation of institutions, food establishments, or equivalent organizations.

50.17(2) All food products shall be stored or refrigerated in compliance with state health standards governing institutional or food establishment operations.

50.17(3) Dishes, utensils, pans and trays shall be sanitized after use in accordance with state health standards for food establishments or institutions.

50.17(4) Staff shall serve or supervise the serving of all meals. Food handlers must be clean and free of illness or disease.

201—50.18(356,356A) Prisoner activities.

50.18(1) *Exercise.* Prisoners held beyond seven days and not leaving the jail pursuant to Iowa Code section 356.26 shall be offered exercise time.

a. A minimum of two one-hour exercise sessions shall be offered during each full calendar week. Playing board games or cards or reading is recreation and is not considered exercise. A record of exercise sessions shall be maintained according to subrule 50.22(15).

b. Restrictions. Exercise requirements may be restricted by disciplinary action.

c. Exercise areas. An exercise area outside the cell shall be available. Such area must provide opportunity for adequate exercise. Corridors and hallways must remain clear of equipment or material and must provide unimpeded access to exits.

d. Suspension of outdoor exercise. Outdoor exercise may be suspended during inclement weather. Appropriate clothing shall be provided for exercise during winter months.

50.18(2) *Religion.* All prisoners shall be afforded a reasonable opportunity to pursue their religious faith. Any infringement upon the opportunity to pursue one's faith must further some compelling interest and must be the least restrictive means of furthering that interest. The jail administrator or designee may plan, direct and supervise all aspects of a religious program, including approval and training of both laypersons and clergy persons ministering faiths represented in the prisoner population.

50.18(3) *Reading material.* A reasonable quantity and variety of reading material shall be made available to prisoners.

a. Access to reading material from an outside source may be restricted to unused material sent directly from the publishing source.

b. Material deemed to be a threat to security or safety within the jail may be denied distribution.

c. Obscene material, as described in Iowa Code section 728.1, may be prohibited.

d. When a prisoner is denied access to a publication, the jail administrator shall inform the prisoner of that denial in writing and shall explain, in writing, the reason(s) for denial.

50.18(4) *Discrimination.* Prisoner activities, programs and services shall be available to prisoners with disabilities.

201—50.19(356,356A) Communication.

50.19(1) *Prisoner mail.*

a. Prisoners held beyond 24 hours shall be furnished a reasonable amount of writing materials upon request. Jail officials may prohibit a prisoner from corresponding with a person who states in writing that the person does not want to correspond with the prisoner. This does not include a "prior approval" list.

b. A reasonable amount of postage shall be provided to indigent prisoners held beyond 24 hours for communication with the courts and for at least two letters per week of a personal nature when other means of communication are not available.

c. General correspondence may be opened and inspected; it may be read for security reasons if the prisoner is notified of this procedure.

d. Privileged correspondence if so marked may be opened only in the presence of the prisoner and then only to detect the presence of contraband; it will not be read except by the prisoner. Privileged correspondence is defined as incoming and outgoing mail to or from:

(1) An attorney;

(2) A judge;

(3) The governor of Iowa;

(4) The ombudsman office;

(5) A member of the state or federal legislature.

e. Written policy, procedure, and practice require that, excluding weekends and holidays, incoming and outgoing letters be held for no more than 24 hours and packages be held for no more than 48 hours for inspection before delivery to the prisoner or post office.

50.19(2) *Telephone calls upon arrest.*

a. Prisoners shall be permitted telephone access to their family or an attorney, or both, without unnecessary delay after arrest at no charge if made within the local calling area as required by Iowa Code section 804.20.

b. Policy and procedures shall be developed to govern prisoner telephone calls. The procedure shall provide for the handling of emergency calls.

c. Prisoners not in segregation status for discipline shall have reasonable access to telephones beyond the requirements of Iowa Code section 804.20.

50.19(3) *Attorneys and ministers.* Attorneys and ministers shall be permitted to visit prisoners upon the request of the prisoner at reasonable hours if security and daily routine are not unduly interrupted.

50.19(4) *General visitation.*

a. All prisoners in normal status shall be allowed reasonable visitation.

b. Rules shall specify who is allowed to visit and when and how often visitors are allowed.

c. Jail staff shall document the date and time of visit, name and address of each person visiting, and name of prisoner visited. Computerized logs are acceptable.

d. A visit may be denied if reasonable suspicion exists that the visit might endanger the security of the facility. A record shall be made of such denial and the reason(s) therefor.

50.19(5) *Detaining non-U.S. citizens.* When non-U.S. citizens are detained, they shall be advised of the right to have their consular officials notified or the nearest consular officials shall be notified of the detention, whichever is required by the Vienna Convention. Consular officials shall be given access to

non-U.S. citizens in jail and shall be allowed to provide consular assistance. When a jail administrator becomes aware of the death of a non-U.S. citizen, consular officials shall be notified.

201—50.20(356,356A) Access to the courts. Prisoners who do not have an attorney shall have access to the legal materials the jail decides to provide, in order to facilitate the preparation of legal documents that directly or collaterally attack the prisoner's sentence or that challenge the conditions of the prisoner's confinement.

201—50.21(356,356A) Discipline and grievance procedures.

50.21(1) No prisoner shall be allowed to have authority or disciplinary control over another prisoner.

50.21(2) The use of physical force by staff shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes or the suppression of disorder, and then only to the degree necessary to overcome resistance. Corporal punishment is forbidden.

50.21(3) The following information shall be made available to all prisoners and explained to any prisoner unable to read English:

a. A set of rules (including sanctions) and regulations pertaining to the conduct of persons in custody.

b. What services are available to them.

c. A prisoner grievance procedure that includes at least one level of appeal. A jail may limit the use of the grievance process in order to make sure that it is not abused.

50.21(4) Prisoners who have allegedly violated jail rules shall be provided information pertaining to the handling of disciplinary hearings consistent with the due process rights of the accused. This information shall include the following:

a. Notice of charges and hearing.

b. A description of the hearing process. The jail policy and procedures manual shall contain the following:

(1) Written guidelines for resolving minor prisoner infractions that include a written statement of the rule violated and a hearing and decision within seven days, excluding weekends and holidays, by a person not involved in the rule violation. The prisoner may waive the hearing.

(2) A procedure to refer violations of criminal law to the appropriate criminal justice agency.

(3) A policy that requires staff members to prepare a disciplinary report and forward it to a designated staff person. Disciplinary reports shall include the following information:

1. Specific rule(s) violated;
2. A statement of the charge;
3. Any unusual prisoner behavior;
4. Any staff witnesses;
5. An explanation of the event that includes who was involved, what transpired, and the time and location of the occurrence;
6. Any physical evidence and its disposition;
7. Any immediate action taken, including the use of force.

(4) A policy that requires an impartial investigation to begin within 24 hours of the time the violation is reported and be completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.

(5) A policy and procedure that provides for prehearing detention of prisoners who are charged with a rule violation. The facility administrator or designee shall review the prisoner's prehearing status within 72 hours.

(6) A policy that prisoners charged with a rule violation receive a written statement of the charge(s), including a description of the incident and specific rule(s) violated. The prisoner shall be given the information at least 24 hours prior to the disciplinary hearing. The hearing may be held in less than 24 hours with the written consent of the prisoner.

(7) A policy and procedure that allows the prisoner to be present at the hearing, unless the prisoner waives that right in writing or is a threat to the security and safety of the facility. Prisoners may be excluded during testimony. Any prisoner's absence shall be documented.

(8) A policy that provides for the disciplinary hearing to be conducted no later than seven days, excluding weekends and holidays, following the report of the alleged rule violation.

(9) A policy that provides for postponement or continuance of the disciplinary hearing for a reasonable period and for good cause. Reasons for postponement or continuance shall be documented.

(10) A policy and procedure that provides for an impartial person or panel of persons to conduct the disciplinary hearing. A record of the proceedings shall be made and maintained for at least two years.

(11) A policy and procedure that allows prisoners an opportunity to make a statement and present documentary evidence at the hearing and to call witnesses on their behalf unless calling witnesses creates a threat to the security or safety of the facility. The reasons for denying such a request shall be documented.

(12) A policy and procedure that allows a staff member or agency representative to assist prisoners at disciplinary hearings. A representative shall be appointed when it is apparent that a prisoner is not capable of collecting and presenting evidence on the prisoner's own behalf.

(13) A policy that disciplinary committee decisions are based solely on information obtained in the hearing process.

(14) A policy and procedure to ensure that a written report is made of the decision and the supporting reasons and that a copy is given to the prisoner. The hearing record and documents shall be kept in the prisoner's file.

(15) A policy that requires the jail administrator or designee to review all disciplinary hearings and dispositions to ensure conformity with the jail policy and procedures.

c. An explanation of the appeal process. The jail policy and procedure manual shall contain a policy and procedure to advise the prisoner that the prisoner may appeal the decision to the jail administrator or designee within 24 hours. The administrator or designee shall affirm or reverse the decision of the disciplinary committee as soon as possible but within 15 days, excluding weekends and holidays.

50.21(5) Deprivation of clothing, bedding, or hygienic supplies shall not be used as discipline or punishment. These items may be withheld from any prisoner who the staff reasonably believes would destroy such items or use them as weapons, for self-injury or to aid in escape.

201—50.22(356,356A) Records. The following records shall be maintained by the jail administrator for two years unless a different period is specified:

50.22(1) Jail calendar. This record shall contain information as required by Iowa Code section 356.6.

50.22(2) Visitor registration. This record shall contain the name and address of the person visiting; name of prisoner visited; and the date, time and duration of the visit.

50.22(3) Jail inspection records. Jail inspection records shall contain the following and be maintained for a minimum period of two years:

a. State fire marshal's certificates.

b. Written reports received from all persons doing official inspections of the jail.

50.22(4) Medical history intake form. Notation of injury upon admission shall be included.

50.22(5) Records of medical care.

50.22(6) Injury reports. Copies of all reports of investigations relating to injuries within the facility shall be maintained by the jail administrator in a separate injury file or referenced in the prisoner file by log for a period of five years.

50.22(7) Disciplinary records.

50.22(8) Property receipts. Property receipts as required by Iowa Code section 804.19 shall be completed and distributed as required.

50.22(9) Menu records. This record shall include letters of documentation issued by a qualified dietitian.

50.22(10) Fire and disaster evacuation plan and record(s) of required fire drills.

50.22(11) Records of staff training.

50.22(12) Disposition of medication. A record shall be kept of the disposition of prescribed medication not taken by a prisoner.

50.22(13) Supervisory checks. A record shall be made to document all required supervisory checks of prisoners.

50.22(14) Incident reports. Records shall be made to document the following:

a. Use of force;

b. Suicide/suicide attempts;

c. Threats to staff, staff assaults, escapes, fires, prisoner abnormal behavior, any verbal or nonverbal references to suicide and self-mutilation.

The state jail inspection unit of the DOC shall be notified within 24 hours of any death, fire, or escape. Attempted suicide, injury to staff or prisoners from assaults, use of force, and prisoner self-inflicted injuries shall be reported to the DOC within 24 hours of the occurrence of the incident, excluding holidays and weekends. A copy of the investigative reports and other records shall be given to the state jail inspector upon request.

50.22(15) Exercise documentation. A record shall be kept relative to date, time and length of exercise periods offered to specific prisoners, cell blocks, tiers, or any other type of cell grouping or housing unit.

201—50.23 Reserved.

201—50.24(356,356A) Nonsecure holds for juveniles.

50.24(1) *Standards for nonsecure hold areas.* The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

a. The juvenile is not physically secured to any stationary object.

b. The juvenile is under continuous visual supervision.

c. The juvenile has access to bathroom facilities.

d. A meal or meals shall be provided at usual meal times.

50.24(2) *Supervision of juveniles in nonsecure hold.* Juveniles in nonsecure hold status (see Iowa Code sections 232.19(2) and 232.22(2)) shall have continuous visual supervision by a qualified adult. The jail administrator may contract with an outside agency to perform supervisory functions. Persons performing juvenile supervisory functions must:

a. Be at least 18 years of age.

b. Have received a physical prior to employment.

c. Perform at a staff-to-prisoner ratio that will ensure a safe environment for both the juvenile(s) and the staff.

d. Report any knowledge of child abuse to mandatory child abuse reporters.

e. Have successfully completed a child abuse and criminal background check.

50.24(3) *Prohibited acts.* Each nonsecure site must develop a policy of posted orders that protects juveniles against neglect; exploitation; degrading punishment, such as corporal punishment, verbal abuse, threats, or derogatory remarks about the juvenile or the juvenile's family; binding or tying to restrict movement; enclosing the juvenile in a confined space, such as a closet, locked room, or similar cubicle; and deprivation of meals.

50.24(4) *Attendant nonsecure area operating procedures.*

a. Attendant shall make certain the juvenile is aware of the policies of the nonsecure holding area.

b. The personal effects of the juvenile shall be placed in a safe, secure place. A property receipt shall be issued to the juvenile.

c. All items given to the juvenile are subject to being searched.

d. Attendant shall pat search juvenile.

50.24(5) *Care and treatment.*

a. Medical.

(1) No juvenile shall be held who is obviously injured, is obviously physically or mentally ill, or in the judgment of the arresting officer is under the influence of drugs or intoxicated from the use of alcohol to the point of needing medical attention without first being examined by a medical practitioner.

(2) In an emergency situation or when the juvenile is suffering severe pain or is in danger of loss of life or permanent injury, medical treatment may be administered without parental consent. When none of the above situations exist, parental consent or judicial concurrence must be made before providing medical treatment.

(3) Juveniles suspected of having a contagious or communicable disease shall be isolated from other juveniles.

(4) There shall be at least one person on duty in the jail supervising the nonsecure hold area who is trained in multimedia first aid and CPR.

(5) First-aid kits shall be immediately available.

(6) Any person providing medication shall be trained in the procedure of providing medication.

(7) As part of the admission procedure, a medical history intake form shall be completed. As part of this procedure, an attempt will be made to determine if the juvenile is suicidal by observing behavior and looking for marks or scars that would indicate previous suicide attempts.

(8) There shall be written policies or procedures pertaining to providing medication.

(9) All medication shall be stored according to state pharmaceutical standards and written inventory control maintained. The inventory shall include the starting number of pills, when pills were provided and by whom, the remaining number of pills at the time the juvenile left the jail, the disposition of the remaining pills, and a staff witness to the disposition of the pills.

(10) Special diets as prescribed by a medical practitioner shall be followed and documented.

(11) When a special diet is required for an individual due to a bona fide religious belief, the jail shall meet that need.

b. Communications.

(1) Juveniles shall be permitted, at no charge, telephone access to their family or an attorney, or both, without unnecessary delay after being taken into custody. Once family or attorney has been contacted, the number of additional calls, if any, will be determined by attendant.

(2) Attorneys and ministers shall be permitted to visit upon request when such visiting will not disrupt security or daily routines of the jail. Determination of additional visits shall be made by attendant.

c. Safety and sanitation.

(1) Walls, floors, and ceiling shall be well maintained.

(2) Facility shall be maintained in a pest-free condition.

(3) Clean bedding, including sheets, blankets, and pillowcases, shall be issued to each juvenile who wishes to sleep between the hours of 9 p.m. and 7 a.m.

(4) Soiled clothing that may affect the health of the juvenile shall be exchanged for clean, jail-provided clothing.

(5) An emergency evacuation plan must be conspicuously posted.

(6) There shall not be less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building.

(7) All exits shall be equipped with independent emergency lighting.

(8) Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each juvenile to at least two separate and distinct exits from each floor. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are on the person of the attendant. Elevators shall not be counted as required exits.

(9) A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories shall be installed and maintained in operational condition according to the factory manual. These alarms shall be ceiling-mounted and of such construction to continue in operation during power failure. Alarms shall be tested on at least a monthly basis. Such test shall be documented.

(10) Only fire-resistant mattresses and pillows approved by the state fire marshal's office shall be used.

d. Staff training requirements.

(1) Attendants shall be knowledgeable of jail policies and procedures pertaining to juvenile nonsecure holds, and acknowledgment of this shall be made by attendant's dated signature.

(2) Nonsecure hold attendants shall have received instruction in the following areas prior to supervising juveniles in a nonsecure holding area:

1. Role of nonsecure hold attendant.
2. Confidentiality issues.
3. Intake procedures—medical and suicide screening.
4. Communication and listening skills.
5. Dealing with a depressed or suicidal juvenile.
6. Overview of state and federal law.
7. Provision of medication.
8. Gentle self-defense.
9. Child abuse identification.

e. Juvenile supervision.

(1) An attendant shall be in the presence of all juveniles held at all times. Same-sex attendant or staff shall be present when juveniles perform bodily functions/shower.

(2) A log shall be maintained at half-hour intervals reflecting the juvenile's activities and behavior.

f. Records. The following records shall be maintained by the jail for a period of at least two years:

(1) Medical history intake form.
(2) Records of medical care.
(3) Injury reports.
(4) Food served.
(5) Records of staff training.
(6) Disposition of medication.
(7) Individual log.
(8) Any use of force reports.
(9) Any suicide or suicide attempts reports.

g. Incident reports. Reports of the following incidents shall be sent to the state jail inspection unit, department of corrections, within 24 hours of incident:

(1) Any injury to juvenile or staff that requires medical attention.
(2) Any use of force by staff.
(3) Any attempted suicide.

The state jail inspection unit, department of corrections, shall be notified within five hours of any successful juvenile suicide that occurred in a nonsecure hold area.

50.24(6) *Exemption from nonsecure hold standards.* Any requests for exemption from nonsecure hold standards shall be submitted according to the waiver provisions under 201—Chapter 2504.

201—50.25(356,356A) Direct supervision jails. Direct supervision jails, in addition to the preceding rules, are subject to the following rules:

50.25(1) There may be contact of different classifications of prisoners in a common activity area only while the prisoners are under continuous direct supervision with the exception of:

a. Prisoners of whom violence is reasonably anticipated (subparagraph 50.13(1)*"d"*(1)).

b. Prisoners who are a health risk to others (subparagraph 50.13(1)*"d"*(2)).

c. Prisoners of whom sexually deviant behavior is reasonably anticipated (subparagraph 50.13(1)*"d"*(3)).

d. Prisoners under the age of 18 (Iowa Code section 356.3). Persons charged in adult court with a forcible felony are to be separated whenever possible.

50.25(2) There shall be separate and distinct staff persons in the jail at all times to perform the following duties:

a. Provide central control or lock doors into or out of the housing unit.

b. Provide direct supervision of prisoners in the housing unit. During hours of lockdown, prisoner checks may be done hourly and documented. Prisoners must be physically observed during these checks.

c. Provide emergency backup to the supervision officer as a priority of assigned duties.

50.25(3) Prisoners classified as maximum security will not be allowed into areas occupied by other prisoners at any time. Maximum security prisoners may be required to exercise or perform other activities in a group with other maximum security prisoners only. Facility staff must weigh the potential for violence prior to admitting any maximum security prisoner into a group.

50.25(4) The housing unit shall not exceed its rated capacity.

50.25(5) Whenever prisoners are not locked down, there shall be sufficient lighting in all areas of living units and activity areas to allow full observation by staff.

50.25(6) Prisoners assigned to one living unit shall not be allowed to enter a different living unit except when permitted to share activities.

50.25(7) Any agency utilizing a direct supervision mode of prisoner management shall ensure that, before accepting prisoners, jail staff shall receive appropriate training in the following areas:

a. Philosophy of direct supervision.

b. Techniques of effective supervision and leadership.

c. Decision-making techniques.

d. Crisis intervention techniques.

e. Effective communication techniques.

f. Classification and evaluation techniques for direct supervision jails.

The training mandated by this chapter is required in addition to the above-listed training requisites.

50.25(8) There shall be a classification system developed that shall include an initial classification determination and an ongoing evaluation of the classification status. This system shall include but not be limited to the following considerations:

a. Individual's criminal history.

b. Individual's present behavior.

c. Individual's present charge.

d. Health.

e. Potential for violence.

f. Sexual deviation.

g. Self-harm or suicide potential.

h. Mental and physical maturity relative to personnel safety.

i. Previous behavior in other institutional settings.

j. Noticeable changes in attitude.

50.25(9) Programming (books, television, work, treatment) shall be available to reduce prisoner idleness. Subjects referred to within the parentheses are illustrative and not inclusive.

50.25(10) Each officer assigned to a housing unit shall have a mechanical or electronic means on the officer's person to summon assistance in times of emergency.

50.25(11) Supervision checks as required by paragraph 50.13(2)*"a"* will continue to be required and documented. CCTV shall not be used for supervision checks. During those periods when prisoners are out of their cells and in full view of staff, supervisory checks need not be conducted. Supervisory checks will be made when prisoners are allowed in their individual cells.

50.25(12) All incoming prisoners must be thoroughly oriented to expectations, rules, and routines of the jail. All such orientation must be documented.

50.25(13) Policies and procedures shall be developed by the sheriff or designee for the operation of the jail. These policies and procedures shall reflect the rules for direct supervision jails as delineated in this chapter. All staff shall be knowledgeable of and have access to the policy manual and shall receive training in the implementation of said policies and procedures prior to being assigned as a housing unit officer. The sole remedy for breach of these rules is by a proceeding for compliance initiated by request from the department of corrections. The violation of any rule shall not be construed to permit any civil

action to recover damages against the state of Iowa, its departments, agents or employees or any county, its agencies or employees.

These rules are intended to implement Iowa Code sections 80B.11A, 356.36, and 356.43 and chapter 356A.

ARC 0612D

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

Proposing rulemaking related to temporary holding facilities and providing an opportunity for public comment

The Department of Corrections hereby proposes to rescind Chapter 51, "Temporary Holding Facilities," Iowa Administrative Code, and to adopt a new Chapter 51 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 356.36.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 356A and sections 17A.10, 17A.12, 80B.11A, 356.36, and 356.43.

Purpose and Summary

The purpose of this proposed rulemaking is to conduct a comprehensive review of Chapter 51 in accordance with the mandates of Executive Order 10. While this chapter was reviewed through the lens of reducing redundancy, the Department has determined that the current language is neither obsolete nor unnecessary. Given the high-risk nature of temporary holding facility operations and the specific compliance needs of local facilities, the existing language is essential for maintaining clear, unambiguous minimum standards. Rule language has been intentionally retained to provide a single comprehensive operating manual for jail administrators. Reducing information in these sections or relying solely on statutory cross-references would create a fragmented regulatory landscape, increasing the risk of operational errors and safety failures at the local level. Because these rules serve as the primary benchmark for mandatory annual inspections across Iowa's six temporary holding facilities, maintaining the current level of detail is necessary. Rather than broad rescission, the Department implemented targeted updates to clarify standards and improve operational safety across rules 201—51.3(356,356A), 201—51.9(356,356A), 201—51.10(356,356A), 201—51.11(356,356A), 201—51.13(356,356A), 201—51.15(356,356A), and 201—51.19(356,356A).

These specific standards are developed in consultation with stakeholders pursuant to Iowa Code section 356.36, including the Iowa State Sheriffs' and Deputies' Association (ISSDA), the Iowa Chiefs of Police Association, the Iowa State Association of Counties (ISAC), and the League of Cities, that have reached a consensus that these standards are the essential baseline for safe facility management.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 5, 2026. A public hearing was held on the following date(s):

- August 25, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 201—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Jen Rathje
Iowa Department of Corrections
Jessie Parker Building
510 East 12th Street
Des Moines, Iowa 50319
Phone: 515.802.0898
Email: jen.rathje1@iowa.gov

Public Hearing

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

October 20, 2026 9:30 to 10:30 a.m.	Via Google Meet Video at meet.google.com/ahi-ycey-mmc Or dial: (US) +1 262.674.7955 PIN: 724 733 906#
October 20, 2026 1:30 to 2:30 p.m.	Via Google Meet Video at meet.google.com/sqq-hehw-aqh Or dial: (US) +1 402.732.7226 PIN: 876 842 527#

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 201—Chapter 51 and adopt the following **new** chapter in lieu thereof:

CHAPTER 51
TEMPORARY HOLDING FACILITIES

201—51.1(356,356A) Definitions.

"Capacity" means the number of prisoner or detainee occupants that any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage requirements of the standards.

"Cell" means single-occupancy bedroom space with toilet and lavatory facilities.

"Classification" means a system of obtaining pertinent information concerning detainees with which to make a decision on assignment of appropriate housing, security level, and activities.

"Detainee" means any individual confined in a temporary holding facility.

"Detention area" means that portion of the facility used to confine detainees.

"DOC" means the Iowa department of corrections.

"Dormitory" means an open area for two or more detainees with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures, such as a shower, a table, recreation equipment, or similar items.

"Emergency situation" means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

"Existing facility" means any place in use as a jail or temporary holding facility or for which bids have been let for construction prior to September 12, 2001.

"Facility" means a temporary holding facility as defined by these rules.

"Holding cell" means a secure room or cell where detainees may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

"Holdover" means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Housing unit" means an individual detention area. This area may be a single-occupancy cell, multiple-occupancy cell, cellblock, or dormitory.

"Inspection unit" means the state jail inspection unit.

"Jail inspector" means the DOC employee responsible for inspections of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

"Juvenile" means any person under the age of 18 years.

"Mail" means anything that is sent to or by a detainee through the United States Postal Service.

"Major remodeling" means construction that changes the architectural design of an existing facility and that increases or decreases capacity.

"Medical practitioner" means a licensed physician, licensed osteopathic physician or physician associate or a medical resource, such as a hospital or clinic.

"Mental illness" means a psychiatric illness or disease expressed primarily through abnormalities of thought, feeling, and behavior producing either distress or impaired function.

"Minister" means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

"Monitoring" means having a reasonable degree of knowledge or awareness of what activities a detainee is engaged in during incarceration.

"Multiple-occupancy cell" means a cell designed for no more than six detainees.

"Nonsecure hold" means a nonsecure area within a law enforcement facility that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Person performing temporary holding facilities duties" means all persons directly involved in the provision of services to detainees or the operation of a facility except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a facility supervisor.
2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with detainees or routine access to areas occupied by detainees.

"Physical jeopardy" means, due to the detainee's physical or mental condition, the detainee is in peril of serious physical harm.

"Residential facilities" means the facilities governed by 201—Chapter 40.

"Temporary holding facility" means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility. A law enforcement agency is not required to meet the standards for temporary holding facilities provided a detainee is held for less than two hours prior to transportation to an appropriate facility and a trained staff person of the agency is available to respond to, render aid to, or release the detainee in the event of a life-endangering emergency.

"Temporary holding facility administrator" means the executive head of any law enforcement agency, or the executive's designee, operating a temporary holding facility. The temporary holding facility administrator shall be responsible for the operation of the facility according to these rules.

"Temporary holding facility inspector" means the DOC employee responsible for inspection of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

"Temporary holding facility supervisor" means any person who is responsible for the routine operation of the facility during the person's assigned duty hours. This person need not be on the premises at all times but must be readily available for consultation.

"Unencumbered space" means floor space that is not encumbered by furnishings or fixtures. "Unencumbered space" is determined by subtracting the floor area encumbered by furnishings and fixtures from the total floor area. (All fixtures must be in operational position for these calculations.)

"Waiver" means waiver of a specific standard granted by the jail inspection unit in accordance with these rules.

"Weapons" means any instrument, excluding restraining devices, chemical control agents and electronic control devices, with an intended use of self-defense, protection of another, or to gain or maintain compliance from an individual.

201—51.2(356,356A) General provisions. These rules apply to all temporary holding facilities regulated by Iowa Code chapter 356 or 356A.

51.2(1) *Capacity.* Established capacities as determined by these rules shall not be exceeded except in the event of an emergency, and then only for such a period of time as is necessary to arrange for alternate housing or release of sufficient detainees to bring the number of persons confined into compliance with the rated capacity.

51.2(2) *Right to inspect and visit.* The chief jail inspector or authorized representatives shall visit and inspect temporary holding facilities and may do so on an unannounced basis. Facility personnel and supervisors shall cooperate in inspections and shall exhibit to the inspectors, upon request, all books, records, medical records, data, documents and accounts pertaining to a temporary holding facility or to the detainees confined and shall assist inspectors to perform the functions, powers and duties of their office. Provisions of the first paragraph of Iowa Code section 356.43 shall control to the extent of any inconsistency of the provisions of this subrule.

51.2(3) *Other standards.* Nothing contained in these standards shall be construed to prohibit local officials from adopting standards and requirements governing their employees and facilities, provided these standards and requirements exceed and do not conflict with standards mandated in this chapter. These standards shall not be construed as authority to violate any state fire safety standard, building standard, health and safety code, or any constitutional requirement. No facility shall be operated without substantially meeting these rules unless operating under a waiver granted according to the provisions of 201—Chapter 2504.

51.2(4) *Equal opportunity.* Facilities, programs, and services shall be available on an equitable basis to both males and females even though each standard does not specify that it applies to both males and females.

51.2(5) *Nondiscriminatory treatment.* Each facility administrator shall ensure that staff and detainees are not subject to discriminatory treatment based upon race, religion, nationality, disability, sex or age, absent compelling reason for said discriminatory treatment. Discrimination on the basis of a disability is prohibited in the provision of services, programs and activities.

201—51.3(356,356A) Inspection and compliance. The chief inspector or authorized representatives shall visit and inspect each facility within this state at least annually to determine the degree of compliance with these standards and within 45 days of each inspection shall report the results to the temporary holding facility administrator and the governing body responsible for the facility.

51.3(1) *Notice of noncompliance with minimum standards.* Whenever the jail inspector or designee makes the determination that a temporary holding facility is not in compliance with established minimum standards, the chief administrator of the affected governmental facility shall be notified by letter posted or personal delivery of the noncompliance status. The notice shall specify:

a. The statute(s) and any rules alleged to have been violated.

b. The deficiencies cited.

c. The time period allowed for the submission of an acceptable plan of compliance within the appropriate time limitation.

d. The right to request a hearing pursuant to rule 201—2506.34(17A,356).

51.3(2) *Enforcement of minimum standards; remedial orders.* Upon receipt of a notice of noncompliance pursuant to subrule 51.3(1), the responsible authorities shall initiate appropriate corrective measures within the time prescribed by the jail inspection unit in its notice (which shall not exceed 90 days) and shall complete the corrections within a reasonable time as prescribed by the notice of noncompliance. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that will bring the facility into compliance within a reasonable time. If the responsible officials receiving notice of noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the jail inspection unit may order the facility in question or any portion thereof closed, that further confinement of detainees or classifications of detainees in the noncomplying facility or any portion thereof be prohibited, or that all or any number of detainees then confined be transferred to and maintained in another facility, or any combination of remedies as set forth in subrule 51.3(1). This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506 concerning contested cases. The matter shall then proceed in accordance with 7—Chapter 2506. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that would bring the facility into compliance within a reasonable time. The remedial order shall be in writing and shall specifically identify each minimum standard with which the facility has failed to comply. Such remedial order shall become final and effective 30 days after receipt thereof.

51.3(3) *Precedent.* Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination or adjudication by the jail inspection unit, the nature of the action taken with regard to any matter or the disposition of any matter pending before the jail inspection unit is not necessarily of meaningful precedential value, and the department shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it. The director or the respondent may request that an informal conference be held to determine whether the noncompliance matter can be resolved in a just manner in furtherance of the public interest. Neither the director nor respondent is required to use this informal procedure. If the director and respondent agree to negotiate a settlement, the various points of the settlement, including a stipulated statement of facts, shall be set forth in writing and shall be binding on both parties.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.

201—51.4(356,356A) Physical plant—general.

51.4(1) *Building to meet existing codes.* All facilities are required to be structurally sound and to meet existing building code and health code requirements.

51.4(2) *Professional inspections.*

a. The state jail inspector may require for good reason that an agency operating a facility cause it to be examined by an architect, engineer, licensed electrician, health inspector, plumber, heating and air-conditioning specialist, food establishment inspector, state fire marshal or fire inspector or any other

person with expertise who may be of assistance to the state jail inspector in making an informed decision relative to the facility operation or structure. Inspection by a municipal inspector qualified in these areas may be permitted.

b. Any facility determined to be deficient following inspection may be ordered closed by the jail inspector or specific conditions limiting its operation may be imposed in lieu of closing. An order of closure shall contain the following:

(1) Statute(s) and rule(s) violated.

(2) A brief description of the deficiencies.

(3) The effective date of the order.

(4) An explanation of remedies required before reopening.

An order of closure shall adhere to subrules 51.3(1) and 51.3(2).

This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506. The matter shall then proceed in accordance with 7—Chapter 2506.

c. In the event that any agency fails to cooperate in an inspection, the jail inspector may arrange for an inspection and the agency operating the facility shall be financially responsible for any expense involved.

51.4(3) *Heating and ventilation.* All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for detainees and staff. Fans and an adequate supply of cold liquids will be made available and utilized when indoor temperatures exceed 85 degrees Fahrenheit.

51.4(4) *Cells.* Maximum security cells shall be equipped with tamper-resistant bunks, secured table(s) and seat(s), plus a toilet and wash basin recommended for jail or prison use. Cells shall have an adequate supply of both hot and cold water; mixing valves may be used. Housing areas of less secure design need not contain tamper-resistant fixtures. The cell must be constructed to minimize self-injury. Toilet facilities should be controlled from outside the cell and may be in the floor. Water need not be available in the cells but water must be accessible from staff upon request.

51.4(5) *Lighting.* Lighting shall be a minimum of 20 candlepower at the table top for the purposes of reading and writing. Living areas shall be devoid of dark areas. Lighting adequate to observe persons within the cell area shall be maintained at all times. All entrances, exits and hallways shall be equipped with independent emergency lighting sources. Hallways, entrances and exits shall be sufficiently lit to observe persons entering or exiting. Light controls shall be out of the control of detainees. Housing areas may be variably illuminated to allow sleep, but continuous observation of detainees must be possible.

51.4(6) *Screens.* If windows are opened for ventilation, screens shall be installed and maintained in good repair.

51.4(7) *Electrical facilities.* Drop cords shall not be used as permanent wiring. Electrical service shall meet the requirements of the governmental body permitted by statute to adopt standards for electrical service. Appliances shall plug directly into a fixed receptacle. Emergency generator power shall be available. Emergency generator power shall be tested at regular intervals not less than monthly. A record of test dates shall be maintained.

51.4(8) *Storage.*

a. Storage of any type in primary detention areas is not permitted except for supplies necessary for operation of the facility.

b. Adequate storage space for detainees' personal clothing and property shall be provided. Space provided shall be secure and the detainee's name or identity shall be affixed to the storage space. Property shall be inventoried and accounted for as provided in Iowa Code section 804.19.

c. Janitorial supplies shall be stored in a manner to prevent unauthorized detainee access. Janitorial supplies and equipment shall not be stored in detainee living areas.

d. Areas used for storage of chemicals, paints, and cleaning supplies shall not be accessible to detainees and such products shall be stored away from the primary detention area. Such storage shall not be in boiler or furnace rooms.

51.4(9) *Firearms lockers.* A place inaccessible to detainees shall be provided where officers entering the security area can store firearms.

51.4(10) *Noise level.* Detainee noise inside the facility shall be controlled to ensure an orderly and secure facility operation. The policy and procedures manual shall include a rule pertaining to noise level. Detainees must be advised of the rule.

51.4(11) *Mirrors.* Mirrors within detention areas shall be of tamper-resistant construction and securely fixed in place.

201—51.5(356,356A) Physical requirements for existing facilities. This rule shall apply to all facilities in existence prior to June 30, 1984. In cases where an existing facility undergoes major remodeling, rule 201—51.7(356,356A) shall apply to the area being upgraded.

51.5(1) Each single-occupancy cell for detainees in normal status shall have a minimum floor area of 40 square feet.

51.5(2) Multiple-occupancy cells must have 40 square feet of floor space for the first occupant and an additional 20 square feet for each additional occupant.

51.5(3) Except in emergency situations, no multiple-occupancy cell shall house more detainees than the designed capacity.

51.5(4) Each cell shall provide a minimum of 7 feet from floor to ceiling height.

51.5(5) All cells shall be equipped with bunks sufficient to ensure a bunk for each detainee assigned. Every cell will be equipped with a toilet and lavatory that function properly and supply adequate running water. Bunks must be of a size to accommodate a normal-sized male adult. Toilet and lavatory facilities must be accessible to detainees at all times.

51.5(6) Reserved.

51.5(7) Holding cells are multiple-occupancy space where detainees may be confined only while awaiting processing through administrative or legal procedures. These areas must have at least 40 square feet of floor space for the first detainee with 20 square feet for each additional detainee.

51.5(8) Dormitory units shall have a minimum of 60 square feet of floor space per detainee.

201—51.6(356,356A) Physical requirements for new or remodeled facilities—after June 30, 1984. This rule shall apply to temporary holding facilities that are of new or remodeled construction or let for bid after June 30, 1984. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The inspection unit shall, within 60 days of receiving plans, review them for compliance with these rules and forward any comments to the submitting authority.

51.6(1) New housing units may be dormitory units, single-occupancy cells or multiple-occupancy cells. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 70 square feet of floor space for the first detainee and an additional 50 square feet of floor space for each additional detainee. Dormitory units shall have a minimum of 35 square feet of unencumbered floor space per detainee.

51.6(2) All new housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each detainee.

51.6(3) Each new dormitory unit or single- and multiple-occupancy cell shall have a security-type toilet/lavatory combination fixture that provides adequate running water. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

51.6(4) The new facility shall be designed to admit natural lighting and to give access to outside viewing by detainees where practical.

51.6(5) The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

51.6(6) Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

51.6(7) Holding cells shall provide a minimum of 20 square feet per detainee with a total capacity of eight detainees per cell. Holding cells need not contain any fixture other than a means whereby

detainees may sit. Drinking water and toilet facilities shall be made available under staff supervision. Detainees will be supplied blankets if the detainees are detained overnight in the holding cell.

201—51.7(356,356A) Physical requirements for new or remodeled facilities—after September 12, 2001. This rule shall apply to temporary holding facilities that are of new or remodeled construction after September 12, 2001. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

51.7(1) New housing units may be dormitory units, single-occupancy cells or multiple-occupancy cells. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 35 square feet of unencumbered floor space for each detainee. Dormitory units shall provide a minimum of 35 square feet of unencumbered floor space per detainee.

a. This paragraph shall apply to all temporary holding facilities that are of new or remodeled construction after December 28, 2005, and may apply to temporary holding facilities that were constructed prior to December 28, 2005.

(1) Single-occupancy cells shall provide a minimum of 35 square feet of unencumbered floor space. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 70 square feet of total floor space.

(2) Multiple-occupancy cells shall provide a minimum of 25 square feet of unencumbered floor space for each detainee. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 35 square feet of unencumbered floor space for each detainee.

(3) Dormitory units shall provide a minimum of 35 square feet of unencumbered floor space for each detainee.

(4) A facility may contain one or more single-occupancy cells, designated as special-needs cells, in which violent persons may be temporarily contained. The cell shall have not less than 40 square feet of floor space and a ceiling height of not less than 7 feet. The cell shall be constructed to minimize self-injury. Toilet facilities may be controlled from outside the cell and may be in the floor. Water need not be available in the cells, but water shall be accessible from staff upon request.

b. Reserved.

51.7(2) All new housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each detainee.

51.7(3) Each new dormitory unit or single- or multiple-occupancy cell shall have a security-type toilet/lavatory combination fixture that provides adequate running water for each group of nine detainees or portion thereof. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

51.7(4) The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

51.7(5) Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

51.7(6) Holding cells shall provide a minimum of 20 square feet per detainee with a total capacity of eight detainees per cell. Holding cells need not contain any fixture other than a means whereby detainees may sit. Drinking water and toilet facilities shall be made available under staff supervision. Detainees will be supplied blankets if detained overnight in the holding cell.

201—51.8(356,356A) Fire safety and emergency evacuation.

51.8(1) *Approval of building plans.* All new construction or major remodeling plans shall be approved prior to commencement of construction by the state fire marshal.

51.8(2) *Compliance with state fire marshal rules.*

a. No facility shall be occupied by a detainee unless the state fire marshal or qualified local fire prevention authority has issued a certificate of inspection within the last 18 calendar months documenting that the facility complies with the fire safety standards for temporary holding facilities included in administrative rules promulgated by the state fire marshal.

b. Temporary holding facilities may be inspected by the state fire marshal, or by personnel of local fire departments deemed by the state fire marshal qualified to conduct inspections, on a schedule determined by the state fire marshal. The state jail inspection unit of the DOC, a temporary holding facility administrator, or the chief executive of an agency that administers a temporary holding facility may request the state fire marshal to inspect a temporary holding facility for compliance with fire safety standards. If the state fire marshal finds, based on such an inspection, that a temporary holding facility is not in substantial compliance with fire safety standards, the state fire marshal may require the facility administrator to submit a plan of correction of violations of these standards to the state fire marshal. The director of the DOC may initiate proceedings to close the temporary holding facility if the facility does not comply with the plan of correction.

51.8(3) *Evacuation plan.* The administrator of each facility shall prepare a written plan for emergency evacuation of the facility in the event of fire or other disaster. This plan shall include security arrangements and one or more alternate housing arrangements for displaced detainees. All personnel employed in the facility shall be thoroughly familiar with this plan, and relevant portions thereof shall be conspicuously posted. Evacuation drills shall be practiced or simulated by all facility staff on at least an annual basis, and a record thereof shall be maintained according to subrule 51.19(9).

51.8(4) *Release of detainees.*

a. There shall be a reasonable expectation of the prompt removal of detainees in the event of a life-threatening situation. Keys for all locks necessary for emergency exit shall be readily accessible and clearly identifiable with cell and door locks.

b. There shall be at least one full set of facility keys, other than those regularly used, stored in a safe place accessible only to appropriate persons, for use in the event of an emergency.

51.8(5) *Fire extinguishers.* All temporary holding facilities shall be equipped with fire extinguishing equipment approved and located in accordance with standards established by the state fire marshal by administrative rule. Fire extinguishers shall be tested at least annually to ensure they remain in operative condition. A record of such checks shall be maintained.

51.8(6) *Emergency lighting.* All exits shall be equipped with independent emergency lighting sources. All corridors and passage aisles shall be illuminated by independent emergency lighting sources. Lighting shall be arranged to ensure that no area will be left in darkness.

51.8(7) *Required exits.* Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each detainee to at least two separate and distinct exits from each floor. Passage aisles or corridors shall be kept clear. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are readily available. Elevators shall not be counted as required exits.

51.8(8) *Fire alarms.* A means of fire detection utilizing equipment of a type meeting requirements established by the state fire marshal shall be installed and maintained in operational condition. These alarms shall be ceiling-mounted if possible and shall be located and protected from detainee access. The detection equipment shall be battery-operated or constructed as to continue operating during a power failure. Battery-operated systems shall be tested monthly. Electronic systems shall be tested at least annually. A record of test dates and results shall be maintained according to subrule 51.19(9).

51.8(9) *Heating appliances.* Heating appliances and water heaters shall not be located along the path of required exits.

51.8(10) *Hinged doors.* All hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, shall swing with exit traffic.

51.8(11) *Mattresses.* Only fire-resistant mattresses of a type that will not sustain a flame and are certified by an independent testing laboratory and that meet the standards established by the state fire

marshal shall be used in temporary holding facilities. Mattresses that are ripped, are excessively cracked or contain large holes shall be replaced. Pillows shall be replaced when torn or excessively cracked.

51.8(12) *Sprinkler.* If installed, sprinkler heads accessible to detainees not under direct supervision must be of the weight-sensitive type, be protected with a sleeve that would hamper the tying of material on the sprinkler head, or be recessed into the wall or ceiling.

201—51.9(356,356A) Minimum standards for facility personnel.

51.9(1) *Minimum hiring standards.* Applicants must meet the following minimum standards before serving as a jail administrator, jailer, or temporary holding facility personnel:

a. Be 18 years of age or older.

b. Be able to read and write in English.

c. Be of good moral character as determined by a thorough background investigation, including a fingerprint search conducted of local, state and national fingerprint files.

d. Be not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill the person's duties.

e. Have the ability to perform the essential elements of the position as defined in the department job specification.

f. Be an appropriate candidate for employment as determined by the hiring authority's review of a qualified psychological screening.

51.9(2) *Minimum retention standards.* An employee who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for facility employment, or who has repeatedly failed to observe these rules will not be retained.

51.9(3) *Conflict of interest.* A person working in a facility will not transact any business with a detainee nor arrange any business transaction with a detainee through another party. The facility will have a written code of ethics that the facility provides to all employees. At a minimum, the code will:

a. Prohibit staff from using their official positions to secure privileges for themselves or others.

b. Prohibit staff from engaging in activities that constitute a conflict of interest.

201—51.10(356,356A) Training for facility personnel.

51.10(1) *Initial orientation.* Except in an emergency situation, all persons performing temporary detention duties shall meet the following requirements, and the provision of this information and training shall be documented.

a. The individual shall be fully knowledgeable of the administrative rules referring to facility standards.

b. The individual shall be fully knowledgeable of facility rules, written policies and procedures as adopted by the administrator.

c. The individual shall have been given specific orientation with respect to a detainee's rights during confinement and procedures adopted to ensure those rights.

d. If the individual is to have access to a firearm at any time, the person shall hold a valid permit to carry weapons issued under the authority of Iowa Code chapter 724.

e. The individual shall be professionally trained and qualified in the use of any firearm, electric restraint control device and chemical control agents prior to their use in connection with the individual's duties at the facility.

f. The individual shall have been instructed in the use of required firefighting equipment and the fire and emergency evacuation plan.

g. All staff providing medication shall be trained in accordance with the Iowa State Sheriffs and Deputies Association medication training program or other recognized medication administration course.

h. The holding facility administrator shall, by either written or electronic means, record the acknowledgment of all staff performing temporary holding facility duties, attesting that they have full knowledge of the administrative rules referring to facility standards and the written policies and procedures governing the facility's operation.

51.10(2) *Training documented.* All temporary holding facility workers and administrators shall meet and document training requirements as specified by Iowa law enforcement academy training standards as found in 501—Chapter 9. The facility administrator shall, by either written or electronic means, record the acknowledgment of all persons attending the training.

a. The training shall include a minimum of ten hours of training within the first year of employment. Training shall include the following or comparable course content:

(1) Introduction to Iowa criminal procedure and criminal law as applicable to the temporary holding facility setting, including laws relating to the use of force.

(2) Security procedures, including procedures regarding the proper methods of transporting detainees.

(3) Supervision of detainees, including instruction on the basic civil rights of a detainee, which would be applicable to a temporary holding facility.

(4) Recognition of symptoms of mental illness, retardation or substance abuse.

(5) Specific instruction in the prevention of suicides.

b. During each fiscal year of employment, following completion of the required ten hours of training, temporary holding facility workers and administrators shall complete, at a minimum, five hours of in-service training, not to include hours spent in maintaining required certification or proficiency in first aid, life support, and handling of firearms.

51.10(3) *First aid.* At least one staff member on duty at the facility shall be trained in first aid (or the equivalent) and CPR.

a. The individual shall hold an American Red Cross standard first-aid certificate or the equivalent or one of the following:

(1) Certification as an Iowa law enforcement emergency care provider from the Iowa department of public health;

(2) Certification of completion of an emergency medical technician program; or

(3) Licensure to practice as a licensed practical nurse, registered nurse or medical practitioner in the state of Iowa.

b. The individual shall be certified as having successfully completed the basic life support training conducted under the program of the American Heart Association or the American Red Cross.

c. All certification or licensure required by this subrule must be maintained current according to the standards of the certifying or licensing agency.

201—51.11(356,356A) Standard operating procedures manual. Pursuant to the authority of Iowa Code sections 356.5 and 356.36, each municipality shall establish and the facility administrator shall ensure compliance with a standard operating procedures manual to include the following administrative rules: subrules 51.2(4), 51.2(5), 51.4(3), 51.4(7), 51.4(10), 51.8(3), 51.8(4), 51.8(5), 51.8(7), 51.8(8), 51.8(11), 51.9(1), 51.9(2), 51.9(3), and 51.10(1) through 51.10(3) and rules 201—51.11(356,356A) through 201—51.19(356,356A) as noted. The following does not require written policy: subrule 51.13(4).

51.11(1) *Admission/classification and security.*

a. No person shall be confined or released from confinement without appropriate process or order of court.

b. With the exception of incidental contact under staff supervision, the following classes of detainees shall be kept separate by architectural design barring conversational and visual contact from each other:

(1) Juveniles and adults (pursuant to Iowa Code section 356.3).

(2) Females from males (pursuant to Iowa Code section 356.4).

c. The following shall be kept separate whenever possible:

(1) Felons from misdemeanants.

(2) Pretrial detainees from sentenced persons.

(3) Witnesses from detainees charged with crimes.

d. The following shall be kept physically separated:

(1) Detainees of whom violence is reasonably anticipated.

(2) Detainees who are a health risk to others.

(3) Detainees of whom sexually deviant behavior is reasonably anticipated.

(4) Prisoners likely to be exploited or victimized by others.

e. Detention of juveniles shall be pursuant to Iowa Code section 232.22.

f. All staff involved in the booking process or the supervision of detainees shall be trained in suicide prevention. At the time of booking, an attempt shall be made (either by observation for marks or scars or direct questioning of the detainee) to determine if the detainee is suicidal.

(1) The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation to aid in suicide prevention:

1. Does the detainee show signs of depression?
2. Does the detainee appear overly anxious, afraid, or angry?
3. Does the detainee appear unusually embarrassed or ashamed?
4. Is the detainee acting or talking in a strange manner?
5. Does the detainee appear to be under the influence of alcohol or drugs?
6. Does the detainee have any scars or marks that indicate a previous suicide attempt?

(2) In all cases, the following questions will be asked of the detainee:

1. Have you ever tried to hurt yourself?
2. Have you ever attempted to kill yourself?
3. Are you thinking about hurting yourself?

g. Housing for detainees with disabilities shall be designed for the detainees' use, or reasonable accommodations shall be provided for the detainees' safety and security.

h. Temporary holding facility personnel shall ask each detainee within 24 hours of the detainee's incarceration if the detainee is a military veteran. If so, facility personnel shall advise the detainee that the detainee may be entitled to a visit from a veteran service officer to determine if veteran services are required or available and, within 72 hours, shall provide the detainee with contact information for the county commission of veteran affairs and provide the detainee the opportunity to contact the county commission of veteran affairs to schedule a visit from a veteran service officer.

51.11(2) *Security and control.*

a. Supervision of detainees. The facility administrator shall develop and implement written policies and procedures for the facility that provide for the control of detainees and for the safety of the public and the facility staff. The policy and procedures shall include:

(1) Twenty-four-hour supervision of all detainees shall be provided pursuant to Iowa Code section 356.5(6).

(2) When staff is not within the confinement area of the facility, a staff person shall be in a position to hear detainees in a life-threatening or emergency situation; or a calling device to summon help will be provided. By policy and practice there shall be a means of ensuring that appropriate personnel will be available on a 24-hour basis to respond to an emergency, including but not limited to fire, assaults, suicide attempts, serious illness, and to preserve order, within a reasonable time period.

(3) At least hourly, personal observations of individual detainees shall be made and documented. Detainees considered to be in physical jeopardy because of physical or mental condition, including apparently intoxicated persons, as indicated by the medical history intake process and by personal observations, shall be checked personally at least every 30 minutes until the condition is alleviated. Closed circuit television (CCTV)-audio monitoring system may supplement, but shall not replace, personal observations. In order to use a CCTV-audio monitoring system, the following requirements must be met: CCTV and audio must be operational at all times. Visual and audio must be clear and distinct. Observation of shower and restroom activities shall be at the discretion of the facility administrator.

(4) No employee or visitor of one sex shall enter a housing unit occupied by the other sex unless advance notice has been provided except in case of an emergency. Advance notice may be provided with respect to but not limited to inmate orientation, inmate handbook, broadcast via inmate notification

system, booking notification system, posted notification, or verbal announcement prior to entering the housing unit.

(5) When females are housed in the facility, at least one female staff member shall be on duty in the facility at all times in accordance with Iowa Code section 356.5(6).

(6) All juveniles arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention. The activities of juveniles arrested for crimes other than the above shall be monitored at all times, and the juveniles shall be observed by means of personal supervisory checks at no more than 30-minute intervals.

b. Weapons. Except in an emergency situation, no weapons shall be allowed in an area occupied by detainees.

c. Searches.

(1) All detainees and detainees' property entering the facility shall be thoroughly searched; searches of persons charged with simple misdemeanors shall follow provisions of Iowa Code section 804.30.

(2) All persons entering a facility may be searched for contraband. Persons may be denied admission if they refuse to consent to a required search.

(3) A search notice shall be posted in a conspicuous place (no policy required).

(4) Detainee rules shall contain a clear definition of each item permitted in the facility. All other items shall be considered contraband.

(5) Random, unannounced, irregularly scheduled searches of areas accessible to detainees shall be conducted for contraband and weapons.

d. Key control. Facility keys must be stored in a secure area when not in use. There must be at least one full set of facility keys, separate from those in use, stored in a safe place and accessible only to designated facility personnel for use in the event of an emergency. The facility administrator will identify those persons who may have access to keys.

e. Detainees' property. All personal property of detainees shall be inventoried and accounted for according to the provisions of Iowa Code section 804.19.

f. Restraint devices. The facility administrator shall have a written policy on the restraint devices. Restraint devices shall not be applied as punishment. Restraint devices shall be used only when a prisoner is a threat to self or others or jeopardizes facility security. There shall be defined circumstances under which supervisory approval is needed prior to application. Restraint devices shall not be applied for more time than is necessary to alleviate the condition requiring the use of the restraint device. While restrained, detainees shall be either clothed or covered in a manner that maximizes detainee privacy. Four/five-point restraints may be used only when other types of restraints have proven ineffective. If detainees are restrained in a four/five-point position, the following minimum procedures shall be followed:

(1) Observation by staff shall be continuous;

(2) Personal visual observation of the detainee and the restraint device application shall be made at least every 15 minutes;

(3) Restraint guidelines shall include consideration of an individual's physical and health condition, such as body weight; and

(4) All decisions and actions shall be documented.

g. Facility security.

(1) All areas of the facility shall be inspected regularly and frequently and kept clear of large posters, pictures and articles of clothing that obstruct the view of detainees by facility staff.

(2) All facility locks, doors, bars, windows, screens, grilles and fencing shall be inspected on at least a monthly basis. Any damaged or nonfunctioning equipment or fixtures must be reported to the facility administrator in writing. The facility administrator shall ensure prompt repair of any damaged or nonfunctioning equipment or fixture.

(3) The facility administrator shall develop written policy and procedures for the movement or transportation of detainees outside the secure area of the facility. The policy shall require procedures that will ensure the safety of the facility staff and the public and prevent detainee escape. The policy shall provide procedures for movement of detainees for medical treatment and to and from the courts

and other facilities. The classification and security risk of the detainee to be moved will determine the number of staff required and the type of restraints to be used, if any.

(4) The facility administrator shall have written plans for situations that threaten facility security. Such situations include but are not limited to bomb threats, riots, hunger strikes, disturbances, hostage situations, escape attempts, medical emergencies, natural disasters and staff work stoppage. The plan shall be made available to all applicable personnel and shall be reviewed by facility staff at least annually and updated as needed.

201—51.12(356,356A) Cleanliness and hygiene.

51.12(1) *Housekeeping.*

a. The temporary holding facility shall be kept clean and sanitary. Toilets, wash basins, showers and other equipment throughout the facility shall be maintained in good working order. Walls, floors and ceilings shall be well maintained.

b. Unless cleaning is done by staff, necessary cleaning equipment shall be provided to detainees. Cleaning equipment shall be removed from the cell when cleaning is complete.

c. The facility shall be maintained in pest-free condition. Persons spraying chemicals shall be certified by the Iowa department of agriculture and land stewardship. Detainees and staff shall not be directly exposed to the chemicals being used.

d. All clothing and linen, if provided, shall be clean and sanitary.

e. The facility shall have a sharps disposal container for razors and needles. The facility shall be equipped to handle disposal of contaminated or hazardous waste according to universal health precautions.

51.12(2) Reserved.

201—51.13(356,356A) Medical services. The facility administrator shall establish a written policy and procedure to ensure that detainees have the opportunity to receive necessary medical attention for the detainee's objectively serious medical and dental needs that are known to the facility staff. A serious medical need is one that has been diagnosed by a physician or physician associate as requiring treatment, or one that is so obvious that even a lay person would easily recognize the necessity for a physician's or physician associate's attention. The plan shall include a procedure for emergency services day or night and a procedure for regular medical attention. Responsibility for the costs of medical services and products remains that of the detainee as allowed by Iowa Code section 356.7. However, no detainee will be denied necessary medical services, dental service, or medicine because of a lack of ability to pay. Medical and dental prostheses shall be provided only for the serious medical needs of the detainee as determined by a licensed health care professional. Cosmetic or elective procedures need not be provided.

51.13(1) *Medical resources.* Each facility shall have a designated medical practitioner, which may include a hospital or clinic staffed by licensed physicians, licensed osteopathic physicians or physician associates, designated for the medical supervision, care and treatment of detainees as deemed necessary and appropriate. Medical practitioners shall be available on a 24-hour basis.

51.13(2) *Trained staff.*

a. All staff providing medication shall be trained in accordance with the Iowa State Sheriffs and Deputies Association medication training program or other recognized medication administration course.

b. At least one staff member on duty at the facility shall be currently trained in first aid (or the equivalent) and CPR.

51.13(3) *Detainee involvement.* No detainee shall be involved in any phase of delivery of medical services.

51.13(4) *First-aid kits.* A first-aid kit approved by qualified medical personnel shall be available to staff.

51.13(5) *Chemical control agents.* Detainees affected by a chemical control agent shall be offered a medical examination and appropriate treatment as soon as reasonable.

51.13(6) *Screening upon admission.*

a. Any person who is obviously injured, ill or unconscious shall be examined by qualified medical personnel before being admitted to a facility.

b. Detainees suspected of having a contagious or communicable disease shall be separated from other detainees until examined by qualified medical personnel.

c. As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the facility. The intake procedure shall include screening for potential self-injury or suicide. Facility staff with actual knowledge that there is a substantial risk that a detainee intends to commit suicide shall take reasonable measures to abate the risk. The facility shall have a written suicide prevention plan. Essential elements of the plan shall include annual staff training to recognize the potential for suicide, communication between staff, appropriate housing, and intervention procedures.

d. During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person's self or others, shall be admitted to the facility only after the arresting officer/agency has demonstrated a reasonable effort to comply with the emergency hospitalization procedure as provided in Iowa Code section 229.22. The facility shall have a written plan to provide detainees access to services for the detection, diagnosis and treatment of mental illness.

e. Detainees shall be provided with information on how they can obtain necessary medical attention, and the facility's policy and procedure shall also reflect this.

51.13(7) *Medication procedures.*

a. Written policies and procedures pertaining to providing medication shall be established.

b. All prescription medicine shall be securely stored and inventory control practiced. Inventory control shall include documentation of all medication coming into the facility and the amount of medication returned or destroyed when a detainee is released.

c. A written procedure for recording the taking or administering of all medications shall be established.

Prescription medication, as ordered by a medical practitioner or licensed dentist, shall be provided in accordance with the directions of the prescribing medical practitioner or dentist. Detainees with medication from a personal medical practitioner or dentist may be evaluated by a medical practitioner or dentist selected by the facility administrator to determine if the present medication is appropriate.

51.13(8) *Medical records.* A separate medical record shall be maintained for each detainee receiving medical care. The record shall include the illness being treated, medication administered, special diets required, medical isolations and the name of the attending health professional or institution. The record may be kept in the detainee's file jacket but must be labeled "confidential."

51.13(9) *Medication storage.*

a. Detainees' medications shall be stored at the proper temperature, as defined by the following terms:

(1) Room temperature: temperature maintained between 15 degrees centigrade (59 degrees Fahrenheit) and 30 degrees centigrade (85 degrees Fahrenheit).

(2) Cool: temperature maintained between 8 degrees centigrade (46 degrees Fahrenheit) and 15 degrees centigrade (59 degrees Fahrenheit).

(3) Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit). All medication required to be "cool" or "refrigerated" shall be stored in a separate refrigerator or in a separate locked container within a refrigerator that is used for other purposes.

b. Any medications bearing an expiration date must not be administered beyond the expiration date.

c. Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending medical practitioner, shall be destroyed by the facility administrator or designee in the presence of a witness. A record of drug destruction shall be made in each detainee's medical record. The record shall include the name, the strength and the quantity of the drug destroyed, and the record shall be signed by the facility administrator or designee and by the witness.

d. Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to 481—Chapter 552.

e. Facilities utilizing unit dose packaging shall have written policies and procedures providing for the return of drugs so packed to the issuing pharmacy. Policy shall include proper recordkeeping of disposal.

201—51.14(356,356A) General food service requirements.

51.14(1) *Detainee being held.* If a detainee is held over a meal period, a meal of adequate nutrition shall be provided.

51.14(2) *Daily meals.* The three meals provided for each 24-hour duration shall be served at reasonable and proper intervals; at least one meal shall be a hot meal. Food must be served at the proper temperature: hot foods shall be reasonably hot and cold foods reasonably cold.

51.14(3) *Time of serving.* Meals shall be served at approximately the same time every day.

51.14(4) *Medical diets.* Special diets as prescribed by a medical practitioner shall be followed and documented.

51.14(5) *Religious requests.* When a special diet is requested for a detainee due to a bona fide religious belief, the facility shall meet that need unless the facility can demonstrate that its refusal does not impose a substantial burden on the exercise of the detainee's religion or that its refusal furthers some compelling interest and is the least restrictive means of furthering that interest.

51.14(6) *Punishment.* Deviation from normal feeding procedures shall not be used as punishment.

51.14(7) *Inspection of facilities for outside food service providers.* If food service is provided by outside sources, only a facility with a food establishment license or those required to undergo inspection by other statutes shall be utilized to provide these services. The transfer of food shall be done under sanitary conditions (no policy required).

201—51.15(356,356A) In-house food services.

51.15(1) Food preparation areas shall be clean and sanitary in accordance with requirements of the state health standards regulating the operation of institutions, food establishments, or equivalent organizations.

51.15(2) All food products shall be stored or refrigerated in compliance with state health standards governing institutional or food establishment operations.

51.15(3) Dishes, utensils, pans and trays shall be sanitized after use in accordance with state health standards for food establishments or institutions.

51.15(4) Staff shall serve or supervise the serving of all meals. Food handlers must be clean and free of illness or disease.

201—51.16(356,356A) Communication.

51.16(1) *Telephone calls upon arrest.* Detainees shall be permitted telephone access to their family or an attorney, or both, without unnecessary delay after arrest, at no charge if made within the local calling area, as required by Iowa Code section 804.20.

51.16(2) *Attorneys and ministers.* Attorneys and ministers shall be permitted to visit detainees upon request of the detainee at reasonable hours if security and daily routine are not unduly interrupted.

51.16(3) *General visitation.*

a. All detainees in normal status shall be allowed reasonable visitation.

b. Rules shall specify who is allowed to visit and when and how often visitors are allowed.

c. Facility staff shall document the date and time of visit, name and address of each person visiting, and the name of the detainee visited. Computerized logs are acceptable.

d. A visit may be denied if reasonable suspicion exists that the visit might endanger the security of the facility. A record shall be made of such denial and the reason(s) therefor.

51.16(4) *Detaining non-U.S. citizens.* When non-U.S. citizens are detained, they shall be advised of the right to have their consular officials notified or the nearest consular officials shall be notified of the detention, whichever is required by the Vienna Convention. Consular officials shall be given access

to non-U.S. citizens in the facility and shall be allowed to provide consular assistance. When a facility administrator becomes aware of the death of a non-U.S. citizen, consular officials shall be notified.

51.16(5) *Detainee mail.*

a. Detainees held beyond 24 hours shall be furnished a reasonable amount of writing materials upon request. Jail officials may prohibit a detainee from corresponding with a person who states in writing that the person does not want to correspond with the detainee. This mail restriction does not include a "prior approval" list.

b. A reasonable amount of postage shall be provided to indigent detainees who are held beyond 24 hours for communication with the courts and for at least two letters per week of a personal nature when other means of communication are not available.

c. General correspondence may be opened and inspected; it may be read for security reasons if the detainee is notified of this procedure.

d. Privileged correspondence if so marked may be opened only in the presence of the detainee and then only to detect the presence of contraband; privileged correspondence will not be read except by the detainee. Privileged correspondence is defined as incoming and outgoing mail to or from:

(1) An attorney;
(2) A judge;
(3) The governor of Iowa;
(4) The ombudsman office;
(5) A member of the state or federal legislature.

e. Written policy, procedure, and practice require that, excluding weekends and holidays, incoming and outgoing letters be held for no more than 24 hours and packages be held for no more than 48 hours for inspection before delivery to the detainee or post office.

201—51.17(356,356A) Access to the courts. Detainees shall be provided at their request pertinent sections of the Iowa Code or city ordinance pertaining to their offense and access to attorneys pursuant to rule 201—51.16(356,356A).

201—51.18(356,356A) Discipline and grievance procedures.

51.18(1) No detainee shall be allowed to have authority or disciplinary control over another detainee.

51.18(2) The use of physical force by staff shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes or the suppression of disorder, and then only to the degree necessary to overcome resistance. Corporal punishment is forbidden.

51.18(3) The following information shall be made available to all detainees and explained to any detainee unable to read English:

a. A set of rules (including sanctions) and regulations pertaining to the conduct of persons in custody.

b. What services are available to them.

c. A detainee grievance procedure that includes at least one level of appeal.

51.18(4) Deprivation of clothing, bedding, or hygienic supplies shall not be used as discipline or punishment. These items may be withheld from any detainee who the staff reasonably believes would destroy such items or use them as weapons, for self-injury, to aid in escape, or interfere with the normal operation of the facility.

201—51.19(356,356A) Records. The following records shall be maintained by the facility administrator for two years unless a different period is specified.

51.19(1) Facility calendar. This record shall contain information required by Iowa Code section 356.6.

51.19(2) Visitor registration. This record shall contain the name and address of the person visiting; name of detainee visited; and the date, time and duration of the visit.

51.19(3) Facility inspection records. Facility inspection records shall contain the following and be maintained for a minimum period of two years:

a. State fire marshal's certificates.

b. Written reports received from all persons doing official inspections of the facility.

51.19(4) Medical history intake form. Notation of injury upon admission shall be included.

51.19(5) Records of medical care.

51.19(6) Injury reports. Copies of all reports of investigations relating to injuries within the facility shall be maintained by the facility administrator in a separate injury file or referenced in the detainee file by log for a period of five years.

51.19(7) Disciplinary records.

51.19(8) Property receipts. Property receipts as required by Iowa Code section 804.19 shall be completed and distributed as required.

51.19(9) Fire and disaster evacuation plan and record(s) of required fire drills.

51.19(10) Records of staff training.

51.19(11) Disposition of medication. A record shall be kept of the disposition of prescribed medication not taken by a detainee.

51.19(12) Supervisory checks. A record shall be made to document all required supervisory checks of detainees.

51.19(13) Incident reports. Records shall be made to document the following:

a. Use of force;

b. Suicide/suicide attempts;

c. Threats to staff, staff assaults, fires, detainee abnormal behavior, any verbal or nonverbal references to suicide and self-mutilation.

The state jail inspection unit of the DOC shall be notified within 24 hours of any death, fire, or escape. Attempted suicide, injury to staff or detainees from assaults, use of force, and prisoner self-inflicted injuries shall be reported to the DOC within 24 hours of the occurrence of the incident, excluding holidays and weekends. A copy of the investigative reports and other records shall be given to the state jail inspector upon request.

51.19(14) Menu records. This record shall include letters of documentation issued by a qualified dietitian.

201—51.20(356,356A) Nonsecure holds for juveniles.

51.20(1) *Standards for nonsecure hold areas.* The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

a. The juvenile is not physically secured to any stationary object.

b. The juvenile is under continuous visual supervision.

c. The juvenile has access to bathroom facilities.

d. A meal or meals shall be provided at usual mealtimes.

51.20(2) *Supervision of juveniles in nonsecure hold.* Juveniles in nonsecure hold status (see Iowa Code sections 232.19(2) and 232.22(2)) shall have continuous visual supervision by a qualified adult. The holding facility administrator may contract with an outside agency to perform supervisory functions. Persons performing juvenile supervisory functions must:

a. Be at least 18 years of age.

b. Have received a physical prior to employment.

c. Perform at a staff-to-detainee ratio that will ensure a safe environment for both the juvenile(s) and the staff.

d. Report any knowledge of child abuse to mandatory child abuse reporters.

e. Have successfully completed a child abuse and criminal background check.

51.20(3) *Prohibited acts.* Each nonsecure site must develop a policy of posted orders that protects juveniles against neglect; exploitation; and degrading punishment, such as corporal punishment, verbal abuse, threats, or derogatory remarks about the juvenile or the juvenile's family; binding or tying to restrict movement; enclosing the juvenile in a confined space, such as a closet, locked room, or similar cubicle; and deprivation of meals.

51.20(4) *Attendant nonsecure area operating procedures.*

a. Attendant shall make certain the juvenile is aware of the policies of the nonsecure holding area.

b. The personal effects of the juvenile shall be placed in a safe, secure place. A property receipt shall be issued to the juvenile.

c. All items given to the juvenile are subject to being searched.

d. Attendant shall pat search the juvenile.

51.20(5) *Care and treatment.*

a. Medical.

(1) No juvenile shall be held who is obviously injured, is obviously physically or mentally ill or, in the judgment of the arresting officer, is under the influence of drugs or intoxicated from the use of alcohol to the point of needing medical attention without first being examined by a medical practitioner.

(2) In an emergency situation or when the juvenile is suffering severe pain or is in danger of loss of life or permanent injury, medical treatment may be administered without parental consent. When none of the above situations exist, parental consent or judicial concurrence must be made before providing medical treatment.

(3) Juveniles suspected of having a contagious or communicable disease shall be isolated from other juveniles.

(4) There shall be at least one person on duty in the facility containing the nonsecure room who is trained in multimedia first aid and CPR.

(5) First-aid kits shall be immediately available.

(6) Any person providing medication shall be trained in the procedure of providing medication.

(7) As part of the admission procedure, a medical history intake form shall be completed. As part of this procedure, an attempt will be made to determine if the juvenile is suicidal by observing behavior and looking for marks or scars that would indicate previous suicide attempts.

(8) There shall be written policies or procedures pertaining to providing medication.

(9) All medication shall be stored according to state pharmaceutical standards and written inventory control maintained. The inventory shall include the starting number of pills, when pills were provided and by whom, the remaining number of pills at the time the juvenile left the facility, the disposition of the remaining pills, and a staff witness to the disposition of the pills.

(10) Special diets as prescribed by a medical practitioner shall be followed and documented.

(11) When a special diet is required for an individual due to a bona fide religious belief, the facility shall meet that need.

b. Communications.

(1) Juveniles shall be permitted, at no charge, telephone access to their family or an attorney, or both, without unnecessary delay after being taken into custody. Once family or attorney has been contacted, the number of additional calls, if any, will be determined by attendant.

(2) Attorneys and ministers shall be permitted to visit upon request when such visiting will not disrupt security or daily routines of the facility. Determination of additional visits shall be made by attendant.

c. Safety and sanitation.

(1) Walls, floors, and ceiling shall be well maintained.

(2) Facility shall be maintained in a pest-free condition.

(3) Clean bedding, including sheets, blankets, and pillowcases, shall be issued to each juvenile who wishes to sleep between the hours of 9 p.m. and 7 a.m.

(4) Soiled clothing that may affect the health of the juvenile shall be exchanged for clean, facility-provided clothing.

(5) An emergency evacuation plan must be conspicuously posted.

(6) There shall not be less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building.

(7) All exits shall be equipped with independent emergency lighting.

(8) Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as

to provide access for each juvenile to at least two separate and distinct exits from each floor. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are on the person of the attendant. Elevators shall not be counted as required exits.

(9) A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories shall be installed and maintained in operational condition according to the factory manual. These alarms shall be ceiling-mounted and of such construction to continue in operation during power failure. Alarms shall be tested on at least a monthly basis. Such test shall be documented.

(10) Only fire-resistant mattresses and pillows approved by the state fire marshal's office shall be used.

d. Staff training requirements.

(1) Attendants shall be knowledgeable of facility policies and procedures pertaining to juvenile nonsecure holds, and acknowledgment of this shall be made by attendant's dated signature.

(2) Nonsecure hold attendants shall have received instruction in the following areas prior to supervising juveniles in a nonsecure holding area:

1. Role of nonsecure hold attendant.
2. Confidentiality issues.
3. Intake procedures—medical and suicide screening.
4. Communication and listening skills.
5. Dealing with a depressed or suicidal juvenile.
6. Overview of state and federal law.
7. Provision of medication.
8. Gentle self-defense.
9. Child abuse identification.

e. Juvenile supervision.

(1) An attendant shall be in the presence of all juveniles held at all times. Same-sex attendant or staff shall be present when juveniles perform bodily functions/shower.

(2) A log shall be maintained at half-hour intervals reflecting the juvenile's activities and behavior.

f. Records. The following records shall be maintained by the facility for a period of at least two years:

(1) Medical history intake form.
(2) Records of medical care.
(3) Injury reports.
(4) Food served.
(5) Records of staff training.
(6) Disposition of medication.
(7) Individual log.
(8) Any use of force reports.
(9) Any suicide or suicide attempts reports.

g. Incident reports. Reports of the following incidents shall be sent to the state jail inspection unit, DOC, within 24 hours of incident:

(1) Any injury to juvenile or staff that requires medical attention.
(2) Any use of force by staff.
(3) Any attempted suicide.

The state jail inspection unit, DOC, shall be notified within five hours of any successful juvenile suicide that occurred in a nonsecure hold area.

51.20(6) *Exemption from nonsecure hold standards.* Any requests for exemption from nonsecure hold standards shall be submitted according to the provisions under 201—Chapter 2504.

These rules are intended to implement Iowa Code sections 80B.11A, 356.36 and 356.43 and chapter 356A.

ARC 0623D

HUMAN RIGHTS DEPARTMENT[421]

Notice of Intended Action

Proposing rulemaking related to functions of division and juvenile justice youth development program and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 30, "Functions of Division," and Chapter 31, "Juvenile Justice Youth Development Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 216A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2023 Iowa Acts, Senate File 514, and Executive Order 10.

Purpose and Summary

As part of the Executive Order 10 Red Tape Review process and pursuant to 2023 Iowa Acts, Senate File 514, regarding government realignment, the Department has moved relevant chapters from the legacy Department of Human Rights agency [421] to agency [441].

The Department consulted with the Department of Public Safety on Chapter 30 and it was determined that the information in this chapter is no longer needed. As such, the Department is proposing to rescind this chapter and will not repromulgate it under agency [441].

Chapter 31 addresses the grant process for funds received through Title II of the federal Juvenile Justice and Delinquency Prevention Act. Because the information in the chapter can be covered in the grant contracts themselves, this chapter is proposed to be rescinded and will not be repromulgated under agency [441].

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Victoria L. 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:

October 20, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw
October 20, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 291 736 521 030 670 Passcode: LC2Pf3Q8

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 and reserve **421—Chapter 30**.

ITEM 2. Rescind and reserve **421—Chapter 31**.

ARC 0620D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to amount, duration and scope of medical and remedial services and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 78, "Amount, Duration and Scope of Medical and Remedial Services," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 249A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 249A.

Purpose and Summary

This proposed rulemaking allows rural health clinics (RHCs) to receive Medicaid reimbursement for the provision of dental services. The services would be provided by local dentists who contract with the RHCs.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

Based upon a 2.94 percent RHC opt-in estimate, there would be a total cost increase of $3,934,581.43, with $2,736,894.84 being federal and $1,197,686.59 being State.

Jobs Impact

This proposed rulemaking may positively impact small dental providers by enabling them to receive reimbursement for services provided at RHCs.

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 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Victoria L. 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

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

October 20, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw

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

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** subrule 78.21(4):

78.21(4) *Dental services.* Payment will be made to rural health clinics for dental services payable under Iowa Medicaid's dental wellness plan as described in 441—Chapter 73.

ARC 0618D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to certificate of need and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 123, "Certificate of Need Program," and Chapter 124, "Standards for Certificate of Need Review," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 135.71.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 135.71 and 2026 Iowa Acts, House File 2635.

Purpose and Summary

The purpose of this proposed rulemaking is to implement the provisions of 2026 Iowa Acts, House File 2635, which changes the requirements for obtaining a certificate of need by, among other things:

- Eliminating the requirement to submit a letter of intent;
- Eliminating the requirement for a public hearing; and
- Excluding the following from the certificate of need requirement:
  - Cardiac catheterization service;
  - Open heart surgical service;
  - Organ transplantation service; and
  - Some radiation therapy services for the treatment of malignant disease.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Victoria L. 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

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

October 20, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule 441—123.1(135) as follows:

441—123.1(135) ~~Definitions~~ Definition. For purposes of this chapter, the following ~~definitions apply~~ definition applies:

"Long-term (acute) care hospital" means a hospital that has been approved to participate in the Title XVIII (Medicare) program as a long-term care hospital-prospective payment system (LTCH-PPS) hospital in accordance with 42 CFR Part 412 as amended to August 1, 2025.

~~*"Radiation therapy service applying ionizing radiation for the treatment of malignant disease using megavoltage external beam equipment,"* as the term applies to new or changed institutional health service in Iowa Code section 135.61(17)*"m"*(4), means the initiation or expansion of this service.~~

ITEM 2. Rescind rule **441—123.2(135)**.

ITEM 3. Amend rule 441—123.3(135) as follows:

441—123.3(135) Determination of reviewability. A sponsor of a proposed project may electronically submit a written request for a determination of reviewability as to whether the project requires a certificate of need.

123.3(1) If it is determined that a certificate of need is required, the department will notify the sponsor ~~and the request for nonreviewability will be considered the letter of intent for purposes of subrule 123.2(2)~~ of the determination of renewability and the sponsor will be allowed to submit an electronic application immediately.

123.3(2) No change.

ITEM 4. Renumber rules **441—123.3(135)** to **441—123.12(135)** as **441—123.2(135)** to **441—123.11(135)**.

ITEM 5. Amend renumbered rule 441—123.3(135) as follows:

441—123.3(135) Submission of application.

123.3(1) Application form.

a. A sponsor of a proposed project for a new or changed institutional health service will submit to the department an electronic application for certificate of need using the appropriate application form found on the certificate of need website. All information requested in the application form is required in the absence of a waiver by the department.

b. and *c.* No change.

123.3(2) No change.

123.3(3) The notice of an accepted application issued pursuant to Iowa Code section 135.65(2) will inform the applicant and affected persons of the deadlines for the electronic submission to the department of written ~~statements~~ public comments or other materials.

ITEM 6. Amend renumbered subrule 123.4(2) as follows:

123.4(2) Public comments on an application.

a. The department will receive written public comments on an application during a time frame prescribed by the department for each application. ~~Oral comments will be received at a public hearing set by the department.~~

b. No change.

ITEM 7. Amend renumbered subrules 123.5(1) to 123.5(3) as follows:

123.5(1) An applicant will electronically submit a written request for summary review and a copy of the application and all attachments. ~~An applicant is not required to submit a letter of intent pursuant to Iowa Code section 135.64 prior to submitting a written request for a summary review.~~

123.5(2) The eligibility of an application for summary review pursuant to Iowa Code section 135.66 ~~does not mandate or require such review. The department will make the decision as to whether an application will be reviewed in the summary review process~~ will be at the department's discretion.

123.5(3) Upon receipt of a ~~written~~ request for summary review, an application, and the fee required by Iowa Code section 135.62(1), the department will notify the applicant ~~in writing~~ within 15 calendar days if the application is complete and if a summary review will be granted.

ITEM 8. Amend renumbered subrule 123.6(2) as follows:

123.6(2) An extension by the department made pursuant to subrule ~~123.7(1)~~ 123.6(1) will in no case be more than ~~60~~ 30 calendar days beyond the time a decision is required under Iowa Code section 135.68 unless the applicant and the department agree.

ITEM 9. Amend renumbered subrule 123.7(1) as follows:

123.7(1) An applicant or any affected person who has participated or sought unsuccessfully to participate in the formal review procedure prescribed in Iowa Code section 135.65 may, for good cause shown, electronically file an application for rehearing ~~in writing~~ with the department stating the specific grounds therefor and the relief sought within 20 calendar days after the date of the issuance of the final decision on an application for certificate of need.

ITEM 10. Amend renumbered rule 441—123.8(135) as follows:

441—123.8(135) Finality. The certificate of need application process is continuous beginning with submission of ~~a letter of intent or request for waiver of a letter of intent~~ an application through issuance of a final decision by the department subject to judicial review under Iowa Code chapter 17A.

123.8(1) The following stages of the process are intermediate and subject to judicial review only to the extent the stages meet criteria for intermediate review under Iowa Code section 17A.19:

a. A decision by the department pursuant to rule ~~441—123.3(135)~~ 441—123.2(135) that a proposed project does not require a certificate of need;

b. A decision by the department to ~~waive submission of the letter of intent and substitute~~ conduct summary review; and

c. No change.

123.8(2) No change.

ITEM 11. Amend renumbered subrule 123.10(1) as follows:

123.10(1) Once a project has been approved by the department, no changes that vary from or alter the number of approved beds, the approved services or the approved cost by an amount indicated in subrule ~~123.11(2)~~ 123.10(2) may be made unless requested by the applicant and approved by the department. Requests should be ~~made in writing and~~ filed with the department electronically.

ITEM 12. Rescind rule **441—124.1(135)**.

ITEM 13. Rescind rule **441—124.2(135)**.

ITEM 14. Rescind the definitions of "Active oncology service" and "Chemotherapy service" in subrule **124.3(2)**.

ITEM 15. Amend subparagraph **124.3(3)"a"(2)** as follows:

(2) An applicant in an area with one or more scanners.

1. An applicant must meet the requirement of need described in subparagraph ~~124.4(3)~~ 124.2(3) *"a"*(1), and

2. No change.

3. University of Iowa Health Care is specifically exempted from consideration under numbered paragraph ~~124.3(3)~~ 124.3(2)*"a"*(2)"2" because it has a service area that encompasses the entire state and adjoining states. The utilization statistics for scanners at the University of Nebraska Medical Center and Creighton University Medical Center – Bergan Mercy (both in Omaha) will not affect the need for scanners at hospitals in Council Bluffs.

ITEM 16. Renumber rules **441—124.3(135)** to **441—124.6(135)** as **441—124.1(135)** to **441—124.4(135)**.

ITEM 17. Amend renumbered subparagraph **124.3(3)"b"(1)** as follows:

(1) An applicant must meet the requirement of need described in paragraph ~~124.5(3)~~ 124.3(3)*"a,"* and

ITEM 18. Amend renumbered subrule 124.4(3) as follows:

124.4(3) *Availability and need.* (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*)

a. No change.

b. An applicant in an area with one or more PET units currently in operation or approved by the certificate of need program for operation.

Existing PET units within the area (whether basic or enhanced) should have been operating at a minimum of 1,000 PET procedures during the most recent annual period as reported to the certificate of need program according to paragraph ~~124.6(4)~~ 124.4(4)*"e."*

ARC 0617D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to general provisions and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 130, "General Provisions," Iowa Administrative Code, and to adopt a new Chapter 130 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 234.6.

Purpose and Summary

This proposed chapter provides general information and guidance related to application and eligibility for, and provision of, services from the Department.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department replaced restrictive terms and deleted outdated and redundant information.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Victoria L. 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:

October 20, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw
October 20, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 291 736 521 030 670 Passcode: LC2Pf3Q8

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 441—Chapter 130 and adopt the following **new** chapter in lieu thereof:

TITLE XIII
SERVICE ADMINISTRATION

CHAPTER 130
GENERAL PROVISIONS

441—130.1(234) Definitions.

"Family" includes the following members:

1. Legal spouses (including common law) who reside in the same household.
2. Natural, adoptive, or stepmother or stepfather and children who reside in the same household.
3. An individual or a child who lives alone or who resides with a person, or persons, not legally responsible for the child's support.

"Family-centered services" means services provided by the department pursuant to 441—Chapter 172.

"Temporary absence" means:

a. A medical absence anticipated to be less than three months;
b. An absence for the purpose of education or employment; or
c. When a family member is absent and intends to return home within three months.

441—130.2(234) Application.

130.2(1) Application for social services shall be made at any department office on forms prescribed by the department. Application for services shall be made on an Application for All Social Services form.

130.2(2) The application may be filed by the applicant; the applicant's authorized representative; or, where the applicant is incompetent or incapacitated, someone acting responsibly for the applicant.

130.2(3) The date of application is the date a signed application form is received in the department office.

130.2(4) The application will be approved or denied within 30 days from the date of application and the applicant notified of the decision. The decision will be mailed or given to the applicant on the date the determination is made, except that for services ordered by the court, the court order provided by the court and the case permanency plan provided by the department shall serve as notification. When individual case management services are being provided, the application will be approved or denied no later than the date that the department service manager, who is part of the interdisciplinary team, signs the individual program plan.

130.2(5) Eligibility will be redetermined in the same manner as an application at least every six months for family-centered services. For all other services, eligibility will be redetermined in the same manner as an application at least every 12 months.

441—130.3(234) Eligibility.

130.3(1) Eligibility factors for services available through the department are individual need for a service and family income except when services are provided without regard to income or when services are directed in a court order.

a. Individual need is established when the service to be provided is directed at and will facilitate an individual in reaching or maintaining one of the goals and objectives in 130.6(1). Except when the court establishes need, the department will establish individual need in accordance with each individual service's rules. The department will determine the number of units to be provided.

b. The block grant service to be provided will be contained in the pre-expenditure report and listed for the specific district and county. Service available through the department and funded by resources other than the social service block grant is identified in rules for that specific service.

c. Service will be provided only when funds are available for service delivery.

d. Persons are financially eligible for services when they are in one of the following categories:

(1) Income maintenance status. They are recipients of the family investment program (FIP), those whose income was taken into account in determining the needs of FIP recipients, recipients of supplemental security income or state supplementary assistance, or those in the 300 percent group as defined in 441—subrule 75.6(4).

(2) Income eligible status. The monthly gross income is based on family size. Family size income levels are found on the department's website.

e. Certain services are provided without regard to income, which means family income is not considered in determining eligibility. The services provided without regard to income are information and referral, child protective assessment, child abuse treatment, child abuse prevention services, including protective child care services, family-centered services, dependent adult abuse evaluation, dependent adult abuse treatment, dependent adult abuse prevention services, and purchased adoption services to individuals and families referred by the department.

f. In certain cases, the department will provide services directed in a court order.

130.3(2) To be eligible for services, the person must be living in the state of Iowa. Living in the state includes those persons living in Iowa for a temporary period, other than for the purpose of vacation.

130.3(3) In determining gross income, all income received by an individual from sources identified by the U.S. Census Bureau in computing median income is considered and includes money wages or salary, net income from nonfarm self-employment, net income from farm self-employment, social security, dividends, interest, income from estates or trusts, net rental income and royalties, public assistance or welfare payments, pensions and annuities, unemployment compensation, worker's compensation, alimony, child support, and veterans pensions. Excluded from the computation of monthly gross income are the following:

a. Per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian claims commission or the court of claims.

b. Payments made pursuant to the Alaska Claims Settlement Act as amended to August 1, 2026, to the extent such payments are exempt from taxation under Section 21(a) of the Act as amended to August 1, 2026.

c. Money received from the sale of property unless the person was engaged in the business of selling such property.

d. Withdrawals of bank deposits.

e. Money borrowed.

f. Tax refunds.

g. Gifts.

h. Lump sum inheritances or insurance payments or settlements.

i. Capital gains.

j. The value of USDA-donated foods.

k. The value of supplemental food assistance under the Child Nutrition Act of 1966 as amended to August 1, 2026, and the special food program for children under the National School Lunch Act as amended to August 1, 2026.

l. Earnings of a child 14 years of age or under.

m. Loans and grants obtained and used under conditions that preclude their use for current living expenses.

n. Any grant or loan to any undergraduate student for educational purposes made or insured under the Higher Education Act as amended to August 1, 2026.

o. Home produce utilized for household consumption.

p. Stipends received by persons for participating in the foster grandparent program.

q. The first $65 plus 50 percent of the remainder of income earned in a sheltered workshop or work activity setting.

r. Payments from the low-income home energy assistance program (LIHEAP).

s. In determining eligibility for purchase of local services, one-third of the income of a disabled survivor who is a recipient of child's insurance benefits under the federal old-age, survivors, and disability insurance program established under Title II of the federal Social Security Act as amended to August 1, 2026.

t. In determining eligibility for purchase of local services, one-third of the income of a person who receives social security permanent disability benefits.

u. Agent Orange settlement payments.

v. Rent reimbursement provided under Iowa Code chapter 425.

w. Moneys received under the federal Social Security Persons Achieving Self-Sufficiency (PASS) program or the Income-Related Work Expense (IRWE) program.

130.3(4) Temporary absence. The composition of the family group does not change when one, or more, of the group members is temporarily absent from the household.

441—130.4(234) Adverse service actions.

130.4(1) *Denial.* Services will be denied when it is determined by the department that:

a. The client is not in need of service;

b. The client is not financially eligible;

c. The service to be provided is not in the Social Services Block Grant Pre-Expenditure Report;

d. There is another community resource available to provide the service or a similar service free of charge to the client that will meet the client's needs;

e. In cases other than protective service investigation, the client, parent, or representative refuses to sign the application form;

f. The service for which the client is eligible is currently not available; or

g. Funding is not available to provide the service.

130.4(2) *Termination.* A particular service may be terminated when the department determines any one or combination of the following factors:

a. The specific need to attain the goals and objectives to which the service was directed has been achieved;

b. After repeated assessment, it is evident that the family or individual is unable to achieve or maintain the goals set forth in the individual client service plan;

c. After repeated efforts, it is evident that the family or individual is unwilling to accept further service;

d. The client's income or resources exceed the financial guidelines, or the client no longer meets other eligibility criteria established by the department for the service;

e. The service is no longer offered or available from the department;

f. Another community resource is available to provide the service or a similar service free of charge to the client that will meet the client's needs;

g. The client refuses to allow documentation of eligibility as to need, income, and resources; or

h. Funding is not available to provide the service.

130.4(3) *Reduction.* A particular service may be reduced when the department determines one of the following:

a. Continued provision of service at its current level is not necessary. The department will determine the level to which the service may be reduced without jeopardizing the client's continued progress toward achieving or maintaining the goal.

b. Another community resource is available to provide the same or similar service to the client at no financial cost to the client, that will meet the client's needs.

c. Funding is not available to continue the service at the current level. The client will be reassessed to determine the level of service to be provided.

130.4(4) *Pending changes.* The department will endeavor to make clients aware of pending changes in services to be provided by social services block grant from one program year to the next, particularly for those services that will no longer be available. This requirement also applies to time-limited services.

130.4(5) *Notice and appeal.* Notice of adverse service actions will be issued in accordance with 441—Chapter 16 and may be appealed pursuant to 441—Chapter 2506.

441—130.5(234) Social casework. For each active service case, when service is provided directly, purchased, or by a combination of methods, the department will:

130.5(1) Determine eligibility.

130.5(2) Ensure there is a department case plan for each individual or family based on assessment of strengths and needs. The department will furnish appropriate sections of the initial plan and of all updated department case plans to the provider agency when services are purchased for an individual. When individual case management services are being provided, the individual case management services provider shall distribute the case plans.

130.5(3) Refer the client to other agencies through proper channels and coordinate all people involved in the case. When individual case management services are being provided, the individual case management services provider shall be responsible for making referrals and coordinating workers as specified in the individual program plan.

130.5(4) Enter information to the service reporting system.

130.5(5) Monitor the case to ensure that eligibility continues, services are received, plans are adjusted as needed, services reporting system reporting is correct, and the case is canceled when appropriate, according to these rules.

130.5(6) Ensure that services are unavailable elsewhere without cost to the client.

441—130.6(234) Case plan. The department will develop a case plan with or on behalf of persons approved to receive services. However, a case plan is not required (1) for child or adult protective assessment, (2) for foster care cases in which the department does not have custody, guardianship or a voluntary placement agreement, or (3) when child care is the only service. A case plan will be developed with or on behalf of every other person approved to receive services unless the person has a case manager as specified in 441—Chapter 24. When department services are provided before an individual program plan in compliance with 441—Chapter 24 is approved, a department case plan will be developed according to the requirements of this rule. When individual case management services are being provided, the rules in 441—Chapter 24 on time limits, plan format and on who develops

the plan will apply for adults and for children whose services are not under court jurisdiction. The department will determine eligibility for those services provided by the department; however, a separate department case plan need not be developed. If the individual program plan does not include sufficient information to meet department service requirements or the requirements in this chapter, the person providing department social casework will complete either a case plan or addendum and coordinate distribution to the persons who receive the individual program plan with the case manager.

The case plan will become part of the client's case record. The client shall participate in the development of this plan to the extent possible. The case plan will be consistent with other service or program plans. A copy of the case plan will be provided to the client or, when indicated, to the parent or representative of the client. For adult services, the case plan will be recorded using an individual service plan. For children's services, the case plan will be known as the case permanency plan and will be prepared using a family case plan.

130.6(1) Services will be directed toward the social services block grant goals of:

a. Achieving or maintaining self-support to prevent, reduce or eliminate dependency.

b. Achieving or maintaining self-sufficiency, including reduction or prevention of dependency.

c. Preventing or remedying neglect, abuse or exploitation of children or adults unable to protect their own interest or preserving, rehabilitating or reuniting families.

d. Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care.

e. Securing referral or admission for institutional care when other forms of care are not appropriate or providing services to individuals in institutions.

130.6(2) The recorded case plan will contain but not be limited to the following:

a. The goal and objective to which the plan is directed, stated in a clear manner indicating the specific services required to achieve or maintain the goals to meet the needs of the particular client.

b. Activities of clients and others involved in the plan related to specific services. These will be measurable and have time frames for completion.

c. A summary of all pertinent information relating to the client and the client's situation relative to need, containing but not limited to the following:

(1) Emotional behavior.

(2) Social aspects.

(3) Historical perspective.

(4) Reasons for success or lack of success.

(5) Safety-related information indicating whether a child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse. The safety-related information will be withheld only if ordered by the court or if the department or the agency developing the service plan determines that providing the information would be detrimental to the child or to the family with whom the child is living.

(6) An assessment of whether continued breastfeeding by a child's mother is in the best interest of the child and a plan to support the mother's breastfeeding efforts, if appropriate.

d. Information on case entries that will substantiate the client's eligibility for service.

e. A target date for reevaluation of the case plan based on assessment of need that shall not exceed six months.

f. A review of financial eligibility in accordance with 130.2(5).

g. The reason for termination or reduction of any or all services.

130.6(3) The case plan will be developed and filed in the case record as follows:

a. In child welfare cases, the case plan will be developed in partnership with the child, the family, and the caregiver.

(1) The recommendations from the child protective assessment and the safety plan developed with the family will be considered an initial case plan.

(2) A case permanency plan that meets the requirements of Iowa Code section 232.2 will be filed within 60 days from the date the child enters foster care or the date the department opens a child welfare service case, whichever occurs first.

b. For all other cases, the case plan shall be developed before services begin unless there is an unanticipated provision of service for the protection and well-being of a client. In that case, the case plan will be filed within 45 days from the date that services begin.

130.6(4) The reevaluation of the case plan will include all components listed under 130.6(2) and will be filed at least every six months or more often when there are significant changes, when required by the court, or when required according to the rules of the service.

130.6(5) The case plan may be amended between evaluation periods. Participants in the plan will receive a copy of the amendment.

441—130.7(234) Entitlement. There is no automatic right to ongoing service in any service category from one fiscal year to the next.

These rules are intended to implement Iowa Code section 234.6.

ARC 0626D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to juvenile detention reimbursement and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 167, "Juvenile Detention Reimbursement," Iowa Administrative Code, and to adopt a new Chapter 167 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 232.142.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 232.142.

Purpose and Summary

This proposed chapter was reviewed as a part of the Red Tape Review as set forth by Executive Order 10. As a part of this review, restrictive terms were eliminated and rules were updated to reflect modern practices. This proposed chapter sets forth rules for eligible juvenile detention homes to receive reimbursement from the Department for the cost of operating the detention homes.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Victoria L. 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:

October 20, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw
October 20, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 291 736 521 030 670 Passcode: LC2Pf3Q8

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 441—Chapter 167 and adopt the following **new** chapter in lieu thereof:

CHAPTER 167
JUVENILE DETENTION REIMBURSEMENT

441—167.1(232) Definitions.

"Allowable costs" means those expenses of the county or multicounty related to the establishment, improvements, operation, and maintenance of county or multicounty juvenile detention homes.

"County or multicounty" means that the governing body is a county board of supervisors or a combination of members of participating county boards of supervisors.

"Detained" means the period of time a youth is physically occupying a bed in a juvenile detention home, that is, from the time of intake at the juvenile detention home (nothing prior to this) to the time a youth is discharged from the bed at the home (nothing after this).

"Eligible costs" are those allowable costs that are directly attributable to the function of detaining youth in the home, from the point of intake through discharge from the home.

"In-home detention" means a detention program that confines a child to the child's residence as an alternative to secure detention at juvenile detention home. In-home detention allows limited movement for approved activities like school, work or medical appointments and aims to provide supervision of children while enabling them to maintain some responsibilities and relationships outside of a secure juvenile detention home.

441—167.2(232) Availability of funds. Any year that the Iowa legislature makes funds available for this program, the department will accept requests for reimbursement from eligible facilities.

441—167.3(232) Eligible detention homes. County and multicounty juvenile detention homes shall be eligible for reimbursement under this program when:

167.3(1) The home:

a. Is approved by the department under the standards of Iowa Code chapter 232.

b. Submits the following completed forms and audits by March 15, or within ten days of completion if after March 15, of the year following the conclusion of the state fiscal year for which reimbursement will be made.

(1) A written statement identifying the eligible total net cost that will be claimed.

(2) A copy of the department-authorized financial and statistical report for juvenile detention homes.

(3) A copy of the home's certified audit containing financial information for the period for which reimbursement is being claimed.

c. Has an independent certified public accountant or an independent accounting firm complete the financial and statistical report and certify the fair presentation of the report. The preparer shall have the experience necessary to complete the report in accordance with generally accepted accounting principles (GAAP) and the instructions for completing the financial and statistical report.

167.3(2) The department has reviewed the information submitted and determined that the costs to be claimed meet eligibility requirements. Eligible costs are based on the portions of the allowable costs that are directly attributable to the function of detaining youth in the home.

a. Costs are not eligible for reimbursement if a supplemental funding, reimbursement, or refund source is available to the home. County payments to an eligible home for the function of detaining youth in the home are not considered to be supplemental funding, reimbursement, or refund sources for the purpose of this subrule. Ineligible costs include but are not limited to:

(1) Refundable deposits.

(2) Services funded by sources other than the juvenile detention reimbursement program.

(3) Operational activities.

b. Costs attributed to portions of the home not directly used for detaining children.

c. Costs of alternatives to detaining youth in the approved detention home. Alternative services ineligible for reimbursement include but are not limited to:

(1) Community tracking and monitoring activities.

(2) Transportation during the time a youth is detained that is not related to service or care and keep or that is the responsibility of or funded by another source.

(3) Outreach services.

(4) In-home detention.

d. Capital expenses are depreciated over the useful life of the item following GAAP. The annual depreciated amount for items that are eligible costs may be claimed for reimbursement.

(1) Capital expenses include items costing more than $5,000 that have a useful life of over two years.

(2) Depreciation schedules shall be filed with the department annually.

441—167.4(232) Available reimbursement. The reimbursement for the participating detention homes will be based on the distribution formula authorized by Iowa Code section 232.142.

441—167.5(232) Reimbursement by the department. Reimbursement will only be made to those participating juvenile detention homes that the department has determined to have complied with these rules.

These rules are intended to implement Iowa Code section 232.142.

ARC 0625D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to child care services and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 170, "Child Care Services," Iowa Administrative Code, and to adopt a new Chapter 170 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 237A.13 and 237A.29.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 237A.13 and 237A.29.

Purpose and Summary

This proposed chapter was reviewed as part of the Red Tape Review process laid out by Executive Order 10. Through the Red Tape Review process, restrictive terms were removed, duplicative information was streamlined, and language was changed to be in line with modern procedures and practices. This proposed chapter establishes requirements for the payment of child care services. Child care services are for children of low-income parents who are in academic or vocational training, employed or looking for employment, unable to care for children due to physical or mental illness, or needing protective services to prevent or alleviate child abuse or neglect. Services may be provided in a licensed child care center, a registered child development home, the child's own home, or a nonregistered family child care home.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Victoria L. 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:

October 20, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw
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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 441—Chapter 170 and adopt the following **new** chapter in lieu thereof:

CHAPTER 170
CHILD CARE SERVICES

441—170.1(237A) Definitions.

"Child care" means the same as defined in Iowa Code section 237A.1.

"Child care facility" means the same as defined in Iowa Code section 237A.1.

"Child with protective needs" means a child who is in foster care or has a case file that identifies child care as a safety or well-being need to prevent or alleviate the effects of child abuse or neglect. Child care is provided as part of a safety plan during a child abuse or child in need of assistance

assessment or as part of the service plan established in the family's case plan. This designation means that the child has at least one of the following:

1. An open child abuse assessment;
2. An open child in need of assistance assessment;
3. An open child welfare case as a result of a child abuse assessment;
4. A petition on file for a child in need of assistance adjudication; or
5. Adjudication as a child in need of assistance.

"Client" means a current or former recipient of the child care assistance program.

"Client error" means and may result from:

1. False or misleading statements, oral or written, regarding the client's income, resources, or other circumstances that affect eligibility or the amount of assistance received;
2. Failure to timely report changes in income, resources, or other circumstances that affect eligibility or the amount of assistance received;
3. Failure to timely report the receipt of child care units in excess of the number approved by the department;
4. Failure to comply with the need for service requirements.

"Department error" means child care assistance incorrectly paid for the client because of action attributed to the department as the result of one or more of the following circumstances:

1. Loss or misfiling of forms or documents.
2. Errors in typing or copying.
3. Computer input errors.
4. Mathematical errors.
5. Failure to determine eligibility correctly or to certify assistance in the correct amount when all essential information was available to the department.
6. Failure to make timely changes in assistance following amendments of policies that require the changes by a specific date.

"Food services" means the preparation and serving of nutritionally balanced meals and snacks.

"Intentional program violation" means and may result from knowingly making or causing to be made a false statement or a misrepresentation of a material fact, failing to disclose a material fact, or committing a fraudulent practice to receive benefits in an amount greater than the amount the client or provider is entitled to receive.

"In-home" means care that is provided within the child's own home.

"Net profit from self-employment" means gross income less the costs of producing the income other than depreciation. A net loss in self-employment income cannot be offset from other earned or unearned income.

"Overpayment" means any benefit or payment received in an amount greater than the amount the client or provider is entitled to receive.

"Parent" means the parent or the person who serves in the capacity of the parent of the child receiving child care assistance services.

"Program and activities" means the daily schedule of experiences in a child care setting.

"PROMISE JOBS" means the department's work and training program, promoting independence and self-sufficiency through employment job opportunities and basic skills as described in 441—Chapter 93.

"Provider" means a licensed child care center, a registered child development home, a caretaker who provides care for a child in the child's home, or a nonregistered child care home.

"Provider error" means and may result from:

1. Presentation for payment of any false or fraudulent claim for services or merchandise;
2. Submitting false information for the purpose of obtaining greater compensation than that to which the provider is legally entitled;
3. Failure to report the receipt of a child care assistance payment in excess of that approved by the department;

4. Charging the department an amount for services rendered over and above what is charged private pay clients for the same services;

5. Failure to maintain a copy of attendance records signed by the parent and the provider.

"Recoupment" means the repayment of an overpayment by the client or provider or both.

"Signature" means a person's name written in a distinctive way as a form of identification and will include but not be limited to wet ink signatures and electronic verification options such as picture/face recognition, PIN entry, digital fingerprint, biometric verification, or electronic signature that is unique to the person signing.

"Special needs child" means the same as defined in Iowa Code section 237A.1.

"Supervision" means the care, protection, and guidance of a child.

"Timely" means within ten calendar days.

"Unit(s) of service" means a half day that will be up to 5 hours of service per 24-hour period.

"Vocational training or education" means a training plan that includes a specific goal; that is, high school completion, high school equivalency, improved English skills, or development of specific academic or vocational skills.

441—170.2(237A,239B) Eligibility requirements. A person deemed eligible for benefits under this chapter is subject to all other state child care assistance requirements including but not limited to provider requirements under Iowa Code chapter 237A and provider reimbursement methodology. The department will determine the number of units of service to be approved.

170.2(1) *Financial eligibility.* Financial eligibility for child care assistance will be based on federal poverty levels as determined by the Office of Management and Budget and on Iowa's median family income as determined by the U.S. Census Bureau. Poverty guidelines and median family income amounts are updated annually. Changes will go into effect for the child care assistance program on July 1 of each year.

a. Income limits.

(1) For initial eligibility, an applicant family's nonexempt gross monthly income cannot exceed the amounts as described in Iowa Code section 237A.13(2).

(2) For ongoing eligibility, at the time of a family's annual eligibility redetermination, if the family's nonexempt gross monthly income exceeds the amounts in subparagraph 170.2(1)*"a"*(1), the family may continue to be eligible as long as the family's nonexempt gross monthly income does not exceed the amounts in this subparagraph.

1. 225 percent of the federal poverty level applicable to the family size for children needing basic care or special-needs care; or

2. 85 percent of Iowa's median family income, if that figure is lower than the standard in numbered paragraph 170.2(1)*"a"*(2)"1."

(3) For ongoing eligibility, at the time of a family's annual eligibility redetermination, if the family's nonexempt gross monthly income exceeds the amounts in subparagraphs 170.2(1)*"a"*(1) and *"a"*(2), the family may continue to be eligible as long as the family's nonexempt gross monthly income does not exceed the amounts as described in Iowa Code section 237A.14(1).

b. Exceptions to income limits. Exception to income limits can be made under certain circumstances:

(1) A person who is participating in activities approved under the PROMISE JOBS program is eligible for child care assistance without regard to income if there is a need for child care services.

(2) A person who is part of the family investment program or whose earned income was taken into account in determining the needs of a family investment program recipient is eligible for child care assistance without regard to income if there is a need for child care services.

(3) A person who is employed by a child care facility or child care home that is accepting child care assistance and who is eligible under Iowa Code section 237A.13A as enacted by 2026 Iowa Acts, House File 2514, is eligible for child care assistance without regard to income if there is a need for child care services. The family will be assigned a copay as specified by the department based on the family's nonexempt gross monthly income.

(4) Protective child care services are provided without regard to income.

(5) Child care services for licensed foster parents who need child care for foster children are provided without regard to income.

(6) In certain cases, the department will provide child care services as directed in a court order.

c. Determining gross income. Eligibility will be determined using a projection of income based on the best estimate of future income. In determining a family's gross monthly income, the department will consider all income received by a family member from sources identified by the U.S. Census Bureau in computing median income unless excluded under paragraph 170.2(1)*"d."*

(1) Income considered will include wages or salary, net profit from self-employment, social security, dividends, interest, income from estates or trusts, net rental income and royalties, public assistance or welfare payments, pensions and annuities, unemployment compensation, workers' compensation, alimony, child support, veterans pensions, cash payments, casino profits, railroad retirement, permanent disability insurance, strike pay, and living allowance payments made to participants of the AmeriCorps program.

(2) Income will be projected using gross income received in the previous 30-day period or an average of the income from a longer period of time if indicative of future income.

(3) Anticipated changes to future income will be considered for new employment using an employer statement of earnings or other verification from the income source.

(4) For seasonal workers, the monthly gross income will be determined by calculating the total amount of income earned in a 12-month period preceding the date of application and dividing the total amount by 12.

d. Income exclusions. The following sources are excluded from the computation of monthly gross income:

(1) Money received from the sale of property unless the person was engaged in the business of selling property.

(2) Withdrawals of bank deposits.

(3) Money borrowed.

(4) Tax refunds.

(5) Federal or state earned income tax credit.

(6) Reimbursement from the employer for job-related expenses.

(7) Gifts.

(8) Lump-sum inheritances or insurance payments or settlements.

(9) Capital gains.

(10) The value of the Supplemental Nutrition Assistance Program (SNAP) allotment under the Food and Nutrition Act of 2008 as amended to August 1, 2026.

(11) The value of USDA-donated foods.

(12) The value of supplemental food assistance under the Child Nutrition Act of 1966 as amended to August 1, 2026, and the special food program for children under the National School Lunch Act as amended to August 1, 2026.

(13) Earnings of a minor unless the minor is the parent on the application.

(14) The income of the parents with whom a teen parent resides.

(15) Loans and grants obtained and used under conditions that preclude their use for current living expenses.

(16) Any grant or loan to any undergraduate student for educational purposes made or insured under the Higher Education Act as amended to August 1, 2026.

(17) Stipends received for participating in the foster grandparent program.

(18) Payments from the subsidized guardianship waiver program.

(19) Any adoption subsidy payments received from the department.

(20) Payments from the federal Low-Income Home Energy Assistance Program (LIHEAP).

(21) For children with special needs, income spent on any regular ongoing cost that is specific to that child's disability.

(22) Moneys received under the federal Social Security Persons Achieving Self-Sufficiency (PASS) program or the Income-Related Work Expense (IRWE) program.

(23) Payments from the transition to independence program (TIP).

(24) Stipends from the preparation for adult living (PAL) program.

(25) Income received by a Supplemental Security Income recipient if the recipient's earned income was considered in determining the needs of a family investment program recipient.

(26) Payments to volunteers participating in the Volunteers in Service to America (VISTA) program.

(27) Census earnings received by temporary workers from the Bureau of the Census.

(28) Payments from the Iowa individual assistance grant program (IIAGP).

(29) Per capita payments from or funds held in trust in satisfaction of a judgment of the Indian Claims Commission or the court of claims.

(30) Payments made pursuant to Real Estate Settlement Procedures Act (RESPA) as amended to August 1, 2026, to the extent the payments are exempt from taxation.

(31) Payments for major disaster and emergency assistance provided under the Disaster Relief Act of 1974 as amended to August 1, 2026, and, the Disaster Relief and Emergency Assistance Amendments of 1988 as amended to August 1, 2026.

e. Family size. The following people shall be included in the family size for the determination of eligibility:

(1) Legal spouses who reside in the same household.

(2) Natural mother or father, adoptive mother or father, or stepmother or stepfather, and children who reside in the same household.

(3) A child or children who live with a person or persons not legally responsible for the child's support.

f. Effect of temporary absence. The composition of the family does not change when a family member is temporarily absent from the household. A family member may be absent from the home temporarily for the following reasons:

(1) An absence for the purpose of education or employment.

(2) An absence due to medical reasons that is anticipated to last less than three months.

(3) Any absence when the person intends to return home within three months.

g. Resource limits. For initial and ongoing eligibility, family resources cannot exceed $1 million.

170.2(2) *General eligibility requirements.* In addition to meeting financial requirements, the child needing services must meet age, residency, and citizenship requirements. Each parent in the household must have at least one need for service and shall cooperate with the department's quality control review and with investigations conducted by the department of inspections, appeals, and licensing.

a. Age. Child care will be provided only to children up to age 13, unless the child is a special needs child, in which case child care will be provided up to age 19. When a child reaches the age of 13 or, as applicable, the age of 19, during the certification period, eligibility will continue until the end of the approved certification period.

b. Residency. To be eligible for child care services, the person must be living in the state of Iowa. Residency will include those persons living in Iowa for a temporary period, other than for the purpose of vacation.

c. Citizenship. As a condition of eligibility, the applicant shall attest to the child's citizenship or alien status by signing the Child Care Assistance Application form. Child care assistance payments may be made only for a child who:

(1) Is a citizen or national of the United States; or

(2) Is a qualified alien as defined at 8 U.S.C. Section 1641 as amended to August 1, 2026.

1. The applicant shall furnish documentation of the alien status of any child declared to be a qualified alien.

2. A child who is a qualified alien is not eligible for child care assistance for a period of five years beginning on the date of the child's entry into the United States with qualified alien status. The five-year prohibition from receiving assistance does not apply to qualified aliens described at 8 U.S.C. Section 1613 as amended to August 1, 2026.

d. Need for service. Assistance will be provided to a two-parent family only during the parents' coinciding hours of participation in training, employment, or job search. Each parent in the household shall meet one or more of the following requirements:

(1) The parent is in academic or vocational training in full-time status. Child care services may be provided for the parent's hours of participation in academic or vocational training and for actual travel time between the child care location and the training facility.

1. Child care provided while the parent participates in postsecondary education leading up to a baccalaureate degree program or vocational training will be limited to a 24-month lifetime limit. PROMISE JOBS child care allowances provided while the parent is a recipient of the family investment program and participating in PROMISE JOBS components in postsecondary education or training will count toward the 24-month lifetime limit.

2. Payment will not be approved for child-care during training in the following circumstances:

- The training is for jobs paying less than minimum wage.
- A parent who possesses a baccalaureate degree wants to take additional college coursework unless the coursework is to obtain a teaching certificate or complete continuing education units.
- The course or training is one that the parent has previously completed.
- The parent wants to participate in online or distance learning from the parent's own home, and the training facility does not require specified hours of attendance.

(2) The parent is employed an average of 32 or more hours per week (28 hours per week if the family includes a special needs child) during the month. Child care services may be provided for the hours of employment, or for sleep time during daytime hours, and for actual travel time between the child care location and the place of employment.

(3) The parent has a child with protective needs for child care. The department will determine the hours of need for a child with protective needs, regardless of the parent's hours of participation in training, employment, or job search. The child welfare case file will document the eligibility for service of the child with protective needs.

(4) The parent is absent from the home due to inpatient hospitalization or outpatient treatment because of physical or mental illness, or is present but due to medical incapacity is unable to care for the child or participate in work or training, as verified by a physician. Eligibility under this paragraph is limited to parents who become temporarily medically incapacitated, or to instances of one parent in a two-parent household being permanently disabled, while eligible for child care assistance based on the need criteria in subparagraph 170.2(2)*"d"*(1) or *"d"*(2).

1. Child care assistance will continue to be available through the authorized certification period after the parent becomes temporarily medically incapacitated.

2. The number of units of service authorized will be determined as follows:

- For a single-parent family, the number of units authorized for the period of incapacity will not exceed the number of units authorized for the family before the onset of incapacity.
- For a two-parent family where one parent is temporarily or permanently incapacitated, the units of service authorized will be based on the need of the parent who is not incapacitated.

(5) The parent is looking for employment. Child care for job search hours will be limited to only those hours the parent is actually looking for employment, including travel time. Job search will be limited to a maximum of 90 consecutive days.

1. For applicants, job searching will be approved for a maximum of 90 consecutive days. If the parent has not started employment within 90 days, assistance will be canceled.

2. For ongoing participants, job search will be limited to a maximum of 90 consecutive days.

(6) The parent needs child care services due to participation in activities approved under the PROMISE JOBS program.

(7) The family is part of the family investment program and there is a need for child care services due to employment or participation in vocational training or education. A family who meets this requirement due to employment is not required to work a minimum number of hours. If a parent in a family investment program household remains in the home, child care assistance can be paid if that parent receives supplemental security income.

(8) The parent is employed and participating in academic or vocational training for an average of 32 or more hours per week (28 hours per week if the family includes a special needs child) during the month.

(9) Family eligibility will continue during an approved certification period when a temporary lapse in need for service for a parent occurs. A temporary lapse in a parent's need for service is allowed when a time-limited absence from work, training or education program occurs due to:

1. Need to care for a family member.
2. An illness.
3. Maternity leave.
4. Family Medical Leave Act (FMLA) as amended to August 1, 2026, situations for household members.
5. Participation in a treatment/rehabilitation program.
6. Any reduction in employment or vocational training or education hours that fall below the minimum number set forth in subparagraph 170.2(2)*"d"*(1), *"d"*(2) or *"d"*(8) as long as the parent continues to work or attend training or education.
7. Any student holiday or break for a parent participating in training or education.
8. Any interruption in work for a seasonal worker who is not working between regular industry work seasons.

(10) Family eligibility will be canceled if the lapse in need is not temporary because the lapse will continue with no established end date.

e. Cooperation. Parents shall cooperate with the department when the department selects the family's case for quality control review to verify eligibility. Parents shall also cooperate with investigations conducted by the department of inspections, appeals, and licensing to determine whether information supplied by the parent regarding eligibility for child care assistance is complete and correct.

(1) Failure to cooperate will serve as a basis for cancellation or denial of the family's child care assistance.

(2) Once assistance is denied or canceled for failure to cooperate, the family may reapply but will not be considered for approval until cooperation occurs.

170.2(3) *Priority for assistance.* Child care services will be provided only when funds are available. Funds available for child care assistance will first be used to continue assistance to families currently receiving child care assistance and to families with protective child care needs or licensed foster parents who need child care for foster children. When funds are insufficient, families applying for services must meet the specific requirements in this subrule.

a. Priority groups. Priority groups will be determined according to Iowa Code section 237A.13(9).

b. Exceptions to priority groups. The following are eligible for child care assistance and will not be prevented from receiving benefits by waiting lists for child care services:

(1) Families with protective child care needs.

(2) Recipients of the family investment program or those whose earned income was taken into account in determining the needs of family investment program recipients.

(3) Families who receive a state adoption subsidy for a child.

(4) Families who are experiencing homelessness.

(5) Licensed foster parents who need child care for foster children.

c. Effect on need for service. Families approved under a priority group are not required to meet the requirements in paragraph 170.2(2)*"d,"* except at review or redetermination.

170.2(4) *Reporting changes.* The parent may report any changes in circumstances affecting these eligibility requirements and changes in the choice of provider to the department worker or the PROMISE JOBS worker within ten calendar days of the change.

a. Timely reporting. If the change is timely reported, the effective date of the change will be the date when the change occurred.

b. Non-timely reporting. If the change is not timely reported, the effective date of the change will be the date when the change is reported to the department office or the PROMISE JOBS office.

c. Exceptions. The following changes must be reported:

(1) Changes in income when the family's gross monthly income exceeds 85 percent of Iowa's median family income.

(2) A lapse in a parent's need for service that is not temporary.

(3) A change in residency outside of the state of Iowa.

(4) No eligible child remains in the home.

d. Changes not required to report. The department will disregard any reported changes that are not required to be reported unless the change would cause the authorized units to be increased or the family copay amount to be decreased.

441—170.3(237A,239B) Application and determination of eligibility.

170.3(1) *Application process.* Application for child care assistance may be made online using the electronic application available on the family portal, at any local office of the department, or by mailing an application to the department.

a. At the end of a certification period, ongoing eligibility is determined by completing the Child Care Assistance Review form.

b. The application may be filed by the applicant; by the applicant's authorized representative; or, when the applicant is incompetent or incapacitated, by a responsible person acting on behalf of the applicant.

c. The date of application is the date a signed application form containing a legible name and address is received by the department. An electronic or paper application delivered to a closed office is considered to be received on the first day following the day the office was last open that is not a weekend or state holiday.

d. Families who are determined eligible for child care assistance will be approved for a certification period of at least 12 months. Families who fail to complete the review and redetermination process will lose eligibility at the end of the certification period.

170.3(2) *Exceptions to application requirement.* An application is not required for:

a. A person who is participating in activities approved under the PROMISE JOBS program.

b. Recipients of the family investment program or those whose earned income was taken into account in determining the needs of family investment program recipients. The date of application is the date the family requests child care assistance from the department.

c. Children with protective needs.

d. Licensed foster parents who need child care for foster children.

e. Child care services provided under a court order.

170.3(3) *Application processing.* The department will promptly approve or deny an application based on priority groups and the date the application was received.

a. The department, or PROMISE JOBS program as applicable, will determine the number of units of service authorized for each eligible family and will:

(1) Inform the family through the notice of decision; and

(2) Inform the family's provider through the Certificate of Enrollment form.

b. Unless a provider or applicant indicates otherwise, delivery of notice shall be effectuated through electronic means.

c. The effective date of assistance will be the date of application or the date the need for service began, whichever is later. When an application is not required, the effective date will be as follows:

(1) For a person participating in activities under the PROMISE JOBS program, the effective date of child care assistance will be the date the person becomes a PROMISE JOBS participant or the date the person has a need for child care assistance to participate in an approved PROMISE JOBS activity as described in 441—Chapter 93, whichever is later.

(2) For a family receiving family investment program benefits, the effective date of child care assistance will be no earlier than the effective date of family investment program benefits, 30 days before the date of application for child care assistance, or the date the need for service began, whichever is the latest.

(3) For a family with protective service needs, the effective date of assistance will be the date the family signs the Application for All Social Services form.

(4) When child care services are provided under a court order, the effective date of assistance will be the date specified in the court order or the date of the court order if no date is specified.

(5) For a family whose application was denied for failure to provide requested information but who provides all information necessary to determine eligibility, including verification of all changes in circumstances, within 14 days of the denial, the effective date of assistance will be the date that all information required to establish eligibility is provided. If the fourteenth calendar day falls on a weekend or state holiday, the family will have until the next business day to provide the information.

170.3(4) *Waiting lists for child care services.*

a. When the department has determined that there may be insufficient funding, applications for child care assistance will be taken only for the priority groups for which funds have been determined available according to subrule 170.2(3).

b. When the department determines that there is adequate funding, the department will notify the public regarding the availability of funds.

170.3(5) *Review and redetermination.* The department will redetermine a family's financial and general eligibility for child care assistance no sooner than 12 months following the initial determination or most recent redetermination.

a. The department will use information gathered on the Child Care Assistance Review form to redetermine eligibility, except when the family is not required to complete a review form as provided in paragraph 170.3(5)*"b."*

(1) If the family does not return a complete review form to the department by the end of the certification period, the family must reapply for benefits, except as provided in paragraph 170.3(6)*"a."* A returned Child Care Assistance Review form is complete when all items are answered, the form is signed and dated by the applicant, and is accompanied by all verification needed to determine continued eligibility.

(2) The department will redetermine only general eligibility for recipients eligible under paragraph 170.2(1)*"b."*

(3) If eligibility under paragraph 170.2(1)*"b"* ends, the department will redetermine financial and general eligibility for child care assistance. The redetermination of eligibility will be completed within 30 days.

b. Families who have children with protective needs, licensed foster parents who need child care for foster children, and families who are receiving child care assistance because the parent is participating in activities under the PROMISE JOBS program are not required to complete the Child Care Assistance Review form. The department will gather information needed to redetermine general eligibility. If the department needs information from the family, the department will send a written request to the family. If the family does not return the requested information by the due date, the family must reapply for child care assistance, except as provided in paragraph 170.3(6)*"a."*

170.3(6) *Reinstatement.* Assistance will be reinstated without a new application when all necessary information is provided before the effective date of expiration or cancellation and eligibility can be reestablished. If there is a change in circumstances, the change must be verified before the case will be reinstated.

a. Grace period. Assistance will be reinstated without a new application when all information necessary to determine eligibility, including verification of all changes in circumstances, is provided within 14 calendar days of the effective date of expiration or cancellation and eligibility can be reestablished. If the fourteenth calendar day falls on a weekend or state holiday, the family will have until the next business day to provide the information. The effective date of child care assistance will be the date that all information required to establish eligibility is provided.

b. Denial. Child care assistance will be denied when the department determines that:

(1) The client is not in need of service;

(2) The client is not financially eligible;

(3) There is another resource available to provide the service or a similar service free of charge that allows parents to select from the full range of eligible providers;

(4) Funding is not available;

(5) An application is required and the client or representative refuses or fails to sign the application form;

(6) The client refuses or fails to supply information or verification requested or to request assistance and authorize the department to secure the required information or verification from other sources. Signing a general authorization for release of information to the department does not meet this responsibility; or

(7) The client fails to cooperate with a quality control review or with an investigation conducted by the department of inspections, appeals, and licensing.

c. Termination. Child care assistance may be terminated when the department determines that:

(1) The client no longer meets the eligibility criteria in subrule 170.2(2);

(2) The client's income exceeds the financial guidelines;

(3) Another resource is available to provide the service or a similar service free of charge that allows parents to select from the full range of eligible providers;

(4) Funding is not available;

(5) The client makes a false or misleading statement, misrepresents, conceals, or withholds facts;

(6) The client refuses or fails to supply information or verification requested or to request assistance and authorize the department to secure the required information or verification from other sources; or

(7) The client fails to cooperate with a quality control review or with an investigation conducted by the department of inspections, appeals, and licensing.

441—170.4(237A) Elements of service provision.

170.4(1) *Fees.* Fees for services received will be charged to clients according to the schedules in this subrule, except that fees will not be charged to clients receiving services without regard to income.

a. Sliding fee schedule.

(1) For families whose eligibility is established in subparagraphs 170.2(1)*"a"*(1) and *"a"*(2), the child care assistance and child care assistance plus programs fee schedule, dated July 2026, found on the department's website is effective for eligibility determinations made on or after July 1, 2026. The fee is a per-unit charge that is applied to the child in the family who receives the largest number of units of service. The fee will be charged for only one child in the family, regardless of how many children receive assistance.

(2) For families whose eligibility is established in subparagraph 170.2(1)*"a"*(3), the child care assistance exit program fee schedule, dated July 2026, found on the department's website is effective for eligibility determinations made on or after July 1, 2026. The fee is a percentage of the cost of child care for each child in the family who receives service.

b. Collection. The provider will collect fees from clients and maintain records of fees collected. These records will be available for audit by the department.

c. Inability of client to pay fees. Child care assistance may be continued without a fee, or with a reduced fee, when a client reports in writing the inability to pay the assessed fee due to the existence of one or more of the conditions set forth below. Before reducing the fee, the department will assess the case to verify that the condition exists and to determine whether a reduced fee can be charged. The reduced fee will then be charged for the remainder of the certification period. Reduced fees may be justified by:

(1) Extensive medical bills for which there is no payment through insurance coverage or other assistance.

(2) Shelter costs that exceed 30 percent of the household income.

(3) Utility costs not including the cost of a telephone that exceed 15 percent of the household income.

170.4(2) *Method of provision.* Parents shall be allowed to exercise their choice for in-home care, except when the parent meets the need for service under subparagraph 170.2(2)*"d"*(3), as long as

the conditions in paragraph 170.4(7)*"d"* are met. When the child meets the need for service under subparagraph 170.2(2)*"d"*(3), parents shall be allowed to exercise their choice of licensed, registered, or non-registered child care provider, except when the department determines it is not in the best interest of the child. The provider must meet one of the applicable requirements set forth in this subrule.

a. Licensed child care center. A child care center shall be licensed by the department to meet the requirements set forth in 441—Chapter 109 and shall have a current Certificate of License form.

b. Registered child development home. A child development home shall meet the requirements for registration set forth in 441—Chapter 110 and shall have a current Certificate of Child Care Home Registration form.

c. Non-registered child care home. A non-registered child care home shall have an approved Payment Application form and a current Child Care Assistance Provider Agreement with the department. Non-registered child care homes are required to meet minimum health and safety standards as set forth in 441—Chapter 110.

d. In-home care. In-home providers who provide care for the child in the family home must sign the Payment Application for Non-registered Providers and Child Care Assistance Provider Agreement forms. In-home providers must meet the following components as set forth in:

(1) 441—paragraph 110.10(1)*"a,"* professional development for preservice training;

(2) 441—paragraph 110.10(1)*"b,"* professional development for mandatory reporting of child abuse;

(3) 441—paragraph 110.10(1)*"c,"* professional development for first-aid and cardiopulmonary resuscitation (CPR) training; and

(4) 441—subrule 110.11(3), record checks.

e. Out-of-state provider. A child care provider who is not located in Iowa may be selected by the parent so long as the out-of-state child care provider verifies that the provider meets the licensing requirements to be a provider in the state in which the provider operates.

170.4(3) *Components of service program.* Every child eligible for child care services will receive supervision, food services, and programs and activities, and may receive transportation.

170.4(4) *Payment.* The department will make payment for child care provided to an eligible family when the family reports their choice of provider to the department and the provider has an approved Child Care Assistance Provider Agreement form on file.

a. Rate of payment. The rate of payment for child care services, except for in-home care, which will be paid in accordance with paragraph 170.4(4)*"d,"* will be the actual rate charged by the provider for a private individual, not to exceed the maximum rates applicable to the provider type and age group as shown below.

(1) Half-day rates are calculated by dividing the provider's weekly rate from the Child Care Assistance Provider Agreement form by five to get the daily rate and then dividing this daily amount by two to get the half-day rate.

(2) To be eligible for the special-needs rate, the parent must submit documentation to the department that the child needing services has been assessed by a qualified professional and meets the definition for a "special needs child," and the provider must submit documentation to the department of the support being provided based on the description of the child's special needs, including adaptive equipment, more careful supervision, or special staff training.

Table 1
Half-Day Rate Ceilings for (Licensed Center)

	No Quality Rating		Quality Rating 1 or 2		Quality Rating 3 or 4		Quality Rating 5	
Age Group	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs
Infant and Toddler	$25.66	$51.94	$25.66	$51.94	$25.66	$51.94	$27.00	$51.94
Preschool	$19.50	$30.43	$20.25	$30.43	$21.50	$30.43	$22.97	$30.43
School Age	$16.50	$30.34	$17.10	$30.34	$17.50	$30.34	$18.50	$30.34

Table 2
Half-Day Rate Ceilings for (Child Development Home A/B)

	No Quality Rating		Quality Rating 1 or 2		Quality Rating 3 or 4		Quality Rating 5	
Age Group	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs
Infant and Toddler	$16.63	$24.95	$16.63	$24.95	$16.63	$24.95	$17.50	$26.25
Preschool	$15.00	$22.50	$15.50	$23.25	$16.00	$24.00	$17.00	$25.50
School Age	$15.00	$22.50	$15.25	$22.88	$15.50	$23.25	$15.75	$23.63

Table 3
Half-Day Rate Ceilings for (Child Development Home C)

	No Quality Rating		Quality Rating 1 or 2		Quality Rating 3 or 4		Quality Rating 5	
Age Group	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs	Basic	Special Needs
Infant and Toddler	$18.00	$27.00	$18.00	$27.00	$18.00	$27.00	$18.50	$27.75
Preschool	$16.28	$24.42	$17.00	$25.50	$17.50	$26.25	$18.50	$27.75
School Age	$15.00	$22.50	$15.75	$23.63	$16.44	$24.66	$17.50	$26.25

Table 4
Half-Day Rate Ceilings for Child Care Home (Not Registered)

Age Group	Basic	Special Needs
Infant and Toddler	$16.63	$24.95
Preschool	$15.00	$22.50
School Age	$15.00	$22.50

b. The following definitions apply in the use of the rate tables:

(1) "Licensed center" means those providers as detailed in 170.4(2)*"a."*

(2) "Child development home A/B" or "child development home C" means those providers as defined in paragraph 170.4(2)*"b."*

(3) Under age group, "infant and toddler" means age two weeks to three years.

(4) "Preschool" means three years to school age.

(5) "School age" means a child in attendance in full-day or half-day classes.

(6) A child care facility that is rated under the quality rating system will be paid according to the corresponding quality rating payment level in the tables above only during the period the rating is valid as defined in 441—Chapter 118. If the child care facility does not have a quality rating or its quality rating expires, the child care facility will be paid according to the "no quality rating" payment level. A child care facility whose quality rating has expired will not receive backdated payments once a new rating is awarded.

(7) For a child care facility rated "quality rating 5," if a renewal application is received before the current rating period expires, the child care facility will continue to be paid according to the "quality rating 5" payment level until a decision is made on the IQ4K application.

c. Payment for days of absence. Payment may be made to a child care provider for an individual child not in attendance at a child care facility or home not to exceed four days per calendar month providing that the child is regularly scheduled on those days and the provider also charges a private individual for days of absence.

d. Payment for in-home care. Payment may be made for in-home care when there are three or more children in a family who require child care services. The rate of payment for in-home care will be the state's minimum wage amount.

e. Limitations on payment. Payment will not be made for therapeutic services that are provided in the care setting and include but are not limited to services such as speech, hearing, physical and other therapies; individual or group counseling; therapeutic recreation; and crisis intervention. Payment will

not be made for educational services that are provided in the care setting and include but are not limited to services such as private tutoring and homeschool instruction.

f. Review of the calculation of the rate of payment. Maximum rate ceilings cannot be appealed. A provider who is in disagreement with the calculation of the half-day rate as set forth in paragraph 170.4(4)*"a"* may request a review within 15 calendar days of notification of the rate in question. The department will provide a written response within 15 calendar days of receipt of the request for review.

g. Submission of claims. The department will issue payment when the provider submits correctly completed documentation of attendance and charges. The department will pay for no more than the number of units of service authorized in the notice of decision issued.

(1) Providers shall submit documentation of attendance and charges within six months of the care being provided. Submission of claims older than six months are subject to special review and may be rejected.

(2) The provider shall keep the attendance records for a period of five years after the billing date.

(3) Providers shall submit a claim in one of the following ways:

1. Using the Child Care Assistance Billing/Attendance form, or

2. Using an electronic request for payment submitted through the provider portal or other approved child care management system. Providers using an electronic method shall ensure attendance records include the child's name, the dates, the daily time in and time out entries for days the child was in care, and the signature of the parent or other designee certifying the attendance is accurate.

441—170.5(237A) Adverse actions.

170.5(1) *Provider agreement.* The department may refuse to enter into or may revoke a child care assistance provider agreement if any of the following occur:

a. The department finds the provider is not following the minimum health and safety regulatory requirements as set forth in 441—Chapters 109 and 110.

b. The provider has submitted claims for payment for which the provider is not entitled.

c. The provider fails to cooperate with an investigation conducted by the department of inspections, appeals, and licensing to determine whether information the provider supplied to the department regarding payment for child care services is complete and correct. Once the agreement is revoked for failure to cooperate, the department will not enter into a new agreement with the provider until cooperation occurs.

d. The provider does not meet one of the applicable requirements set forth in subrule 170.4(2).

e. The provider fails to comply with any of the terms and conditions of the department.

f. An overpayment of funds with a balance of $3,000 or more exists for a provider and that provider fails to enter into a repayment agreement with the department of inspections, appeals, and licensing or does not make payments according to the repayment agreement on file.

170.5(2) *Provider agreement sanction.* If the provider agreement is terminated for any of the reasons in subrule 170.5(1), the agreement will remain terminated for the time periods set forth below:

a. The first time the agreement is terminated, the provider may reapply for another agreement at any time.

b. The second time the agreement is terminated, the provider cannot reapply for another agreement for 12 months from the effective date of termination.

c. The third or subsequent time the agreement is terminated, the provider cannot reapply for another agreement for 36 months from the effective date of termination.

d. The department will not act on an application for a child care assistance provider agreement submitted by a provider during the sanction period.

e. The department is not required to approve an application submitted by a provider following the sanction period. When the provider has an overpayment on record, evidence of an active payment agreement and payments made will be taken into consideration.

170.5(3) *Client child care assistance benefits sanction.* If child care assistance is terminated for any of the reasons in subparagraphs 170.3(6)*"c"*(5) through *"c"*(7), the case will remain terminated for the time periods set forth below:

a. The first time the case is terminated, the client may submit a new application for assistance at any time.

b. The second time the case is terminated, the client cannot reapply for 12 months from the effective date of termination.

c. The third time the case is terminated, the client cannot reapply for 36 months from the effective date of termination.

d. The department will not act on an application for child care assistance submitted by a client during the sanction period.

e. The department is not required to approve an application submitted by a client following the sanction period. When the client has an overpayment on record, evidence of an active payment agreement and payments made will be taken into consideration.

441—170.6(237A) Appeals. Notice of adverse action will be given in accordance with 441—Chapter 16. The right to appeal will be given in accordance with 441—Chapter 2506.

441—170.7(237A) Provider fraud.

170.7(1) *Fraud.* The department will consider a child care provider to have committed fraud when an intentional program violation results in:

a. The department of inspections, appeals, and licensing finds in an administrative or judicial proceeding a provider to have obtained child care assistance payment(s) for which the provider was not eligible in an amount in excess of $1,000; or

b. The provider has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the provider has obtained child care assistance payment in an amount in excess of $1,000 for which the provider was not eligible.

170.7(2) *Potential provider sanctions.* Potential sanctions are set forth in Iowa Code section 237A.29.

170.7(3) *Factors considered in determining level of sanction.* The department will consider factors in determining the sanction(s) to be imposed according to Iowa Code section 237A.29(2)*"c."*

170.7(4) *Mitigating factors.* If the sanction determined according to subrule 170.7(2) is suspension from or ineligibility for receipt of child care assistance payment, the department will determine whether it is appropriate to reduce the level of a sanction for the particular case, considering:

a. Prior provision of provider education.

b. Provider willingness to obey program rules.

c. A lesser sanction will be sufficient to resolve the violation.

441—170.8(237A) Client fraud.

170.8(1) *Program violation.* An individual who is found by the department of inspections, appeals, and licensing in an administrative proceeding, or by a court in a judicial proceeding, to have committed an intentional program violation or has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the individual has committed an intentional program violation, is disqualified from receiving the child care assistance benefits. If an individual is found to have committed an intentional program violation, a sanction must be imposed on the individual found to have committed the intentional program violation and the household as set forth in 45 CFR Section 98.68(b)(2) as amended to August 1, 2026. The sanction will be determined by the department after the administrative or judicial proceeding or without a hearing if the individual waives the right to a hearing by agreement to entry of a civil judgment or judgment by confession.

170.8(2) *Potential client sanctions resulting from fraud.* The period of disqualification is:

a. For a first violation, the individual is disqualified for one year;

b. For a second violation, the individual is disqualified for two years; and

c. For a third violation, the individual is permanently disqualified.

441—170.9(237A) Child care assistance overpayments. All child care assistance overpayments will be subject to recoupment.

170.9(1) *Notification and appeals.* All clients or providers will be notified when it is determined that an overpayment exists. Notification will include the amount of, date of, and reason for the overpayment. The department will provide additional information regarding the computation of the overpayment upon the client's or provider's request. The client or provider may appeal the computation of the overpayment and any action to recover the overpayment in accordance with 441—Chapter 2506.

170.9(2) *Determination of overpayments.* All overpayments due to client, provider, or department error or due to benefits or payments issued pending an appeal decision will be recouped. Recoupment of overpayments resulting from benefits or payments issued pending a decision on an appeal hearing will not occur until after a final appeal decision is issued and the department prevails. Overpayments will be computed as if the information had been acted upon timely.

170.9(3) *Failure to cooperate.* Failure by the client to cooperate in the investigation of alleged overpayments will result in ineligibility for the months in question and the overpayment will be the total amount of assistance received during those months. Failure by the provider to cooperate in the investigation of alleged overpayments will result in payments being recouped for the months in question.

170.9(4) *Payment agreement.* The client or provider may choose to make a lump-sum payment or make periodic installment payments as agreed to with the department. Failure to negotiate an approved payment agreement may result in further collection action.

170.9(5) *Procedures for recoupment.*

a. When the department determines that an overpayment exists, the department will submit the case to the department of inspections, appeals, and licensing for investigation, recoupment, or referral for possible prosecution.

b. The department of inspections, appeals, and licensing will initiate recoupment by notifying the debtor of the overpayment.

c. When financial circumstances change, the department of inspections, appeals, and licensing has the authority to revise the recoupment plan.

d. Recoupment for overpayments due to client error or due to department error that affected eligibility will be made from the parent who received child care assistance at the time the overpayment occurred. When two parents were in the home at the time the overpayment occurred, both parents are equally responsible for repayment of the overpayment.

e. Recoupment for overpayments due to provider error or due to department error that affected benefits will be made from the provider.

f. Recoupment for overpayments caused by both the provider and client will be collected from both the provider and client equally.

170.9(6) *Suspension and waiver.* Recoupment will be suspended on non-fraud overpayments when the amount of the overpayment is less than $35. Recoupment will be waived on non-fraud overpayments of less than $35 that have been held in suspense for three years.

These rules are intended to implement Iowa Code sections 237A.13, 237A.14, and 237A.29.

ARC 0619D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to state unit on aging and area agency on aging and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 226, "State Unit on Aging Responsibilities," and Chapter 227, "Area Agency on Aging Responsibilities," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 231.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 231.

Purpose and Summary

This proposed rulemaking makes clarifying updates to two chapters under the purview of the Department's Division of Aging and Disability Services.

Proposed amendments to Chapter 226 create two distinct pathways for approval of amendments to the State Plan on Aging. Current rules for amendments to the State Plan require a public hearing, review by the Council on Health and Human Services, the Governor's signature, and submission to the federal Administration on Aging 45 days before the desired effective date. 45 CFR 1321.31 sets forth that there are two types of State Plan Amendments—those requiring prior approval and those requiring notification to the Assistant Secretary for Aging only. The proposed amendments to Chapter 226 align with federal law by specifically enumerating the two distinct processes.

Similarly, proposed amendments to Chapter 227 remove the requirement that Area Agencies on Aging (AAAs) seek and receive approval from the Department on contracts that are operational in nature, for example, a contract for snow removal services. 45 CFR Part 1321 and guidance from the federal Administration for Community Living both indicate that such contracts do not require prior approval from the Department.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Victoria L. 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

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

October 20, 2026	Microsoft Teams
10 to 10:30 a.m.	Meeting ID: 219 881 050 919 125
	Passcode: DW7fd9aw

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule 441—226.4(231) as follows:

441—226.4(231) State plan on aging.

226.4(1) *Authority.* As the state unit on aging, the department will develop and administer a state plan on aging ~~or state plan amendment pursuant to the federal Act.~~ and any state plan amendments made pursuant to the federal Act; 45 CFR Parts 1321 and 1324 as amended to October 1, 2025; and Iowa Code chapter 231.

226.4(2) *Multiyear state plan on aging.* The department will develop and submit for approval a two-, three-, or four-year state plan on aging in compliance with the federal Act; 45 CFR 1321 and 1324 as amended to October 1, 2025; Iowa Code chapter 231; and the procedures, ~~and associated~~ instructions, and guidance~~, and direction specified~~ issued by the federal Administration on Aging.

226.4(3) *State plan amendment.* The department may, in its discretion, develop and submit to the federal Administration on Aging ~~for consideration~~ an amendment to the state plan on aging at any time. Each amendment will be processed pursuant to 45 CFR 1321.31 as follows:

a. Amendments requiring approval by the Assistant Secretary for Aging must follow the process outlined in subrule 226.4(4).

b. Amendments requiring notice only are not subject to subrule 226.4(4) unless otherwise required by law.

226.4(4) *State plan on aging and state plan amendment requiring approval review process.* Once the department develops the state plan on aging or state plan amendment requiring prior approval, the department will comply with the following chronological review and comment process:

a. to *d.* No change.

226.4(5) and **226.4(6)** No change.

ITEM 2. Amend subrule 227.10(2) as follows:

227.10(2) *Contracts and commercial relationships.* A contract or agreement between an area agency on aging and an outside entity will not restrict the area agency on aging from contracting with other entities that provide similar services. All contracts and commercial relationships must avoid conflicts of interest as detailed in rule 441—225.3(231).

Notwithstanding the foregoing, 45 CFR Part 1321 as amended to October 1, 2025, and guidance from the federal Administration for Community Living govern operational and maintenance contracts. Such contracts do not require per-event state unit on aging approval beyond area plan budgeting. Each area agency on aging will maintain a file of all current contracts and contracts up to three years. These files will be made available for monitoring and assessment by the department. For the purposes of this subrule, "operational and maintenance contracts" are contracts with for-profit vendors for items

including but not limited to building maintenance; heating, ventilation, and air conditioning (HVAC); information technology (IT) support; fleet repair; janitorial services; and utilities.

~~*a.* Each area agency on aging will maintain a file of all current contracts and contracts up to three years. These files will be made available for monitoring and assessment by the department.~~

~~*b.* Each area agency on aging must request prior approval from the department 30 days prior to signing the contract for any proposed service contracts with for-profit organizations.~~

ARC 0616D

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to state building code and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 300, "State Building Code—Administration," and Chapter 325, "Manufactured Housing Installer Certification," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 103A.7 and 103A.23 and 2026 Iowa Acts, Senate File 2289.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 103A and 2026 Iowa Acts, Senate File 2289.

Purpose and Summary

Pursuant to Iowa Code section 103A.23, the State Building Code Commissioner shall establish by rule a schedule of fees based upon the costs of administration and for the purpose of obtaining revenue to defray the costs of administering the provisions of Iowa Code chapter 103A. Fees shall be collected from persons whose manufacture, installation, or construction is subject to the provisions of the State Building Code. For the performance of building plan reviews by the Department, the Commissioner shall establish by rule a fee, chargeable to the owner of the building; the fee shall be equal to a percentage of the estimated total valuation of the building and shall be in an amount reasonably related to the cost of conducting the review. 2026 Iowa Acts, Senate File 2289, authorizes the payment of these funds into the Licensing and Regulation Fund created in Iowa Code section 10A.507.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Sheri Howard
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: sheri.howard@dia.iowa.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend paragraph **300.4(2)"b"** as follows:

b. The fees for plan reviews completed by the building code bureau are calculated as follows:

Estimated Construction Costs	**Calculation of Plan Review Fee**
Up to and including $1 million	$.58 per thousand dollars or fraction thereof (minimum fee $200)
More than $1 million	$580 for the first $1 million plus $.32 for each additional thousand dollars or fraction thereof
The plan review fees for fire suppression systems and fire alarm systems are separate fees and are calculated as follows:	
Fire Protection System Costs	**Plan Review Fee**
Fire suppression systems whose construction cost for materials and installation is calculated to be up to and including $5,000	$100
Fire suppression systems whose construction cost for materials and installation is calculated to be more than $5,000 and up to and including $20,000	$200
Fire suppression systems whose construction cost for materials and installation is estimated to be more than $20,000	$400
Fire alarm systems whose construction cost for materials and installation is calculated to be up to and including $5,000	$100

Fire alarm systems whose construction cost for materials and installation is calculated to be more than $5,000 and up to and including $20,000	$200
Fire alarm systems whose construction cost for materials and installation is estimated to be more than $20,000	$400

Payment of the assigned fee has to accompany each plan when submitted for review. ~~Payment may be made by money order, check, or draft made payable to the Treasurer, State of Iowa.~~ All remittances are to be:

1. In the form of checks or money orders;
2. Made payable to Iowa Department of Inspections, Appeals, and Licensing; and
3. Addressed to:

State Building Code Bureau
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321

NOTE: Plan review fees for assisted living projects are contained in Iowa Code section 231C.18(2) *"c."* Elder group home plan review fees are contained in Iowa Code section 231B.17. Adult day services plan review fees are contained in Iowa Code section 231D.4.

ITEM 2. Amend subrule 300.5(3) as follows:

300.5(3) Buildings subject to inspection by the commissioner, except construction involving any building or facility owned by the board of regents or by any institution subject to the authority of the board of regents, shall pay an inspection fee based upon the construction cost of the project. The inspection fee is calculated as follows:

Construction Cost	**Base Inspection Fee**
Up to $100,000	$598
$100,001 to $1,000,000	$645
$1,000,001 to $10,000,000	$722
$10,000,001 and above	$783
Follow-up inspection	$214

The base inspection fee covers three inspections—a foundation, rough-in, and final. The base inspection fee is due and payable at the time completed construction documents are submitted for review. The plan review will not be conducted until the proper base inspection fee is paid. ~~Checks should be made payable to the Treasurer, State of Iowa, and delivered to the bureau office.~~ All remittances are to be:

1. In the form of checks or money orders;
2. Made payable to Iowa Department of Inspections, Appeals, and Licensing; and
3. Addressed to:

State Building Code Bureau
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321

This fee is separate and distinct from the plan review fee established in subrule 300.4(2).

Additional inspections may occur for any of the following reasons:

a. to *d.* No change.

The fee for each additional inspection is calculated as follows:

One hour on site = $206
One to two hours on site = $240
Two to three hours on site = $273
Three to four hours on site = $307

Four to five hours on site = $341

Five to six hours on site = $374

Additional inspection fees will be billed to the responsible architect or building contractor on a monthly basis. The building may receive only temporary approval for occupancy if unpaid inspection fees remain at the time of final inspection.

Inspection fees and standard operating procedures for construction involving any building or facility owned by the board of regents or by any institution subject to the authority of the board of regents will be established through a written agreement between the commissioner and the board of regents.

ITEM 3. Amend rule 481—325.4(103A) as follows:

481—325.4(103A) Certification fee. The certification fee shall be $300, payable at the time of application, and shall cover certification for three years. Fees shall be remitted in the form of a check or money order~~, payable to the Iowa Department of Public Safety – Building Code Bureau~~. All remittances are to be:

1. In the form of checks or money orders;
2. Made payable to Iowa Department of Inspections, Appeals, and Licensing; and
3. Addressed to:

State Building Code Bureau
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321

The following should be written in the memo portion of the check: "Manufactured Housing Installer Certification." Applications and fees received after July 1 of any year will cover the remainder of the fiscal year in which they are received and the following two state fiscal years. Applications and fees received prior to July 1 of any year shall cover the period through June 30 of the third year following.
Exception: If as of June 1, 2009, statutory language regarding fees collected for certification and recertification of manufactured housing installers does not clearly provide that any such fees collected are exempt from reversion to the state treasury pursuant to Iowa Code section 8.33, then all current certificate holders who paid the $300 fee shall have $200 of the fee refunded.

ITEM 4. Amend subrule 325.7(4) as follows:

325.7(4) The recertification fee shall be $300, payable at the time of application. Fees shall be remitted in the form of a check or money order~~, payable to the Iowa Department of Public Safety – Building Code Bureau~~. All remittances are to be:

1. In the form of checks or money orders;
2. Made payable to Iowa Department of Inspections, Appeals, and Licensing; and
3. Addressed to:

State Building Code Bureau
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321

The following shall be written in the memo portion of the check: "Manufactured Housing Installer Certification." Applications and fees received after July 1 shall cover the remainder of the fiscal year in which they are received and the following two years.

ITEM 5. Amend subrule 325.11(4) as follows:

325.11(4) The application shall be accompanied by a check or money order for $50 to cover the certification fee. This fee is nonrefundable. ~~The check or money order shall be made out to "Iowa Department of Public Safety," and the memo portion of the check or money order shall say "Manufactured Housing Installer Certification."~~ All remittances are to be:

1. In the form of checks or money orders;
2. Made payable to Iowa Department of Inspections, Appeals, and Licensing; and
3. Addressed to:

State Building Code Bureau
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321

ARC 0611D

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to fees, licensure, registration, renewal, reactivation, reinstatement, sedation, and nitrous oxide and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 571, "Dental Board Fees," Chapter 572, "Dental Licensure, Registration, Renewal, Reactivation and Reinstatement," and Chapter 579, "Sedation and Nitrous Oxide," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 147; chapter 153 as amended by 2026 Iowa Acts, House File 648; and chapter 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 147; chapter 153 as amended by 2026 Iowa Acts, House File 648; and chapter 272C.

Purpose and Summary

This proposed rulemaking updates the Dental Board's rules to implement 2026 Iowa Acts, House File 648. This proposed rulemaking will allow the Board to issue a licensed sedation provider host permit to a dentist who completes a course approved by the Board within the 12 months immediately preceding the submission of the application or who provides evidence that the dentist holds a substantially similar permit issued in another state. This proposed rulemaking will allow the host permit holder to employ a licensed sedation provider, or a dentist who holds a current moderate sedation or general anesthesia permit issued by the Board, to administer moderate sedation on an outpatient basis to a patient who is at least 13 years of age on whom the dentist is performing a dental procedure or monitor a patient who is at least 13 years of age who is under moderate sedation.

All references to Iowa Code chapter 153 are to that Iowa Code chapter as amended by 2026 Iowa Acts, House File 648.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 12, 2026

Members of the public attended the public hearing and made comments in support of the proposed amendments.

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 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Emily DeRonde
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.249.7038
Email: emily.deronde@dia.iowa.gov

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend subrule 571.2(7) as follows:

571.2(7) *Anesthesia and sedation permits.* The fees for an anesthesia or sedation permit are as follows:

a. The application fee for a local anesthesia permit is $70.
b. The application fee for a moderate sedation permit is $500.
c. The application fee for a general anesthesia permit is $500.
d. The application fee for a licensed sedation provider host permit is $500.

ITEM 2. Renumber subrules **571.3(5)** to **571.3(11)** as **571.3(6)** to **571.3(12)**.

ITEM 3. Adopt the following **new** subrule 571.3(5):

571.3(5) *Licensed sedation provider host permit.* The renewal fee for a licensed sedation provider host permit is $125.

ITEM 4. Amend subrule 572.2(3) as follows:

572.2(3) Following board review and consideration of an application, the board will:

a. Authorize the issuance of the license, permit, registration or qualification; or
b. Initiate other action in accordance with rule ~~481—572.22~~ 481—572.23(147,153,272C).

ITEM 5. Amend paragraphs **572.3(2)"d"** and **572.3(2)"h"** as follows:

d. Evidence of successful passage of a board-approved clinical examination pursuant to rule ~~481—572.14~~ 481—572.15(147,153) and a statement of all other clinical examinations taken by the applicant with an indication of pass/fail for each.

(1) and (2) No change.

h. Evidence of successful completion of a jurisprudence examination pursuant to rule ~~481—572.15~~ 481—572.16(147,153).

ITEM 6. Amend subparagraph **572.3(3)"a"(2)** as follows:

(2) Has less than three consecutive years of practice immediately prior to the filing of the application and evidence of successful passage within the previous five-year period of a board-approved clinical examination pursuant to rule ~~481—572.14~~ 481—572.15(147,153).

ITEM 7. Amend paragraph **572.5(1)"c"** as follows:

c. Evidence of successful completion of board-approved examination in the areas of infection control, hazardous materials, and jurisprudence as specified in rules ~~481—572.15(147,153) and~~ 481—572.16(147,153) and 481—572.17(147,153), and dental radiography, if the applicant is also applying for a qualification in dental radiography.

ITEM 8. Amend paragraph **572.6(2)"c"** as follows:

c. Evidence of successful completion a board-approved examination in the area of dental radiography in accordance with rule ~~481—572.16~~ 481—572.17(147,153).

ITEM 9. Amend paragraph **572.7(1)"d"** as follows:

d. Evidence of successful completion of a board-approved jurisprudence examination, pursuant to rule ~~481—572.15~~ 481—572.16(147,153).

ITEM 10. Amend paragraph **572.9(2)"g"** as follows:

g. Evidence of successful completion of a jurisprudence examination pursuant to rule ~~481—572.15~~ 481—572.16(147,153).

ITEM 11. Amend subrule 572.9(4) as follows:

572.9(4) A faculty permit may be renewed in accordance with rule ~~481—572.20~~ 481—572.21(147,153,272C) and 481—Chapter 573.

ITEM 12. Amend subparagraph **572.10(1)"b"(2)** as follows:

(2) Successful completion, within the previous 36 months, of a clinical examination in the administration of local anesthesia by a testing center approved by the board in accordance with rule ~~481—572.14~~ 481—572.15(147,153); or

ITEM 13. Amend subrule 572.11(4) as follows:

572.11(4) Applications for a moderate sedation or general anesthesia permit will be reviewed by the ACC or the board as deemed necessary to ensure compliance with this rule and 481—Chapter 579. Following review of an application, the ACC or the board may take action, in accordance with rule ~~481—572.22~~ 481—572.23(147,153,272C).

ITEM 14. Renumber rules **481—572.12(153)** to **481—572.22(147,153,272C)** as **481—572.13(153)** to **481—572.23(147,153,272C)**.

ITEM 15. Adopt the following **new** rule 481—572.12(153):

481—572.12(153) Requirements for issuance or renewal of a licensed sedation provider host permit. Pursuant to 481—Chapter 579, a dentist who wishes to employ a licensed sedation provider, or a dentist who holds a current moderate sedation or general anesthesia permit issued by the board, to administer moderate sedation on an outpatient basis to a patient who is at least 13 years of age on whom the dentist is performing a dental procedure in Iowa must possess a current permit issued by the board.

572.12(1) Applications for a licensed sedation provider host permit must include the following:

a. The fee specified in 481—Chapter 571.

b. Evidence of having successfully completed, within the 12 months immediately preceding application, a board-approved training course.

(1) The course will provide instruction and an assessment of knowledge and skill in the following:

1. Preoperative patient assessment.
2. Emergency scenarios and rescue.
3. Respiratory complication.
4. Patient safety and monitoring.
5. Airway assessment and management.
6. Anesthetic drugs.
7. Recovery.

(2) The course will ensure the course participant can do all of the following:

1. Identify a high-risk patient.
2. Differentiate between different levels of sedation.
3. Monitor a patient receiving moderate sedation.
4. Rescue a patient from a deeper level of sedation than intended.

(3) The board shall review courses for approval on an annual basis and shall only approve a course for which the director of the course has submitted documentation indicating that the course meets the requirements of this subrule. The board may require the director of a course to participate in an interview as part of the approval process.

c. Evidence of current Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS) certification.

572.12(2) Prior to issuance of a new permit, all facilities where the applicant intends to provide sedation services must have passed inspection by the board or designated agent pursuant to 481—Chapter 579.

572.12(3) Applications for a licensed sedation provider host permit will be reviewed by the ACC or the board as deemed necessary to ensure compliance with this rule and 481—Chapter 579. Following review of an application, the ACC or the board may take action in accordance with rule 481—572.23(147,153,272C).

572.12(4) Licensed sedation provider host permits will expire on August 31 of every even-numbered year. A permit may be renewed by submitting an application for renewal, maintaining an active Iowa dental license or faculty permit, and complying with the following:

a. Payment of the renewal fee as specified in 481—Chapter 571;

b. Evidence of current ACLS or PALS certification; and

c. Evidence of a minimum of six hours of continuing education in the area of sedation. These hours may also be applied toward the renewal of a dental license or faculty permit.

572.12(5) Failure to renew the permit prior to November 1 following its expiration will cause the permit to lapse and become invalid for practice. Permits that have lapsed may be reactivated upon submission of a new application in compliance with this rule. Applications for reactivation of a lapsed permit within six months may be administratively approved, so long as the application satisfies the requirements of this rule.

This rule is intended to implement Iowa Code sections 147.10, 147.11 and 272C.3 and chapter 153.

ITEM 16. Amend renumbered subrule 572.22(1) as follows:

572.22(1) A registered dental assistant or licensed nurse whose radiography qualification has lapsed may have the radiography qualification reactivated at the discretion of the board. In addition to the application requirements specified in rule ~~481—572.20~~ 481—572.21(147,153,272C), applicants for reactivation must also submit evidence of the following:

a. and *b.* No change.

ITEM 17. Renumber rules **481—579.6(153)** to **481—579.11(153)** as **481—579.7(153)** to **481—579.12(153)**.

ITEM 18. Adopt the following **new** rule 481—579.6(153):

481—579.6(153) Licensed sedation provider host permit standards.

579.6(1) A dentist who does not meet the requirements of rule 481—572.12(153) will not employ a licensed sedation provider, or a dentist who holds a current moderate sedation or general anesthesia permit issued by the board, to administer moderate sedation on an outpatient basis to a patient who is at least 13 years of age on whom the dentist is performing a dental procedure.

579.6(2) A dentist with a licensed sedation provider host permit must maintain current ACLS certification.

579.6(3) A dentist with a host permit may monitor a patient who is at least 13 years of age who is under moderate sedation.

ITEM 19. Amend renumbered subrules 579.9(2) to 579.9(4) as follows:

579.9(2) A dentist may only administer moderate sedation or anesthesia or use another licensed sedation provider or permit holder in a facility that is permanently and properly equipped. A dentist is required to be trained in and maintain, at a minimum, the following equipment:

a. to *j.* No change.

k. Emergency drugs, in accordance with subrule ~~579.8(3)~~ 579.9(3);

l. to *p.* No change.

579.9(3) Pursuant to paragraph ~~579.8(2)~~ 579.9(2)*"k,"* a dentist providing sedation at a dental facility is required to maintain on site emergency drugs that meet the needs of the following categories. At a minimum, a dentist providing moderate sedation shall maintain emergency drugs specified in paragraphs ~~579.8(3)~~ 579.9(3)*"a"* through *"f."* A dentist providing deep sedation or general anesthesia shall maintain emergency drugs for all of the following categories:

a. to *m.* No change.

579.9(4) The board or its designated agents may conduct facility inspections. A facility inspection may be required before a sedation permit or host permit is issued or before sedation services are provided at a new or updated facility. The actual costs associated with the on-site evaluation of the facility are the primary responsibility of the licensee. The cost to the licensee will not exceed the fee specified in 481—Chapter 571.

ITEM 20. Amend renumbered rule 481—579.10(153) as follows:

481—579.10(153) Use of another licensed sedation provider or permit holder.

579.10(1) A dentist may only use the services of a licensed sedation provider or another permit holder to administer moderate sedation, deep sedation or general anesthesia in a dental facility if the following requirements are met:

a. The dentist holds a current moderate sedation or general anesthesia permit or a licensed sedation provider host permit. ~~A permit holder who does not meet the training requirement to administer moderate sedation to pediatric or ASA III or IV patients as stipulated in 481—subparagraph 572.11(1)"b"(3) may use another licensed sedation provider or qualified permit holder to administer moderate sedation to pediatric or ASA III or IV patients.~~

(1) A moderate sedation or general anesthesia permit holder who does not meet the training requirement to administer moderate sedation to pediatric or ASA III or IV patients as stipulated in 481—subparagraph 572.11(1)*"b"*(3) may use another licensed sedation provider or qualified permit holder to administer moderate sedation to pediatric or ASA III or IV patients.

(2) A licensed sedation provider host permit holder may employ a licensed sedation provider, or a dentist who holds a current moderate sedation or general anesthesia permit issued by the board, to administer moderate sedation on an outpatient basis to a patient who is at least 13 years of age, on whom the dentist is performing a dental procedure.

b. The dentist remains present in the treatment room for the duration of any dental treatment.

c. The facility is a permanently and properly equipped facility pursuant to the provisions of this chapter.

d. The permit holder assesses the need and patient suitability for sedation services. A permit holder ~~may~~ will not interfere with any independent assessment performed by a licensed sedation provider.

579.10(2) When a licensed sedation provider or another permit holder is used to administer moderate sedation, deep sedation or general anesthesia, that provider constitutes one patient monitor for the purpose of complying with rule ~~481—579.6~~ 481—579.7(153).

579.10(3) A dentist who does not hold a sedation permit or a licensed sedation provider host permit is prohibited from using a licensed sedation provider or permit holder to provide moderate sedation, deep sedation or general anesthesia.

ARC 0621D

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to out-of-hospital do-not-resuscitate orders and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 142, "Out-of-Hospital Do-Not-Resuscitate Orders," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 147A and section 144A.7A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 147A and section 144A.7A and 2026 Iowa Acts, House File 2305.

Purpose and Summary

This proposed rulemaking implements 2026 Iowa Acts, House File 2305, by updating the definition of who can serve as an attending provider for the purposes of an out-of-hospital do-not-resuscitate (OOH DNR) order.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Victoria L. 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

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

October 20, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule **641—142.1(144A)**, definitions of "Attending physician," "Health care provider," "Life-sustaining procedure," "Out-of-hospital do-not-resuscitate order," "Resuscitation" and "Terminal condition," as follows:

"Attending ~~physician~~ provider" means ~~a physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient~~ the same as defined in Iowa Code section 135J.1.

"Health care provider" means ~~a person, including an emergency medical care provider, who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession~~ the same as defined in Iowa Code section 144A.2.

"Life-sustaining procedure" means ~~any medical procedure, treatment, or intervention, including resuscitation, which utilizes mechanical or artificial means to sustain, restore or supplant a spontaneous vital function, and when applied to a patient in a terminal condition, would serve only to prolong the dying process. "Life-sustaining procedure" does not include the provision of nutrition or hydration except when required to be provided parenterally or through intubation or the administration of medication or performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain~~ the same as defined in Iowa Code section 144A.2.

"Out-of-hospital do-not-resuscitate order" or *"OOH DNR order"* means ~~a written order on a form approved by the department, signed by an attending physician, executed in accordance with the requirements of Iowa Code section 144A.7A and issued consistent with Iowa Code section 144A.2, that directs the withholding or withdrawal of resuscitation when an adult patient in a terminal condition is outside the hospital~~ the same as defined in Iowa Code section 144A.2.

"Resuscitation" means ~~any medical intervention that utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function, including but not limited to chest compression,~~

~~defibrillation, intubation, and emergency drugs intended to alter cardiac function or otherwise to sustain life~~ the same as defined in Iowa Code section 144A.2.

"Terminal condition" means ~~an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a relatively short period of time or a state of permanent unconsciousness from which, to a reasonable degree of medical certainty, there can be no recovery~~ the same as defined in Iowa Code section 144A.2.

ITEM 2. Rescind the definition of "Attending physician associate" in rule **641—142.1(144A)**.

ITEM 3. Amend subrule 142.2(1) as follows:

142.2(1) ~~*OOH DNR physician or physician associate*~~ *Attending provider order.* The department designates the OOH DNR order form contained in Appendix A as the uniform OOH DNR order form to be used statewide. If an attending ~~physician or attending physician associate~~ provider issues an OOH DNR order for a qualified patient, the ~~physician or physician associate~~ attending provider must use the form contained in Appendix A.

ITEM 4. Amend subrule 142.4(1) as follows:

142.4(1) *Attending ~~physicians or attending physician associates~~ providers who issue OOH DNR orders.* The attending ~~physician or attending physician associate~~ provider should ensure that the following are accomplished:

a. and *b.* No change.

c. If the qualified patient or individual legally authorized to act on the patient's behalf decides that the patient should not be resuscitated, the attending ~~physician or attending physician associate~~ provider may issue the OOH DNR order on the prescribed uniform order form. The order will direct health care providers to withhold or withdraw resuscitation.

d. to *f.* No change.

ITEM 5. Amend rule 641—142.7(144A) as follows:

641—142.7(144A) Transfer of patients. Attending providers shall comply with the provisions of Iowa Code section 144A.8.

~~**142.7(1)** An attending physician or attending physician associate who is unwilling to comply with an OOH DNR order or who is unwilling to comply with the provisions of Iowa Code section 144A.7A shall take all reasonable steps to effect the transfer of the patient to another physician or physician associate.~~

~~**142.7(2)** If the policies of a hospital, nursing home, home health care agency, hospice or other health care organization preclude compliance with the OOH DNR order of a qualified patient, the provider shall take all reasonable steps to effect the transfer of the patient to an organization in which the provisions of Iowa Code section 144A.7A can be carried out.~~

ITEM 6. Amend **641—Chapter 142**, Appendix A, as follows:

APPENDIX A

Iowa Department of Health and Human Services
OUT-OF-HOSPITAL DO-NOT-RESUSCITATE ORDER
(Please type or print)

Date of Order: _____/_____/_____
Patient Information:
Name: (Last)_____(First)_____(Middle)_____
Address: _____(City)_____(Zip)_____
Date of Birth: _____/_____/_____ Sex (Circle): M or F
Name of Hospice or Care Facility (if applicable): _____

Attending ~~Physician or Physician Associate~~ Provider Order

As the attending ~~physician or attending physician associate~~ provider for the above-named patient, I certify that this individual is over 18 years of age and has a terminal diagnosis. After consultation with this patient (or the patient's legal representative), I hereby direct any and all health care providers, including qualified emergency medical services (EMS) personnel, to withhold or withdraw the following life-sustaining procedures in accordance with Iowa law (Iowa Code chapter 142A):

- Cardiopulmonary Resuscitation/Cardiac Compression (Chest Compressions).
- Endotracheal Intubation/Artificial or Mechanical Ventilation (Advance Airway Management).
- Defibrillation and Related Procedures.
- Use of Resuscitation Drugs.

This directive does NOT apply to other medical interventions for comfort care.

_____ _____/_____/_____
Signature of Attending ~~Physician (MD, DO) or Attending Physician Associate~~ Provider **Date**

_____ (_____)_____-_____
Printed Name of Attending ~~Physician or Attending Physician Associate~~ Provider **~~Physician's or Physician Associate's~~ Provider's Telephone (Emergency)**

To the extent that it is possible, a person designated by the patient may revoke this order on the patient's behalf. If the patient wishes to authorize any other person(s) to revoke this order, the patient MUST list those persons' names below:

Name: _____
Name: _____
Name: _____
Name: _____

Patients, please note: Directions for obtaining a uniform identifier are listed on the back of this form. The uniform identifier is the key way the health care provider and/or EMS personnel can quickly recognize that you have an Out-of-Hospital Do-Not-Resuscitate order. If you are not wearing an identifier, the health care provider and/or EMS personnel may not realize that you do not want to be resuscitated.

~~**Physicians or physician associates**~~ **Attending providers, please note:** Information regarding the completion of an Out-of-Hospital Do-Not-Resuscitate order is on the back of this form.

APPENDIX A

Directions for obtaining a uniform identifier:

The uniform identifier may be obtained through MedicAlert®[1], which requires:

1. A completed MedicAlert® application, which is available in physician, ~~or~~ physician associate, or ARNP offices or through MedicAlert® by phoning (800)432-5378 or by visiting the website www.medicalert.org, and submitting the fee.
2. A copy of this completed OOH DNR order, which must accompany the MedicAlert® application or be sent to MedicAlert® prior to the identifier's being mailed.

[1]*MedicAlert® is a nonprofit 501C membership organization.*

Suggested guidelines for ~~physicians or physician associates~~ attending providers:

1. Please review the Iowa Out-of-Hospital Do-Not-Resuscitate order and related protocol with the patient/patient's legal representative(s). The following points may be helpful:

- Patient/patient's legal representative(s) listed on this order must understand the significance of this order, that in the event the patient's heart or breathing stops or malfunctions, the anticipated result of this order is death.
- Patient/patient's legal representative(s) listed on this order may revoke this directive at any time. However, the desire to revoke must be communicated to the EMS or other health care professionals at the scene.
- It is important to emphasize that this order does not apply to medical interventions to make the patient more comfortable.
- The importance of wearing the uniform identifier for those qualified patients who would benefit from the mobility this offers should be stressed. It is also helpful to walk patients through the process they must follow to acquire the identifier.

2. Provide a copy of this order to the patient/patient's legal representative(s) listed on this order and place the original in the patient's medical records.

The OOH DNR Order form is available through the department's website.

ITEM 7. Amend **641—Chapter 142**, Appendix B, as follows:

APPENDIX B

EMS OUT-OF-HOSPITAL DO-NOT-RESUSCITATE PROTOCOL

Purpose: This protocol is intended to avoid unwarranted resuscitation by emergency care providers in the out-of-hospital setting for a *qualified patient*.[1] There must be a valid Out-of-Hospital Do-Not-Resuscitate (OOH DNR) order signed by the qualified patient's attending ~~physician or physician associate~~ provider or the presence of the OOH DNR identifier indicating the existence of a valid OOH DNR order.

No resuscitation: Means withholding any medical intervention that utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function, including but not limited to:

1. Chest compressions,
2. Defibrillation,
3. Esophageal/tracheal/double-lumen airway; endotracheal intubation, or
4. Emergency drugs to alter cardiac or respiratory function or otherwise sustain life.

Patient criteria: The following patients are recognized as qualified patients to receive no resuscitation:

1. The presence of the uniform OOH DNR order or uniform OOH DNR identifier, or
2. The presence of the attending ~~physician or attending physician associate~~ provider to provide direct verbal orders for care of the patient.

The presence of a signed ~~physician or physician associate~~ attending provider order on a form other than the uniform OOH DNR order form approved by the department may be honored if approved by the service program EMS medical director. However, the immunities provided by law apply only in the presence of the uniform OOH DNR order or uniform OOH DNR identifier. When the uniform OOH DNR order or uniform OOH DNR identifier is not present, contact must be made with on-line medical control and on-line medical control must concur that no resuscitation is appropriate.

Revocation: An OOH DNR order is deemed revoked at any time that a patient, or an individual authorized to act on the patient's behalf as listed on the OOH DNR order, is able to communicate in any manner the intent that the order be revoked. The personal wishes of family members or other individuals who are not authorized in the order to act on the patient's behalf shall not supersede a valid OOH DNR order.

Comfort Care (♥): When a patient has met the criteria for no resuscitation under the foregoing information, the emergency care provider should continue to provide that care which is intended to make the patient comfortable (a.k.a. **♥Comfort Care**). Whether other types of care are indicated will depend upon individual circumstances for which medical control may be contacted by or through the responding ambulance service personnel.

♥Comfort Care *may include but is not limited to:*

1. *Pain medication.*
2. *Fluid therapy.*
3. *Respiratory assistance (oxygen and suctioning).*

[1]*Qualified patient* means an adult patient determined by an attending ~~physician or attending physician associate~~ provider to be in a terminal condition for which the attending ~~physician or attending physician associate~~ provider has issued an Out-of-Hospital DNR order in accordance with the law. (Rule 641—142.1(144A), definitions)

ARC 0622D

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to perinatal health care and smokefree air and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 150, "Iowa Regionalized System of Perinatal Health Care," and Chapter 153, "Smokefree Air," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 135.11(22) and 142D.8(1).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 142D and section 135.11(22).

Purpose and Summary

This proposed rulemaking corrects inadvertent errors and omissions from earlier chapter repromulgations.

During the 2024 Red Tape Review of Chapter 150, the reverification cycle for hospital level of care designation within the regionalized system of perinatal health care was changed from every three years to every six years. While the term was changed in subrule 150.5(3), the Department inadvertently did not make the corresponding change to the definition of "reverification" in rule 641—150.2(135). This proposed rulemaking corrects that oversight.

During the 2023 Red Tape Review of Chapter 153, the Department deleted the definition of "retail tobacco store" because it was repeated verbatim from Iowa Code chapter 142D. With the definition of "retail tobacco store" deleted, the Department also deleted the definition of "incidental to the sale of tobacco products" because it contained the term "retail tobacco store." The Department's philosophy on Red Tape Reviews has evolved since 2023, and rather than delete a definition that is verbatim from the Iowa Code, the Department would now keep the definition and cite the corresponding Iowa Code section. This proposed rulemaking restores the definition of "retail tobacco store," citing Iowa Code chapter 142D, and restores the definition of "incidental to the sale of tobacco products." Both definitions are critical to the Department's enforcement of the Smokefree Air Act outlined in Iowa Code chapter 142D.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Victoria L. 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

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

October 20, 2026 10 to 10:29 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule **641—150.2(135)**, definition of "Reverification," as follows:

"Reverification" means the process of periodic review, conducted at least every ~~three~~ six years, to certify that a hospital has maintained its designated level of care in accordance with criteria established under these rules for hospitals that are participating in the regionalized system of perinatal health care.

ITEM 2. Adopt the following **new** definitions of "Incidental to the sale of tobacco products" and "Retail tobacco store" in rule **641—153.1(142D)**:

"Incidental to the sale of tobacco products" means that the gross revenue of a retail tobacco store derived from the sale of products other than tobacco products is not more than 20 percent of the retail tobacco store's total gross revenue.

"Retail tobacco store" means the same as defined in Iowa Code chapter 142D.

ARC 0624D

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to medical cannabidiol program and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 154, "Medical Cannabidiol Program," Iowa Administrative Code.

Legal Authority for Rulemaking

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

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 124E and 2026 Iowa Acts, House File 990.

Purpose and Summary

This proposed rulemaking implements in part 2026 Iowa Acts, House File 990, by removing the residency requirement for patients participating in Iowa's medical cannabidiol program. Previous law required patients served by the program to be permanent residents of the State of Iowa. As a result of eliminating the Iowa residency requirement for participation in the medical cannabidiol program, any otherwise qualified nonresident may apply for registration. The Department anticipates that the change will primarily impact qualified Nebraska residents since Nebraska is the only bordering state that does not currently have an operational medical or adult-use cannabis program. Although Nebraska has taken steps to establish a medical cannabidiol program, implementation has experienced significant delays and setbacks.

In addition, this proposed rulemaking restores language inadvertently removed during the 2023 Red Tape Review process. Prior to the 2023 Red Tape Review, proof of veteran status qualified an applicant for a reduced patient application fee, lowering the fee from $100 to $25. This provision was inadvertently removed during the Red Tape Review process and is proposed to be restored. It is important to note that authorization for a lesser fee for veterans does not explicitly appear in Iowa Code chapter 124E; however, this reduced fee provision was previously discussed at a meeting of the Administrative Rules Review Committee (ARRC), and at the time, the ARRC agreed that a reduced fee was important and appropriate for those with veteran status.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Victoria L. 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

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

October 20, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 219 881 050 919 125 Passcode: DW7fd9aw

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

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Amend rule **641—154.1(124E)**, definitions of "Medical assistance program," "Patient" and "Valid photo identification," as follows:

"Medical assistance program" means ~~IA Health Link, Medicaid Fee-for-Service, or hawki,~~ a medical assistance program as administered by ~~the Iowa~~ a state, territory, or district Medicaid ~~enterprise of the department~~ program.

"Patient" means a person ~~who is a permanent resident of the state of Iowa~~ who suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol pursuant to Iowa Code chapter 124E and these rules.

"Valid photo identification" means any of the following for a patient or primary caregiver: (1) a valid ~~Iowa~~ driver's license, (2) a valid ~~Iowa~~ nonoperator's identification card, or (3) an alternative form of valid photo identification. An individual who possesses or is eligible for a driver's license or a nonoperator's identification card shall present such document as valid photo identification. An individual who is ineligible to obtain a driver's license or a nonoperator's identification card may

apply for an exemption and request submission of an alternative form of valid photo identification. An individual who applies for an exemption is subject to verification of the primary caregiver's identity through a process established by the department to ensure the genuineness, regularity, and legality of the alternative form of valid photo identification.

ITEM 2. Amend subrule 154.3(3) as follows:

154.3(3) A registration card issued to a patient shall contain all of the following:

a. The patient's full legal name, ~~Iowa~~ current residence address, date of birth, and sex, as shown on the patient's valid photo identification. If the patient's information has changed since the issuance of the patient's valid photo identification, the patient shall first update the patient's valid identification to reflect the patient's current information.

b. to *d.* No change.

ITEM 3. Amend rule 641—154.11(124E) as follows:

641—154.11(124E) ~~Fees~~ Registration card fees. All registration card fees are nonrefundable. ~~Application fees are established in Iowa Code section 124E.4.~~

154.11(1) *Patient medical cannabidiol registration card fee.*

a. A registration card fee of $100 applies to all patients unless the patient qualifies for a reduced patient registration card fee under paragraph 154.11(1)*"b."*

b. If a patient attests to receiving social security disability benefits, supplemental security insurance payments, enrollment in a medical assistance program, or military veteran status, the patient registration card fee is reduced to $25.

154.11(2) *Primary caregiver medical cannabidiol registration card and renewal fees.*

a. A registration card fee of $25 applies to all primary caregivers.

b. A renewal fee of $25 applies to all primary caregivers.

ITEM 4. Amend paragraph **154.39(2)"a"** as follows:

a. Verify the patient or primary caregiver's identity using acceptable photo identification and that the patient or primary caregiver is over 18 years of age. Acceptable photo identification includes:

(1) A valid ~~Iowa~~ driver's license;

(2) A valid ~~Iowa~~ nonoperator's identification card;

(3) to (5) No change.

ARC 0608D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to the department and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 1, "The Department," Iowa Administrative Code, and to adopt a new Chapter 1 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 17A.3 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 80 and section 17A.3.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 1 and adopt a new chapter in lieu thereof. The proposed chapter establishes how the Department is organized and where the offices are located, as well as how the public may make submissions or requests for information. This chapter also outlines the construction of the Department's rules.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 11, 2026

The Department received no comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 21, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

October 20, 2026 10 to 10:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
October 21, 2026 1 to 1:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building 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 661—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
THE DEPARTMENT

661—1.1(17A) Organization. The department of public safety is administered by a commissioner who is appointed consistent with Iowa Code section 80.2. The duties of the department shall be allocated consistent with Iowa Code section 80.4.

661—1.2(17A) Offices.

1.2(1) Office. The principal office for the department is that of the commissioner in the State Public Safety Headquarters Building in the Capitol Complex in Des Moines. Its mailing address is the Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. The principal offices of the divisions of the department are also located in the State Public Safety Headquarters Building.

1.2(2) Addresses of district headquarters, fire marshals, radio stations and other offices located outside the principal headquarters may be obtained at the department's principal office.

661—1.3(17A) Methods by which and location where the public may obtain information or make submissions or requests. Persons wishing to obtain information from, report information to, or make submissions to the department may contact any of the offices in rule 661—1.2(17A).

661—1.4(17A) Construction of rules. All of the rules of the commissioner and the department are promulgated to describe the department and its procedure, to elaborate on or define some statutory language and to regulate some activities. Iowa Code chapter 4 is hereby adopted by reference so as to apply when construing these rules. When the words "statutes" or "general assembly" appear in Iowa Code chapter 4, it is intended the words "rules" and "commissioner" are to be inserted in lieu thereof. Iowa Code chapter 4 is adopted by reference at least so far as is applicable and not inconsistent with the intent of these rules or repugnant to the context of these rules.

These rules are intended to implement Iowa Code section 17A.3.

ARC 0607D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to special railway agents and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 13, "Special Railway Agents," Iowa Administrative Code, and to adopt a new Chapter 13 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 80.25 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 80.25.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 13 and adopt a new chapter in lieu thereof. The proposed chapter establishes training, standards, and application processes for special railway agents in Iowa.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 28, 2026

The Department received no comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 21, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

October 20, 2026 10:30 to 11 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
October 21, 2026 1:30 to 2 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building 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 661—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13
SPECIAL RAILWAY AGENTS

661—13.1(17A,80) Appointment of railway special agents. The division of professional development and support services processes applications for appointment as railway special agents from persons who are regularly employed by a railroad so those persons may protect railroad property.

661—13.2(17A,80) Standards and training requirements. All applicants shall meet minimum standards to qualify as law enforcement officers as established in the Iowa law enforcement academy rules and will meet all training requirements of the Iowa law enforcement academy.

661—13.3(17A,80) Letter of request. The chief special agent of the railroad company shall submit a letter of request for the appointment of a railroad employee as railway special agent, including the applicant's full name. This letter and all other correspondence is to be sent to this division.

661—13.4(17A,80) Application packet. Each railway special agent applicant shall complete an application provided by the department. The application submission packet will include the 3″ × 3″ photograph, as required, and two additional photographs measuring 1½″ × 1½″ suitable for the identification card. The application packet will also include information regarding the background investigation completed by the railroad employer, including:

13.4(1) Written comments from former employers in reference to honesty, integrity, character, personality and working performance of the applicant.

13.4(2) Written comments by personnel with any state, municipal or county law enforcement agency about the applicant and the applicant's prior employment and residences.

13.4(3) A check with all creditors for payment record and obligations.

13.4(4) A check with the clerk of court in the applicant's county of residence for any court action, civil or criminal.

13.4(5) A check with the county recorder's office where the applicant resides to determine any property listed in the applicant's name and liens that may be on file.

13.4(6) A check with the credit bureau where the applicant resides or has been employed for the applicant's credit rating.

13.4(7) Certified copies of any educational records that are available (high school and college transcripts) and DD201 military form, if any.

661—13.5(17A,80) Review of application. Upon receipt of all material necessary for the appointment of a railway special agent, the division will process the application. All material will be reviewed and maintained in the administrative services division headquarters' files. The division will conduct further

investigation of the applicant, which may include a check of driver's license and motor vehicle files, criminal history data records and verification of the fact that income tax returns have been filed with the Iowa department of revenue.

661—13.6(17A,80) Surety bond. Before appointment, a surety bond issued by an Iowa-licensed bonding or surety company in the amount of $5,000 will be submitted by the requesting railroad company. The surety bond shall name the railway special agent and the bond shall state that the bonded person is a duly appointed railway special agent. Surety bonds shall be issued for each person and remain in effect until 30 days after the company providing the bond gives notice to the department that the bond will be terminated.

661—13.7(17A,80) Weapons permit. If the applicant needs a weapons permit, the application shall show that the requirements outlined in 661—Chapter 91 have been fulfilled. Each railroad employer of a railway special agent will file with this division Form WP1 or WP2 to renew the weapons permit. Continuous weapons training is required to ensure that each railway special agent demonstrates necessary proficiency in the use of weapons.

661—13.8(17A,80) Identification card. After the application is approved, the railroad company will be issued an identification card for the applicant. This card should have affixed one fingerprint and the signature of the applicant. It shall then be returned to the administrative services division for authentication signatures.

661—13.9(17A,80) Notification. The railroad company shall notify the administrative services division, within five working days, when any of the following take place:

13.9(1) The railway special agent appointed by the department is terminated from employment, and provide the railway special agent's identification card and weapon permit.

13.9(2) The railway special agent has been hospitalized for a long-term illness or is undergoing psychiatric evaluation or treatment.

These rules are intended to implement Iowa Code section 80.25.

ARC 0628D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to identification cards and providing an opportunity for public comment

The Department of Public Safety hereby proposes to amend Chapter 93, "Identification Cards for Former Peace Officers of the Iowa Department of Public Safety," Iowa Administrative Code, and to adopt a new Chapter 93 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Executive Order 10 and 18 U.S.C. §926C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 18 U.S.C. §926C.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 93 and adopt a new chapter in lieu thereof. These proposed rules provide a procedure for a qualified former member of

the Department to apply for a new or duplicate former peace officer identification (ID) card after the person is no longer employed by the Department as a peace officer, to complete required annual firearms qualification under auspices of the Department and receive a card certifying that such required annual firearms qualification has been completed, and to appeal decisions of the Department not to issue a former peace officer identification card or an annual firearms qualification card.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 29, 2026

The Department received no comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 21, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

October 20, 2026 9 to 9:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
October 21, 2026 3 to 3:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building 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 661—Chapter 93 and adopt the following **new** chapter in lieu thereof:

CHAPTER 93
IDENTIFICATION CARDS FOR FORMER PEACE OFFICERS
OF THE IOWA DEPARTMENT OF PUBLIC SAFETY

661—93.1(18USC926C) General provisions. It is the policy of the department of public safety to provide any qualified former peace officer member of the department with a permanent card that identifies the holder as a qualified former law enforcement officer upon separation from employment as a peace officer with the department. These rules provide a procedure for a qualified former member of the department to apply for a new or duplicate former peace officer ID card after the person is no longer employed by the department as a peace officer, to complete required annual firearms qualification under auspices of the department and receive a card certifying that such required annual firearms qualification has been completed, and to appeal decisions of the department not to issue a former peace officer identification card or an annual firearms qualification card.

661—93.2(18USC926C) Definitions. The following definitions apply to the rules in this chapter:

"Commissioner" means the commissioner of the department of public safety.

"Department" means the Iowa department of public safety.

"Former peace officer identification (ID) card" means a photographic identification card issued by the department to a qualified former law enforcement officer with the department.

"Qualified former law enforcement officer" means a person who:

1. Retired or separated in good standing from service with the department as a law enforcement officer; and
2. Was not officially found by a qualified medical professional employed by the department to be unqualified for reasons relating to mental health; and
3. Did not enter into an agreement with the department in which the officer acknowledged that the officer was not qualified for reasons relating to mental health; and
4. Before such retirement or separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and had statutory powers of arrest; and
5. Met one of the following two requirements:

- Before such retirement or separation, was regularly employed as a law enforcement officer for an aggregate of ten years or more; or
- Retired from service with the department, after completing any applicable probationary period of such service, due to an accidental disability, as determined by the board of directors of the department peace officers' retirement, accident, and disability system, pursuant to Iowa Code section 97A.6 and rule 661—401.1(97A).

661—93.3(18USC926C) Application for former peace officer ID card.

93.3(1) A qualified former law enforcement officer of the department may apply for a former peace officer identification card prior to retirement or any time after such retirement becomes effective.

93.3(2) Application shall be made on a form available from the office of the commissioner.

93.3(3) The completed application form may be submitted to the Iowa Department of Public Safety, Office of the Commissioner, 215 East 7th Street, Des Moines, Iowa 50319.

93.3(4) Upon receipt of a completed application, the department shall verify that the applicant met the requirements for issuance of a former peace officer identification card at the time of separation from employment with the department.

93.3(5) If the applicant met all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department, the application shall be approved, unless the commissioner is aware of information that would disqualify the applicant that arose from conduct or circumstances that occurred after the time of separation. Issuance of a former peace officer identification card by the department implies no warranty of the continuing eligibility of the former peace officer to carry a concealed weapon pursuant to 18 U.S.C. §926C.

93.3(6) If the applicant did not meet all of the requirements for a qualified former law enforcement officer at the time of separation from employment as a peace officer with the department or if the commissioner is aware of information that would disqualify the applicant based on conduct or circumstances that occurred after separation from the department, then the application shall be denied and the applicant shall be notified of the denial.

93.3(7) The commissioner shall notify an approved applicant and shall provide instructions for completion of the issuance process. Such instructions may include a requirement for the applicant to be present at a time and location designated by the department to be photographed for the identification card.

93.3(8) Issuance of an initial former peace officer identification card shall be at no charge to the qualified former law enforcement officer.

93.3(9) If a qualified former peace officer of the department loses an identification card, or if a card is damaged, a replacement may be issued. The former officer shall notify the office of the commissioner of the loss or damage and may apply for a replacement card.

661—93.4(18USC926C) Annual firearms qualification—certification card.

93.4(1) Qualified former law enforcement officers with the department may participate in annual firearms qualification offered by the department and, upon successful completion of the annual firearms qualification, receive proof thereof from the department. A card certifying successful completion of the annual qualification and specifying the date of the qualification shall be issued by the firearms instructor conducting the qualification on behalf of the department to each qualified former law enforcement officer who has successfully completed the qualification. A card certifying successful completion of the qualification shall be issued by department personnel only to a qualified former law enforcement officer with the department who successfully completes the annual firearms qualification under the auspices of the department. Participation in annual firearms qualification offered by the department is restricted to qualified former law enforcement officers with the department who are residents of the state of Iowa at the time of the qualification.

NOTE: Any qualified former law enforcement officer with the department may participate in annual firearms qualification offered by a certified firearms instructor other than under the auspices of the department. A card to certify proof of successful completion of annual firearms qualification may be issued only by the firearms instructor who conducts the qualification.

93.4(2) Annual firearms qualification shall be offered periodically and at various locations in the state to qualified retired and former officers of the department who reside in Iowa. While the department will make a good-faith effort to notify all qualified and former peace officer members of the department who reside in Iowa of the availability of such training, it is the responsibility of each qualified former peace officer member of the department to inquire about such training if the qualified former peace officer wishes to use the qualification or training to obtain the annual certification of firearms qualification required under 18 U.S.C. §926C.

93.4(3) A qualified former law enforcement officer with the department who resides in Iowa shall be offered the opportunity to participate in annual firearms qualification at no cost to the qualified former officer, except that any former officer of the department who participates in annual firearms

qualification offered under the auspices of the department shall supply any firearm, ammunition, or equipment required to be used in the qualification.

93.4(4) A qualified former law enforcement officer with the department residing in Iowa who plans to participate in firearms qualification or firearms familiarization training offered by the department should inquire via email to the department prior to the qualification or training as to what information and material the qualified former peace officer is required to provide at the training. An application form for an annual firearms qualification shall be provided electronically to the qualified former peace officer member. The qualified former peace officer member shall complete the application form and submit it to the instructor prior to the start of the qualification or training.

93.4(5) An instructor supervising annual qualification or training on behalf of the department shall refuse to admit a former law enforcement officer with the department to the qualification session or training if the former law enforcement officer with the department is not a resident of the state of Iowa at the time of qualification or the instructor knows that the former law enforcement officer with the department does not meet the requirements for possession of a firearm under state or federal law or is otherwise unable to meet the requirements to be a qualified former law enforcement officer under the provisions of 18 U.S.C. §926C. An instructor may refuse to admit any qualified former law enforcement officer with the department to an annual firearms qualification if, in the judgment of the instructor, participation in the session by the qualified former law enforcement officer would be unsafe.

93.4(6) If the qualified former law enforcement officer with the department satisfies the requirements for annual firearms qualification, the instructor shall complete and issue the qualified former law enforcement officer an annual firearms qualification certification card on a form provided by the department. If the former law enforcement officer with the department fails to attain a qualifying score, the instructor shall notify the former law enforcement officer with the department.

661—93.5(17A) Appeals. Any action taken by the department that adversely affects the applicant may be appealed through the process delineated in 7—Chapter 2505.

These rules are intended to implement 18 U.S.C. §926C.

ARC 0609D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to volunteer emergency services provider death benefits and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 291, "Volunteer Emergency Services Provider Death Benefits," Iowa Administrative Code, and to adopt a new Chapter 291 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 100B.10 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 100B.31.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 291 and adopt a new chapter in lieu thereof. The purpose of the proposed chapter is to carry out the Volunteer Emergency Services Provider Death Benefit Program through defining eligibility and application processes.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 11, 2026

The Department received no comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 21, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

October 20, 2026 11 to 11:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
October 21, 2026 2 to 2:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building 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 661—Chapter 291 and adopt the following **new** chapter in lieu thereof:

CHAPTER 291
VOLUNTEER EMERGENCY SERVICES PROVIDER DEATH BENEFITS

661—291.1(100B) Volunteer emergency services provider death benefit program.

291.1(1) There is established within the fire marshal division a volunteer emergency services provider death benefit program with responsibility for administering the payment of death benefits to beneficiaries of volunteer emergency services providers who die in the line of duty, as provided in Iowa Code section 100B.31.

291.1(2) Information about the program may be obtained by mail from the Volunteer Emergency Services Provider Death Benefit Program, Fire Marshal Division, Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319; by telephone at 515.725.6150; or by email at fminfo@dps.state.ia.us.

661—291.2(100B) Eligibility. The beneficiary of a volunteer emergency services provider who is killed in the line of duty is eligible for a lump-sum payment of $100,000 from the volunteer emergency services provider death benefit program, provided that application is made to the program in accordance with requirements established in this chapter and all eligibility criteria are satisfied.

291.2(1) *Application.* Application forms for the volunteer emergency services provider death benefit program may be obtained on request from the fire marshal division. The fire marshal may accept a legible copy of a completed application for the federal Public Safety Officers' Benefits Program. Completed application forms shall be sent to the program through the above contact information. A completed application form shall be accompanied by a letter from the chief or other responsible supervisory official of the department in which the volunteer emergency services provider was serving at the time of the line-of-duty death, certifying that the death was the direct and proximate result of a traumatic personal injury incurred in the line of duty as a volunteer. Any evidence or proof available to the chief or responsible supervisory official to support the claim shall accompany the letter.

291.2(2) *Definitions.* The following definitions apply to the volunteer emergency services provider death benefit program.

"Beneficiary" means the surviving spouse of the volunteer emergency services provider who died in the line of duty. If there is no surviving spouse, and there is a surviving child or surviving children of the volunteer emergency services provider, then "beneficiary" means the surviving child of the member. If there is more than one surviving child, the children are cobeneficiaries who shall share equally in the lump-sum payment of the death benefit. If there is no surviving spouse or child of the volunteer emergency services provider, "beneficiary" means the surviving father or mother of the volunteer emergency services provider if either or both survives at the time of the line-of-duty death of the volunteer emergency services provider. If both the mother and father of the volunteer emergency services provider survive at the time of the line-of-duty death of the volunteer emergency services provider, then the father and mother are cobeneficiaries who shall share equally in the lump-sum payment. If there is no surviving spouse, child, or parent at the time of the line-of-duty death of the volunteer emergency services provider, then "beneficiary" means the estate of the deceased volunteer emergency services provider.

"Line-of-duty death" means the death of a volunteer emergency services provider that was the direct and proximate result of a traumatic personal injury incurred in the line of duty as a volunteer. The death is not a line-of-duty death if any of the exclusions in Iowa Code section 100B.31(2) apply.

661—291.3(100B) Determination. After receiving an application for benefits from the volunteer emergency services provider death benefit program, the fire marshal shall make a determination as to whether or not the application meets the requirements for payment of benefits. The fire marshal may

require the beneficiary or the chief or responsible supervisory official who has certified that the death is a line-of-duty death to submit any additional information that the fire marshal deems material to making the determination. If the determination is that the requirements for payment of benefits have been met, the fire marshal shall notify the beneficiary or cobeneficiaries and shall request that the department of revenue issue a warrant payable to the beneficiary or cobeneficiaries as applicable.

291.3(1) *Denial and notification.* If the fire marshal determines that the eligibility criteria have not been met, the fire marshal shall notify in writing the beneficiary or cobeneficiaries and the chief or responsible supervisory official who certified that the death occurred in the line of duty of the determination and of the reason or reasons for the denial.

291.3(2) *Appeals.* If an application for payment from the volunteer emergency services provider program is denied, the beneficiary or any cobeneficiary may appeal that decision to the commissioner of public safety by filing an appeal in writing to the commissioner of public safety within 30 days of the date of the denial of the application by the fire marshal. Appeals shall be processed in accordance with contested case procedures specified in 7—Chapter 2506.

These rules are intended to implement Iowa Code section 100B.31.

ARC 0610D

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to statewide interoperable communications system board and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 600, "Statewide Interoperable Communications System Board," Iowa Administrative Code, and to adopt a new Chapter 600 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 80.28 and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 80.29.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 600 and adopt a new chapter in lieu thereof. The proposed chapter provides for board structure and procedures as it relates to the Iowa Statewide Interoperable Communications System Board (ISICSB).

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 28, 2026

The Department received no comments.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 21, 2026. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

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

October 20, 2026 11:30 a.m. to 12 noon	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
October 21, 2026 2:30 to 3 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building 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 661—Chapter 600 and adopt the following **new** chapter in lieu thereof:

CHAPTER 600
STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

661—600.1(80) Establishment of board. The Iowa statewide interoperable communications system board is established in Iowa Code section 80.28.

661—600.2(80) Definitions. The following definitions apply to the rules in this chapter:

"Board" means the statewide interoperable communications system board established in Iowa Code section 80.28.

"Interoperability" means the same as defined in Iowa Code section 80.28(1).

"Legal counsel to the board" means the assistant attorney general assigned to provide legal advice and representation to the board.

"Quorum" means two-thirds or more of the current voting members of the board.

661—600.3(80) Statewide interoperability coordinator. The board may select and appoint a person who is not a member of the board as the statewide interoperability coordinator to coordinate work performed on behalf of the board and to complete tasks related to the mission of the board as assigned by the board or by the chairperson of the board with board approval.

661—600.4(80) Board procedures. The board shall operate under the following procedures.

600.4(1) *Membership.* The board shall include seven voting members and four ex officio, nonvoting members who are members of the Iowa general assembly, as provided in Iowa Code section 80.28.

600.4(2) *Meetings.*

a. The board shall meet at least once a quarter at a time and place determined by the board. Additional meetings may be called by:

(1) The chairperson,

(2) The vice chairperson, or

(3) The statewide interoperability coordinator, at the request of three or more voting members of the board.

b. If a quorum is not present at a scheduled meeting of the board, the members of the board who are present may convene, may take testimony and public comment, and may engage in discussion of board business, but shall not take any action other than to adjourn.

c. Notice of all meetings of the board shall be given in accordance with the provisions of Iowa Code section 21.4.

d. All meetings of the board are public meetings and shall be conducted in accordance with Iowa Code section 21.3.

(1) A portion of any board meeting may be closed to the public for any of the reasons enumerated in Iowa Code section 21.5 and only subsequent to the procedures specified in Iowa Code section 21.5 to be followed by a public body in order to close a meeting to the public. If a board meeting has been closed to the public, the board shall not adjourn while in closed session, and may do so only after the meeting has been reopened to the public.

(2) The chairperson or vice chairperson may extend invitations to subject matter experts or other parties to address items on the agenda of the board at meetings of the board.

(3) Members of the public shall be afforded an opportunity to address the board at each regular meeting during a period labeled "public comment period" on the agenda, subject to reasonable time limits established by the person presiding at the meeting.

(4) Remote telephonic access to a meeting of the board may be provided at the request of a board member or a member of the public consistent with Iowa Code chapter 21.

e. Meetings of the board shall be conducted in accordance with Roberts Rules of Order, 12th edition.

600.4(3) *Officers.* Officers of the board shall be a chairperson and a vice chairperson.

a. Election of the chairperson and the vice chairperson shall take place at a regular meeting of the board.

b. The chairperson and the vice chairperson shall each be elected for a two-year term, commencing at the conclusion of the meeting at which the election takes place.

c. The chairperson and the vice chairperson shall each be a voting member of the board.

d. If the chairperson or the vice chairperson ceases to be a voting member of the board, or if the chairperson or the vice chairperson resigns from the position, the position shall become vacant. If the position of the chairperson becomes vacant, the vice chairperson shall become chairperson and shall serve the remainder of the two-year term to which the chairperson had been elected, and the position of

vice chairperson shall become vacant. If the position of vice chairperson has become vacant, an election to fill the remainder of the two-year term shall be conducted at the next regular meeting of the board following the occurrence of the vacancy.

e. Election to the position of chairperson or vice chairperson shall require a majority of the voting members of the board who are present and voting at a meeting at which a quorum of the board is in attendance.

f. If the board fails to elect a chairperson or a vice chairperson at the board meeting when a term of office ends, the incumbent chairperson or vice chairperson shall continue to serve until a successor is elected.

661—600.5(80) Committees.

600.5(1) *Standing committees.* A standing committee may be created or disbanded by majority vote of the voting members of the board present at any board meeting.

a. The chairperson of each standing committee shall be a voting member of the board.

b. Persons who are not voting members of the board may serve on a standing committee.

c. The chairperson of the board, with approval of the board, shall appoint members of the standing committee.

600.5(2) *Ad hoc committees.* The chairperson may establish ad hoc committees for specific purposes and terms and may appoint persons to those committees in an advisory capacity based upon their expertise in the subject matter.

661—600.6(80) Board finances. Operational expenses of the board and of the statewide interoperability coordinator shall be paid from funds available to the department of public safety or the department of transportation, pursuant to an agreement between those agencies, except that expenses related to participation on the board by employees of state agencies shall be borne by their respective agencies.

661—600.7(80) Contracts. The board may enter into contracts with other entities to carry out tasks in pursuit of the board's purpose. Any such contract shall be entered into subject to approval of the legal counsel to the board and shall comply with the rules of the department of administrative services and any other applicable state laws regarding purchases by state agencies.

661—600.8(80) Competitive grants. If funds are available to the board to award grants on a competitive basis for projects to further the purposes of the board, the chairperson shall appoint an advisory committee to review grant applications. The chairperson of the advisory committee shall be a voting member of the board, although other members may be members of the board or other persons with expertise helpful in evaluating grant applications. The statewide interoperability coordinator shall, prior to the solicitation of applications for the grant funds and with the approval of the board, develop a grant application form and an evaluation methodology that shall be understandable and made available to any prospective applicant. The availability of grant funds shall be made known as widely as practicable prior to the deadline for accepting applications.

661—600.9(80) Additional information. Additional descriptive and explanatory information about the board and its procedures and about interoperability issues may be found on the website of the board at isicsb.iowa.gov/index.html.

These rules are intended to implement Iowa Code section 80.29.

ARC 0604D

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to front windshields, windows or sidewings and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 450, "Equipment and Inspection Requirements for Certain Motor Vehicles," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 321.438.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 321.438.

Purpose and Summary

The Department proposes to rescind rule 761—450.5(321) to conform with 2026 Iowa Acts, House File 766, which amends Iowa Code section 321.438 to establish the minimum transparency standards for vehicle windows and eliminates the Department's authority to adopt administrative rules concerning those standards.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 11, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Email: ryan.pell@iowadot.us

Public Hearing

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

October 20, 2026 11:30 a.m. to 12 noon	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 115 622 157#
October 20, 2026 4 to 4:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 472 686 974#

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact 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 and reserve rule **761—450.5(321)**.

ARC 0605D

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

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

The Transportation Department hereby proposes to amend Chapter 480, "Abandoned Vehicles," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 321.89 and 2026 Iowa Acts, House File 2617.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 321.89.

Purpose and Summary

The purpose of the proposed amendments is to align the rules with 2026 Iowa Acts, House File 2617, section 2, which reduces from 20 days down to 10 days the period within which the owner of an abandoned vehicle must be notified by the police authority or private entity that has taken custody of the abandoned vehicle.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 11, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Email: ryan.pell@iowadot.us

Public Hearing

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

October 20, 2026 9 to 9:30 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 448 243 463#
October 20, 2026 1 to 1:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 140 642 59#

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact 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. Amend paragraphs **480.5(2)"a"** and **480.5(2)"b"** as follows:

a. The police authority's impound report showing the date the vehicle was taken into custody, including a complete description of the vehicle. The date of abandonment is the date the vehicle was taken into custody unless the police authority declares a different date of abandonment. The abandonment date shall be used to calculate the ~~20-day~~ ten-day notification required under Iowa Code section 321.89(3).

b. A copy of the notice sent to the owner and lienholder(s) or proof of publication of notice. The notice must display a sent or published date within the ~~20-day~~ ten-day time frame required under Iowa Code section 321.89(3) to qualify the claim for reimbursement.

ARC 0606D

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to denials and sanctions for juveniles and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 615, "Sanctions," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 307.12 and 321.213B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 299.1B and 321.213B.

Purpose and Summary

The purpose of the proposed amendment is to conform with Iowa Code section 299.1B, which requires the Department to deny issuance of a driver's license until age 18 if the Department receives notification from a school authority that the person is of compulsory age and does not meet the school attendance requirements of Iowa Code section 299.1B.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 11, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Email: ryan.pell@iowadot.us

Public Hearing

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

October 20, 2026 9:30 to 10 a.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 376 919 741#
October 20, 2026 2 to 2:30 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 882 160 403#

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

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing impairments, should contact 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. Amend rule 761—615.15(232,299,307,321) as follows:

761—615.15(232,299,307,321) ~~Suspensions~~ Denials and suspensions for juveniles.

615.15(1) *Suspension for juveniles adjudicated delinquent for certain offenses.*

a. No change.

b. The department may issue to a person suspended under this subrule a temporary restricted license in accordance with rule 761—615.28(321) if issuance is permitted under Iowa Code section 321.215 and the person is otherwise eligible for the license. To obtain a temporary restricted license that is valid for educational or employment purposes, the applicant must meet the requirements for issuance of a special minor's restricted license under Iowa Code section 321.194 and rule ~~761—602.26(321)~~ 761—602.9(321).

615.15(2) *~~Suspension~~ Denial or suspension for juvenile's failure to attend school.*

a. The department shall deny or suspend the driver's license of a person of compulsory age upon receipt of notification from the appropriate school authority that the person is in violation of Iowa Code section 299.1B.

b. The denial or suspension will continue until the person reaches the age of 18 or the department receives notification from the appropriate school authority that the person is no longer in violation of Iowa Code section 299.1B.

c. The department may issue to the person a minor's restricted work license pursuant to Iowa Code section 321.178 and rule ~~761—602.25(321)~~ 761—602.8(299,321) if the person is eligible for the license.

This rule is intended to implement Iowa Code sections 232.52(2), 321.178, 321.213B, 299.1B, 307.12(1)*"j,"* 321.213, 321.213A and 321.215.

ARC 0627D

UTILITIES COMMISSION[199]

Notice of Intended Action

Proposing rulemaking related to restoration of agriculture lands during electric transmission line construction and electric lines and providing an opportunity for public comment

The Utilities Commission hereby proposes to adopt a new Chapter 8, "Restoration of Agricultural Lands During Electric Transmission Line Construction," and to amend Chapter 11, "Electric Lines," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 478.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 478.

Purpose and Summary

The purpose of this proposed rulemaking is to establish standards consistent with 2026 Iowa Acts, House File 2227, which was signed into law by Governor Reynolds on April 16, 2026. This legislation enacts new Iowa Code section 478.34, which establishes that electric transmission lines approved on or after July 1, 2024, by a federally registered planning authority's transmission plan with costs allocated regionally are required to have a land restoration plan approved by the Commission. All references to Iowa Code section 478.34 in the proposed text are to that section as enacted by 2026 Iowa Acts, House File 2227. The Commission issued an order commencing rulemaking on September 8, 2026. The order is available on the Commission's electronic filing system, efs.iowa.gov, under Docket No. RMU-2026-0008.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 28, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2506.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Commission no later than 4:30 p.m. on January 5, 2027. Comments should be directed to:

IT Support
Iowa Utilities Commission
Phone: 515.725.7300
Email: ITSupport@iuc.iowa.gov

Public Hearing

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

January 5, 2027 9 to 11 a.m.	Commission Hearing Room 1375 East Court Avenue Des Moines, Iowa Also via Zoom

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 Commission and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 199—Chapter 8:

CHAPTER 8
RESTORATION OF AGRICULTURAL LANDS
DURING ELECTRIC TRANSMISSION LINE CONSTRUCTION

199—8.1(478) General information.

8.1(1) *Authority and purpose.* Pursuant to Iowa Code section 478.34, this chapter establishes standards for the restoration of agricultural lands after the initial construction of an electric transmission line. These rules constitute the minimum standards for restoration of agricultural lands disturbed by electric transmission line construction. These rules do not apply to land located within city boundaries. When a land restoration plan is required pursuant to Iowa Code section 478.34, the commission may impose additional or more stringent standards as necessary to address issues specific to the nature and location of the particular electric transmission line project.

8.1(2) *Definitions.* The definitions listed in Iowa Code section 478.34(1) are incorporated herein by reference. Words and terms not otherwise defined in this chapter or Iowa Code section 478.34(1) will have their usual meaning. For the administration and interpretation of this chapter, the following words and terms will have the following meanings:

"Agricultural land" means any land devoted to agricultural use, including but not limited to land used for crop production, cleared land capable of being cultivated, hay land, pasture land, managed woodlands and woodlands of commercial value, truck gardens, farmsteads, commercial agricultural-related facilities, feedlots, rangeland, livestock confinement systems, land on which farm buildings are located, and land used to implement management practices and structures for the improvement or conservation of soil, water, air, and related plant and animal resources.

"Drainage structures" or *"underground improvements"* means any permanent structure used for draining agricultural lands, including tile systems and buried terrace outlets.

"Electric transmission line construction" means activity associated with installation of an electric transmission line that disturbs agricultural land but does not include work performed during an emergency or tree clearing completed on land under easement with written approval from the landowner.

"Electric transmission line structure" means any foundation, pole, or other apparatus necessary for the installation or support of an electric transmission line.

"Emergency" means a condition involving clear and immediate danger to life, health, or essential services or a risk of a potentially significant loss of property. When the emergency condition ends, electric transmission line construction shall be in accordance with these rules.

"Soil conservation practices" means any land conservation practice recognized by federal or state soil conservation agencies, including but not limited to grasslands and grassed waterways, hay land planting, pasture, and tree plantings.

"Soil conservation structures" means any permanent structure recognized by federal or state soil conservation agencies, including but not limited to toe walls, drop inlets, grade control works, terraces, levees, and farm ponds.

"Solid waste" means any debris, garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from electric transmission line construction activities.

"Subsoil" means the soil horizons beneath the topsoil.

"Surface drains" means any surface drainage system, such as shallow surface field drains, grassed waterways, open ditches, or any other conveyance of surface water.

"Till" means to loosen the soil in preparation for planting or seeding by plowing, chiseling, discing, or similar means. For the purposes of this chapter, agricultural land planted using no-till planting practices is also considered tilled.

"Topsoil" means the uppermost layer of the soil with the darkest color or the highest content of organic matter, generally referred to as the "A" horizon. In areas where the "A" horizon is determined to be less than 12 inches, the topsoil depth shall include both the "A" and the "Bw" horizons as determined by the March 2017 United States Department of Agriculture Soil Survey Manual. Topsoil depth is to be determined prior to soil disruption.

"Wet conditions" means adverse soil conditions due to rain events, antecedent moisture, or ponded water, where the passage of construction equipment may cause rutting that mixes topsoil and subsoil, may prevent the effective removal or replacement of topsoil and subsoil, may prevent proper decompaction, or may damage underground tile lines. The ball test, the ribbon test, the amount of standing water within the easement, or other credible evaluation methods may be used to determine whether adverse soil conditions are present.

199—8.2(478) Filing of land restoration plans. Pursuant to Iowa Code section 478.34, a land restoration plan is required for electric transmission line construction and shall be filed with the appropriate petition and be identified as Exhibit I, consistent with 199—paragraph 11.5(1)*"i."*

8.2(1) *Content of plan.* A land restoration plan shall include but not be limited to the following:

a. A brief description of the purpose and nature of the electric transmission line construction project.

b. A description of the sequence of events that will occur during electric transmission line construction.

c. A description of how the electric transmission owner will comply with rules 199—8.4(478) and 199—8.5(478).

d. The point of contact for landowner inquiries or claims as provided for in rule 199—8.6(478).

e. A unique identification number that follows a linearly sequential pattern on each parcel of land over which the electric transmission line will be constructed.

8.2(2) *Plan variations.* The commission may by waiver allow variations from the requirements in this chapter if the electric transmission owner requesting a waiver is able to satisfy the standards set forth

in 7—Chapter 2504 and if the alternative methods proposed by the electric transmission owner would restore the land to a condition as good as or better than provided for in this chapter.

8.2(3) *Mitigation plans and agreements.* Preparation of a separate land restoration plan may be waived by the commission where an electric transmission owner enters into an agricultural impact mitigation plan or similar agreement with the appropriate agencies of the state of Iowa that satisfies the requirements of this chapter. If a mitigation plan or agreement is used to fully or partially meet the requirements of a land restoration plan, the statement or agreement shall be filed with the commission and will be considered to be, or to be part of, the land restoration plan for purposes of this chapter.

199—8.3(478) Procedure for review of plan.

8.3(1) *Timing.* The commission will review the proposed land restoration plan at the same time it reviews the petition for a new electric transmission line franchise submitted pursuant to rule 199—11.5(478). Objections to the proposed plan may be filed as part of the franchise proceeding. The electric transmission owner shall modify the plan as determined by the commission.

8.3(2) *Distributing approved plan.* After the commission has approved the plan as part of the commission's review and approval of the petition, but prior to construction, the electric transmission owner shall provide copies of the final plan approved by the commission to all landowners.

199—8.4(478) Clearing of agricultural land.

8.4(1) *Trees and brush.* If trees are to be removed from the easement, the electric transmission owner shall consult with the landowner to determine if there are trees of commercial or other value to the landowner.

a. If there are trees of commercial or other value to the landowner, the electric transmission owner shall allow the landowner the right to retain ownership of the trees with the disposition of the trees to be negotiated prior to commencement of land clearing or, if the landowner does not want to retain ownership of the trees, the electric transmission owner shall hire a forester with local expertise to appraise the commercial value of any timber to be cut for construction of the electric transmission line. The electric transmission owner shall compensate the landowner for the full appraised commercial value of any timber removed. The electric transmission owner shall remove all cleared trees and debris left on or adjacent to the easement.

b. If the trees to be cleared have been determined to have no commercial or other value to the landowner and there is no negotiated agreement between the electric transmission owner and the landowner for the disposition of the trees in advance of clearing of the easement, removal and disposal of the material shall be completed at the discretion of the electric transmission owner.

8.4(2) *Fencing.* The electric transmission owner may remove field fences and gates, located within the electric transmission line company's easement, during clearing of the easement and shall construct temporary fences and gates where necessary. Upon completion of the electric transmission line construction, the electric transmission owner shall replace any temporary field fences or gates with permanent field fences or gates that are in the same or better condition as those present prior to construction. The electric transmission owner and landowner may negotiate separate agreements regarding field fences and gates. If livestock is present, the electric transmission owner shall construct any temporary or permanent fences and gates in a manner that will contain livestock.

199—8.5(478) Restoration of agricultural lands.

8.5(1) *Temporary and permanent repair of drain tile.*

a. Electric transmission line clearance from drain tile. Where underground drain tile is encountered, the permanent tile repair shall be installed with at least 12 inches of clearance from the electric transmission line structure.

b. Temporary repair. The following standards shall be used to determine if temporary repair of agricultural drainage tile lines encountered during electric transmission line construction is required.

(1) Any underground drain tile damaged, cut, or removed and found to be flowing or that subsequently begins to flow shall be temporarily repaired as soon as practicable, and the repair shall be

maintained as necessary to allow for its proper function during construction of the electric transmission line. The temporary repairs shall be maintained in good condition until permanent repairs are made.

(2) Any underground drain tile damaged, cut, or removed and found to not be flowing shall have the upstream exposed tile line screened or otherwise protected to prevent the entry of foreign material and small animals into the tile system. The downstream tile line entrance shall be capped or filtered to prevent entry of mud or foreign material into the line if the water level rises.

c. Marking. Any underground drain tile damaged, cut, or removed shall be marked by placing a highly visible flag directly over or opposite such tile. This marker shall remain until the tile has been permanently repaired.

d. Permanent repairs. Tile disturbed or damaged by electric transmission line construction shall be repaired to its original or better condition. Permanent repairs shall be completed as soon as practicable after the initial construction has completed. Permanent repair and replacement of damaged drain tile shall be performed in accordance with the following requirements:

(1) All damaged, broken, or cracked tile shall be removed.

(2) Only unobstructed tile shall be used for replacement.

(3) The tile furnished for replacement purposes shall be of a quality, size, and flow capacity at least equal to that of the tile being replaced.

(4) Tile shall be replaced using a laser transit, or similar instrument or method, to ensure that the tile's proper gradient and alignment are restored, except where relocation or rerouting is required due to an electric transmission line structure.

(5) The replaced tile shall be firmly supported to prevent loss of gradient or alignment due to soil settlement.

e. Subsurface drainage. Subsequent to electric transmission line construction and permanent repair, if it becomes apparent the tile line in the area disturbed by construction is not functioning correctly or that the land adjacent to the electric transmission line is not draining properly, which can reasonably be attributed to the electric transmission line construction, the electric transmission owner shall make further repairs or install additional tile as necessary to restore subsurface drainage.

8.5(2) *Removal of rocks and debris from the easement.*

a. Removal. Soil excavated within the easement area shall be free of all rock larger than three inches in average diameter not native to the soil prior to excavation and free of all rocks, gravel or other nonnative surfaces used for an access road or an entrance in the easement area unless alternative arrangements have been made with the landowner. Where rocks over three inches in size are present, their size and frequency shall be similar to adjacent soil not disturbed by construction. In addition, the electric transmission owner shall examine areas adjacent to the easement and along access roads and shall remove any large rocks or debris that may have rolled or blown from the right-of-way or fallen from vehicles.

b. Disposal. Rock that cannot remain in or be used as backfill shall be disposed of at locations and in a manner mutually satisfactory to the electric transmission owner and the landowner. Soil from which excess rock has been removed may be used for backfill. All debris attributable to the electric transmission line construction and related activities shall be removed and disposed of properly. For the purposes of this rule, debris includes spilled oil, grease, fuel, or other petroleum or chemical products. Such products and any contaminated soil shall be removed for proper disposal or treated by appropriate in situ remediation.

8.5(3) *Restoration after soil compaction and rutting.*

a. Agricultural restoration. Agricultural land, including off right-of-way access roads traversed by heavy construction equipment, shall be deep tilled to alleviate soil compaction upon completion of construction on the property. At least three passes with the deep tillage equipment shall be made. Tillage shall be at least 18 inches deep in land used for crop production and 12 inches deep on other lands and shall be performed under soil moisture conditions that result in a maximum standard penetration test (SPT) reading of 300 psi pursuant to ASTM D1586/D1586M-18e1 as published on November 30, 2018, by a qualified person. Decompaction shall not occur in wet conditions. Upon agreement, this tillage may be performed by the landowners or tenants using their own equipment.

b. Rutted land restoration. Rutted land shall be graded and tilled until restored as near as practical to its preconstruction condition.

8.5(4) *Restoration of terraces, waterways, and other erosion control structures.* Existing soil conservation practices and structures damaged by the construction of an electric transmission line shall be restored to the elevation and grade existing prior to the time of the electric transmission line construction. Any drain tiles or flow diversion devices impacted by the electric transmission line construction shall be repaired or modified as needed. Soil used to repair embankments intended to retain water shall be well compacted. Disturbed vegetation shall be reestablished, including a cover crop when appropriate.

8.5(5) *Revegetation of untilled land.*

a. Crop production. Agricultural land not in row crop or small grain production at the time of construction, including hay ground and land in conservation or set-aside programs, shall be reseeded, including use of a cover crop when appropriate, following completion of deep tillage. The seed mix used shall restore the original or a comparable ground cover unless otherwise requested by the landowner. If the land is to be placed in crop production the following year, paragraph 8.5(5)*"b"* applies.

b. Delayed crop production. Agricultural land used for row crop or small grain production that will not be planted in that calendar year due to the electric transmission line construction shall be seeded with an appropriate cover crop following completion of deep tillage. However, cover crop seeding may be delayed if construction is completed too late in the year for a cover crop to become established and in such instances is not required if the landowner or tenant proposes to till the land the following year. The landowner may request ground cover where the construction is completed too late in the year for a cover crop to become established to prevent soil erosion.

c. Weed control. On any easement, the electric transmission owner shall provide for weed control in a manner that prevents the spread of weeds onto adjacent lands used for agricultural purposes. Spraying shall be done by a pesticide applicator that is appropriately licensed or certified for the spraying of pesticide in Iowa. If the electric transmission owner fails to control weeds within 45 days after receiving written notice from the landowner, the electric transmission owner shall be responsible for reimbursing all reasonable costs of weed control incurred by landowners of adjacent land.

8.5(6) *Restoration of land slope and contour.* Upon completion of construction, the slope, contour, grade, and drainage pattern of the disturbed area shall be restored as near as possible to its preconstruction condition. Excessive or insufficient settlement, which visibly affects land contour or undesirably alters surface drainage, shall be remediated by the electric transmission owner by means such as regrading and, if necessary, import of appropriate fill material. Disturbed areas in which erosion causes formation of rills or channels, or areas of heavy sediment deposition, shall be regraded as needed. On steep slopes, methods such as sediment barriers, slope breakers, or mulching shall be used as necessary to control erosion until vegetation can be reestablished.

8.5(7) *Restoration of areas used for field entrances or temporary roads.* Upon completion of construction and land restoration, field entrances or temporary roads built as part of the construction project shall be removed and the land made suitable for return to its previous use. Areas affected shall be regraded as required by subrule 8.5(6) and deep tilled as required by subrule 8.5(3). If by agreement, or at landowner request, and subject to any necessary approval by local public road authorities, a field entrance or road is to be left in place, it shall be left in a graded and serviceable condition.

8.5(8) *Construction in wet conditions.* Construction in wet soil conditions shall not commence or continue at times when or locations where the passage of heavy construction equipment may cause rutting to the extent that topsoil and subsoil are mixed or underground drainage structures may be damaged. To facilitate construction in wet soils, the electric transmission owner may elect to install mats or padding or use other methods.

8.5(9) *Access to land.* Nothing in this rule shall prohibit a landowner or person in possession of the land pursuant to a lease from having access to the property. A landowner or person in possession of the land pursuant to a lease shall not disrupt ongoing construction and shall not compromise the safety considerations of the construction. A landowner or person in possession of the land pursuant to a

lease shall abide by any and all safety instructions established by the electric transmission owner during construction.

8.5(10) *Cleanup and removal of solid waste.* All solid waste shall be removed within three days after electric transmission line construction is completed on a parcel and properly recycled or disposed of by the electric transmission company.

199—8.6(478) Designation of an electric transmission owner point of contact for landowner inquiries or claims. For each electric transmission line construction project subject to this chapter, the electric transmission owner shall designate a point of contact for inquiries or claims from landowners. The designation shall include the name of an individual to contact and a toll-free telephone number, an email address, and an address through which that person can be reached. The electric transmission owner shall also provide contact information for the commission. This information shall be provided to all landowners prior to commencement of construction. Any change in the point of contact shall be promptly communicated in writing to the landowners. A designated point of contact shall remain available for all landowners for at least one year following project completion, as described in 199—subrule 11.10(2), and for landowners with unresolved damage claims, until such time as those claims are settled.

199—8.7(478) Separate agreements. This chapter does not preclude the application of provisions for protecting or restoring property that are different from those contained in this chapter, or in a land restoration plan, which are contained in easements or other agreements independently executed by the electric transmission owner and the landowner. The alternative provision shall not be inconsistent with state law or these rules. The agreement shall be in writing, and the electric transmission owner shall provide a copy to the commission.

199—8.8(478) Notice of violation and halting construction.

8.8(1) *Notice of dispute.* If a good faith dispute arises between a landowner and an electric transmission owner regarding the land restoration plan required by Iowa Code section 478.34, construction shall immediately halt at the disputed location, if applicable, and the electric transmission owner or landowner shall immediately notify the commission.

a. Notice to the commission. For the purpose of this rule, notice may be made by placing a telephone call to the commission's customer service bureau at 515.725.7300 or toll-free at 877.565.4450; by email to customer@iuc.iowa.gov; or by filing in the commission's electronic filing system. If notice is received by telephone or email, such notice will then be provided to the electric transmission line company or landowner via the commission's electronic filing system, email, or U.S. postal mail based upon the contact information available to the commission.

b. Halting construction. For the purpose of this rule, construction shall halt upon receipt of a notice of a dispute being provided to the electric transmission line company where permanent damage may occur. Permanent damage includes but is not limited to tree clearing, temporary or permanent tile repair, construction in wet conditions, or loss of access. The qualified individual shall have the authority to halt construction by providing verbal notice to the electric transmission line company when the qualified individual identifies a violation of this chapter that may result in permanent damage. Halting construction does not include work necessary to stabilize the site to maintain compliance with other state and federal regulations.

8.8(2) *Qualified individual examination.* Upon receipt of a dispute, the commission shall, within two business days or as soon as pragmatically possible, send a qualified individual to examine the disputed issue. The qualified individual shall give verbal notice of a violation of the applicable land restoration standards, followed by written notice, to the electric transmission owner and the electric transmission owner's contractor. The qualified individual's written notice of the violation shall be filed with the commission within two business days or as soon as possible after completing the examination.

8.8(3) *Dispute resolution.* The commission shall issue an order directing the electric transmission owner to make any necessary remedies to ensure the electric transmission owner is in compliance with the approved land restoration plan within seven business days of receiving the qualified individual's

written notice. Construction shall not commence at the disputed location until the commission's order has been issued. Once the order is issued, the electric transmission owner shall take all appropriate steps to remedy the disputed issue. If the landowner or electric transmission owner appeals the commission's initial order, construction may continue; however, the electric transmission owner will be responsible for any damages or for correcting any violation.

8.8(4) *Multiple or subsequent disputes.* Nothing in this rule shall limit the number of disputes between a landowner and electric transmission owner. Nothing in this rule shall limit a landowner's ability to file a subsequent dispute on remediations or actions taken by the electric transmission owner related to the commission's order in subrule 8.8(3).

199—8.9(478) Postconstruction inspection. An electric transmission line owner shall provide notice to the commission within five business days after the restoration of agricultural land as construction is completed for each line mile of the electric transmission line. The commission shall promptly send a qualified individual to inspect the agricultural land to ensure compliance with the approved land restoration plan or separate agreement. The qualified individual shall promptly file a postconstruction inspection report detailing any issues or concerns with the land restoration completed by the electric transmission owner.

199—8.10(478) Enforcement. An electric transmission owner shall fully cooperate with qualified individuals in the performance of their duties under Iowa Code section 478.34. If the electric transmission owner or its contractor does not comply with the requirements of Iowa Code section 478.34, with the land restoration plan, or with an independent agreement on land restoration, the commission may impose civil penalties pursuant to Iowa Code section 478.29.

These rules are intended to implement Iowa Code chapter 478.

ITEM 2. Amend subrule 11.5(1) as follows:

11.5(1) *Petition and exhibits.* A petition for a new franchise shall be filed on forms prescribed by the commission, be notarized, and have all required exhibits attached. The petition shall be attested to by an officer, official, or attorney with authority to represent the electric company. The following exhibits shall be filed with the petition:

a. to *h.* No change.

i. Exhibit I. If an electric transmission line, as defined in Iowa Code section 478.34, is proposed, a land restoration plan shall be prepared and filed as provided in 199—Chapter 8.

~~*i.*~~ *j. Exhibit ~~I~~ J.* This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the noise limit set by 199—subrule 25.6(1). The explanation shall include the assessment at the minimum conductor height and the maximum rms voltage.

~~*j.*~~ *k. Exhibit ~~J~~ K.* This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the maximum electric field strength limit set by 199—subrule 25.6(2). The explanation shall include the assessment at the minimum conductor height and the maximum rms voltage.

~~*k.*~~ *l. Other exhibits.* The commission may require filing of additional exhibits if further information is deemed necessary.

ARC 0631D

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to claims and benefits and providing an opportunity for public comment

The Workforce Development Department hereby proposes to amend Chapter 24, "Claims and Benefits," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 96.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 96.

Purpose and Summary

The purpose of this proposed chapter is to provide procedures for unemployment insurance claims and benefits pursuant to Iowa Code chapter 96.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Jeffrey Koncsol
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.725.5400
Email: jeffrey.koncsol@iwd.iowa.gov

Public Hearing

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

October 20, 2026 9:30 to 10 a.m.	Microsoft Teams meeting teams.microsoft.com/meet/228822696938617?p=OR8VID2jxQAX90PRbC Meeting ID: 228 822 696 938 617 Passcode: 8zZ6q8sm Dial in by phone: 1.469.998.6043 Phone conference ID: 343 985 858#
October 20, 2026 1:30 to 2 p.m.	Microsoft Teams meeting teams.microsoft.com/meet/281631899250539?p=ICqdCBgZItXIX0OKl0

Meeting ID: 281 631 899 250 539
Passcode: fR3JU3RJ
Dial in by phone: 1.469.998.6043
Phone conference ID: 891 111 718#

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 Board and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Rescind rule 871—24.2(96) and adopt the following **new** rule in lieu thereof:

871—24.2(96) Procedures for workers desiring to file a claim for benefits for unemployment insurance.

24.2(1) Filing a benefit claim.

a. In order to establish a benefit year during which an individual may receive unemployment benefits, the individual, once separated from employment, must file an initial claim, verify their identity, and register for work. The claim may be filed electronically or by other means prescribed by the department. A claim filed in accordance with this rule is considered filed as of Sunday of the week in which the claim is filed.

b. When filing an initial claim for benefits, an individual must provide the following information to the department:

(1) The name and complete mailing address of the individual's last employing unit or employer.

(2) Work history for all employers within the individual's base period.

(3) The location of the last job.

(4) The last day of work.

(5) The reason for separation from work.

(6) Certification that the individual is unemployed.

(7) Certification that the individual registers for work.

(8) The individual's last occupation.

(9) Number, full name, social security number, date of birth, and relationship of any dependents claimed.

1. "Spouse" is defined as an individual who does not earn more than $120 in gross wages in one week. The reference week for this monetary determination is the gross wages earned by the spouse in the calendar week immediately preceding the claim's effective date.

2. "Dependent" means an individual who has been claimed for the preceding tax year on the claimant's income tax return. The same dependent may not be claimed on two separate monetarily eligible concurrent established benefit years. An individual may not claim a spouse as a dependent if the spouse has listed the claimant as a dependent on a current claim.

(10) The individual's social security number and alien registration number, if applicable.

(11) Such other information as requested by the department.

c. All claimants on an initial claim must state that the claimant is registered for work and list the claimant's principal occupation. A deferral code will be assigned to the claimant to control the type of registration that is made. Code assignments are based on all facts obtained at the time of the claim filing.

A deferral code change can be made at any time during the benefit year if additional information is obtained by the agency. The deferral codes are:

(1) Deferral code "temporary layoff" is assigned to claimants who are "temporarily unemployed" as defined in Iowa Code section 96.1A(37)*"c."* Claimants assigned this deferral code are reviewed and changed to "no deferral" as applicable.

(2) Deferral code "refused to bump" is assigned to claimants who have left employment in lieu of exercising their right to bump or oust a fellow employee with less seniority or priority from the fellow employee's job. Refused to bump claimants have only the search for work provision of Iowa Code section 96.4(3) and the disqualification provision for failure to apply for or to accept suitable work of Iowa Code section 96.5(3) waived. The refused to bump code does not apply to weeks claimed under the extended benefit or federal supplemental compensation programs.

(3) Deferral code "union member" is assigned to claimants who are members of unions or trades or who are professionals having their own placement facilities. Claimants assigned to this deferral code will be registered for work. A paid-up membership must be maintained, and weekly contact to check for available work is required. Loss of membership will result in a change to "no deferral."

(4) Deferral code "attached to STC employer" is assigned to workers who are employed on a reduced workweek with an employer that is under a department-approved short-time compensation contract. This code pertains to an individual who worked full or part time and will again work full or part time if the individual's employment, although temporarily suspended, has not been terminated. Once the contract expires, claimants assigned to this code are reviewed for placement in the appropriate deferral code.

(5) Deferral code "DUA" is assigned to claimants who are part of a federally declared emergency. Once the emergency period expires, claimants assigned this code are reviewed for placement in the appropriate deferral code.

(6) "No deferral" is assigned to individuals who do not otherwise meet the qualifications for a different deferral code. Claimants in this category must complete and document reemployment activities as established by the department.

Nothing in this rule shall be construed as prohibiting an authorized representative of the department from requiring claimants for unemployment insurance benefits to avail themselves of workforce development center referral and counseling services if deemed beneficial and necessary to obtain prompt reemployment, nor shall anything in this rule be construed to deny referral or counseling service to claimants for unemployment insurance benefits.

d. In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual must report as directed by the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

(1) An individual who files a weekly continued claim will have the benefit payment automatically deposited weekly on a debit card specified by the department or to an account specified by the claimant.

(2) The department retains the ultimate authority to choose the method of reporting and payment.

e. After the initial claim has been filed, the claimant will receive a notice of monetary eligibility. If the claimant is eligible for benefits, this notice will state the date on which the benefit year will begin, the amount per week, and the maximum amount for which the claimant is eligible.

f. No benefit payment is allowed until the individual claiming benefits has completed a continued claim online or as otherwise directed by the department.

(1) The claim must be submitted between 8 a.m. on the Sunday following the Saturday of the weekly reporting period and not later than close of business on the Friday following the weekly reporting period.

(2) An individual using the weekly continued claim system is to personally file the claim on the system unless the individual is disabled and has received prior approval from the department.

(3) The claim must include the following:

1. That the individual continues the claim for benefits;

2. That except as otherwise indicated, during the period covered by the claim, the individual was fully or partially unemployed, earned no gross wages and received no benefits, and was able and available for work;

3. That the individual is participating in and compliant with the department's reemployment case management program established under Iowa Code section 96.11(17);

4. That the individual understands there are penalties for false statements in connection with the claim;

5. That the individual has reported any job offer received during the period covered by the claim;

6. That the individual understands the individual's responsibility to review the claim records to ensure there is no delay in filing the weekly claim to remain in continuous reporting status. Failure to file claims each week will require a claimant to submit a claim application to reactivate the claim;

7. Other information required by the department.

g. Effective starting date for the benefit year.

(1) Filing for benefits is effective as of Sunday of the current calendar week in which, subsequent to the individual's separation from work, an individual files a claim for benefits.

(2) The claim may only be backdated prior to the first day of the calendar week in which the claimant does report and file a claim if the claimant filed an interstate claim against another state that has been determined as ineligible.

(3) When the benefit year expires on any day but Saturday, the effective date of the new claim is the Sunday of the current week in which the claim is filed even though it may overlap into the old benefit year up to six days. However, backdating is not allowed at the change of a calendar quarter if the backdating would cause an overlap of the same quarter in two base periods. When the overlap situation occurs, the effective date of the new claim may be postdated up to six days. If the claimant has benefits remaining on the old claim, the claimant may be eligible for benefits for that period by extending the old benefit year up to six days.

h. An individual is entitled to partial benefits for partial unemployment as per Iowa Code section 96.1A(37)*"b."* If the individual has been placed on reduced employment, the individual may be entitled to partial benefits and should file a claim in accordance with the instructions pertaining to the partial claims procedure.

i. Any individual who is disqualified for benefits because of the individual's failure to report may appeal to the department for the right to establish good cause for failure to report because of extraordinary circumstances. A representative of the department may deny the request, and the decision may be appealed to an administrative law judge for a hearing and decision on the merits. If the petition is allowed, the petitioner will be allowed to file a claim for and receive full benefits for each week for which such claim is filed, if otherwise eligible.

24.2(2) Filing a claim for unemployment insurance benefits (not applicable to interstate claims).

a. A notice of claim filing, which includes the name and social security number of the individual claiming benefits, will be sent to each base period employer on record and the last employer if different than the base period employer unless the separation issue has previously been adjudicated.

b. Even though the claims taker may believe that the claimant cannot meet the eligibility conditions established by statute, the claims taker will in no instance refuse to accept a claim from any unemployed individual. If the claimant elects to file a claim, even though the claimant's eligibility may be questionable, the claim will be accepted without hesitance. The claimant may be required to provide adequate proof of identification such as a driver's license, proof of citizenship, car registration or union membership card or supply personally identifying information.

c. If a claim filed in a previous quarter was ineligible because of no wage records or lack of qualifying earnings, a benefit year has not been established and a new claim will be taken. A new claim should not be taken if the claimant previously filed an ineligible claim in the same quarter unless the claimant insists on filing after being advised of ineligibility. The claims taker will notify the claimant that another claim filed in the same quarter would also be ineligible because additional wage credits (if any) would not be available until a subsequent quarter. The claimant should be advised to file a new claim during the first full week of the next calendar quarter.

d. If the check of the files does not disclose a previous claim and the claimant states that a claim has not been filed during the past year, a new claim will be taken.

e. Partially unemployed claims.

(1) A partially unemployed individual will:

1. File a claim for benefits in the same manner as an initial claim for unemployment insurance.
2. Report all wages that are earned for each week benefits are claimed.

(2) A claimant in a continuous reporting status, employed with the same employer, may exceed the claimant's weekly benefit amount plus $15 for four consecutive weeks before the individual is required to file an additional claim for benefits.

f. If the check of the files does not disclose a monetarily valid claim in another state, a new claim will be taken.

24.2(3) Filing a claim for unemployment insurance benefits (interstate only).

a. All interstate claimants must file an Iowa claim.

b. When the department is acting as an agent for another state unemployment insurance agency with respect to the filing of an initial claim for benefits, the interstate claimant must complete and file an Initial Interstate Claim unless otherwise directed by the interstate handbook for interstate claims-taking provided by the Employment and Training Administration of the United States Department of Labor.

24.2(4) Cancellation of unemployment insurance claim.

a. An individual may direct a request for cancellation of an unemployment insurance claim to the benefits bureau of the unemployment insurance services division. The statement must include the specific reason for the request and contain as much pertinent information as possible so that a decision can be made. A notice with the result of the request will be sent.

b. A cancellation request that is the result of employer coercion or intimidation will be denied and the employer may be subjected to serious misdemeanor charges.

c. If a cancellation request is received within the ten-day protest period and before payment is made, the benefits bureau may upon review cancel the claim for the following reasons:

(1) The individual found employment or returned to regular employment within the protest period.

(2) Cancellation would allow the individual to refile at the change of a calendar quarter to obtain an increase in the weekly or maximum benefit amount or the individual would receive more entitlement from another state.

(3) The individual filed a claim in good faith under the assumption of being separated and no actual separation occurred.

(4) The individual did not want to establish a benefit year because of eligibility for a low weekly or maximum benefit amount.

d. Other valid reasons for cancellation whether or not the ten-day protest period has expired.

(1) The individual has an unexpired unemployment insurance claim in another state and is eligible for a remaining balance of benefits.

(2) The individual received erroneous information regarding entitlement or eligibility to unemployment insurance benefits from an employee of the department.

(3) The individual has an unexpired railroad unemployment insurance claim with a remaining benefit balance that was filed prior to the unemployment insurance claim.

(4) The individual exercises the option to cancel a combined wage claim within the ten days allowed by federal regulation.

(5) The individual has previously filed a military claim in another state or territory. Wages erroneously assigned to Iowa must be deleted and an interstate claim filed.

(6) Federal wages have previously been assigned to another state or territory or are assignable to another state or territory under federal regulation. Federal wages erroneously assigned to Iowa must be deleted and the appropriate type of claim filed.

(7) If the Iowa wages are erroneous and deleted, and the wages from one other state were used, the claim shall be canceled and the wages returned to the transferring state.

e. If a claim is canceled and becomes final with no appeal being filed, a valid claim with Iowa as the paying state may not be reestablished with the same effective date.

f. If it is determined a claim has been filed under an incorrect social security number, the claim will be voided rather than canceled.

g. All unemployment insurance claims canceled will be clearly identified as such and the administrative record of the individual's file shall be destroyed three years after final action.

This rule is intended to implement Iowa Code sections 96.3(3), 96.3(4), 96.4(1), 96.4(3), 96.5(1)*"h,"* 96.5(3), 96.6(1), 96.6(2), 96.15, 96.16, 96.1A and 96.20.

ITEM 2. Rescind rule 871—24.15(96) and adopt the following **new** rule in lieu thereof:

871—24.15(96) Benefit eligibility conditions. To be eligible to receive benefits, the individual bears the burden of establishing, and the department must find, that the individual is able to work, available for work, and earnestly and actively seeking work.

24.15(1) *Able to work.* An individual must be physically and mentally able to work in some gainful employment, not necessarily in the individual's customary occupation.

a. Illness, injury or pregnancy. Each case is decided upon an individual basis, recognizing that various work opportunities present different physical requirements. A statement from a medical practitioner is considered prima facie evidence of the physical ability of the individual to perform the work required. A pregnant individual must meet the same criteria for determining ableness as do all other individuals.

b. Interpretation of ability to work. The law provides that an individual must be able to work to be eligible for benefits. This means that the individual must be physically able to work, not necessarily in the individual's customary occupation, but able to work in some reasonably suitable, comparable, gainful, full-time endeavor, other than self-employment, which is generally available in the labor market in which the individual resides.

24.15(2) *Available for work.* The availability requirement is satisfied when an individual is genuinely attached to the labor market (e.g. the individual is willing, able, and ready to accept suitable work that the individual does not have good cause to refuse). Under unemployment insurance laws, it is the availability of an individual who is tested, and the labor market is therefore described in terms of the individual. A labor market for an individual means a market for the type of service the individual offers in the geographical area in which the individual offers the service. It does not mean that job vacancies must exist. It means only that the type of services that an individual is offering is generally performed in the geographical area in which the individual is offering the services.

a. Shift restriction. The individual does not have to be available for a particular shift. If an individual is available for work on the same basis on which the individual's wage credits were earned and if after considering the restrictions as to hours of work, etc., imposed by the individual there exists a reasonable expectation of securing employment, then the individual meets the requirement of being available for work.

b. Intermittent employment. An individual cannot limit employability to only temporary or intermittent work until recalled by a regular employer.

c. Jury duty. The individual is considered available for work while serving on jury duty because time spent in jury service is not a personal service performed under a contract of hire in an employment situation but rather a public duty required by law. Jury duty does not render the individual as employed and ineligible for benefits even though it may involve the individual full-time.

d. Work release program while incarcerated. For those individuals incarcerated in jail, the work release program usually does not meet the availability requirements of Iowa Code section 96.4(3), but the department will review any situation concerning an incarcerated individual who can meet the requirements of Iowa Code section 96.4(3).

e. Available for part of week. Each case is decided on its own merits. Generally, if the individual is available for the major portion of the workweek, the individual is considered to be available for work.

f. On-call workers.

(1) Substitute workers (e.g., post office clerks, railroad extra board workers) who hold themselves available for one employer and who do not accept other work, are not available for work within the meaning of the law and are not eligible for benefits.

(2) Substitute teachers. The question of eligibility of substitute teachers is subjective in nature and is determined on an individual case basis. The substitute teacher is considered an instructional employee and is subject to the same limitations as other instructional employees. As far as payment of benefits between contracts or terms and during customary and established periods of holiday recesses is concerned, benefits are denied if the substitute teacher has a contract or reasonable assurance that the substitute teacher will perform service in the period immediately following the vacation or holiday recess. A substitute teacher is not disqualified if the individual is able and available for work, making an earnest and active search for work each week, placing no restrictions on employment and is genuinely attached to the labor market.

(3) An individual whose wage credits earned in the base period of the claim consist exclusively of wage credits from on-call work, such as a banquet worker, railway worker, or substitute school teacher, is not considered an unemployed individual within the meaning of Iowa Code section 96.1A(37)*"a"* and *"b."* An individual who is willing to accept only on-call work is not considered to be available for work.

g. Leave of absence. A leave of absence negotiated with the consent of both employer and employee is deemed a period of voluntary unemployment for the employee who is considered ineligible for benefits for the period.

(1) If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee, the individual is considered laid off and eligible for benefits.

(2) If the employee fails to return at the end of the leave of absence and subsequently becomes unemployed, the individual is considered as having voluntarily quit and is ineligible for benefits.

(3) The period or term of a leave of absence may be extended, but only if there is evidence that both parties have voluntarily agreed.

h. Effect of religious convictions on Sabbath day work. An individual is considered as available for work if the precepts of the individual's religion prohibit work on the Sabbath. An individual who refuses to work on the Sabbath designated by the individual's religion because of conscientious observance of the Sabbath as a matter of religious conviction is also deemed to have good cause for refusing the work.

i. Available for work. To be considered available for work, an individual must at all times be in a position to accept suitable employment during periods when the work is normally performed. As an individual's length of unemployment increases and the individual has been unable to find work in the individual's customary occupation, the individual may be required to seek work in some other occupation in which job openings exist. If that does not seem likely to result in employment, the individual may be required to accept counseling for possible retraining or a change in occupation.

j. Reasonable expectation of securing employment. An individual may not be eligible for benefits if the individual has imposed limitations that leave the individual no reasonable expectation of securing employment. Restrictions may relate to type of work, hours, wages, location of work, etc., or may be physical restrictions.

k. Corporate officers. To be considered available, the corporate officer must meet the same tests of availability as are met by other individuals.

l. Lawfully authorized work. An individual who is not lawfully authorized to work within the United States is considered unavailable for work.

24.15(3) *Earnestly and actively seeking work.* It is essential that the individual personally and diligently search for work. Mere registration at a workforce development center does not establish that the individual is earnestly and actively seeking work. Iowa Code section 96.4(3) requires that an individual participate in and comply with the department's reemployment case management (RCM) program. Participation in RCM may include participation in reemployment activities, RCM appointments, career planning appointments, or live activities. Individuals who are required to participate in reemployment activities are identified in the first week after their claim to participate in RCM.

a. Basic requirements.

(1) At the start of a benefit claim, individuals are required to participate in a virtual workshop related to continued unemployment insurance eligibility. This workshop may include information

regarding proper certification of weekly claims, reemployment requirements, and the requirements to be considered able and available for work.

(2) Claimants will be provided notice of the requirement to participate in the RCM program and will receive notice of a scheduled first appointment. Topics of the initial RCM appointment will include but not be limited to enrollment into Title III of the federal Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128; review of benefit claim status; assessment of continued benefit eligibility; and referrals to appropriate partner services.

(3) Topics of subsequent RCM appointments may include but not be limited to review of benefit claim status, assessment of continued benefit eligibility, and referrals to appropriate partner services.

(4) During RCM appointments, an individual reemployment plan will be developed detailing when the customer is scheduled to attend additional appointments or other reemployment activities, including career planning appointments or live workshops.

(5) Reemployment activities must be recorded as directed by the department.

b. To meet the requirement that an individual is earnestly and actively seeking work for the claim week, the department may deem an individual to be participating and compliant with RCM when the individual has truthfully certified on the individual's weekly claim that the individual has performed a minimum of four reemployment activities and documented and reported each activity to the department.

(1) At least three of the four reemployment activities for the purpose of this paragraph shall consist of applying for a potential job opening by submitting a resume or application through any of the following means:

1. Online.
2. In person.
3. Email.
4. Facsimile.
5. Mail.

(2) Additional reemployment activities for the purpose of this paragraph consist of any of the following:

1. Registering with a placement facility of a school or college.
2. Interviewing for a job virtually, in person, or at a job fair.
3. Attending an employment workshop organized or approved by the department, which may include completing an online or in-person job search workshop, job club, or job search networking meeting.
4. Attending a job fair sponsored or approved by the department.
5. Attending a scheduled career networking meeting with the department.
6. With the assistance and guidance of the department, completing a reemployment plan, which may include completing career direction research or work such as a job search plan or a targeted employer list.
7. Participating in job search counseling with a department career planner.
8. Attending an appointment with a core program partner authorized by the WIOA.
9. Participating in online or in-person mock interviews organized or approved by the department.
10. Completing a career-related assessment approved by the department and reviewed with a department career planner.
11. Completing a civil service examination.

(3) Unreasonable limitations by an individual as to salary, hours or conditions of work can indicate that the individual is not earnestly seeking work. The department expects each individual claiming benefits to conduct themselves as would any normal, prudent individual who is out of work. An individual is considered to have failed to make an effort to secure work if the department finds that the individual has followed a course of action designed to discourage prospective employers from hiring the individual in suitable work.

c. Noncompliance. An individual will be ineligible for benefits for any period for which the department finds that the individual has failed to make an earnest and active search for work.

(1) Individuals are expected to follow all benefit and RCM requirements for the duration of their claim and the department may review their reemployment activities at any time for compliance.

(2) Refusal to participate in RCM appointments or failure to complete the agreed upon reemployment activities may lead to an interruption in benefits until the activity is rescheduled or completed.

(3) The claimant's most recent weekly certification will be reviewed to determine if they are applying for suitable positions. A suitable position is one for which the applicant is qualified or one that the applicant would be willing to accept based upon information provided.

d. Exceptions.

(1) Members of unions or professional organizations who normally obtain their employment through union or professional organizations are considered as earnestly and actively seeking work if they maintain active contact with the union's business agent or with the placement officer in the professional organization. A paid-up membership must be maintained if this is a requirement for placement service. The trade, profession, or union to which the individual belongs must have an active hiring hall or placement facility, and the trade, profession, or union must be the source customarily used by employers in filling their job openings. Registering with the individual's union hiring or placement facility is sufficient, except when all benefit rights to regular benefits are exhausted and Iowa is in an extended benefit period or similar program such as the federal supplemental compensation program. Mere registration at a union or reporting to a union hiring hall or registration with a placement facility of the individual's professional organization does not satisfy the extended benefit systematic and sustained effort to find work, and individuals complete reemployment activities.

(2) The requirement for seeking work is waived if all of the following conditions apply:

1. The individual is attached to a regular job or industry.

2. The individual is a high-skilled worker. For purposes of this numbered paragraph, "high-skilled worker" means a worker whose job or position requires more than a basic competency, license, or qualification. The worker must have an advanced competency, license, or qualification that demonstrates specialization and expertise in a field.

3. The individual is on a short-term temporary layoff. For purposes of this numbered paragraph, "short-term temporary layoff" means a layoff period of 16 weeks or less due to seasonal weather conditions that impact the ability to perform work limited to the following trades with a specific return-to-work date verified by the employer:

- Highway construction, repair, or maintenance; or
- Skilled trades including cement masons and concrete finishers, electricians, painters, plumbers, pipefitters, steamfitters, boilermakers, carpenters, and sheet metal workers.

4. Eligibility for a work search waiver will be determined by the director or a designee assigned by the director.

5. The individual otherwise qualifies for unemployment insurance benefits.

e. Week-to-week disqualification. Disqualification due to failure to conduct reemployment activities is made on a week-to-week basis and is not permanent.

f. Seniority rights. An individual who fails to exercise seniority rights to replace another employee with less seniority has the work search requirement waived during a period of regular benefits. This waiver does not apply to individuals receiving extended benefits or similar federal program benefits.

g. Search for work.

(1) The deferral code is used to determine which individuals are required to make personal applications for work. Other factors, such as the condition of the local labor market, the duration of benefit payments, and a change in claimant characteristics, are also taken into consideration on a weekly basis.

(2) Individuals receiving partial benefits are exempt from making personal applications for work in any week they have worked and received wages from their regular employer. Individuals involved in hiring hall practices must keep in weekly touch with the business agent of that union in which they maintain membership. All other individuals must make contacts with such frequency as the department considers advisable, after considering job prospects in the community, the condition of the labor market

and any other factors that may have a bearing on the individual's reemployment. A sincere effort must be made to find a job. A contact made merely for the sake of complying with the law is insufficient.

This rule is intended to implement Iowa Code section 96.4(3).

ARC 0629D

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to Iowa industrial new jobs training program and providing an opportunity for public comment

The Workforce Development Department hereby proposes to rescind Chapter 62, "Iowa Industrial New Jobs Training Program," Iowa Administrative Code, and to adopt a new Chapter 62 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202; Iowa Code section 84A.1; Executive Order 10; and 2026 Iowa Acts, House File 2799.

Purpose and Summary

The purpose of this proposed rulemaking is to update the administrative rules governing the development of training projects under the Iowa Industrial New Jobs Training Act to align with changes made to Iowa Code chapter 260E in 2026 Iowa Acts, House File 2799.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Phone: 515.802.9425
Email: brook.axiotis@iwd.iowa.gov

Public Hearing

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

October 20, 2026 10 to 11 a.m.	Microsoft Teams meeting teams.microsoft.com/meet/2926620129044?p=TuTWhqabBMobEpYdpj Meeting ID: 292 662 012 904 4 Passcode: 5b5Kg3Qj Dial in by phone: 1.469.998.6043 Phone conference ID: 750 627 428#
October 20, 2026 2 to 3 p.m.	Microsoft Teams meeting teams.microsoft.com/meet/217805555884511?p=SSjsKE6h04lehZ2DRk Meeting ID: 217 805 555 884 511 Passcode: TC7BP2RC Dial in by phone: 1.469.998.6043 Phone conference ID: 364 587 201#

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 62 and adopt the following **new** chapter in lieu thereof:

CHAPTER 62
IOWA INDUSTRIAL NEW JOBS TRAINING PROGRAM

871—62.1(15,260E) Authority. The authority for rules governing the development of training projects under the Iowa industrial new jobs training Act and the operation of the program is provided in Iowa Code section 260E.7.

871—62.2(15,260E) Purpose. The purpose of the Act is to provide training for employees in new jobs with industries locating or expanding operations in Iowa. The goal of the training should be the development of transferable skills that lead to certifications necessary to perform work in the workplace. Iowa workforce development is required to coordinate the training programs described in the Act.

871—62.3(15,260E) Definitions.

"Act" means Iowa Code chapter 260E.

"Agreement" means an agreement between an employer and a community college concerning a project and includes any written agreement, or amendment thereto, whether deemed by the parties to be preliminary or final.

"Base year" means, for the purpose of determining incremental property tax available to fund in part the jobs training agreement, the assessment rolls as of January 1 of the year preceding the first written agreement filed with the county assessor where the property is located or such other valuation as may be determined by the appropriate assessor as provided in Iowa Code section 403.19(1)*"c."*

"Department" means Iowa workforce development.

"Eligible training" means a structured process of instruction designed to develop technical and specialized skills required to perform job-specific tasks effectively. This includes activities such as courses, labs, simulations, and hands-on exercises either on the job or in a classroom or field environment; training of measurable skills that are often certifiable such as painting, welding, mechanics, computer coding and heavy machinery operation; mastery of skills leading to certifications or credentials necessary to perform work in a workplace context but excludes those leading directly to professional degrees in medicine, law, accounting, or other professional areas. Training may also include skills related to diagnostic techniques and operational proficiency. The training must be specific to the new jobs being added according to the contract.

"Expanding industry" means an industry that will require the addition of new jobs that did not exist in that industry in Iowa prior to the signing of an agreement for training and that exceeds the level of employment in that industry six months prior to the date of the agreement.

"Formerly existing jobs" means jobs that were part of the payroll of the industry within the state any of the time during the six months prior to the signing of an agreement for training. Jobs that formerly existed do not qualify for training under the provisions of Iowa Code section 260E.2(15).

"Industry" means a business engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products; conducting research and development; or providing services in interstate commerce but excludes retail, health, or professional services. An industry is a business engaged in activities described as eligible in the Act rather than the generic definition encompassing all businesses in the state doing the same activities. An industry is considered to be a single corporate entity or operating subdivision. An industry that closes or substantially reduces its operation in one area of the state of Iowa and relocates substantially the same operation in another area of the state is not eligible for a project. This definition does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced.

"New industry" means an industry that has not done business in Iowa or an existing industry implementing a new process and product used or produced for the first time in Iowa that results in the creation of new jobs not previously available in that industry in the state.

"New job" means a new, permanent, full-time equivalent position added to an employer's payroll, at the location of the employer's project, in excess of the employer's base employment level as determined by the average number of employees report in the previous two quarters. A new job does not include jobs of recalled workers, replacement jobs or other jobs that formerly existed in the business in the state of Iowa. It does not include the upskilling of current employees. A new job does not include reclassified jobs or new ownership of existing operations that use the existing employees to perform primarily the same functions or producing the same product line they performed prior to the sale of the business. Employers must provide proof of the change in role or production upon sale of the business in order for employees to be classified as "new jobs" after the sale of the business. The change in responsibilities and functions must be immediate and occur no later than jobs that are performing primarily the same functions or producing the same product line.

"New jobs training program" or *"program"* means the project or projects established by a community college for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the merged area served by the community college. The proceeds of the certificates, as authorized by the Act, will be used only to fund program services related to training programs made necessary by the creation of new jobs.

"Program costs" are defined as the total cost of the training project outlined in the final agreement. The business is required to pay for 30 percent of the total program costs before receiving reimbursements or on-the-job training funds from the program fund established by the community college for the project. Businesses must submit receipts or appropriate documentation to establish the expenditures to the community college, which will bundle receipts and certify the 30 percent expenditure to the department for approval. After the department has reviewed and approved the 30 percent expenditure threshold has been met, the program funds may be released. The business cannot submit receipts for reimbursement for any expenses incurred before the date of certification to the community college for additional reimbursement. The costs must be incurred over the period of time specified in the agreement under Iowa Code section 260E.3. Funds can only be used in support of training and cannot be used to reimburse consultants, travel, conferences, or legal fees or any administrative expenses not related to training.

"Training" does not include upskilling of current employees; business onboarding, basic computer skills; succession planning; behavioral skills, such as but not limited to communications, leadership development, interpersonal skills development, teamwork building or related programs, conflict management, or training employees to assist individuals with substance use disorder as defined in Iowa Code section 125.2(13); or scholarships for higher education. Training does not include upskilling that leads directly to a professional degree in medicine, law, accounting or other professional areas. Wholesale updates or purchase of businesswide training materials and systems are not eligible. Funds can only be used in support of training and cannot be used to reimburse consultants, travel, conferences or legal fees or any administrative expenses not directly related to training.

871—62.4(15,260E) Agreements.

62.4(1) *Notification.* The community college will notify the department of all agreements deemed to be final and ready for project funding by sending a copy of the final agreement and project training plan to the department upon execution by all parties and no later than 30 days prior to publishing certificates for public comment. The department will evaluate these documents for compliance with program requirements and, if program requirements are not met, will send a detailed list of corrections to the community college. Program requirements must be met to the department's satisfaction prior to the inclusion of the project in a bond issuance. Once a bond has been issued, the community college will notify the department of the sale by entering data and uploading required documentation identified by the department into the 260E Data System within 30 days of execution by all parties. Except where otherwise prescribed in these rules, the department, in conjunction with the community colleges, will develop a format and timetable for reporting relevant information to the department. Such reporting will include but will not be limited to information and official statements with respect to all final agreements and related certificate sales, information regarding college procedures for training agreement review and training project monitoring, and documentation of identified events of default, remedies and repayment policies.

62.4(2) *Additional agreement items.* In addition to the provisions of an agreement described in Iowa Code section 260E.3(1) through 260E.3(5), the agreement will include the following items:

a. The length of time each new job category will be provided on-the-job training.

b. The completion date of all other training.

c. If the supplemental new jobs credit is to be utilized as authorized in Iowa Code section 256.7(14), the agreement signed by the business(es), the community college, and the department of revenue for the use of an additional 1.5 percent withholding to educate and train new employees.

d. New jobs pledged by the business, which must be created within three years of execution of the final agreement submitted for the bond issue. If a new facility is being built, the jobs must be created within two years of the completion of the building.

62.4(3) *Additional notification.* Upon receipt of a notice that the community college and an employer have entered into an agreement, the department of revenue shall provide a copy of the agreement to the department for review. The department of workforce development may provide feedback regarding the agreement to the department of revenue within seven calendar days after the date

of receipt of the copy of the agreement. If the final agreements do not adhere to program requirements, the department of revenue can deny the credit from withholding for the employer participating in the program. The department of revenue must share any such feedback from the department with the community college.

62.4(4) *Compliance with department of revenue requirements.*

a. When an agreement for training is deemed final and ready for project funding, the community college will notify the department of revenue within 30 days of the date of execution of the agreement. Notification will be in writing on forms and in the manner determined by the department and is considered complete when entries have been saved in the data system.

b. If, at any time after notification, the estimates are revised, or if changes are made in the agreement that would affect the above reporting requirements, the department of revenue and the department will be notified within 30 days.

62.4(5) *Allowable cost.* A community college may be reimbursed from certificate proceeds up to a 7 percent administrative fee related to direct expenditures associated with the 260E program. Allowable costs do not include reimbursement for consultants, economic development and business services departments, travel conferences, legal fees, or any expenditure not directly related to the administration of the agreement. The community college will provide a detailed quarterly report to the department identifying how the administrative fee is being allocated for each agreement. Training costs incurred prior to the date of the preliminary agreement are not reimbursable.

62.4(6) *Cost standards.* The standard vocational preparation guide, as provided in the Dictionary of Occupational Titles for determining classification of jobs and the length of allowable training periods, may be used by a community college in estimating the cost of on-the-job training. Where these standards are not appropriate, reasonable time periods for on-the-job training will be based on the standard vocational preparation guide for similar classifications. Reimbursement of a new employee's wages for on-the-job training will not exceed 50 percent of the new employee's annual gross payroll costs. The maximum project total for on-the-job training will not exceed 50 percent of the total available training proceeds.

62.4(7) *Administrative fee.* The community colleges may be reimbursed a 7 percent administrative fee. This fee shall only be used to fund administrative expenses directly related to the administration of the program. The community colleges will annually submit a detailed report identifying how the administrative fee was spent.

62.4(8) *Equipment.* Equipment required for training will be an allowable provision in a training project as described in Iowa Code chapter 260E. The cost of equipment used in training will be prorated to the project in that proportion chargeable to the training program, and the remainder of the cost of such equipment will be the responsibility of the employer. Proceeds of the certificates will not be used directly or indirectly to finance land, facilities or depreciable property to be owned by the employer or other private person.

62.4(9) *Repayment duration.* For an agreement entered into on or before June 30, 2026, payment of program costs shall not be deferred for a period longer than ten years from the date of commencement of the project and the agreed-upon period shall not be extended. For an agreement entered into on or after July 1, 2026, payment of program costs shall not be deferred for a period longer than seven years from the date of commencement of the project.

871—62.5(15,260E) Resolution on incremental property tax.

62.5(1) A copy of the resolution by the board of directors of the community college, as described in Iowa Code section 260E.4, will be forwarded to the county auditor(s) affected by it within the merged area.

62.5(2) A community college board of directors anticipating the use of the incremental property tax as a source of funding for an eligible training program is referred to in Iowa Code sections 403.19 and 403.21 and will follow procedures as described therein as provided in Iowa Code section 260E.4.

871—62.6(15,260E) New jobs withholding credit.

62.6(1) *Notification of payments and claims for credit.* Withholding credit for payments to community colleges will be claimed by an employer on the semimonthly, monthly, or quarterly deposit forms during the calendar quarter in which payment is made to a community college. No credit may be claimed until the payment has been made to a community college. The community college will notify the department of revenue by making applicable entries in the 260E Data System within 30 days following the end of a calendar quarter of payments covering withholding credits that have been received for the quarter. If a credit is claimed by an employer and payment is not made to the community college, the amount of credit will be considered to be a delinquent withholding liability and will be subject to assessment of tax, penalty, and interest according to the provisions of Iowa Code section 422.16(10).

62.6(2) *Notification of termination of credit.* Community colleges will notify in writing the department of revenue and the department within 30 days when it is determined that payments for job training withholding credits will no longer be applied against the costs of a project. At project completion, any excess payments for job training withholding credits received by the community college will be forwarded to the department of revenue.

871—62.7(15,260E) Notice of intent to issue certificates. The notice of intent to issue certificates as provided in Iowa Code section 260E.6(5) will be published by the community college in a legal newspaper in the merged area. The application for an allocation of Iowa industrial new jobs training certificates should be submitted to the department, in the format determined by the department and by an official of the community college or by an attorney or agent of the community college, prior to the issuance of certificates for that portion of the issuance that is tax-exempt. Notice of issuance of certificates should be filed with the department within ten days of the issuance and delivery of certificates.

871—62.8(15,260E) Standby property tax levy. A standby property tax levy may be collected at any time other funds are insufficient as provided in Iowa Code section 260E.6(4). The county auditor will be notified by the community college board of directors on an annual basis to adjust the annual standby tax.

871—62.9(15,260E) Reporting. An annual report will be completed by the community college on or before September 15. The format and content will be determined by the department. The report will include training dollar expenditures and names of the providers of the training conducted, the number of pledged new job employees filled, provided program services under the project, the median wage of employees in the new jobs in the project, and the administrative costs directly attributable to the project.

871—62.10(15,260E) Monitoring.

62.10(1) *Monitoring system.* Each community college will establish a monitoring system that includes at a minimum a review of the business's compliance with the Act, these rules and the training agreement.

62.10(2) *Annual review.* Monitoring will be conducted by the community colleges at least annually.

62.10(3) *Documentation.* Each community college will document its monitoring efforts and promptly notify the department, on the forms provided, whenever it identifies an event of default.

871—62.11(15,260E) State administration. The community colleges will submit 1 percent of the gross sale of certificates within 30 days of receipt of proceeds from a sale of certificates to the department to defray administrative costs.

871—62.12(15,260E) Coordination with communities. The community colleges will follow the provisions of Iowa Code section 403.21.

871—62.13(15,76GA,SF2351) Supplemental 1.5 percent withholding. For the purposes of determining new jobs training programs established under Iowa Code section 260J.1 eligible to receive a

supplemental new jobs credit of 1.5 percent of gross wages from withholding, the following criteria will be met:

62.13(1) Only those new jobs training programs established by a 260E final agreement, approved by the community college board of directors after June 30, 1996, and including a provision for a supplemental new jobs credit from withholding from jobs created under the agreement are eligible for the supplemental credit.

62.13(2) The department will make available to the community colleges the applicable laborshed wages at the beginning of each state fiscal year for use in determining supplemental withholding credit eligibility for that fiscal year.

62.13(3) For the purposes of determining eligibility for the supplemental credit, starting wages for a new job will be determined on a one-time basis by the community college as follows:

a. The employer will agree, as a part of the final agreement, to pay starting wages that are equal to or greater than the laborshed wages.

b. Only those individual jobs for which the starting wage is equal to or greater than the laborshed wages are eligible for the supplemental new jobs credit from withholding.

c. For purposes of comparing starting wages to the laborshed wages, the community college will reduce the annual gross wages to be paid for the job to an hourly wage based upon a 40-hour workweek.

d. Such determination by the community college will be conclusive and the individual job will thereafter be eligible and may be used for the supplemental credit from withholding to fund the supplemental project under the agreement.

e. Future annual changes in laborshed wages will not affect the eligibility of those jobs that have been determined by the community college to be eligible at the time of final agreement for a project.

62.13(4) The community college may require the employer to supply appropriate payroll records and projections to verify eligibility of the supplemental credit.

This rule is intended to implement the provisions of 1996 Iowa Acts, Senate File 2351, section 8, effective July 1, 1996, and does not affect agreements that do not contain a provision for a supplemental new jobs credit from withholding.

871—62.14(15,260E) Bond issue. A bond issued to a community college for a project shall not exceed 70 percent of total program costs related to training expenses, and the total program costs must be established prior to the issuance of the bond to ensure an accurate 30/70 split. Any subsequent adjustments to the total program costs must include a corresponding reduction or expansion of the ratio of 30 to 70 percent.

871—62.15(15,260E) Bond interest. A community college that receives a new jobs credit from withholding under Iowa Code section 260E.5 shall annually report a detailed accounting of the community college's bond interest to the department of workforce development, the department of education, and the department of revenue. This includes interest earned on unexpended bond proceeds. Interest accrued by unused bonds may only be used consistent with and directly related to the 260E program and for no other purpose.

871—62.16(15,260E) Revenue diversion. Gross wages that are diverted from the general fund and paid to the community college can only be used to retire bond debt and cannot be diverted to pay for any other program or purpose including, for example, held funds at the community college or business as a training fund for the business.

871—62.17(15,260E) Limits on use of other funds. Businesses that receive training funds through the major economic growth attraction program in Iowa Code chapter 15, subchapter 2, part 32, and the business incentive for growth program outlined in Iowa Code chapter 15, subchapter 2, part 33, are not eligible to receive assistance from the Iowa industrial new jobs training program.

These rules are intended to implement Iowa Code chapter 260E and chapter 403 as it relates to chapter 260E.

ARC 0630D

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to career training physical expansion program fund and providing an opportunity for public comment

The Workforce Development Department hereby proposes to adopt new Chapter 70, "Career Training Physical Expansion Program," Iowa Administrative Code.

Legal Authority for Rulemaking

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

State or Federal Law Implemented

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

Purpose and Summary

The purpose of this proposed rulemaking is to establish rules to administer the Career Training Physical Expansion Program Fund created in Iowa Code section 84J.3 as enacted by 2026 Iowa Acts, Senate File 2168.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on October 20, 2026. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.802.9425
Email: brooke.axiotis@iwd.iowa.gov

Public Hearing

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

October 20, 2026 9 to 9:30 a.m.	Microsoft Teams meeting teams.microsoft.com/meet/256864321045488?p=S2wuIiYQIGMG2gPbYk Meeting ID: 256 864 321 045 488 Passcode: Ux3js7sL Dial in by phone: 1.469.998.6043
October 20, 2026 1 to 1:30 p.m.	Microsoft Teams meeting teams.microsoft.com/meet/235902996146700?p=02EZn1M1wGfmOyoCIw Meeting ID: 235 902 996 146 700 Passcode: yw9cr9mA Dial in by phone: 1.469.998.6043

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. Adopt the following **new** 871—Chapter 70:

CHAPTER 70
CAREER TRAINING PHYSICAL EXPANSION PROGRAM

871—70.1(84J) Purpose. The purpose of the career training physical expansion program is to provide financial assistance for construction of new facilities and procurement of equipment that will expand the capacity of community colleges and unionized and nonunionized private sector apprenticeship programs to provide education and training for workers in high-demand fields in this state.

871—70.2(84J) Definitions.

"Applicant" means an Iowa community college or unionized or nonunionized private sector apprenticeship program applying for assistance under the program.

"Apprenticeship" means a structured training program that combines supervised paid on-the-job training with classroom instruction.

"Community college" means the same as defined in Iowa Code section 260C.2.

"Construction of new facilities" means the process of assembling, erecting, or modifying a physical structure for the purpose of expanding capacity to provide education and training for workers in high-demand fields in this state. Major maintenance of an existing facility does not qualify.

"Department" means the department of workforce development.

"Department's website" means the information and related content found at www.workforce.iowa.gov and may include integrated content at affiliate sites.

"Eligible entity" means a community college or unionized or nonunionized private sector apprenticeship program meeting the requirements of rule 871—70.3(84J).

"Equipment" means specialized hardware, software, or other tangible, nonexpendable property that has a per unit acquisition cost of $5,000 or more and an anticipated useful life of more than one year and is intended to increase training capacity.

"Expand capacity" means to increase the maximum number of slots available in a training or education program for workers in high-demand fields in this state.

"Fund" means the career training physical expansion program fund created in Iowa Code section 84J.3 as enacted by 2026 Iowa Acts, Senate File 2168.

"High-demand field" means the same as the definitions of "high-demand occupation," "high-skill occupation," and "high-wage occupation" created in Iowa Code section 256.125 as amended by 2026 Iowa Acts, House File 2610.

"Internet-based education or training" means the same as the definition of "delivered primarily over the internet" in rule 281—15.1(256).

"Nonduplicative training" means that a project funded via this program will avoid recreating current training programs but will modernize the structure and delivery of a training program, education program, or both that will directly result in an increase in the number of workers in high-demand fields in this state.

"Private sector apprenticeship program" means a paid apprenticeship program offered by, or in partnership with, a private company in Iowa.

"Procurement" means the same as defined in rule 11—117.2(8A).

"Program" means the career training physical expansion program established in this chapter.

871—70.3(84J) Program eligibility. To be eligible for financial assistance under the program, an applicant must propose the construction of a new training facility, construction to expand an existing training facility in accordance with the definition of "construction of new facilities" in rule 871—70.2(84J), or the procurement of equipment that will expand the capacity to educate and train workers in high-demand fields in Iowa.

70.3(1) *Employer demand.* Applicants must provide evidence of employer demand for the skills and abilities to be taught via the training and education or apprenticeship program for which an applicant applies.

70.3(2) *Expand capacity.* The project must directly result in an increase in the number of workers in high-demand fields in this state.

70.3(3) *Internet-based education or training.* Projects to increase internet-based education or training are ineligible for financial assistance under this program.

70.3(4) *Priority given for nonduplicative training.* Priority will be given to projects that meet the definition of "nonduplicative training" in rule 871—70.2(84J).

871—70.4(84J) Application submission and review process.

70.4(1) The department will develop a standardized application process and make information on applying available on the department's website. To apply for assistance under the program, an applicant shall submit an application to the department in the manner prescribed by the department. The department will identify specific types of investments for which it intends to provide financial assistance on the application form or forms.

70.4(2) Applications will be accepted and processed by department staff on a continuing basis, or the department may establish application periods as announced on the department's website. If received on a continuing basis, applications will be reviewed in the order received by the department.

70.4(3) The department may refuse to accept incomplete applications or may refuse to accept applications because of insufficient funds.

70.4(4) The department will determine the financial assistance award if it determines that financial assistance should be awarded. The department has final decision-making authority on requests for financial assistance for the program. The department will take final action on all applications for financial assistance except those rejected pursuant to subrule 70.4(3). The department may approve an award, decline to award, or choose to reopen the application window.

70.4(5) An applicant may submit one application per funding cycle for the duration of the program.

70.4(6) Applicants will be notified in writing of an award of financial assistance, including any conditions and terms of the award, or of a denial of an award of financial assistance.

871—70.5(84J) Application scoring criteria. When applications for financial assistance under the program are reviewed by department staff, the following criteria will be considered and the application scored as described.

70.5(1) The extent to which the applicant's investment demonstrates employer demand in this state for the training and education to be provided.

70.5(2) The extent to which the investment expands the physical capacity of the community college or apprenticeship program.

70.5(3) The extent to which the investment increases the number of workers in high-demand fields in this state. Priority points will be awarded for greater increased capacity.

70.5(4) The extent to which the applicant demonstrates regional need for increased capacity of trained individuals in the high-demand jobs.

70.5(5) Whether and the extent to which the applicant has previously received financial assistance from the program.

70.5(6) For awards under subsequent funding rounds, whether and the extent to which the applicant demonstrates increased training and education completions under previous projects.

70.5(7) The sufficiency of the proposed investment's financing structure, the feasibility of the sources of funds, and the appropriateness of the proposed uses of the funds.

871—70.6(84J) Contract administration.

70.6(1) The department will prepare a contract for each award approved by the department. The contract will reflect the terms of the award and may include other terms and conditions reasonably necessary for implementation of the program pursuant to this chapter.

70.6(2) Any substantive change to a proposed investment shall require an amendment to the contract. Amendments shall be requested in writing. No amendment shall be valid until approved by the department.

871—70.7(84J) Disbursement of funds.

70.7(1) The department will disburse funds for an investment only after a complete application has been received, an award has been approved by the department, a contract has been executed between the applicant and the department, and all applicable conditions for disbursement have been met, including the submission of documentation pertaining to the eligible expenditures. Disbursement of funds under the contract will be on a reimbursement basis for expenses incurred by the applicant after the date of application and as provided under the contract. Expenditures for labor performed by an applicant's employees are not eligible for reimbursement.

70.7(2) Administrative cost. The department will retain 2.0 percent of each appropriation for administration of this program.

871—70.8(84J) Reporting. An applicant receiving assistance under the program shall submit any information reasonably requested by the department in sufficient detail to permit the department to prepare any reports required by the department, the general assembly, or the governor's office.

These rules are intended to implement Iowa Code chapter 17A and chapter 84J as enacted by 2026 Iowa Acts, Senate File 2168.

USURY

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

October 1, 2025 — October 31, 2025	6.25%
November 1, 2025 — November 30, 2025	6.00%
December 1, 2025 — December 31, 2025	6.00%
January 1, 2026 — January 31, 2026	6.00%
February 1, 2026 — February 28, 2026	6.25%
March 1, 2026 — March 31, 2026	6.25%
April 1, 2026 — April 30, 2026	6.25%
May 1, 2026 — May 31, 2026	6.25%
June 1, 2026 — June 30, 2026	6.25%
July 1, 2026 — July 31, 2026	6.50%
August 1, 2026 — August 31, 2026	6.50%
September 1, 2026 — September 30, 2026	6.50%
October 1, 2026 — October 31, 2026	6.75%

ARC 0640D

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rulemaking related to for-hire interstate motor carrier authority

The Department of Transportation hereby amends Chapter 529, "For-Hire Interstate Motor Carrier Authority," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 307.12(1)"j."

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 327B and section 307.27.

Purpose and Summary

The purpose of the amendment is to adopt the most recent version of the Code of Federal Regulations cited in the chapter. Iowa Code section 307.27 requires the Department to administer the registration of interstate authority of motor carriers pursuant to United States Department of Transportation regulations.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on June 24, 2026, as **ARC 0374D**. Public hearings were held on the following date:

- July 15, 2026

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 11, 2026.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 November 4, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule 761—529.1(307,327B) as follows:

761—529.1(307,327B) Motor carrier regulations. The department adopts the Code of Federal Regulations, 49 CFR Parts 365 through 368 and 370 through 379, dated October 1, ~~2024~~ 2025, for regulating interstate for-hire carriers. Copies of this publication are available from the state law library or at www.fmcsa.dot.gov.

[Filed 9/3/26, effective 11/04/26]
[Published 9/30/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/30/26.

ARC 0641D

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rulemaking related to commercial driver licensing

The Department of Transportation hereby amends Chapter 607, "Commercial Driver Licensing," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 321.188.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.187, 321.188 and 321.207 through 321.208A.

Purpose and Summary

The purpose of the amendments is to update the chapter to reflect the most recent version of the Code of Federal Regulations and to align Iowa's rules with federal regulations governing the transportation of certain quantities of diesel fuel by holders of a restricted commercial driver's license (CDL) and transportation of certain quantities of jet fuel in support of seasonal agricultural aircraft operations by holders of a Class A CDL. Iowa Code section 321.188 requires the Department to adopt rules for administering CDLs in accordance with the procedures outlined in 49 CFR Part 383. Additionally, 49 CFR §383.3(f)(3)(v) permits restricted CDL holders to transport up to 1,000 gallons of diesel fuel without needing a hazardous materials endorsement and 49 CFR §383.3(i) permits Class A CDL holders to transport up to 1,000 gallons of jet fuel in support of seasonal agricultural aircraft operations without needing a hazardous materials endorsement. Although Iowa Code section 321.176B(2) already allows a restricted commercial driver's license holder to operate a commercial vehicle to the fullest extent authorized by 49 CFR §383.3(f), the administrative rule implementing this code section does not mention the diesel fuel hauling allowance, thus making enforcement of this provision unclear. The new exemption for jet fuel transportation was just recently adopted by the Federal Motor Carrier Safety Administration (FMCSA) on March 10, 2026.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on June 24, 2026, as **ARC 0373D**. Public hearings were held on the following date:

- July 15, 2026

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on August 11, 2026.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 November 4, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule **761—607.3(321)**, definitions of "Commercial driver's license downgrade," "Medical examiner," "National drug and alcohol clearinghouse" and "Self-certification," as follows:

"Commercial driver's license downgrade" or *"CDL downgrade"* means the same as defined in 49 CFR Section 383.5 (October 1, ~~2024~~ 2025).

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

"National drug and alcohol clearinghouse" means the database maintained by the Federal Motor Carrier Safety Administration as defined in 49 CFR Section 382.107 (October 1, ~~2024~~ 2025).

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

1. Non-excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR Part 391 effective October 1, ~~2024~~ 2025, and is required to obtain a medical examiner's certificate by 49 CFR Section 391.45 effective October 1, ~~2024~~ 2025.

2. Excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR

Section 390.3(f), 391.2, 391.68 or 398.3 effective October 1, ~~2024~~ 2025, from all or parts of the qualification requirements of 49 CFR Part 391 effective October 1, ~~2024~~ 2025, and is therefore not required to obtain a medical examiner's certificate by 49 CFR Section 391.45 effective October 1, ~~2024~~ 2025.

3. Non-excepted intrastate. The person certifies that the person operates only in intrastate commerce and is subject to state driver qualification requirements.

4. Excepted intrastate. The person certifies that the person operates only in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements as set forth in Iowa Code section 321.449.

ITEM 2. Amend subrule 607.5(1) as follows:

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

a. and *b.* No change.

c. 49 CFR Part 380, Subpart F (October 1, ~~2024~~ 2025).

d. The following portions of 49 CFR Part 383 (October 1, ~~2024~~ 2025):

(1) to (5) No change.

e. 49 CFR Part 384, Subpart B (October 1, ~~2024~~ 2025).

ITEM 3. Amend paragraph **607.7(2)"c"** as follows:

c. A Class C commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code sections 321.1(11) and 321.189(1)*"a"*(3) if the vehicle is designed to transport 16 or more passengers, including the driver, or is used in the transportation of hazardous materials as defined in 49 CFR Section 383.5 effective October 1, ~~2024~~ 2025. With the required endorsements and subject to the applicable restrictions, a Class C commercial driver's license is valid to operate any vehicle except a vehicle requiring a Class A or Class B commercial driver's license. Before the department administers the skills test for a Class C commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188 for the applicable endorsement sought (P/Passenger or S/School Bus endorsements). Before the department administers the knowledge test for a Class C commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements provided in Iowa Code section 321.188 for the applicable endorsement sought (H/Hazardous materials endorsement).

ITEM 4. Amend subrule 607.7(3) as follows:

607.7(3) *Age.* The minimum age to obtain a commercial driver's license is set out in 49 CFR Part 391, Subpart B, effective October 1, ~~2024~~ 2025, except that, for a person operating solely intrastate, the driver age qualifications are set out in Iowa Code section 321.449(3).

ITEM 5. Rescind subrule 607.8(1) and adopt the following **new** subrule in lieu thereof:

607.8(1) *Hazardous material.*

a. A hazardous material endorsement (H) is required to transport hazardous materials. The hazardous material endorsement is only valid when the applicant or holder of the endorsement complies with the Transportation Security Administration's security threat assessment standards specified in 49 CFR Sections 383.71(b)(8) and 383.141 effective October 1, 2025. Before the department administers the knowledge test for a hazardous material endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188. To obtain or retain the hazardous material endorsement, the applicant or holder must pass a knowledge test as required under 49 CFR Section 383.121 and pay the endorsement fee. Retesting and fee payment are also required when an applicant transfers a commercial driver's license from another state unless, as provided in 49 CFR Section 383.73, the transfer applicant provides evidence of passing the knowledge test as required under 49 CFR Section 383.121 within the preceding 24 months.

b. Pursuant to 49 CFR Section 173.5 effective October 1, 2025, a farmer or a person working for a farmer is not subject to the hazardous material endorsement while operating either a pickup or a special truck within 150 air miles of the farmer's farm to transport supplies to or from the farm.

c. Pursuant and subject to all the requirements of 49 CFR Section 383.3(i) effective March 10, 2026, a person acting within the scope of the person's employment with an agrichemical business, custom harvester, farm retail outlet or supplier, livestock feeder or agricultural aviation operation is not subject to the hazardous material endorsement while operating a service vehicle that meets the following criteria:

(1) Is transporting diesel or jet fuel in a quantity of 1,000 gallons or less.

(2) Is clearly placarded in accordance with 49 CFR part 172, subpart F.

ITEM 6. Amend subrule 607.12(5) as follows:

607.12(5) *Military waiver.* The department may waive the requirement that an applicant pass a required knowledge test for an applicant who is a current or former military service member as defined in 49 CFR Section 383.5 effective October 1, ~~2024~~ 2025. An applicant for a waiver of the knowledge test under this subrule shall certify and provide evidence, as required by the department, that the following apply:

a. to *g.* No change.

ITEM 7. Amend subrule **607.14(1)**, definition of "Motor carrier," as follows:

"Motor carrier" means the same as defined in 49 CFR Section 390.5 effective October 1, ~~2024~~ 2025.

ITEM 8. Amend paragraph **607.14(2)"b"** as follows:

b. An entity seeking certification as a third-party tester shall contact the motor vehicle division and schedule a review of the proposed testing program, including the proposed testing courses and facilities, and provide information sufficient to identify all proposed third-party test examiners, and any other information necessary to demonstrate compliance with 49 CFR Parts 383 and 384 as amended to October 1, ~~2024~~ 2025, applicable to knowledge and skills testing.

ITEM 9. Amend paragraph **607.17(1)"b"** as follows:

b. If the licensee currently holds and wants to retain a hazardous material endorsement, pass the test required in 49 CFR Section 383.121 and comply with the Transportation Security Administration security threat assessment standards specified in 49 CFR Section 383.71(b)(8) and 49 CFR Section 383.141 effective October 1, ~~2024~~ 2025, for such endorsement. A lawful permanent resident of the United States must also provide the licensee's U.S. Citizenship and Immigration Services alien registration number.

ITEM 10. Amend paragraph **607.22(2)"b"** as follows:

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

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

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

(3) Diesel fuel in quantities of 1,000 gallons or less.

~~(3)~~ (4) A hazardous material endorsement is not needed to transport the products listed in the preceding subparagraphs.

ITEM 11. Amend subrule 607.25(1) as follows:

607.25(1) *Actual weight prohibited.* In determining whether the vehicle is a representative vehicle for the skills test and the group of commercial driver's license for which the applicant is applying, the vehicle's gross weight rating or gross combination weight rating must be used, not the vehicle's actual gross weight or gross combination weight. For purposes of this rule, "gross weight rating" and "gross combination weight rating" mean the same as defined in 49 CFR Section 383.5 effective October 1, ~~2024~~ 2025.

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