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.

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

CITATION of Administrative Rules

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

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

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

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

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

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

Schedule for Rulemaking—2025

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

PLEASE NOTE:

Filing deadlines for publication cycles unaffected by holidays have been changed from Friday to Thursday. Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing deadline falls on a legal holiday, submissions made on the following business day will be accepted.

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

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

The following list will be updated as changes occur.

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

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

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

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Regulatory Analysis

Notice of Intended Action to be published: 261—Chapter 82
"Research and Development Tax Credit Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15.106A and 15.523 as amended by 2025 Iowa Acts, Senate File 657

State or federal law(s) implemented by the rulemaking: Chapter 15, subchapter II, part 35 as enacted by 2025 Iowa Acts, Senate File 657

Public Hearing

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

November 4, 2025	1963 Bell Avenue
2 to 2:15 p.m.	Des Moines, Iowa

Public Comment

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

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

Purpose and Summary

The Authority proposes to adopt a new Chapter 82 to describe the policies and procedures applicable to the research and development tax credit program created pursuant to Iowa Code chapter 15, subchapter II, part 35 as enacted by 2025 Iowa Acts, Senate File 657. The program provides incentives to businesses that conduct qualified research and development in Iowa.

Analysis of Impact

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

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

Businesses interested in applying for certification or that are certified as qualified businesses through the program will bear the costs of the rulemaking.

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

Businesses interested in applying for certification or that are certified through the program will benefit from the 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:**

Businesses interested in applying for certification may require staff time to complete an application. Certified businesses may similarly incur costs to comply with reporting and monitoring requirements of the program as well as to apply for tax credits annually. Some businesses may choose to rely on an external service provider such as an accountant to complete these tasks. The amount of

the costs will vary depending on the compensation of staff or service providers involved. Businesses applying for tax credits will also incur costs to engage a certified public accountant to verify eligible costs as required by Iowa Code section 15.523(4) as enacted by 2025 Iowa Acts, Senate File 657.

- **Qualitative description of impact:**

The program provides an incentive for businesses to conduct research and development in the State.

3. **Costs to the State:**

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

Authority staff time is required to review and approve applications for certification and tax credits, issue tax credit certificates, review reports, and communicate with program applicants and recipients.

- **Anticipated effect on State revenues:**

The rules have no anticipated impact on State revenues. Up to $40 million total in tax credits may be authorized by the Authority for this program each fiscal year.

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

Only businesses that will potentially benefit from the program bear the costs of the rulemaking. The costs to the State to administer the program are proportional to the activities supported.

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

The Authority has not identified any less costly methods or less intrusive methods for administering the program.

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

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

The Authority did not consider any other methods.

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

The Authority did not consider any other methods.

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 rulemaking impacts only small businesses seeking certification as qualified businesses. The rules regarding compliance and reporting requirements are no more stringent than necessary to implement the purposes of the program. The rules do not establish schedules or deadlines. The rules do not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 261—Chapter 82:

CHAPTER 82
RESEARCH AND DEVELOPMENT TAX CREDIT PROGRAM

261—82.1(15E) Definitions. For purposes of this chapter, unless the context otherwise requires:

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

"Director" means the director of the authority.

"Eligible expenditures" means the same as defined in Iowa Code section 15.521 as enacted by 2025 Iowa Acts, Senate File 657.

"Foreign adversary" means a foreign government or foreign non-government person as determined in 15 CFR §7.4 or 15 CFR §791.4 at any time on or after March 4, 2024, and that is listed in 15 CFR §7.4(a) or 15 CFR §791.4(a) at any time on or after March 4, 2024.

"Foreign adversary entity" means a foreign business subject to the jurisdiction of or organized under the laws of a foreign adversary or a foreign business owned, directed, or controlled by a foreign adversary.

"Foreign business" means the same as defined in Iowa Code section 9I.1.

"Program" means the research and development tax credit program administered pursuant to this chapter and Iowa Code chapter 15, subchapter II, part 35 as enacted by 2025 Iowa Acts, Senate File 657.

"Qualified business" means the same as defined in Iowa Code section 15.521 as enacted by 2025 Iowa Acts, Senate File 657.

"Qualified research and development" means the same as defined in Iowa Code section 15.521 as enacted by 2025 Iowa Acts, Senate File 657.

261—82.2(15E) Certification of qualified businesses.

82.2(1) *Eligibility for certification as a qualified business.* A business shall meet all of the criteria in Iowa Code section 15.522 as enacted by 2025 Iowa Acts, Senate File 657, to be eligible for certification as a qualified business. Additionally, a foreign business shall demonstrate that it is not associated with a foreign adversary or foreign adversary entity.

82.2(2) *Additional sectors.* Any individual or business may request in writing that the authority include an additional sector or sectors to the list of sectors available for the credit pursuant to Iowa Code section 15.522(2). The authority may initiate the administrative rule process to include an additional sector or sectors in response to such a request or on its own initiative. A business engaged in a sector included by rule pursuant to this subrule shall not apply for certification as a qualified business until after the effective date of the rulemaking to include that sector.

82.2(3) *Application for certification.* A qualified business shall apply to the authority for certification as a qualified business as prescribed by the authority. An applicant shall apply on behalf of all entities in a consolidated group for state or federal tax filing purposes. The application for certification will include the following information:

a. A description of the general nature of the business's operations.

b. The location of the principal business operations, any Iowa business locations, and whether the business conducts research and development at any locations outside Iowa.

c. Information that demonstrates that the business's primary operations are in a qualified industry and sector pursuant to Iowa Code section 15.522 as enacted by 2025 Iowa Acts, Senate File 657. Such evidence may include but is not limited to whether the business has a North American industry classification system (NAICS) number aligned with the relevant industries and sectors as determined by the authority. Businesses with other NAICS numbers will be required to document to the authority's satisfaction that the business is primarily engaged in an applicable industry and sector identified in Iowa Code section 15.522 as enacted by 2025 Iowa Acts, Senate File 657, based on factors including but not limited to sources of revenue and customer base.

d. Information that demonstrates that the business is actively engaged in qualified research and development in Iowa.

e. Information about employment of the qualified business.

f. The identity of any entities included as part of a controlled group/group of trades or businesses under common control that is required to compute the federal research and development credit as one taxpayer per IRC §41(f)(1).

g. A signed statement from an officer, director, manager, member, or general partner of the qualified business certifying the accuracy of the information provided.

h. Any other information or documentation as the authority may reasonably require to determine the business's eligibility for certification as a qualified business and whether research and development conducted by the business is qualified research and development.

82.2(4) *Authority review and notice of certification.*

a. The authority shall make its best efforts to determine whether a business will be certified as a qualified business within 90 days of receipt of all information and documentation necessary to demonstrate satisfaction of the criteria set forth in Iowa Code section 15.522 as enacted by 2025 Iowa Acts, Senate File 657. The authority may conduct site visits to assess the eligibility of the business and the research conducted by the business.

b. The authority will determine whether an applicant for certification has a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws. An applicant that has such a record of violations of the law will be ineligible for certification.

c. Authority staff will make recommendations for approval or denial of applications for certification. The director may approve, deny, or defer an application for certification.

d. Approval of certification by the director shall be contingent upon execution of an agreement with the authority within 45 days of transmittal of the agreement. The time limit for execution may be extended by the director for an additional 45 days for good cause shown. Upon expiration of the time limit, including any extension, approval of certification of a qualified business shall be rescinded.

e. Following execution of an agreement pursuant to paragraph 82.2(4)*"b,"* the authority will issue written notice to the qualified business that such business has been certified with the authority for the purpose of the program. The authority will indicate in its written notice the first tax year for which eligible expenditures may be eligible for a tax credit.

82.2(5) *Revocation and expiration of certification.*

a. A certified qualified business shall provide any information as the authority may reasonably request to confirm the business's continued eligibility for certification as a qualified business and whether the business continues to be actively engaged in qualified research and development.

b. If a qualified business fails to meet or maintain any requirement set forth in the agreement entered pursuant to Iowa Code section 15.523(3), this chapter, or Iowa Code chapter 15, subchapter II, part 35 as enacted by 2025 Iowa Acts, Senate File 657, the authority may suspend or revoke the business's certification as a qualified business by issuing written notice to the business. The notice will identify the last date on which the business was eligible to be certified as a qualified business. If certification is revoked, the notice will identify the first date on which the business will be eligible to reapply for certification. If certification is suspended, the notice will identify the proposed end date of the suspension. A business may not apply for a tax credit for eligible expenditures incurred after the effective date of revocation or during the effective period of suspension.

c. The written notice of certification issued pursuant to paragraph 82.2(3)*"e"* will include the date the authority expects the certification to expire if a business continues to satisfy all eligibility requirements. Certification may expire up to five years from the date of the notice. If a determination cannot be made that the qualified business intends to engage in qualified research and development for five years, the authority may approve certification for less than five years.

d. A business may submit an application for recertification and be approved for recertification by the authority.

e. If a business's certification as a qualified business expires, expenditures made after the expiration date will not be eligible for a tax credit.

82.2(6) *Reporting.* The authority may, at any time, request additional information and documentation from a qualified business to meet the authority's reporting obligations pursuant to Iowa Code section 15.525 as enacted by 2025 Iowa Acts, Senate File 657, or required to prepare any other reports to be provided to the governor and the general assembly.

261—82.3(15E) Application and review process for tax credits.

82.3(1) *Annual business application.* The annual application submitted by qualified businesses will include:

a. A report from the business of any changes to the information provided in the application for certification pursuant to subrule 82.2(2).

b. Documentation of the amount of the eligible expenditures that were included in Section F of Internal Revenue Form 6765 that was submitted with the qualified business's most recently filed and accepted federal tax return.

c. Verification of eligible expenditures by an independent certified public accountant (CPA) authorized to practice in this state. The independent certified public accountant shall not be an employee of the qualified business or of a related entity. The procedures used by the CPA to conduct the verification should allow the CPA to conclude that, in the CPA's professional judgment, the expenditures claimed are eligible pursuant to the agreement entered pursuant to Iowa Code section 15.523(3) as enacted by 2025 Iowa Acts, Senate File 657; Iowa Code chapter 15, subchapter II, part 35 as enacted by 2025 Iowa Acts, Senate File 657; and all rules adopted pursuant to Iowa Code chapter 15, subchapter II, part 35, and 2025 Iowa Acts, Senate File 657 in all material respects. Within ten business days of a request by the authority, the qualified business shall make available to the authority the documents reviewed by the CPA unless good cause is shown.

d. A signed statement from an officer, director, manager, member, or general partner of the qualified business certifying the accuracy of the information provided; and

e. Any other information as the authority may reasonably require to determine the business's continued eligibility for certification as a qualified business and whether the business continues to be actively engaged in qualified research and development.

82.3(2) *Staff review.* Authority staff will verify the continued eligibility of qualified businesses and the amount of eligible expenditures incurred by qualified businesses prior to approval of tax credits by the director.

82.3(3) *Tax credit calculation.* The annual tax credit award for each qualified business shall equal its unadjusted credit or its adjusted credit, whichever is less.

a. Unadjusted credit. The unadjusted credit for a qualified business equals its eligible expenditures multiplied by the tax credit rate provided in the agreement, not to exceed 3.5 percent.

b. Adjusted credit. To calculate the adjusted credit for a qualified business, first divide the qualified business's eligible expenditures by the total eligible expenditures incurred by all qualified businesses with approved tax credit applications for the fiscal year. Next, multiply that quotient by the amount of tax credits available pursuant to Iowa Code section 15.119 for the fiscal year after reduction for the set aside, if any, of tax credits for additional awards pursuant to subrule 82.3(4). That product, plus any additional tax credits awarded to the qualified business for the fiscal year pursuant to subrule 82.3(4), equals a qualified business's adjusted credit.

EXAMPLE: For purposes of this example, assume that the total available tax credits for the fiscal year is $40,000,000, and the authority does not set aside any of that amount for additional awards pursuant to subrule 82.3(4). Also assume that the total eligible expenditures incurred by all qualified businesses with approved tax credit applications for the fiscal year is $2,000,000,000. A qualified business submits an annual tax credit application with $10,000,000 of eligible expenditures, and the tax credit rate in its agreement is 3.5 percent. The qualified business's unadjusted credit equals $350,000 ($10,000,000 × 0.035). The qualified business's adjusted credit equals $200,000

(($10,000,000 / $2,000,000,000) × $40,000,000). Therefore, the qualified business's annual tax credit award will be $200,000.

82.3(4) *Set aside of tax credits for additional awards.* The authority may set aside up to 5 percent of the amount of tax credits available pursuant to Iowa Code section 15.119 for the fiscal year to be awarded as additional tax credits to qualified businesses. The authority will determine the total amount of the set aside, if any, and the amount of additional tax credits to be awarded to qualified businesses. Factors the authority will consider in determining whether to award additional tax credits to a qualified business include but are not limited to whether the qualified business recently located in or expanded in Iowa and the economic impact of the qualified business, its facility or facilities in Iowa, and the qualified research and development.

82.3(5) *Application decisions.* The director may approve, deny, or defer an application for tax credits. Applications for tax credits may be denied under the following circumstances:

a. The qualified business has not continued to engage in the qualified research and development proposed in its application for certification.

b. The qualified business experiences a business closure or experiences a mass layoff for which notice is required under Iowa Code chapter 84C.

c. The authority determines the qualified business has a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws.

261—82.4(15E) Tax credit certificates.

82.4(1) *Issuance by the authority.* The authority will issue tax credit certificates to qualified businesses pursuant to Iowa Code section 15.524 as enacted by 2025 Iowa Acts, Senate File 657. Tax credit certificates will be issued to the qualified businesses that applied for certification.

82.4(2) *Vested right.* A taxpayer does not obtain a vested right in a tax credit until a certificate has been issued by the authority.

82.4(3) *Claiming a tax credit.* An investor that has been issued a tax credit certificate by the authority may claim the credit in accordance with any applicable rules adopted by the department of revenue.

82.4(4) *Changes to federal credit.*

a. The qualified business shall notify the authority of any reduction of the federal credit for increasing research activities under Section 41 of the Internal Revenue Code or reduction of qualified research expenditures for the federal credit that occurs after certification as a qualified business. Such notice is required whether the reduction is the result of review of the credit initiated by the Internal Revenue Service or an amendment to the qualified business's tax return initiated by the qualified business. The qualified business must provide notice to the authority within 30 days of the final determination date as defined in Iowa Code section 422.25.

b. Following a report to the authority that the federal credit or qualified research expenditures for the purposes of the federal credit have been reduced, a qualified business must submit a supplemental verification of eligible expenditures by an independent CPA authorized to practice in this state conducted in accordance with the procedures identified in subrule 82.3(1). The supplemental verification shall detail the impact of the disallowed credit on the amount of eligible expenditures, if any. The authority may waive the requirement to submit supplemental verification if all qualified expenditures on which the federal credit was claimed occurred in Iowa, if the qualified business agrees to a reduced tax credit consistent with a reduction in qualified research expenditures as determined by the authority, or if sufficient information is otherwise available to determine the impact on the state credit.

c. If the supplemental CPA verification submitted pursuant to paragraph 82.4(4)*"b"* demonstrates a reduction in eligible expenditures, the tax credit available through the program shall be reduced to an amount calculated by multiplying the adjusted credit percentage determined pursuant to subrule 82.3(3) by the reduced amount of eligible expenditures. Any additional award pursuant to

subrule 82.3(4) will be reduced in the same way. If sufficient information is not available to determine the reduced amount of eligible expenditures, the authority may wholly rescind a tax credit available under the program.

d. The tax credit available through the program shall not be increased based on an increase in the federal credit for increasing research activities under Section 41 of the Internal Revenue Code claimed by a qualified business.

261—82.5(15) Mass layoffs and business closures.

82.5(1) Pursuant to Iowa Code section 15.112 as enacted by 2025 Iowa Acts, Senate File 657, the authority may reduce or eliminate some or all of a tax credit approved through the program under the following circumstances:

a. A qualified business closes a facility in Iowa.

b. A qualified business experiences a mass layoff for which notice is required under Iowa Code chapter 84C that directly impacts its qualified research and development conducted in Iowa.

c. A qualified business experiences a mass layoff for which notice is required under Iowa Code chapter 84C that represents a significant portion of the qualified business's employees in Iowa.

82.5(2) The authority may deny certification or recertification of a qualified business under the circumstances identified in subrule 82.5(1).

82.5(3) Factors the authority may consider when determining whether to exercise its discretion under this rule include but are not limited to the percentage of the qualified business's workforce affected; the total number of employees involved; whether the action is seasonal, temporary, or permanent; whether employees are relocated to other Iowa facilities; the reasons causing the mass layoff or business closure; and the impact on the qualified business's qualified research and development conducted in Iowa, the community in which the mass layoff or business closure occurred, and the state.

These rules are intended to implement Iowa Code chapter 15, subchapter II, part 35 as enacted by 2025 Iowa Acts, Senate File 657.

ECONOMIC DEVELOPMENT AUTHORITY[261]

Regulatory Analysis

Notice of Intended Action to be published: 261—Chapter 201
"Iowa Major Events and Tourism Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15.106A and 15G.103

State or federal law(s) implemented by the rulemaking: Iowa Code sections 15G.101 through 15G.104 as enacted by 2025 Iowa Acts, Senate File 660

Public Hearing

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

November 4, 2025	1963 Bell Avenue
2:15 to 2:30 p.m.	Des Moines, Iowa

Public Comment

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

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

Purpose and Summary

Pursuant to Iowa Code sections 15G.101 through 15G.104 as enacted by 2025 Iowa Acts, Senate File 660, the Authority proposes to adopt Chapter 201. The chapter describes the policies and procedures applicable to the Iowa Major Events and Tourism Program. The program provides grants for expenditures associated with event bidding and selection. The chapter will set forth eligibility requirements, application procedures, and review processes for the program.

Analysis of Impact

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

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

Entities interested in applying for or receiving a grant through the program will bear the costs of the proposed rulemaking.

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

Entities interested in applying for or receiving a grant through the program 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:**

Entities interested in applying for a grant may require staff time to complete an application. Recipients may similarly incur costs to comply with reporting and monitoring requirements of the program. Some applicants may choose to rely on an external service provider to complete these tasks,

such as a grant writer. The amount of the costs will vary depending on the compensation of staff or service providers involved.

- **Qualitative description of impact:**

The program provides grants for expenditures associated with event bidding and selection and will support events that generate large attendance, significant publicity, and have a measurable economic impact on this State.

3. **Costs to the State:**

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

Authority staff time is required to review and approve applications, draft and execute program contracts, disburse funds, and communicate with program applicants and recipients.

- **Anticipated effect on State revenues:**

The proposed chapter has no anticipated impact on State revenues. 2025 Iowa Acts, Senate File 660, appropriates $4 million for the program.

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

Only the entities that will potentially benefit from the program will bear the costs of the proposed rulemaking. The costs to the State to administer the program are proportional to the activities supported by the program.

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

The Authority has not identified any less costly methods or less intrusive methods for administering the program.

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

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

The Authority did not consider any other methods.

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

The Authority did not consider any other methods.

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 does not have a substantial impact on small business. The rulemaking is no more than necessary to administer the statutory requirements of the program.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 261—Chapter 201:

CHAPTER 201
IOWA MAJOR EVENTS AND TOURISM PROGRAM

261—201.1(15G) Definitions.

"Applicant" means an eligible entity that is applying for financial assistance through the program.

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

"Board" means the Iowa economic development authority board.

"Entity" means the same as defined in Iowa Code section 15G.101 as enacted by 2025 Iowa Acts, Senate File 660.

"Event" means the same as defined in Iowa Code section 15G.101 as enacted by 2025 Iowa Acts, Senate File 660.

"Financial assistance" means the same as defined in Iowa Code section 15G.101 as enacted by 2025 Iowa Acts, Senate File 660.

"Matching funds" means a cash contribution made by an entity applying for financial assistance. "Matching funds" does not include any in-kind noncash contributions.

"Program" means the Iowa major events and tourism program administered pursuant to this chapter and Iowa Code sections 15G.101 through 15G.104 as enacted by 2025 Iowa Acts, Senate File 660.

"Recipient" means an entity that has been awarded financial assistance.

261—201.2(15G) Eligibility.

201.2(1) In addition to the eligibility criteria in Iowa Code section 15G.103(2) as enacted by 2025 Iowa Acts, Senate File 660, an event must meet the following criteria to be eligible for financial assistance under the program:

a. The event must be an event that has not previously been held in Iowa or has a quality or qualities that substantially distinguish the event from other events that have been held or could be held in the state.

b. The event must be a ticketed event.

c. The event will generate 50 percent or more of its attendance from an out-of-state audience.

d. The event is or will be held no more frequently than one time annually.

e. The hosting rights for the event were not secured by the entity applying for financial assistance before July 1, 2025.

201.2(2) To determine whether an event is a tourism-oriented athletic contest, convention, music festival, or art festival for the purposes of the program, the authority will consider the following factors:

a. Whether the event encourages overnight stays.

b. Whether the event contributes to the vitality of the host region's tourism and economic development activity.

c. Whether the marketing plan for the event targets a tourist audience.

d. Whether the event elevates the profile of the state as a destination and encourages other events to seek Iowa communities as a host.

e. Whether the event is specifically designed to attract and sell tickets to attendees 50 or more miles away.

261—201.3(15G) Preapplication. Entities interested in applying for financial assistance shall submit a preapplication to the authority in the form and content prescribed by the authority. The preapplication will be evaluated by staff for eligibility based on the criteria in Iowa Code section 15G.103(2) as enacted by 2025 Iowa Acts, Senate File 660, and rule 261—201.2(15G).

261—201.4(15G) Application.

201.4(1) Entities that are invited to apply for the program based on their preapplication and staff review conducted pursuant to subrule 201.3(1) shall submit an application to the authority in the form and content prescribed by the authority. The application shall contain the following:

a. An economic analysis that meets the requirements in Iowa Code section 15G.103(2)*"a"*(2).

b. A marketing plan for the event that demonstrates to the satisfaction of the authority that the entity has the capacity and expertise to market the event appropriately.

c. Documentation of the entity's nonprofit status and documentation that the entity is established to promote economic development and tourism in an area.

d. The request for proposals or other comparable documents that the entity has responded to or will respond to in order to secure the event.

e. Documentation of the entity's ability to provide matching funds as required by Iowa Code section 15G.103(4)*"b."*

f. Documentation of the expenditures required as part of the entity's bid for the event.

201.4(2) An application must be for a minimum request of $200,000.

201.4(3) An entity shall submit only one application for the program per bid process.

201.4(4) Authority staff will evaluate each application based on the criteria identified in Iowa Code section 15G.103 and the following criteria:

a. Whether the event would be new to Iowa or has been held in Iowa within the previous three years.

b. Whether receipt of financial assistance will be necessary for a successful bid or selection.

201.4(5) Following staff evaluation, eligible applications will be forwarded to the board for its final funding decision.

261—201.5(15G) Eligible expenses.

201.5(1) Expenditures identified in Iowa Code section 15G.102(2) that are required as part of the entity's bid for an event are eligible for financial assistance.

201.5(2) Expenses for expenditures not directly related to the bidding and selection process are ineligible for reimbursement, including but not limited to:

a. Costs of developing or making permanent improvements to facilities, payroll or operating expenses.

b. Costs otherwise eligible but associated with a recipient-owned or recipient-controlled venue or asset.

c. Items that are purchased for resale.

d. Any item not required as part of the entity's bid for an event.

261—201.6(15G) Administration.

201.6(1) *Notification.* The authority will notify successful applicants in writing of their approved application for financial assistance and prepare an agreement that reflects the terms of the financial assistance. The recipient must execute and return the agreement to the authority within 60 days of the transmittal of the final agreement from the authority. Failure to do so may result in the authority terminating the financial assistance.

201.6(2) *Disbursement.* Financial assistance will be disbursed on a reimbursement basis.

201.6(3) *Reporting requirements.*

a. Each recipient shall submit an annual report that includes information about the status of the event and any information required by Iowa Code section 8.57.

b. A recipient shall submit information reasonably required by the authority to make reports to the authority's board, the governor's office, or the general assembly.

201.6(4) *Remedies for noncompliance.* If the authority finds that a recipient is not in compliance with program requirements or the terms and conditions of the agreement, the authority may employ any remedies it deems appropriate, including but not limited to the following:

a. Issue a warning letter stating that continued failure to comply with program requirements within a stated period of time will result in a more serious action.

b. Condition future financial assistance on correcting compliance issues.

c. Require that some or all of the financial assistance be remitted to the authority.

d. Elect not to provide future financial assistance to the recipient until appropriate actions are taken to ensure compliance.

e. Prohibit future awards of financial assistance.

These rules are intended to implement Iowa Code sections 15G.101 through 15G.104 as enacted by 2025 Iowa Acts, Senate File 660.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 30
"Food and Consumer Safety"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 137F and 137C

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 137F and 137C and Executive Order 10

Public Hearing

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

November 4, 2025 9 a.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

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

Public Comment

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

Amy K. Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Purpose and Summary

The proposed rulemaking repromulgates Chapter 30 and implements Iowa Code chapters 137C and 137F in accordance with the goals and directives of Executive Order 10. Iowa Code section 137C.6 gives the Director of the Department the authority to regulate, license and inspect hotels and enforce the Iowa hotel sanitation code in Iowa. Iowa Code section 137F.2 requires the Department to adopt rules setting minimum standards to protect consumers from foodborne illness. Iowa Code section 137F.3 authorizes the Director to regulate, license, and inspect food establishments and food processing plants.

The proposed rulemaking implements the aforementioned Iowa Code chapters by describing the licensing process and setting out the inspection frequency. The rulemaking also sets forth the process for denial, suspension, or revocation of a license to operate, including the penalty for late and delinquent fees and returned checks.

Analysis of Impact

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

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

Food establishment, food processing plant and hotel license holders will bear the costs of the proposed rulemaking. License fees are set by statute, but the holders will be responsible for payment of the penalty for late and delinquent fees and the fee for returned checks.

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

Consumers who purchase and consume food from Iowa food establishments and food processing plants will benefit from the rulemaking, as will consumers who rent rooms and stay in hotels located in Iowa. Food establishment, food processing plant, and hotel license holders will benefit from clear and effective administrative procedures.

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 costs associated with this chapter are primarily the cost of license and penalty fees that are established in Iowa Code chapters 137F and 137C. The additional costs established by this rulemaking are minimal and include the following:

- Transaction fees for online payments are $1.50 plus an additional 2.5 percent for credit card transactions. These fees are imposed by and retained by the payment provider.
- There is a $25 fee assessed for payments rejected for insufficient funds.
- A voluntary inspection fee of $100 is assessed when an establishment that is not covered under the chapter requests a voluntary food safety inspection. This primarily includes jails that are regulated by the Iowa Department of Corrections.

- **Qualitative description of impact:**

The chapter efficiently and effectively establishes definitions of regulatory terminology; establishes clear administrative processes for licensing, assessing penalties, refunds, license renewals, enforcement, appeals, and posting of inspections and licenses; and sets a minimum inspection frequency. The chapter also provides relief to operations that conduct activities covered by multiple licenses by establishing parameters whereby incidental activities do not necessitate an additional license or license fee.

3. **Costs to the State:**

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

This chapter is heavily integrated with 481—Chapters 31 and 37, and costs to implement and enforce these rules cannot be separated by chapter or individual rule. Chapter 30 establishes definitions and administrative processes for food establishments, food processing plants and hotels. 481—Chapters 31 and 37 establish inspection standards for food establishments and food processing plants. The combined cost to implement and enforce these rules is as follows:

The licenses issued under these rules account for 98.346 percent of the Food and Consumer Safety Bureau's licensed establishment inventory and consume an equivalent percentage of the budget. This equals an annual cost of $5.52 million to implement and enforce these chapters. The Department assumes similar costs based on specific inventories of food establishments and hotels for local health departments that regulate and enforce these rules under a 28E agreement with the Department.

- **Anticipated effect on State revenues:**

License and penalty fees are set by statute. The anticipated revenue for license and penalty fees associated with this chapter is anticipated to be $4.25 million. The expected revenue from voluntary inspections and nonsufficient funds fees that are established by this chapter is expected to be approximately $1,000.

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

481—Chapters 30, 31 and 37 are heavily integrated, and benefits of these rules cannot be separated by chapter or individual rule. Chapter 30 establishes definitions and administrative processes for food establishments, food processing plants and hotels. 481—Chapters 31 and 37

establish inspection standards for food establishments, food processing plants and hotels. The combined cost/benefit analysis for these rules is as follows:

The benefits achieved justify the costs. The benefits of conducting food safety and lodging inspections are the prevention of illness and consumer protection. While preventing an illness is difficult to demonstrate, the Department can show the number of interventions the Food and Consumer Safety Bureau has taken to reduce public health risks. During FY 2023, the Food and Consumer Safety Bureau:

- Conducted over 10,800 inspections,
- Identified over 18,000 code violations at 6,605 different facilities,
- Completed nearly 2,500 inspections to follow up on critical or significant violations that were not corrected during the initial inspection,
- Identified and resolved 60 imminent health hazards by issuing four immediate suspension orders and gaining voluntary suspension of operations on 56 occasions where conditions presented an imminent health hazard. Once an imminent health hazard is mitigated, operations are approved to resume,
- Identified foods that posed a risk to public health and gained voluntary removal of the products from the market on 720 occasions,
- Investigated 30 foodborne illness outbreaks in Iowa, and
- Participated in the response to two multistate outbreaks that impacted Iowa and provided critical information to the U.S. Food and Drug Administration (FDA) that identified the likely source of the multistate salmonella outbreak linked to melons during the summer of 2022.

These Food and Consumer Safety Bureau interventions protected public health and likely prevented additional foodborne illness cases from occurring. The U.S. Centers for Disease Control and Prevention (CDC) estimates that each year, 48 million Americans get sick from a foodborne illness, 128,000 are hospitalized and 3,000 die. Currently, Iowa has approximately 1 percent of the U.S. population. This translates to an estimated 480,000 Iowans who get sick from a foodborne illness, 1,280 hospitalizations and 30 deaths.

An article titled “State Estimates for the Annual Cost of Foodborne Illness” published in the Journal of Food Protection in June 2015 states that the estimated health cost of a foodborne illness in Iowa was $176 per resident and $1,154 per case in 2013. The article also used an enhanced model that includes the cost of pain and suffering, which nearly doubles these figures to $301 per resident and $1,972 per case.

Based on the CDC estimate and Iowa’s population, the cost of foodborne illness to the State of Iowa is staggering, even using the 2013 figures included in the article. Preventing just 1 percent of the estimated 480,000 foodborne illness cases in Iowa could result in health cost savings for Iowans totaling $5.53 million annually ($1,154 per case x 4,800 cases = $5.53 million).

The cost savings only rise when the cost of an outbreak for the establishment is included. An article published in Science News dated April 16, 2018, cited a study from researchers at the Johns Hopkins Bloomberg School of Public Health. The research findings estimated that the cost of a single outbreak for a restaurant could be anywhere from $4,000 for a small outbreak in which 5 people get sick to $1.9 million for an outbreak in which 250 people get sick.

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

The purpose of Chapter 30 is to establish definitions and clear administrative processes for licensing, assessing penalties, refunds, license renewals, enforcement, appeals, and posting of inspections and licenses and to set a minimum inspection frequency. The chapter also provides relief to operations that conduct activities covered by multiple licenses by establishing parameters whereby incidental activities do not necessitate an additional license or license fee. The chapter achieves this in a manner that is efficient and effective. The costs to a license holder are established in law where license and penalty fees are set. Most of the costs to the Department that are influenced by this

chapter are tied primarily to the minimum inspection frequency established by the chapter. The Food and Consumer Safety Bureau reassessed and updated inspection frequencies in 2022. The inspection frequencies are the least intrusive to accomplish the benefit. Iowa's minimum inspection frequency is less frequent than that of any other state surrounding Iowa. Inspection frequency in neighboring states ranges from a minimum of once every 6 months on the high end and once every 42 months on the low end. Iowa's minimum is once every 60 months for most operations and complaint-based for some establishments.

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

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

The Department reassessed minimum inspection frequencies in 2022 with the intent to establish an effective frequency with the least intrusion and lowest cost. During this process, the Department researched inspection frequencies in neighboring states and in other jurisdictions across the nation, all of which were more frequent than Iowa's frequencies. The Department considered setting the minimum inspection frequency at the same frequency as neighboring states.

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

The Department rejected setting the minimum inspection frequency to the same as those of neighboring states due to the increased cost of conducting more inspections.

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 food and lodging industry in Iowa is extremely diverse. While some food and lodging operations are small independent businesses, others are large multinational companies. This chapter implements Iowa Code chapters 137F and 137C in a simple and effective manner for both small and large businesses. It clearly defines terms and sets simple administrative processes for licensing, assessing penalties, refunds, license renewals, enforcement, appeals, and posting of inspections and licenses. One of the most impactful methods by which this chapter implores to reduce impact on small businesses is in the establishment of a minimum inspection frequency that is less frequent than any neighboring state and possibly less frequent than any other state in the continental U.S.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 30 and adopt the following **new** chapter in lieu thereof:

INSPECTIONS DIVISION

CHAPTER 30
FOOD AND CONSUMER SAFETY

481—30.1(10A,137C,137F) Food and consumer safety bureau. The food and consumer safety bureau inspects food establishments and food processing plants, including food storage facilities (warehouses) and food and beverage vending machines, and hotels and motels. It is also responsible for social and charitable gambling and amusement devices.

481—30.2(10A,137C,137F) Definitions. The following definitions are applicable to 481—Chapters 30 and 31. If a term is defined herein and by the Food Code adopted in rule 481—31.1(137F), the definition set forth herein applies.

"Bed and breakfast home" means the same as defined in Iowa Code chapter 137F.

"Bed and breakfast inn" means the same as defined in Iowa Code section 137C.2.

"Catering" means the preparation of food for distribution to an individual, business, institution or organization for exclusive service to the individual's, business's or organization's nonpaying guests, employees or members or an institution's residents, students or employees.

"Certified wild-harvested mushroom identification expert" means an individual who has within the last three years successfully completed a wild-harvested mushroom identification training program provided by an accredited college, university, or state mycological society, as evidenced by a document issued therefrom specifying the species of wild mushrooms the individual is qualified to certify. The training program must include a component of actual identification of physical specimens or simulations of mushroom species.

"Commissary" means the same as defined in Iowa Code section 137F.1.

"Contractor" means a municipal corporation, county or other political subdivision that contracts with the department to license and inspect under Iowa Code chapter 137C or 137F.

"Cottage food" means the same as defined in Iowa Code section 137F.2.

"Criminal offense" means a public offense, as defined in Iowa Code section 701.2, that is prohibited by statute and is punishable by fine or imprisonment.

"Cultivated mushroom" means a mushroom grown through a process in which the grower inoculates a substrate (logs, beds, straw, etc.) with a known strain or species of mushroom spawn in a dedicated space, whether outdoors or indoors, that is under the control of the grower, for the purpose of fruiting mushrooms.

"Department" means the same as defined in Iowa Code section 137F.1.

"Event" means the same as defined in Iowa Code section 137F.1. For example, an event does not include a single store's grand opening or sale.

"Farmers market" means the same as defined in Iowa Code section 137F.1.

"Farmers market time/temperature control for safety food license" means a license for a temporary food establishment that sells unpackaged time/temperature control for safety foods at farmers markets. The license is only applicable at farmers markets and is not required in order to sell wholesome, fresh shell eggs to consumer customers.

"Food establishment" means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, nutrition program operated pursuant to Title III-C of the Older Americans Act, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school. Assisted living programs and adult day services are included in the definition of food establishment to the extent required by 481—subrules 69.28(6) and 70.28(6). "Food establishment" does not include the following:

1. A food processing plant.
2. An establishment that offers only prepackaged foods that are not time/temperature control for safety foods.
3. A produce stand or facility that sells only whole, uncut fresh fruits and vegetables.
4. Premises that are a home food processing establishment pursuant to Iowa Code chapter 137D.

5. Premises that operate as a farmers market if unpackaged time/temperature control for safety foods are not sold or distributed from the premises.

6. Premises of a residence in which food is produced pursuant to Iowa Code section 137F.20.

7. A kitchen in a private home where food is prepared or stored for family consumption or in a bed and breakfast home.

8. A private home or private party where a personal chef or hired cook is providing food preparation services to a client and the client's nonpaying guests.

9. A private home that receives catered or home-delivered food.

10. Child day care facilities and other food establishments located in hospitals or health care facilities that serve only patients and staff and are subject to inspection by other state agencies or divisions of the department.

11. Supply vehicles or vending machine locations.

12. Establishments that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.

13. A beer, wine or distilled spirits manufacturer, distributor or wholesaler under Iowa Code chapter 123, provided it is exclusively engaged in the sale of alcoholic beverages in prepackaged form.

14. Premises or operations that are exclusively engaged in the processing of milk and milk products, are regulated by Iowa Code sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.

15. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler's license.

16. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.

17. Premises regularly used by a nonprofit organization that engages in the serving of food on the premises as long as the nonprofit organization does not exceed the following:

- The nonprofit organization serves food no more than one day per calendar week and not on two or more consecutive days;
- Twice per year, the nonprofit organization may serve food to the public for up to three consecutive days;
- The nonprofit organization may use the premises of another nonprofit organization not more than twice per year for one day to serve food.

18. A stand operated by a minor.

"Food processing plant" means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to a consumer. "Food processing plant" does not include any of the following:

1. A beer, wine or distilled spirits manufacturer, distributor or wholesaler under Iowa Code chapter 123, provided it is exclusively engaged in the sale of alcoholic beverages in a prepackaged form.

2. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.

3. Premises or operations that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.

4. Premises or operations that are exclusively engaged in the processing of milk or milk products, are regulated by Iowa Code sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.

5. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler's license.

6. Premises or operations that are exclusively engaged in the preparation or processing of Siluriformes, including catfish, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.

7. Premises that are a home food processing establishment pursuant to Iowa Code chapter 137D.

8. Premises or operations that are exclusively engaged in the production or processing of egg products, as defined in 9 CFR Part 590 as amended to [effective date of this rulemaking], including egg substitutes and freeze-dried egg products, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.

"Food service establishment" means a food establishment where food is prepared or served for individual portion service intended for consumption on the premises or is subject to Iowa sales tax as provided in Iowa Code section 423.3.

"Hotel" means the same as defined in Iowa Code section 137C.2.

"Mobile food unit" means a food establishment that is self-contained, with the exception of grills and smokers, and readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.

"Patrol dog" means a dog that is accompanying a law enforcement officer or security officer.

"Personal chef" or *"hired cook"* means a person who provides food preparation services in a private home or at a private party for a client and the client's nonpaying guests. "Personal chef" or "hired cook" does not include a person who provides the ingredients intended to be used in food preparation.

"Pet dog" means a dog that does not meet the definition of a patrol dog or a service animal as defined in 28 CFR Part 36 as amended to [effective date of this rulemaking].

"Processed food" means the same as defined in 21 U.S.C. 321 as amended to [effective date of this rulemaking].

"Pushcart" means a non-self-propelled vehicle food establishment limited to serving foods that are not time/temperature control for safety foods or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.

"Raw agricultural commodity" means the same as defined in 21 U.S.C. 321 as amended to [effective date of this rulemaking].

"Retail food establishment" means a food establishment that sells to consumer customers food or food products intended for preparation or consumption off the premises.

"Stand operated by a minor" means the same as defined in Iowa Code section 137F.1.

"Temporary food establishment" means the same as defined in Iowa Code section 137F.1.

"Time/temperature control for safety food" means the same as defined in Iowa Code section 137F.1.

"Transient guest" means an overnight lodging guest who does not intend to stay for any permanent length of time. Any guest who rents a room for more than 31 consecutive days is presumed not to be a transient guest.

"Unattended food establishment" means an operation that provides packaged foods or whole fruit using an automated payment system and has controlled entry not accessible by the general public. "Controlled entry," for the purposes of the definition of "unattended food establishment," means selective restriction or limitation of access to a place or location.

"Unprocessed commodity" means a raw agricultural commodity.

"Vending" means selling or dispensing food to an individual consumer customer. Vending does not include catering.

"Vending machine" means the same as defined in Iowa Code section 137F.1. Vending machines that dispense only prepackaged foods that are not time/temperature control for safety foods, panned candies, gumballs or nuts are exempt from licensing but may be inspected by the department upon receipt of a written complaint. "Panned candies" are those with a fine, hard coating on the outside and a soft candy filling on the inside. Panned candies are easily dispensed by a gumball-type machine.

"Vending machine location" means the same as defined in Iowa Code section 137F.1.

"Wild-harvested mushroom" means a fresh mushroom that has been found or foraged in the natural environment and has not been processed (e.g., dried or frozen). "Wild-harvested mushroom"

does not include cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.

481—30.3(137C,137F) Licensing and postings. Applications for a license shall be completed using the department's online application system at least 30 days prior to the anticipated opening of the hotel, food establishment or food processing plant. If extenuating circumstances exist that prevent the applicant from completing the online application, paper applications are available from the department or its contractors. Temporary food establishment license applications shall be submitted a minimum of three business days prior to opening.

30.3(1) *Transferability.* A license is not transferable to a new owner or location. Any change in business ownership or business location requires a new license. Vending machines, mobile food units and pushcarts may be moved without obtaining a new license. A farmers market time/temperature control for safety food license or an annual temporary event food establishment license may be used at different locations without obtaining a new license. If the different locations are operated simultaneously, a separate license is required for each location. Nutrition sites for the elderly licensed under Iowa Code chapter 137F may change locations in the same city without obtaining a new license.

30.3(2) *Refunds.* License fees are refundable only if the license is surrendered to the department prior to the effective date of the license and only as follows:

a. License fees of $67.50 or less are an application processing fee and are not refundable.

b. If an inspection has not occurred, license fees of more than $67.50 will be refunded less the $67.50.

c. If an inspection has occurred, the entire license fee is nonrefundable.

30.3(3) *License expiration.* A license is renewable and expires after one year, with the exception of a temporary food establishment license issued in conjunction with a single event at a specific location, which is valid for a period not to exceed 14 consecutive days.

30.3(4) *Posting of inspection reports, licenses, and registration tags.* A valid license and the most recent inspection report, along with any current complaint or reinspection reports, shall be posted no higher than eye level where the public can see them and not be posted in such a manner that the public cannot reasonably read the report. Reports may be posted in paper form or through a QR code provided on the license. A paper report must be available upon request. The posting of a report behind a service area where the report can be seen but not easily read is not allowed. Vending machines shall bear a tag to affirm the license. For the purpose of this subrule, only founded complaint reports are considered complaints and shall be posted until either the mail-in recheck form has been submitted to the regulatory authority or a recheck inspection has been conducted to verify that the violations have been corrected.

30.3(5) *Documentation of gross sales.* Documentation of the annual gross sales of food and drink sold by a licensed food establishment or a licensed food processing plant is required unless the establishment is paying the highest license fee required by rule 481—30.4(137C,137F). Documentation will be kept confidential and will be used to verify that the license holder is paying the appropriate license fee based on annual gross sales of food and drink. For food processing plants that are food storage facilities and food establishments whose sales are included in a single rate with lodging or other services, the value of the food handled should be used. Documentation includes:

a. A copy of the firm's business tax return;

b. Quarterly sales tax data;

c. A letter from an independent tax preparer;

d. Other appropriate records.

30.3(6) *License eligibility for renewal limited to 60 days after expiration.* A delinquent license will only be renewed if application for renewal is made within 60 days of expiration. If a delinquent license is not renewed within 60 days, an establishment must apply for a new license and meet all the requirements for licensure. Establishments that have not renewed the license within 60 days will be closed by the department or a contractor.

481—30.4(137C,137F) License fees. License fees are set by Iowa Code chapters 137F and 137C. The license fee is the same for an initial license and a renewal license. The department will charge a voluntary inspection fee of $100 when a premises that is not a food establishment requests a voluntary inspection.

481—30.5(137F) Penalty and delinquent fees.

30.5(1) *Late penalty.* Renewals submitted after the license expiration are subject to a penalty of 10 percent of the license fee per month in accordance with Iowa Code section 137F.4. A license will only be renewed if the license holder has provided documentation pursuant to subrule 30.3(5).

30.5(2) *Penalty for opening or operating without a license.* Operating without a license is subject to a penalty of up to twice the amount of the annual license fee in accordance with Iowa Code section 137F.9.

481—30.6(137C,137F) Returned checks. If a check intended to pay for any license provided for under Iowa Code chapter 137C or 137F is not honored for payment, the department will attempt to redeem the check and notify the applicant of the need to provide sufficient payment. An additional fee of $25 will be assessed for each dishonored check. If the department does not receive payment, the establishment will be operating without a valid license. Late penalties assessed pursuant to rule 481—30.5(137F) will accrue and must be paid.

481—30.7(137F) Double licenses.

30.7(1) Any establishment that holds a food service establishment license and has gross sales over $20,000 annually in packaged food items intended for consumption off the premises is also required to obtain a retail food establishment license. The license holder shall keep a record of these food sales and make it available to the department upon request.

30.7(2) Licensed retail food establishments serving only coffee, soft drinks, popcorn, prepackaged sandwiches or other food items manufactured and packaged by a licensed establishment only need a retail food establishment license.

30.7(3) A food establishment that holds both a food service establishment license and a retail food establishment license shall pay a license fee based on the annual gross sales for the dominant form of business plus $150.

EXAMPLE: A food establishment holds a food service establishment license and a retail food establishment license. It has annual gross sales of more than $750,000 for its retail food establishment and $120,000 for its food service establishment. The food establishment pays a license fee of $400 for its retail food establishment license (Iowa Code section 137F.6) and $150 for its food service establishment license.

30.7(4) The business with higher annual gross sales determines the type of license for establishments that engage in operations covered under both the definition of a food establishment and of a food processing plant. Food establishments that process low-acid food in hermetically sealed containers or process acidified foods are required to have a food processing plant license in addition to the food establishment license. Regardless of the type of license, food processing plants will be inspected pursuant to food processing inspection standards and food establishments will be inspected pursuant to the Food Code.

481—30.8(137C,137F) Inspection frequency. Inspections are based on risk assessment.

30.8(1) *Food establishments.* Food establishments will have routine inspections at least once every 60 months. Very low risk food establishments will not have a routine inspection frequency.

30.8(2) *Food processing plants.* Food processing plants that process foods will have routine inspections at least once every 60 months. If the United States Food and Drug Administration completes an inspection in a facility, the inspection satisfies the state inspection frequency.

30.8(3) *Food processing plants that store foods.* Food processing plants that store foods will be inspected at least once every 84 months. If the United States Food and Drug Administration completes

an inspection in a facility, the inspection satisfies the state inspection frequency. Very low risk food processing plants that store food will not have a routine inspection frequency.

30.8(4) *Hotels.* Hotels will be inspected in accordance with Iowa Code chapter 137C.

30.8(5) *Farmers market time/temperature control for safety food.* Farmers market time/temperature control for safety food licensees will be inspected based on risk.

30.8(6) *Temporary food establishments.* Temporary food establishments issued an annual license will be inspected based on risk.

481—30.9(22) Examination of records.

30.9(1) *Public information.* Information collected by the food and consumer safety bureau and contractors is generally considered public information pursuant to Iowa Code chapter 22. Records are stored in computer files and are not matched with any other data system. Inspection reports are available at dial.iowa.gov. Requests for records of other state or federal agencies will be referred to the appropriate agency.

30.9(2) *Confidential records.* Certain records are confidential, including:

a. Trade secrets and proprietary information, including items such as formulations, processes, policies and procedures, and customer lists;

b. Health information related to foodborne illness complaints and outbreaks;

c. The name or any identifying information of a person who files a complaint.

481—30.10(17A,137C,137F) Denial, suspension, or revocation of a license to operate. A license denial, suspension or revocation is effective 30 days after mailing or personal service of the notice.

30.10(1) *Immediate suspension of license.* To the extent not inconsistent with Iowa Code chapters 17A, 137C, and 137F and rules adopted pursuant to those chapters, chapter 8 of the Food Code is adopted for food establishments. A license may be immediately suspended in cases of an imminent health hazard. Iowa Code section 17A.18A and Food Code chapter 8 will be followed in cases of an imminent health hazard. The appeal process in rule 481—30.11(10A,137C,137F) is available following an immediate suspension.

30.10(2) *Criminal offense—conviction of license holder.* The department may revoke the license of a license holder who conducts an activity constituting a criminal offense in the licensed food establishment resulting in a felony, serious misdemeanor or aggravated misdemeanor conviction. A certified copy of the final order or judgment of conviction or plea of guilty is conclusive evidence of the conviction.

481—30.11(10A,137C,137F) Formal hearing.

30.11(1) An establishment may contest adverse action taken pursuant to this chapter by submitting a request for hearing to the department within 30 days of the mailing or service of the department's action. Appeals and hearings are governed by 481—Chapter 9.

30.11(2) For contractors, license holders shall have the opportunity for a hearing before the local board of health. If the hearing is conducted before the local board of health, the license holder may appeal to the department and shall follow the process for review in rule 481—9.3(10A,17A).

481—30.12(137F) Primary servicing laboratory. The primary servicing laboratory for the food and consumer safety bureau is the State Hygienic Laboratory at the University of Iowa created under Iowa Code section 263.7. If the laboratory is unable to perform laboratory services, the laboratory will assist in finding another laboratory with a preference toward laboratories that are in the Food Emergency Response Network (FERN) and have achieved ISO 17025 accreditation.

481—30.13(10A,137F) Cottage food.

30.13(1) Cottage food is exempt from all licensing, permitting, inspection, packaging, and labeling laws of the state if the food complies with all of the following:

a. The food does not require time/temperature control for safety. When it is not obvious whether a food requires time/temperature control for safety, the food producer will provide documentation that a food does not require time/temperature control for safety to the regulatory authority upon request.

b. The food is not a milk or milk product regulated under Iowa Code chapters 192 and 194.

c. The food is not a meat, meat food product, poultry, or poultry food product regulated under Iowa Code chapter 189A.

d. The food is not unpasteurized fruit or vegetable juice.

e. The food is produced in a private residence.

f. The food is sold and delivered by the producer directly to the consumer.

g. The cottage food is labeled or affixed with the following information:

(1) Information to identify the name and address, phone number, or email address of the person preparing the food.

(2) The common name of the food.

(3) The ingredients of the cottage food in descending order of predominance.

(4) The following statement: "This product was produced at a residential property that is exempt from state licensing and inspection."

(5) If the cottage food contains one or more major food allergens, an additional allergen statement identifying each major allergen contained in the food by the common name of the allergen.

(6) If the food is home-processed and contains home-canned pickles, vegetables, or fruits permitted under this rule, the date that the food was processed and canned.

h. Home-processed and home-canned pickles, vegetables, or fruits sold under this rule must comply with the following:

(1) Each batch must be measured by a pH meter or a water activity meter and shall have a finished equilibrium pH value of 4.60 or lower or a water activity value of 0.85 or less.

(2) Each container that is sold or offered for sale must contain the date the food was processed and canned.

i. The cottage food producer must provide batch testing records to the regulatory authority upon request, including at the point of sale.

j. Cottage food shall not be offered for sale in a food establishment except in a temporary food establishment, provided that the temporary food establishment is operated by the cottage food producer and the cottage food is offered for sale in a packaged form and labeled in accordance with paragraph 30.13(1)*"g."*

30.13(2) Reserved.

These rules are intended to implement Iowa Code chapter 137F.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 31
"Food Establishment and Food Processing Plant Inspections"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 137F.3

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 137F and Executive Order 10

Public Hearing

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

November 4, 2025 9 a.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

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

Public Comment

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

Amy K. Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Purpose and Summary

The proposed rulemaking repromulgates Chapter 31 and implements Iowa Code chapter 137F in accordance with the goals and directives of Executive Order 10. Iowa Code section 137F.2 requires the Department to adopt rules setting minimum standards to protect consumers from foodborne illness. Iowa Code section 137F.3 authorizes the Director of the Department to regulate, license, and inspect food establishments and food processing plants.

The proposed rulemaking implements the aforementioned Iowa Code chapter by describing the inspection standards for food establishments and food processing plants and describes time and temperature controls for licensees.

Analysis of Impact

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

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

Food establishment and food processing plant license holders will bear the costs of the proposed rulemaking.

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

Consumers who purchase and consume food from Iowa food establishments and food processing plants will benefit from this rulemaking. Food establishment and food processing plant license

holders will also benefit from science-based inspection standards that protect their businesses and that are easily communicated, universally understood, suited for Iowa, and efficiently and consistently implemented and enforced.

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 costs incurred by the public as a direct result of the rulemaking are highly variable and dependent upon the scope of each individual operation. The size of the facility and the number of staff needed to operate the facility are costs that may be influenced but not dictated by the rulemaking. For example, the more space and equipment a facility has, the more labor it will take to maintain sanitation standards.

Most of the requirements established by the rulemaking are focused on food handling behaviors and practices, protection of food from contamination, effective cleaning and sanitizing processes and temperatures that protect public health; for example, how and when to wash hands and ensuring sick employees are not working with food. These process and behavior portions of the rulemaking do not have a direct cost and provide the greatest public health protection.

Aside from processes and behaviors, the rulemaking does have direct costs associated with providing an adequate and safe water supply, appropriate disposal of waste, and basic facilities and equipment requirements. The required equipment is necessary to complete essential food safety activities. Examples include a thermometer to check cooking temperatures, sinks or a commercial dishwasher to effectively wash and sanitize utensils, adequate equipment to hold food at required temperatures, a dedicated sink to wash hands, and food contact and nonfood contact surfaces that are cleanable and maintained in good repair. Although these requirements are established in the rulemaking and have a direct cost, the scope of operation of an individual facility dictates the numbers and capacity necessary for each operation. For example, a small operation may only need one refrigeration unit if the operation can store all of its temperature control for safety foods successfully in that unit, while a larger operation may need several refrigeration units to maintain safe food temperatures.

The rulemaking is also flexible; if an establishment does not engage in an activity, the portions of the rulemaking associated with that activity are not applicable to that establishment's operation. For instance, if an establishment does not hold foods hot but rather heats everything to order, it does not need to provide hot holding equipment.

The rulemaking does have some other direct costs. For most establishments, the rulemaking requires at least one individual at each establishment to complete a training course and in most instances pass an examination to demonstrate basic food safety knowledge. The cost of the course ranges from $75 to $200, and the certification is good for five years. These courses are readily available and can be taken online.

- **Qualitative description of impact:**

The rules establish inspection standards for food establishments and food processing plants that are science-based, effective in protecting public health and preventing illness, easily communicated, universally understood, suited for Iowa, and efficiently and consistently implemented and enforced.

Iowa's standards are uniform national standards for food safety; reflect the most current science available; and evolve to reflect new science, knowledge, and emerging technologies and to remain current with other federal laws. Forty-nine of 50 states in the U.S. have adopted a version of the U.S. Food and Drug Administration (FDA) Model Food Code as the inspection standard for food establishments. California is the exception, and its food code is modeled after the FDA Model Food Code and closely resembles it. In adopting the applicable U.S. Code of Federal Regulations (CFR) sections by reference, Iowa's standards are the same as the federal standards, which means Iowa's food manufacturing industry needs only comply with one standard instead of separate State

and federal standards. The benefits of adopting national standards are significant and include the following:

- Iowa's food processing plants gain access to export markets that require demonstrated compliance with federal standards. In FY 2023, the Food and Consumer Safety Bureau issued certificates of free sale for 165 food products manufactured in Iowa. These certificates confirm that Iowa food processing plants comply with regulations that are consistent with federal food processing regulations and are required by foreign countries prior to acceptance of a product.
- Iowa's standards were created through a coordinated and collaborative process that includes input from all stakeholders, including federal, State and local regulators; industry; academia; and consumers. This is achieved at the Conference for Food Protection and by FDA's rulemaking process.
- Iowa industry, consumers and regulators can take advantage of scientific and personnel resources expended by FDA and have access to extensive supporting documents, research, and training materials. This reduces industry and regulatory training costs by allowing the utilization of resource and training materials, which can be used across the U.S.
- Iowa's food safety inspections and inspectors are standardized.
- Fewer Iowa government resources are needed to research, study and establish independent science-based regulations that protect public health and prevent illness.
- Iowa's standards use a common/standardized food safety language that can improve communication between regulators and industry operators. This common language also helps consumers understand food safety expectations.
- Uniformity of using the same national standards as other states allows comparison of performance across national chains by providing standardized requirements and inspection criteria. Thereby an establishment can target resources according to science and risk to improve the public health performance of restaurants, retail stores and food processing plants.
- State and local agencies use FDA interpretations of Food Code and the CFR, which reduces the workload associated with development of interpretations at the State level.
- A common understanding of risk, risk control/management and food safety between industry and regulators is fostered.
- The adoption of the federal standards has allowed Iowa and FDA to enter into a mutual reliance partnership agreement whereby both FDA and Iowa benefit in a number of ways, including counting inspections completed by the other agency toward each agency's inspection obligation, thereby reducing the inspection workload of each. This also is a benefit for industry members because they will receive one inspection from either Iowa or FDA instead of two inspections, one by the State and one by FDA.
- Adopting by reference also makes the process for updating regulations more efficient while maintaining the flexibility to amend certain provisions to suit Iowa's industry, consumers and government.
- Resources are conserved by allowing regulatory software providers to develop inspection tools that work at all jurisdictions.
- Increases Iowa's food safety program's eligibility for federal training, grants, cooperative agreements and other resources.

3. **Costs to the State:**

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

481—Chapters 30, 31 and 37 are heavily integrated, and costs to implement and enforce these rules cannot be separated by chapter or individual rule. 481—Chapter 30 establishes definitions and administrative processes for food establishments, food processing plants and hotels. 481—Chapters 31 and 37 establish inspection standards for food establishments and food processing plants. The combined cost to implement and enforce these rules is as follows:

The licenses issued under these rules account for 98.346 percent of the Food and Consumer Safety Bureau's licensed establishment inventory and consume an equivalent percentage of the budget. This

equals an annual cost of $5.52 million to implement and enforce these chapters. The Department assumes similar costs based on specific inventories of food establishments and hotels for local health departments that regulate and enforce these rules under a 28E agreement with the Department.

- **Anticipated effect on State revenues:**

License and penalty fees are set by statute. The anticipated revenue for license and penalty fees associated with the rulemaking is anticipated to be $4.2 million.

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

481—Chapters 30, 31 and 37 are heavily integrated, and benefits of these rules cannot be separated by chapter or individual rule. 481—Chapter 30 establishes definitions and administrative processes for food establishments, food processing plants and hotels. 481—Chapters 31 and 37 establish inspection standards for food establishments, food processing plants and hotels. The combined cost/benefit analysis for these rules is as follows:

The costs are justified by the benefits achieved. The benefits of conducting food safety and lodging inspections are prevention of illness and consumer protection. While preventing an illness is difficult to demonstrate, the Department can show the number of interventions the Food and Consumer Safety Bureau has taken to reduce public health risks. During FY 2023, the Food and Consumer Safety Bureau:

- Conducted over 10,800 inspections,
- Identified over 18,000 code violations at 6,605 different facilities,
- Completed nearly 2,500 inspections to follow up on critical or significant violations that were not corrected during the initial inspection,
- Identified and resolved 60 imminent health hazards by issuing four immediate suspension orders and gaining voluntary suspension of operations on 56 occasions where conditions presented an imminent health hazard. Once an imminent health hazard is mitigated, operations are approved to resume,
- Identified foods that posed a risk to public health and gained voluntary removal of the product from the market on 720 occasions,
- Investigated 30 foodborne illness outbreaks in Iowa, and
- Participated in the response to two multistate outbreaks that impacted Iowa and provided critical information to the FDA that identified the likely source of the multistate salmonella outbreak linked to melons during the summer of 2022.

These Food and Consumer Safety Bureau interventions protected public health and likely prevented additional foodborne illnesses cases from occurring. The U.S. Centers for Disease Control and Prevention (CDC) estimates that each year, 48 million Americans get sick from a foodborne illness, 128,000 are hospitalized and 3,000 die. Currently, Iowa has approximately 1 percent of the U.S. population. This translates to an estimated 480,000 Iowans who get sick from a foodborne illness, 1,280 hospitalizations and 30 deaths.

An article titled “State Estimates for the Annual Cost of Foodborne Illness” published in the Journal of Food Protection in June 2015 states that the estimated health cost of a foodborne illness in Iowa was $176 per resident and $1,154 per case in 2013. The article also used an enhanced model that includes the cost of pain and suffering, which nearly doubles these figures to $301 per resident and $1,972 per case.

Based on the CDC estimate and Iowa’s population, the cost of foodborne illness to the State of Iowa is staggering, even using the 2013 figures included in the article. Preventing just 1 percent of the estimated 480,000 foodborne illness cases in Iowa could result in health cost savings for Iowans totaling $5.53 million annually ($1,154 per case x 4,800 cases = $5.53 million).

The cost savings only rise when the cost of an outbreak for the establishment is included. An article published in Science News dated April 16, 2018, cited a study from researchers at the Johns Hopkins Bloomberg School of Public Health. The research findings estimated that the cost of a single

outbreak for a restaurant could be anywhere from $4,000 for a small outbreak in which 5 people get sick to $1.9 million for an outbreak in which 250 people get sick.

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

Adopting and amending uniform national standards that are science-based, easily communicated, universally understood, suited for Iowa, and efficiently and consistently implemented and enforced is the least costly and least intrusive method of achieving the purpose.

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

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

Alternatives were investigated but were not seriously considered. When researching inspection standards for food establishments and food processing plants, the Department reviewed rules in other states and found tremendous consistency in the uniform adoption of the FDA Model Food Code. Forty-nine of 50 states have adopted a version of the FDA Model Food Code. California is the sole exception, and California's Food Code is modeled after the FDA Model Food Code and closely resembles it. The FDA Model Food Code is a science-based document developed with input from all stakeholders, including industry; consumers; academia; and federal, state, local and tribal regulators. Every two years, at the Conference for Food Protection, these stakeholder groups review, discuss, debate and make recommendations to FDA for updates to the model code. There is also consistency in the adoption of applicable CFR sections across the states for inspection standards for food processing plants. Further, it would be a burden for Iowa food processors to meet two separate sets of inspection standards, one federal and one State.

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

The Department does not have the resources necessary to achieve the benefit without adopting the national standards. However, the Department is able to amend certain provisions to suit Iowa's needs when a specific provision is found to be too restrictive. This is a standard practice in other states as well. When determining possible Iowa-specific amendments, the Department has consistently engaged with industry in a collaborative way to identify less restrictive alternatives with equal benefit when a specific provision may be too restrictive. Further, if a provision, as adopted, is too restrictive for a specific operation, the operation can pursue a waiver for that provision.

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 adopted national standards are focused more on food handling practices and behaviors that do not have a direct cost. While there are facility and equipment standards that do have direct costs, these costs reflect each individual operation. Provisions of the national standards that have been identified as more restrictive have been amended to be less restrictive. If a specific standard, as adopted, is found

to be too restrictive for an individual operation, the operation may seek a waiver. Small businesses benefit from the adoption of national standards in several ways, including:

- Science-based standards that protect their customers and their businesses.
- Access to standard national guidance, documents, research, training materials and other resources.
- Standardized inspections and inspectors.
- Common/standardized food safety language that enhances communication between regulatory agencies and industry members.
- Access to foreign markets that require confirmation that the businesses meet national standards.
- A more efficient and effective regulatory agency.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 31 and adopt the following **new** chapter in lieu thereof:

CHAPTER 31
FOOD ESTABLISHMENT AND FOOD
PROCESSING PLANT INSPECTIONS

481—31.1(137F) Inspection standards for food establishments. The department adopts, with the following exceptions, the 2017 Food Code with Supplement of the Food and Drug Administration as the state's "food code," which is the inspection standard for food establishments.

31.1(1) *Unattended food establishments—assignment of responsibility.* For the purposes of section 2-101.11(C) of the 2017 Food Code with Supplement, unattended food establishments are not required to have a designated person in charge present during all hours of operation provided that the permit holder ensures the following requirements are met.

a. Unattended food establishment location. The unattended food establishment will be located in the interior of a building that is not accessible by the general public. Access to the unattended food establishment will be limited to a defined population (e.g., employees, registered guests or occupants of the building where the establishment is located).

b. Nature and source of food and beverages offered for sale.

(1) Only commercially packaged foods properly labeled for individual retail sale, pursuant to Food Code section 3-201.11(C), will be offered.

(2) No unpackaged food is permitted except as provided by section 3-302.11(B)(1) of the Food Code.

(3) Food preparation by consumers is limited to heating/reheating food in a microwave oven.

(4) No dispensing of bulk food is permitted.

c. Refrigerated display equipment. An unattended food establishment will be equipped with refrigeration or freezer units that have the following features:

(1) Self-closing doors that allow food to be viewed without opening the door to the refrigerated cooler or freezer;

(2) An automatic self-locking mechanism that prevents the consumer from accessing the food upon the occurrence of any condition that results in the failure of the refrigeration unit to maintain the internal product temperature specified under section 3-501.16(A)(2) or of the freezer unit to maintain the product as frozen.

d. Food service equipment limitations.

(1) Beverages are dispensed by individual serving only. Beverage dispensers connected to the building water supply will be properly equipped with backflow prevention pursuant to section 5-203.14 of the Food Code.

(2) Food-contact surfaces.

1. Multiuse food-contact surfaces will be cleaned on a frequency consistent with the service pursuant to section 4-202.11 of the Food Code or are easily removed and replaced with cleaned surfaces.

2. No multiuse food-contact surfaces intended for use with time/temperature control for safety foods are permitted.

e. Security.

(1) An unattended food establishment will provide continuous video surveillance of areas where consumers view, select, handle and purchase products that will provide sufficient resolution to identify situations that may compromise food safety or food defense.

1. Video surveillance recordings will be maintained and made available for inspection by a representative of a regulatory agency within 24 hours of request.

2. Video surveillance recordings will be held by the establishment for a minimum of 14 days after the date of the surveillance.

(2) The permit holder will take reasonable steps necessary to discourage individuals from returning food, beverages, or both that have not been selected for purchase.

f. Routine maintenance at an unattended food establishment.

(1) The permit holder will service the unattended food establishment at least weekly, which may include:

1. Checking food supplies and equipment for signs of product damage, tampering, or both.

2. Verifying that refrigeration equipment is operating properly, including the temperature display and self-locking mechanism.

3. Rotating foods to better ensure first in/first out of food items.

4. Cleaning food service equipment and food display areas.

5. Stocking food and disposable single-use and single-service supplies.

6. Checking inventory for recalled foods.

(2) The permit holder will ensure that:

1. Food is from an approved source.

2. Packaged food is provided in tamper-evident packaging.

3. Food is protected from potential sources of cross contamination.

4. Food is maintained at safe temperatures during transport and display.

g. Unattended food establishment oversight. Each unattended food establishment will have a sign readily visible at the automated payment station stating the name, mailing address, telephone number, email address and web information, if any, of the business entity responsible for the establishment and to whom complaints and comments should be addressed.

h. Designation of responsibilities. The permit holder bears all responsibilities for the operation of the food establishment. When the permit holder is not the owner or operator of the building where the food establishment is located, a mutual agreement that outlines the responsibilities for cleaning and maintenance of all surfaces and equipment and for provision of supportive facilities/services, such as janitorial services and restroom facilities, pest control and removal of solid waste, may be approved by the regulatory agency. This agreement should outline actions that must be taken by both parties to maintain the establishment in compliance with all requirements including responding to imminent health hazards.

i. Inspections—on-site person in charge. When requested by the regulatory authority for the purposes of conducting an inspection, the permit holder will provide an on-site person in charge within a reasonable time frame not to exceed four hours.

31.1(2) *Certified food protection manager requirements, exceptions, and time frames for compliance.*

a. For the purposes of section 2-102.12(A) of the 2017 Food Code with Supplement, the food establishment may employ a single certified food protection manager who is not present at the food establishment during all hours of operation, as long as the following requirements are met:

(1) The individual who is a certified food protection manager has supervisory and management responsibility and the authority to direct and control food preparation and service at the food establishment;

(2) The person in charge demonstrates knowledge as prescribed in section 2-102.11 of the 2017 Food Code with Supplement;

(3) The person in charge demonstrates active managerial control of food safety by complying with section 2-103.11 of the 2017 Food Code with Supplement.

b. A food establishment that, upon inspection, is found to be in violation of section 2-102.11 or 2-103.11 of the 2017 Food Code with Supplement will have six months to ensure that any individual designated as the person in charge is a certified food protection manager.

c. For the purposes of section 2-102.12(B), the following food establishments are not required to employ a certified food protection manager:

(1) Temporary or farmers market food establishments.

(2) Food establishments at which food is not prepared, where customers may purchase beverages and where the service of food is limited to the service of ice, beverages, prepackaged snack foods, popcorn or peanuts and to the reheating of commercially prepared foods for immediate service that do not require assembly, such as frozen pizza or prepackaged sandwiches.

(3) Food establishments at which food is not prepared, where customers may purchase only commercially prepared non-time/temperature control for safety foods that are dispensed either unpackaged or packaged and that are intended for off-premises consumption.

d. Time frames for compliance with section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)*"a"* and *"b,"* are as follows:

(1) Newly licensed facilities will comply with section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)*"a"* and *"b,"* within six months of licensure.

(2) If an individual meeting the requirement of paragraph 31.1(2)*"a"* leaves employment, the establishment will comply with section 2-102.12 of the 2017 Food Code with Supplement, as amended by paragraphs 31.1(2)*"a"* and *"b,"* within six months of the individual's departure.

31.1(3) *Honey prepared in a residence.* Section 3-201.11 is amended to allow honey that is stored; prepared, including by placement in a container; or labeled at or distributed from the premises of a residence to be sold in a food establishment.

31.1(4) *Homemade food items prepared in a licensed home food processing establishment.* Section 3-201.11 is amended to allow homemade food items that are eligible for resale and are prepared, packaged, and labeled pursuant to 481—Chapter 34 to be offered for human consumption in a food establishment.

31.1(5) *Wild-harvested mushrooms.* Section 3-201.16, paragraph (A), is amended by adding the following:

"A food establishment or farmers market time/temperature control for safety food licensee may sell or serve wild-harvested mushrooms provided:

"a. All wild-harvested mushrooms sold or served are varieties classified as one of the following:

Common name	Scientific name
Morel	*Morchella* spp. (*M. americana, M. angusticeps, M. punctipes*)
Oyster	*Pleurotus citrinopileatus, Pleurotus ostreatus, Pleurotus populinus,* or *Pleurotus pulmonarious*
Chicken of the woods	*Laetiporus (L. cincinnatus, L. sulphureus*)
Hen of the woods	*Grifola frondosa*
Chanterelle	*Cantharellus cibarius* group
Bear's head tooth, Lion's mane	*Hericium* spp. *(H. erinaceus, H. americanum)*
Pheasant back	*Polyporus squamosus*

Black trumpet	*Craterellus cornucopoides*

"b. All wild-harvested mushrooms sold or served in a food establishment must be obtained from sources where each mushroom is individually inspected and found to be safe by a certified wild-harvested mushroom identification expert.

"c. All wild-harvested mushroom species sold or served in a food establishment must have a written buyer specification. The buyer shall retain the written buyer specification for 90 days from the date of sale or service that must include:

"1. Identification of each mushroom species by the scientific and common name;

"2. Date of purchase;

"3. Quantity by weight of each species received;

"4. A statement indicating that each mushroom was identified in its fresh state and was not mixed or in contact with other mushroom species;

"5. The name, address, and telephone number of the certified wild-harvested mushroom identification expert;

"6. A copy of the certified wild-harvested mushroom identification expert's certificate of successful completion of the program, including the date of completion.

"d. A consumer advisory shall inform consumers by brochures, deli case, menu advisories, label statements, table tents, placards, or other effective written means that 'wild-harvested mushrooms should be thoroughly cooked and may cause allergic reactions or other effects.'

"e. This section does not apply to cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant."

31.1(6) *Field-dressed wild game prohibition.* Subparagraph 3-201.17(A)(4) is amended to state that field-dressed wild game shall not be permitted in food establishments unless:

a. The food establishment is also licensed and inspected by the Iowa department of agriculture and land stewardship (IDALS) meat and poultry inspection bureau pursuant to Iowa Code chapter 189A;

b. All field-dressed wild game is adequately separated from food, equipment, utensils, clean linens, and single-service and single-use articles;

c. Any equipment used in the processing of field-dressed wild game is adequately cleaned and sanitized before use with other foods.

31.1(7) *Reduced oxygen packaging in meat and poultry processing plants.* Meat and poultry processing plants that are licensed and inspected by the IDALS meat and poultry inspection bureau pursuant to Iowa Code chapter 189A and that are also licensed as a food establishment are exempt from section 3-502.11, paragraphs (A), (B), (D) and (F), and section 3-502.12 if these criteria are met:

a. Each food product formulation has been approved by the IDALS meat and poultry inspection bureau;

b. A copy of the approved formulation (T40/45) is maintained on file at the establishment and made available to the regulatory authority upon request;

c. Cooked products that do not include a curing agent or an antimicrobial agent that will control *Clostridium botulinum* and *Listeria monocytogenes* that are in a reduced oxygen package are stored and sold frozen and are labeled "Keep Frozen";

d. The food products are properly labeled.

31.1(8) *Warewashing sinks in establishments serving alcoholic beverages.* Section 4-301.12 is amended by adding the following: "When alcoholic beverages are served in a food service establishment, a sink with at least three compartments shall be used in the bar area for manual washing, rinsing and sanitizing of bar utensils and glasses. When food is served in a bar, a separate three-compartment sink for washing, rinsing and sanitizing food-related dishes shall be used in the kitchen area, unless a dishwasher is used to wash utensils."

31.1(9) *Prohibiting animals.* Section 6-501.115, paragraph (B), is amended by adding the following:

"(6) Pet dogs may be allowed on exterior premises of a food establishment, including outdoor patio and outdoor dining areas, provided the food establishment meets these requirements:

"a. A separate entrance is present so that pet dogs do not enter the food establishment to access the outdoor area;

"b. No food preparation is allowed in the outdoor area, including mixing or dispensing drinks and ice;

"c. Customer multiservice or reusable utensils such as plates, silverware, glasses, and bowls are not stored, displayed, or preset in the outdoor area;

"d. Food or water provided to pet dogs shall be in single-use disposable containers provided by the food establishment or a container provided by the pet owner that is filled without any contact between the container and any dispensing item of the food establishment;

"e. Employees are prohibited from direct contact with pet dogs while on duty;

"f. The outdoor area is maintained clean;

"g. In cases where excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited, an employee shall immediately ensure the area is cleaned and sanitized;

"h. The outdoor area shall not be fully enclosed (an enclosed area is considered part of the interior of the facility);

"i. Disruptive pet dogs must be controlled or removed from the premises;

"j. Rules governing pet dogs shall be posted at each entrance of the food establishment and shall contain the following:

"i. Pet dogs shall be leashed at all times;

"ii. Pet dogs shall not enter any interior area of the food establishment at any time;

"iii. Pet dogs must be controlled at all times by the dog's owner or designee;

"iv. Pet dogs are not permitted on chairs, tables, benches or seats;

"v. Pet dog owners must immediately notify the food establishment's staff in the event that excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited.

"(7) Pet dogs may be allowed on the interior premises of a food establishment that only stores, sells, distributes, or otherwise handles packaged food under these conditions:

"a. The food establishment is maintained clean;

"b. In cases where excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited, an employee shall immediately ensure the area is cleaned and sanitized;

"c. Disruptive pet dogs must be controlled or removed from the premises;

"d. Rules governing pet dogs shall be displayed at or near the entrances of the food establishment and shall, at a minimum, contain the following:

"i. Pet dogs shall be leashed at all times;

"ii. Pet dogs must be controlled at all times by the dog's owner or designee;

"iii. Pet dogs are not permitted on chairs, tables, benches, seats or in shopping carts;

"iv. Pet dog owners must immediately notify the food establishment's staff in the event that excrement or bodily fluids (urine, saliva, vomit, or the like) are deposited."

31.1(10) *Inspection standards for elder group homes.* Elder group homes as defined by Iowa Code section 231B.1 will be inspected by the department, but chapters 4 and 6 of the Food Code will not apply. Elder group homes will pay the lowest license fee set forth in 481—subrule 30.4(2).

31.1(11) *Nonprofit exception for temporary events.* Nonprofit organizations that are licensed as temporary food establishments may serve non-time/temperature control for safety food from an unapproved source for the duration of the event but cannot serve home-canned pickles, vegetables, or fruits produced in accordance with Iowa Code chapter 137F.

31.1(12) *Variance approval by department and submission of hazard analysis and critical control point (HACCP) plans.* Any variances or HACCP plans that require approval by the "regulatory authority" must be approved by the department. HACCP plans pursuant to paragraphs 3-502.12(B) and 8-201.13(B) shall be filed with the department prior to implementation, regardless of whether or not the plan requires approval.

481—31.2(137F) Inspection standards for food processing plants. The following are the inspection standards for food processing plants including food storage facilities.

31.2(1) *Definitions.* For the purposes of this rule, the definitions of "food," "label," "labeling," and "dietary supplement" are as defined in 21 U.S.C. Section 321.

31.2(2) *Prohibited acts.* The prohibited acts identified in 21 U.S.C. Section 331(a) to (f), (k), and (v) are prohibited acts in Iowa.

31.2(3) *Stop sale.* Any article of food that is adulterated or misbranded when introduced into commerce may be embargoed until such a time as the adulteration or misbranding is remedied or the product is destroyed. The action is immediate, but the licensee may appeal the decision following the process outlined in rule 481—30.11(10A,137C,137F).

31.2(4) *Standards for food.* If a standard that has been adopted for a food is adopted pursuant to 21 U.S.C. Section 341, the standard shall be met.

31.2(5) *Misbranded food.* A food is misbranded if it is found in violation of 21 U.S.C. Section 343.

31.2(6) *New dietary ingredients.* New dietary ingredients shall comply with the process in 21 U.S.C. Section 350(b) or will be deemed adulterated.

31.2(7) *Records.* Records shall be made available as required under 21 U.S.C. Section 373 for all interstate and intrastate food.

31.2(8) *Adoption of Code of Federal Regulations.* The following parts of the Code of Federal Regulations are adopted:

a. 21 CFR Part 1, Sections 1.20 to 1.24 and Subpart O, Sections 1.900 to 1.934 (labeling).

b. 21 CFR Part 7, Sections 7.1 to 7.13 and 7.40 to 7.59 (guaranty and recalls).

c. 21 CFR Part 70, Sections 70.20 to 70.25 (labeling requirements for colors).

d. 21 CFR Part 73, Sections 73.1 to 73.615 (color additives exempt from certification).

e. 21 CFR Part 74.101 to 74.706 (listing of color additives subject to certification).

f. 21 CFR Part 81, general specifications and general restrictions for provisional color additives for use in foods, drugs, and cosmetics.

g. 21 CFR Part 82, Sections 82.3 to 82.706 (certified provisionally listed colors and specifications).

h. 21 CFR Part 100, Section 100.155 (specific provisions for salt and iodized salt).

i. 21 CFR Part 101, except Sections 101.69 and 101.108 (food labeling).

j. 21 CFR Part 102, except Section 102.19 (common or usual name for nonstandard food).

k. 21 CFR Part 104, nutritional quality guidelines for foods.

l. 21 CFR Part 105, food for special dietary use.

m. 21 CFR Part 106, except Section 106.120 (infant formula quality control procedures).

n. 21 CFR Part 107, except Sections 107.200 to 107.280 (infant formula labeling).

o. 21 CFR Part 108, Sections 108.25 to 108.35 (exceptions for when a permit is not required, acidified and thermal processing of low-acid foods packaged in hermetically sealed containers).

p. 21 CFR Part 109, unavoidable contaminants in food for human consumption and food-packaging material.

q. 21 CFR Part 110, current good manufacturing practice in manufacturing, packing or holding human food.

r. 21 CFR Part 111, current good manufacturing practice in manufacturing, packaging, labeling, or holding operations for dietary supplements.

s. 21 CFR Part 113, thermally processed low-acid food packaged in hermetically sealed containers.

t. 21 CFR Part 114, acidified foods.

u. 21 CFR Part 115, shell eggs.

v. 21 CFR Part 117, current good manufacturing practice and hazard analysis and risk-based preventive controls for human food shall apply, with the exception that warehousing operations

located on the premises of residences that store unexposed, packaged frozen food for sale directly to a consumer customer or at a farmers market shall comply with subpart B of 21 CFR 117.

w. 21 CFR Part 118, production, storage and transportation of shell eggs.

x. 21 CFR Part 120, hazard analysis and critical control point (HACCP) systems (juice).

y. 21 CFR Part 123, fish and fisheries products (seafood).

z. 21 CFR Part 129, processing and bottling of bottled drinking water.

aa. 21 CFR Part 130, except Sections 130.5, 130.6 and 130.17, food standards: general.

ab. 21 CFR Part 131, milk and cream.

ac. 21 CFR Part 133, cheeses and related cheese products.

ad. 21 CFR Part 135, frozen desserts.

ae. 21 CFR Part 136, bakery products.

af. 21 CFR Part 137, cereal flours and related products.

ag. 21 CFR Part 139, macaroni and noodle products.

ah. 21 CFR Part 145, canned fruits.

ai. 21 CFR Part 146, canned fruit juices.

aj. 21 CFR Part 150, fruit butters, jellies, preserves, and related products.

ak. 21 CFR Part 152, fruit pies.

al. 21 CFR Part 155, canned vegetables.

am. 21 CFR Part 156, vegetable juices.

an. 21 CFR Part 158, frozen vegetables.

ao. 21 CFR Part 160, egg and egg products.

ap. 21 CFR Part 161, fish and shellfish.

aq. 21 CFR Part 163, cacao products.

ar. 21 CFR Part 164, tree nut and peanut products.

as. 21 CFR Part 165, beverages.

at. 21 CFR Part 166, margarine.

au. 21 CFR Part 168, sweeteners and table syrups.

av. 21 CFR Part 169, food dressings and flavorings.

aw. 21 CFR Part 170, except Sections 170.6, 170.15, and 170.17, food additives.

ax. 21 CFR Part 172, food additives permitted for direct addition to food for human consumption.

ay. 21 CFR Part 173, secondary direct food additives permitted in food for human consumption.

az. 21 CFR Part 174, indirect food additives: general.

ba. 21 CFR Part 175, indirect food additives: adhesives and components of coatings.

bb. 21 CFR Part 176, indirect food additives: paper and paperboard components.

bc. 21 CFR Part 177, indirect food additives: polymers.

bd. 21 CFR Part 178, indirect food additives: adjuvants, production aids, and sanitizers.

be. 21 CFR Part 180, food additives permitted in food or in contact with food on an interim basis pending additional study.

bf. 21 CFR Part 181, prior-sanctioned food ingredients.

bg. 21 CFR Part 182, substances generally recognized as safe.

bh. 21 CFR Part 184, direct food substances affirmed as generally recognized as safe.

bi. 21 CFR Part 186, indirect food substances affirmed as generally recognized as safe.

bj. 21 CFR Part 189, substances prohibited from use in human food.

bk. 21 CFR Part 190, dietary supplements.

31.2(9) *Egg products processing plants.* The department will use the good manufacturing practices adopted in paragraph 31.2(8)*"b,"* unless such practices are inconsistent with standards set by the United States Department of Agriculture, Food Safety and Inspection Service, in 9 CFR Parts 590-592. If the standards are inconsistent, the standards adopted in 9 CFR Parts 590-592 apply.

31.2(10) *References.* All references to federal statutes and regulations in this rule are to those versions in effect on [effective date of the rulemaking].

481—31.3(137F) Adulterated food and disposal. No one may produce, distribute, offer for sale or sell adulterated food. "Adulterated" is defined in the federal Food, Drug, and Cosmetic Act, Section 402, as amended to [effective date of the rulemaking]. Adulterated food shall be disposed of in a reasonable manner as determined by the department. The destruction of adulterated food may be watched by a person approved by the department.

481—31.4(137F) False label or defacement. Labels required by Iowa Code chapter 137F and this chapter shall be legibly printed and not be deceptive as to the true nature of the article or place of production.

481—31.5(137F) Temporary food establishments and farmers market time/temperature control for safety food licensees. While the retail food code adopted in rule 481—31.1(137F) applies to temporary food establishments, the following subrules provide a simplified version of requirements for temporary food establishments. If the two rules are inconsistent, the standards in this rule apply.

31.5(1) *Personnel.* For the purposes of this rule, employees include volunteers.

a. Employees will keep their hands and exposed portions of their arms clean.

b. Employees will have clean garments and aprons and effective hair restraints. Smoking, eating or drinking in food booths is not allowed. All nonworking, unauthorized persons are to be kept out of the food booth.

c. All employees will be under the direction of the person in charge, who will ensure that the workers are effectively cleaning their hands; that time/temperature control for safety food is adequately cooked, held or cooled; and that all multiuse equipment or utensils are adequately washed, rinsed and sanitized.

d. Employees will not work at a temporary food establishment or farmers market time/temperature control for safety food establishment if they have open cuts, sores or communicable diseases. The person in charge will take appropriate action to ensure that employees and volunteers who have a disease or medical condition transmissible by food are excluded from the food operation.

e. Every employee will sign a logbook with the employee's name, address, and telephone number or email address and the date and hours worked. The logbook will be maintained for 30 days by the person in charge and made available to the department upon request.

31.5(2) *Food handling and service.*

a. Dry storage. All food, equipment, utensils and single-service items will be stored off the ground and above the floor on pallets, tables or shelving.

b. Cold storage. Refrigeration units will be provided to keep time/temperature control for safety foods at 41°F or below. The inspector may approve an effectively insulated, hard-sided container with sufficient coolant for storage of time/temperature control for safety food at events of short duration if the container maintains food temperatures at 41°F or below.

c. Hot storage. Hot food storage units will be used to keep time/temperature control for safety food at 135°F or above. Electrical equipment is required for hot holding, unless the use of propane stoves and grills capable of holding the temperature at 135°F or above is approved by the department. Sterno cans are allowed for hot holding if adequate temperatures can be maintained. Steam tables or other hot holding devices are not allowed to heat foods and are to be used only for hot holding after foods have been adequately cooked or heated.

d. Cooking temperatures. As specified in the following chart, the minimum cooking temperatures for food products are:

165°F	• Poultry and game animals that are not commercially raised • Products stuffed or in a stuffing that contains fish, meat, pasta, poultry or ratite • All products cooked in a microwave oven
155°F	• Rabbits, ratite and game meats that are commercially raised • Ground or comminuted (such as hamburgers) meat/fish products

	• Raw shell eggs not prepared for immediate consumption
145°F	• Pork and raw shell eggs prepared for immediate consumption • Fish and other meat products not requiring a 155°F or 165°F cooking temperature as listed above

e. Consumer advisory requirement. If raw or undercooked animal food such as beef, eggs, fish, lamb, poultry or shellfish is offered in ready-to-eat form, the license holder (person in charge) will post the consumer advisory as required by the food code.

f. Thermometers. Each refrigeration unit will have a numerically scaled thermometer to measure the air temperature of the unit accurately. An appropriate thermometer will be provided where necessary to check the internal temperature of both hot and cold food. Thermometers must be accurate and have a range from 0°F to 220°F.

g. Food display. Foods on display will be covered. The public is not allowed to serve itself from opened containers of food or uncovered food items. Condiments such as ketchup, mustard, coffee creamer and sugar will be served in individual packets or from squeeze containers or pump bottles. Milk will be dispensed from the original container or from an approved dispenser. All fruits and vegetables will be washed before being used or sold. Food will be stored at least six inches off the ground. All cooking and serving areas will be adequately protected from contamination. Barbeque areas will be roped off or otherwise protected from the public. All food will be protected from customer handling, coughing or sneezing by wrapping, sneeze guards or other effective means.

h. Food preparation. Unless otherwise approved by a variance from the department, no bare-hand contact of ready-to-eat food will occur.

i. Approved food source. All food supplies will come from a commercial manufacturer or an approved source. The use of food in hermetically sealed containers that is not prepared in an approved food processing plant or home food processing establishment is prohibited. Transport vehicles used to supply food products are subject to inspection and will protect food from physical, chemical and microbial contamination. Cottage foods may be offered for sale in a temporary food establishment if the temporary food establishment is operated by the cottage food producer and the cottage food is offered for sale in a packaged form and labeled pursuant to rule 481—30.13(10A,137F).

j. Leftovers. Hot-held foods that are not used by the end of the day will be discarded.

31.5(3) *Utensil storage and warewashing.*

a. Single-service utensils. The use of single-service plates, cups and tableware is required.

b. Dishwashing. An adequate means to heat the water and a minimum of three basins large enough for complete immersion of the utensils are required to wash, rinse and sanitize utensils or food-contact equipment. Alternative dishwashing methods may be used if approved in advance by the regulatory authority.

c. Sanitizers. Chlorine bleach or another approved sanitizer will be provided for warewashing sanitization and wiping cloths. An appropriate test kit will be provided to check the concentration of the sanitizer used. The person in charge will demonstrate knowledge in the determination of the correct concentration of sanitizer to be used.

d. Wiping cloths. Wiping cloths will be stored in a clean, 100 ppm chlorine sanitizing solution or equivalent. Sanitizing solution will be changed as needed to maintain the solution in a clean condition.

31.5(4) *Water.*

a. Water supply. An adequate supply of clean water will be provided from an approved source. Water storage units and hoses will be food grade and approved for use in storage of water. If not permanently attached, hoses used to convey drinking water will be clearly and indelibly identified as to their use. Water supply systems will be protected against backflow or contamination of the water supply. Backflow prevention devices, if required, will be maintained and adequate for their intended purpose.

b. Wastewater disposal. Wastewater will be disposed of in an approved wastewater disposal system sized, constructed, maintained and operated according to law.

31.5(5) *Premises.*

a. Hand-washing container. An insulated container with at least a two-gallon capacity filled with hot water and with a spigot, basin, soap and dispensed paper towels will be provided for hand washing.

b. Floors, walls and ceilings. If required, walls and ceilings will be of tight design and weather-resistant materials to protect against the elements and flying insects. If required, floors will be constructed of tight wood, asphalt, rubber or plastic matting or other cleanable material to control dust or mud.

c. Lighting. Adequate lighting shall be provided. Lights above exposed food preparation areas shall be shatter-resistant or shielded.

d. Food preparation surfaces. All food preparation or food contact surfaces shall be of a safe design, smooth, easily cleanable and durable.

e. Garbage containers. An adequate number of cleanable containers with tight-fitting covers shall be provided both inside and outside the establishment.

f. Toilet rooms. An adequate number of approved toilet and hand-washing facilities shall be provided at each event.

g. Clothing. Personal clothing and belongings shall be stored at a designated place in the establishment, adequately separated from food preparation, food service and dishwashing areas.

These rules are intended to implement Iowa Code chapter 137F.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 35
"Contractor Requirements"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 137C.7, 137D.2 and 137F.3

State or federal law(s) implemented by the rulemaking: Iowa Code sections 137C.7, 137D.2 and 137F.3 and Executive Order 10

Public Hearing

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

November 4, 2025 9 a.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

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

Public Comment

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

Amy K. Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Purpose and Summary

This proposed rulemaking repromulgates Chapter 35 and implements Iowa Code sections 137C.6, 137D.2 and 137F.3 in accordance with the goals and directives of Executive Order 10. Iowa Code section 137C.7 requires the regulatory authority to regulate, license and conduct inspections for hotels and motels and allows the Director of the Department to enter into agreements with municipal corporations to license, inspect, or otherwise enforce this chapter. Iowa Code section 137D.2 requires the Department to regulate, license and inspect home food processing establishments. Iowa Code section 137F.3 authorizes the Director to inspect food establishments and allows the Director to enter into agreements with a municipal corporation to license, inspect, or otherwise enforce the chapter.

The rulemaking implements the above Iowa Code sections by allowing the Department to enter into contracts with municipal corporations or counties to license, inspect, and enforce these Iowa Code chapters. The rulemaking sets forth contractor requirements and investigation and inspections standards.

Analysis of Impact

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

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

Counties and municipalities will bear the costs of the rulemaking by ensuring that contractors are adequate and have appropriate training and experience.

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

Consumers who purchase and consume food from Iowa food establishments, home food processing establishments, and persons who stay in hotels and motels in 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 costs incurred by the public are no different than those costs incurred to comply with licensing and inspection conducted by the Department directly. Those costs are highly variable and dependent upon the scope of each individual operation. The size of the facility and the number of staff needed to operate the facility are costs that may be influenced but not dictated by the rulemaking.

- **Qualitative description of impact:**

The rules allow for licensing and inspection by municipalities and counties but do not decrease the safety to the general public when licensing and inspection are done by the Department.

3. **Costs to the State:**

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

Costs to the Department related to implementing this chapter are those associated with the Department's statutory duties identified in Iowa Code chapters 10A and 17A and other pertinent chapters associated with programs implemented by the Department. The costs of this rulemaking are those costs that are statutorily required to implement Iowa Code chapters 137C, 137D, and 137F.

- **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 rulemaking allows the Department to enter into contracts for licensing and inspection of food establishments, home food processing establishments and hotels and motels. If the Department had to conduct all inspections and was responsible for all licensing of these establishments, the costs to the Department would increase substantially.

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

The Department is able to utilize the resources of local jurisdictions to assist with licensing and inspections. There is no less costly way 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:**

Alternatives were investigated but were not seriously considered.

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

See the answer to question five above.

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 substantial impact on small business as a result of this rulemaking.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 35 and adopt the following **new** chapter in lieu thereof:

CHAPTER 35
CONTRACTOR REQUIREMENTS

481—35.1(137C,137D,137F) Definitions. The definitions in rule 481—30.2(10A,137C,137F) and Iowa Code sections 137C.2, 137D.1 and 137F.1 are hereby incorporated by reference as part of this chapter.

481—35.2(137C,137D,137F) Contracts. A municipal corporation or county may enter into an agreement with the department to license, inspect and enforce under Iowa Code chapters 137C, 137D and 137F.

35.2(1) The department will investigate the municipal corporation or county to determine if it possesses adequate resources to fulfill the requirements of the contract.

35.2(2) A copy of the contract is available from the Department of Inspections, Appeals, and Licensing, Food and Consumer Safety Bureau, 6200 Park Avenue, Des Moines, Iowa 50321.

481—35.3(137C,137D,137F) Contractor.

35.3(1) The contractor will:

a. Furnish the personnel, materials, services and facilities necessary to perform the required functions of the contract;

b. Cooperate with the department's monitoring activities in areas under the scope of this agreement;

c. Provide 24-hour-per-day, seven-day-per-week coverage of the facilities under contract;

d. Ensure that personnel are available at all times to respond to complaints, investigations, emergencies and other situations;

e. Supply trained personnel who are prepared and have the capability to perform inspections; and

f. Provide other information as requested by the department in regard to inspections and licenses issued under the contract.

35.3(2) The contractor is not an authorized agent of the state of Iowa.

481—35.4(137C,137D,137F) Contractor inspection personnel.

35.4(1) Contractor inspection personnel will possess experience and education qualifications equal to those required for state food inspectors, including application of the food code. Municipal corporations or counties that wish to contract with the department to perform food inspections under Iowa Code chapters 137C, 137D and 137F but who do not have trained personnel to perform these services, will reimburse the department for the cost of providing the required training.

35.4(2) The salary received by contractor inspection personnel should be comparable to state inspection personnel.

35.4(3) Contractor inspection personnel will participate in state-sponsored training activities.

481—35.5(137C,137D,137F) Investigation. The contractor will investigate all alleged food-borne illnesses in areas licensed and inspected under the agreement. The contractor will notify the department immediately of the existence of any food-borne or other illness caused by, or suspected to have been caused by, unsanitary conditions existing within the jurisdiction of the contractor.

481—35.6(137C,137D,137F) Inspection standards. Inspections will be completed using forms prescribed by the department for those inspections. The contractor will follow applicable standards for inspections found in Iowa Code chapters 137C, 137D and 137F and 481—Chapters 30, 31, 34, 35, and 37. Copies of inspection standards are available from the Department of Inspections, Appeals, and Licensing, Food and Consumer Safety Bureau, 6200 Park Avenue, Des Moines, Iowa 50321.

481—35.7(137C,137D,137F) Enforcement. The contractor will enforce state laws and rules, including regulations adopted by reference. These regulations are the legal basis of authority in licensing and inspection of establishments under this contract.

481—35.8(137C,137D,137F) Licensing. The contractor will issue licenses and collect license fees.

481—35.9(137C,137D,137F) Records. The contractor will maintain records of all inspections, license applications and fees for a minimum of three years and provide the records to the department upon its request.

481—35.10(137C,137D,137F) Contract rescinded. If the department determines that Iowa Code chapters 137C, 137D and 137F are not being enforced by the contractor, the department may rescind the agreement. Notification will be provided to the contractor at least 30 days in advance of the action. The contractor has the right to request a hearing with the department to contest the action.

These rules are intended to implement Iowa Code chapters 137C, 137D and 137F.

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 37
"Hotel and Motel Inspections"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 137C.6

State or federal law(s) implemented by the rulemaking: Iowa Code section 137C.6 and Executive Order 10

Public Hearing

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

November 4, 2025 9 a.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

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

Public Comment

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

Amy K. Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Purpose and Summary

The proposed rulemaking repromulgates Chapter 37 and implements Iowa Code chapter 137C in accordance with the goals and directives of Executive Order 10. Iowa Code section 137C.6 gives the Director of the Department the authority to regulate, license and inspect hotels and enforce the Iowa hotel sanitation code in Iowa.

The proposed rulemaking implements the aforementioned Iowa Code chapter by setting out criteria for safe and sanitary hotels and motels, as well as setting forth the enforcement mechanisms for the Iowa Code chapter and these rules.

Analysis of Impact

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

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

Hotel and motel owners and managers will bear the costs of the proposed rulemaking. However, those costs are necessary to ensure safe and sanitary conditions.

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

Consumers who rent rooms and stay in hotels located in Iowa will benefit from the rulemaking. Motel and hotel license holders will benefit from clear and effective administrative procedures.

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 costs incurred by the public as a direct result of the rulemaking are highly variable and dependent upon the scope of each individual operation. The size of the facility and the number of staff needed to operate the facility are costs that may be influenced but not dictated by the rulemaking. For example, the more space and equipment a facility has, the more labor it will take to maintain sanitation standards.

- **Qualitative description of impact:**

Most of the requirements established by the rulemaking are focused on maintaining buildings and grounds, as well as effective cleaning and sanitizing processes and temperatures that protect public health.

3. **Costs to the State:**

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

481—Chapters 30, 31 and 37 are heavily integrated, and costs to implement and enforce these rules cannot be separated by chapter or individual rule. 481—Chapter 30 establishes definitions and administrative processes for food establishments, food processing plants and hotels. 481—Chapters 31 and 37 establish inspection standards for food establishments, food processing plants, hotels and motels. The combined cost to implement and enforce these rules is as follows:

The licenses issued under these rules account for 98.346 percent of the Food and Consumer Safety Bureau's licensed establishment inventory and consumes an equivalent percentage of the budget. This equals an annual cost of $5.52 million to implement and enforce these chapters. The Department assumes similar costs based on specific inventories of food establishment and hotels for local health departments that regulate and enforce these rules under a 28E agreement with the Department.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues from this rulemaking.

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

481—Chapters 30, 31 and 37 are heavily integrated, and benefits of these rules cannot be separated by chapter or individual rule. 481—Chapter 30 establishes definitions and administrative processes for food establishments, food processing plants and hotels. 481—Chapters 31 and 37 establish inspection standards for food establishments, food processing plants and hotels. The combined cost/benefit analysis for these rules is as follows:

The costs justify the benefit achieved. The benefits of conducting food safety and lodging inspections is prevention of illness and consumer protection. Preventing an illness is difficult to demonstrate, but the Department can show the number of interventions the Food and Consumer Safety Bureau has taken to reduce public health risks. During FY 2023, the Food and Consumer Safety Bureau:

- Conducted over 10,800 inspections,
- Identified over 18,000 code violations at 6,605 different facilities,
- Completed nearly 2,500 inspections to follow up on critical or significant violations that were not corrected during the initial inspection, and
- Identified and resolved 60 imminent health hazards by issuing four immediate suspension orders and gaining voluntary suspension of operations on 56 occasions where conditions presented an imminent health hazard. Once an imminent health hazard is mitigated, operations are approved to resume.

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

Adopting uniform standards that are easily communicated, universally understood, suited for Iowa, and efficiently and consistently implemented and enforced is the least costly and least intrusive method of achieving the purpose.

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

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

Alternatives were investigated but were not seriously considered. This rulemaking sets forth standards for hotels and motels that ensure safe and sanitary conditions.

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

The Department has consistently engaged in a collaborative way with industry members to identify the least restrictive alternatives with equal benefit when setting out specific provisions. If a provision, as adopted, is too restrictive for a specific operation, the business can pursue a waiver for that provision.

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 food and lodging industry in Iowa is extremely diverse. While some food and lodging operations are small independent businesses, others are large multinational companies. This rulemaking implements Iowa Code chapters 137C and 137F in a simple and effective manner for both small and large businesses. The rulemaking clearly defines terms and sets simple administrative processes for licensing, assessing penalties, refunds, license renewals, enforcement, appeals, and posting of inspections and licenses. One of the most impactful methods this rulemaking employs to reduce impact on small businesses is the establishment of a minimum inspection frequency that is less frequent than any neighboring state and quite possibly less frequent than any other state in the continental U.S.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37
HOTEL AND MOTEL INSPECTIONS

481—37.1(137C) Building and grounds. Owners or managers are expected to keep hotels clean, meaning no litter nor accumulation of refuse anywhere on the premises. The floors, walls, and ceilings shall be kept clean and in good repair.

37.1(1) Screens, self-closing doors or other effective methods shall be used to keep flies, mosquitoes and other pests out of hotel lobbies, kitchens or any other indoor area.

37.1(2) All garbage must be kept in metal or plastic containers with tight-fitting lids and removed regularly to avoid offensive odors, a problem with insects or rodents, or health or fire hazards.

37.1(3) Any room or article that becomes infested with insects or vermin shall be cleaned or chemically treated until there are no more insects or vermin.

481—37.2(137C) Guest rooms. Hotels built or extensively remodeled, as determined by the department, shall provide ventilation in guest rooms with windows or mechanical devices. The furniture, drapes and accessories shall be kept clean and in good repair.

481—37.3(137C) Bedding. All materials used on a bed or any sleeping place shall be kept clean and in good repair.

37.3(1) There shall be an under sheet and top sheet that are large enough to cover the mattress for every bed. Pillows shall have pillow slips.

37.3(2) Each guest shall be furnished clean sheets and pillow slips.

37.3(3) All other bedding shall be aired between guests and kept clean.

481—37.4(137C) Lavatory facilities. Hotels built or remodeled shall have lavatory facilities in each guest room, except for bed and breakfast inns.

37.4(1) Each guest room shall be equipped with hot and cold running water fixtures. The floors shall be nonabsorbent and impermeable so they can be washed with water.

37.4(2) Lavatory rooms shall be well-lighted and vented to the outside of the building, which may be done with electric units.

37.4(3) Each guest shall have a clean towel each day.

37.4(4) Bed and breakfast inns shall provide at least one restroom that is available to overnight guests that is equipped as provided in subrules 37.4(1) through 37.4(3).

481—37.5(137C) Glasses and ice.

37.5(1) Each guest shall have clean glasses to use. All cups, glasses or utensils usable more than once shall be sanitized by:

a. A sanitizing solution used in accordance with the manufacturer's use instructions; or

b. A mechanical dishwasher that sanitizes and is operated in accordance with the manufacturer's instructions.

37.5(2) Sanitizing temperature or solution concentration measuring devices are readily available to frequently measure sanitizing temperatures and sanitizing solution concentrations.

37.5(3) Ice kept for guests to use shall be protected from contamination with tight lids on ice machines or storage bins. Containers used to store ice shall be continuously drained and have no direct waste connection. Ice containers and utensils shall be designed so that the surfaces are made of a material that is safe for use as a food contact surface and so that the surface can be adequately cleaned.

481—37.6 Reserved.

481—37.7(137C) Room rates. Room rates will be posted in accordance with Iowa Code chapter 137C.

481—37.8(137C) Inspections. Hotels will be inspected in accordance with Iowa Code chapter 137C.

481—37.9(137C) Enforcement. Violation of these rules or any provision of Iowa Code chapter 137C is a simple misdemeanor. The department may employ various remedies if violations are discovered, including suspension or revocation of licenses (Iowa Code section 137C.10) or injunction (Iowa Code section 137C.29).

481—37.10(137C) Criminal offense—conviction of license holder.

37.10(1) The department may suspend or revoke the license of a license holder who conducts an activity constituting a criminal offense as set forth in Iowa Code section 137C.10(3).

37.10(2) A certified copy of the final order or judgment of conviction or plea of guilty is conclusive evidence of the conviction of the license holder.

These rules are intended to implement Iowa Code chapter 137C.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 66
"Boarding Homes"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135O.2

State or federal law(s) implemented by the rulemaking: Iowa Code section 135O.2 and Executive Order 10

Public Hearing

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

November 4, 2025 1:30 p.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

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

Public Comment

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

Amy K. Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50322
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Purpose and Summary

This proposed rulemaking repromulgates Chapter 66 and implements Iowa Code section 135O.2 in accordance with the objectives of Executive Order 10. Iowa Code section 135O.2 requires the Department to adopt rules to administer Iowa Code chapter 135O in consultation with the Department of Health and Human Services and the Department of Public Safety.

This proposed rulemaking implements Iowa Code section 135O.2 by setting forth a registration process for boarding homes, as well as occupancy report requirements. The proposed rulemaking also lays out the process regarding complaints and investigations, as well as criteria for determining a penalty. The rules were provided to personnel from the Department of Health and Human Services and the Department of Public Safety for input.

Analysis of Impact

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

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

Owners and operators of boarding homes will bear the costs of the proposed rulemaking.

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

The residents of boarding homes will benefit from the rulemaking by receiving adequate and safe care.

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:**

Boarding homes will bear the costs associated with registering the boarding home and providing an occupancy report to the Department. Those costs are presumed to be minimal.

- **Qualitative description of impact:**

The quantitative impact of the rulemaking will be felt by the residents of the boarding homes, who will be in a safe environment and receiving good care. The family members of the residents will have peace of mind knowing their loved ones are in a safe home and receiving necessary care.

3. **Costs to the State:**

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

The costs to the agency are those that are statutorily required to enforce the rules. The yearly budget for health facilities is approximately $16,020,287. There are 112 boarding homes in the State of Iowa in Fiscal Year 2025. There are no full-time employees solely dedicated to the enforcement of Chapter 66. There were no licensing fees collected, nor were there any fines assessed.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues from the proposed rulemaking.

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

The miniscule costs to boarding homes to comply with the proposed rulemaking are justified by the benefit of providing safe homes and essential care to individuals living in those homes.

Boarding houses provide housing for persons who need supervision or assistance with activities of daily living. The purpose of Iowa Code chapter 135O and these rules is to ensure that those persons receive safe and adequate care and housing. The costs of the rulemaking are directly associated with the Department's general functions, and this rulemaking does not add to the costs of the Department or public in excess of its general function costs.

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

Making these rules any less restrictive would undermine the purpose of Iowa Code chapter 135O, which is to ensure safe and adequate care and housing for persons residing in boarding houses.

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

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

See the response to question five above.

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

See the response to question five above.

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?

Boarding homes come in different sizes. The need to protect the residents of those homes is the same no matter the size of the facility. Iowa Code chapter 135O does not allow for exemptions or different standards for small organizations. The necessity for consistency and fairness is the same whether the facility is small or large. If a small organization identifies a portion of the rulemaking that is overly burdensome and the goals of which can be accomplished in a manner that would reduce the impact of the rulemaking to the organization, the Department's established waiver process could be utilized.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 66 and adopt the following **new** chapter in lieu thereof:

CHAPTER 66
BOARDING HOMES

481—66.1(135O) Definitions.

"Activities of daily living" means the following self-care tasks: bathing, dressing, grooming, eating, transferring, toileting, and ambulation.

"Affiliated person or entity" means an individual operating as a sole proprietorship who is related within the third degree of consanguinity to the boarding home owner or lessee; or a business entity with common ownership or with 25 percent or more ownership by the boarding home owner or lessee.

"Assistance" means aid or help.

"Assistance with activities of daily living" does not mean routine, total dependence on staff for the performance of activities of daily living or nursing care.

"Boarding home" means the same as defined in Iowa Code section 135O.1(1).

"Commencing operations" means the date on which a premises becomes a boarding home by renting to a third individual who meets the requirements pursuant to the definition of "boarding home."

"Department" means the department of inspections, appeals, and licensing.

"Director" means the director of the department of inspections, appeals, and licensing.

"Known" means information that an owner, a lessee, or a manager possesses without seeking additional information from tenants.

"Lessee" means a person who leases the boarding home from its owner.

"Premises" means the same as defined in Iowa Code section 562A.6(7).

"Preponderance of the evidence" means that the evidence, considered and compared with the evidence opposed to it, produces the belief in a reasonable mind that the allegations are more likely true than not true. A "preponderance of the evidence" standard does not require that the investigator personally witnessed the alleged violation.

"Probable cause" means a reasonable suspicion to believe that a boarding home is in violation of Iowa Code chapter 135O or licensing or other regulatory requirements of the department of health and human services or department of inspections, appeals, and licensing; or that dependent adult abuse of any individual living in the boarding home has occurred or is occurring.

"Responsible party" means the individual designated on the registration of a boarding home as the department's primary contact.

"Room" means an apartment, group of rooms, or single room that is occupied as a separate living quarter or, if vacant, that is intended for occupancy as a separate living quarter, in which a tenant can live and sleep separately from any other persons in the building and that has direct access from the outside of the building or through a common hall.

"Supervision" means oversight necessary to prevent accidents or ensure the health, safety, and welfare of the tenant.

"Third degree of consanguinity" means the following relatives of the owner or lessee: spouse, children, parents, siblings or half-siblings, grandchildren, grandparents, uncles, aunts, nephews, nieces, great-grandparents, and great-grandchildren.

481—66.2(135O) Registration of boarding homes.

66.2(1) A boarding home shall complete and submit the boarding home registration form located on the department's website within 60 days of commencing operations.

66.2(2) The registration form may be submitted electronically via the department's website or by mail to the Department of Inspections, Appeals, and Licensing, Health Facilities Division, 6200 Park Avenue, Des Moines, Iowa 50321.

66.2(3) The registrant shall include the following:

a. Name(s) of the owner, lessee and manager;

b. Number of rooms available for rent and maximum number of tenants for the entire boarding home;

c. Location of the boarding home, including street address, city and ZIP code;

d. Telephone number, mailing address and email address for the owner, lessee and manager;

e. Occupant loads as calculated in accordance with the building and fire codes as adopted by the applicable jurisdictions;

f. Whether the building is equipped with a fire sprinkler system;

g. Whether the building is equipped with a centralized kitchen in which meals are prepared;

h. Name of the responsible party to whom the department will send all notices regarding the boarding home.

66.2(4) The boarding home shall notify the department as provided in subrule 66.2(2) of any changes to the information on the initial statement of registration within 30 days of when the change occurs, including cessation of operation.

481—66.3(135O) Occupancy reports.

66.3(1) Each boarding home shall update its boarding home registration form with the department annually between January 1 and January 31 as provided in subrule 66.2(2).

66.3(2) The owner or lessee shall include the following information on the occupancy report. If the owner or lessee is unable to answer the question because the owner or lessee does not have such information, the owner or lessee shall indicate such on the report.

a. Current number of rooms occupied;

b. Current number of tenants residing in the boarding home;

c. Date of last fire inspection and any deficiencies noted and how such deficiencies have been corrected;

d. The number of tenants receiving Medicaid;

e. The number of tenants receiving food assistance benefits (EBT cards);

f. The number of tenants receiving other types of state assistance and the types of state assistance received;

g. Types of services provided or arranged by the owner, lessee, manager or an affiliated person or entity; frequency of services by type; and the name and contact information of the person or entity providing or arranging such services;

h. Any assistance or supervision provided to tenants by the owner, lessee or manager;

i. Method of rent payments, such as cash, check, or state assistance;

j. The number of tenants with a power of attorney, guardian or conservator.

481—66.4(135O) Complaints and investigations.

66.4(1) *Complaints.*

a. Any person with a concern regarding the operation of a boarding home may file a complaint with the department in writing, by use of the complaint hotline at 1.877.686.0027 or through the department's website at dial.iowa.gov.

b. When the nature of the complaint is outside the department's authority, the department will forward the complaint to the appropriate investigatory entity.

c. If other state agencies receive a complaint that relates to boarding homes, the agencies will forward the complaint to the department.

d. The department will act on anonymous complaints unless the department determines that the complaint is intended to harass the boarding home or is without a reasonable basis.

66.4(2) *Content of complaint reports.* The complaint will include as much of the following information as possible: the complainant's name, address and telephone number; the complainant's relationship to the boarding home and tenant; and the reason for the complaint.

66.4(3) *Initiation of investigations and time frames for investigation of complaints.* If the department determines there is probable cause to believe that a boarding home is an unregistered boarding home or that a registered boarding home is not in compliance with applicable law, an investigation will be initiated. The department will evaluate whether other local, state, or federal agencies, including law enforcement, should be provided a referral or included in the investigation. An investigation of the boarding home will be initiated within 45 working days. If there is the likelihood of immediate danger, the department will initiate an investigation of the boarding home within two working days of receipt of the complaint. If there is an allegation of harm, the department will initiate an investigation of the boarding home within 20 working days of receipt of the complaint.

66.4(4) *Standard for determining whether a complaint is substantiated.* The department will apply a preponderance of the evidence standard in determining whether a complaint is substantiated.

66.4(5) *Notification of the boarding home or alleged boarding home of results of investigation.* The department will notify the boarding home or alleged boarding home, in writing, of the final report of the complaint investigation.

66.4(6) *Notification of the complainant of results of investigation.* The complainant, if known, will be notified of the final findings of a complaint investigation or if the department determines not to investigate a complaint and will receive an explanation of the department's decision.

481—66.5 Reserved.

481—66.6(135O) Penalties. The director will consider the following when determining whether to assess a penalty for violation of Iowa Code chapter 135O or rules adopted thereunder and the amount of the penalty:

1. The duration of the noncompliance;
2. The nature of the noncompliance;
3. The response of the owner or lessee upon notification of noncompliance;
4. The number of tenants affected;
5. The impact to the tenants.

481—66.7(135O) Public and confidential information.

66.7(1) *Public disclosure.* The following records are open and available for inspection:

a. Registration forms and accompanying materials;

b. Final findings of investigations, unless otherwise confidential by law, such as investigative findings of the division of criminal investigation of the department of public safety or dependent adult abuse investigations;

c. Official notices of penalties.

66.7(2) *Confidential information.* Confidential information includes the following:

a. Information that does not comprise a final finding;

b. Names and identifying information of all complainants;

c. Names of tenants of a boarding home, identifying personal or medical information, copies of documentation appointing a legal representative, and the address of anyone other than an owner or lessee;

d. Social security or employer identification numbers (EIN).

66.7(3) *Redaction of confidential information.* If a record normally open for inspection contains confidential information, the confidential information will be redacted prior to an agency's providing the record for inspection.

66.7(4) *Searchable database of all registered boarding homes.* The department will maintain a searchable database of all registered boarding homes on the health facilities division's website at dia-hfd.iowa.gov.

These rules are intended to implement Iowa Code chapter 135O.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 67
"General Provisions for Elder Group Homes,
Assisted Living Programs, and Adult Day Services"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 231B.2, 231C.3 and 231D.2

State or federal law(s) implemented by the rulemaking: Iowa Code sections 231B.2, 231C.3 and 231D.2 and Executive Order 10

Public Hearing

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

November 4, 2025 1:30 p.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

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

Public Comment

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

Amy K. Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Purpose and Summary

This proposed rulemaking repromulgates Chapter 67 and implements Iowa Code sections 231B.2, 231C.3, and 231D.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 231B.2 requires the Department to establish minimum standards for certification of and monitoring of elder group homes. Iowa Code section 231C.3 states that the Department must establish minimum standards for certification of and monitoring of assisted living programs. Iowa Code section 231D.2 indicates that the Department is to establish a program for certification of and monitoring of and complaint investigations related to adult day services.

This proposed rulemaking implements the above Iowa Code sections by setting forth policies and procedures that are applicable to elder group homes, assisted living programs, and adult day services. This proposed rulemaking describes the procedure for handling medications; explains the procedure for investigating incidents, including the process for denial, suspension, or revocation of a certificate; and sets out when a program must conduct checks of its employees.

Analysis of Impact

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

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

Elder group homes, assisted living programs, and adult day services will bear the costs of this proposed rulemaking. These costs are associated with running safe and effective programs.

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

The tenants and participants in these programs will benefit from this proposed rulemaking by receiving safe and adequate care. The tenants' and partcipants' loved ones will benefit by knowing the tenants and participants are taken care of.

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 programs will be impacted by having to comply with the policies and procedures. These costs will vary by program and are difficult to predict. The programs will have to provide adequate staffing and provide necessary training to that staff. The costs of staffing will vary by program. The programs may be subject to civil penalties from $1,000 to $10,000, depending on the seriousness of the regulatory insufficiency. That amount may be reduced by 35 percent if the program meets certain criteria.

- **Qualitative description of impact:**

The qualitative impact of this proposed rulemaking is that the rulemaking outlines safe and adequate care of tenants and participants and provides peace of mind to the tenants' and participants' loved ones.

3. **Costs to the State:**

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

The costs to the agency are those that are required statutorily to implement the programs. The Department's Acute and Continuing Care (ACC) and Long Term Care (LTC) bureaus implement multiple Iowa Code and Iowa Administrative Code chapters related to health facilities, including these chapters. There is an estimated FY 2025 combined annual budget of $16,020,287 that covers more than 70 full-time equivalent (FTE) positions who work with over 500 licensed health facilities and more than 450 elder group homes, assisted living programs, and adult day service programs. There are six full-time employees who implement these chapters, along with other duties.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues from this proposed rulemaking.

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

The costs of this proposed rulemaking to the programs are necessary to maintain the safety of the participants in the programs. The participants are a vulnerable population. This proposed rulemaking ensures that the programs are providing the participants with the necessary services to meet the participants' needs safely and adequately.

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 this proposed rulemaking. The purpose of Iowa Code chapters 231B, 231C, and 231D is to ensure the safety of these participants, and the rules promulgated help to achieve that purpose in the most efficient and least intrusive way possible.

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

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

See the response to Section 5 above.

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

See the response to Section 5 above.

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?

Elder group homes, assisted living programs, and adult day services come in different sizes. The need to protect the residents and participants of those facilities is the same no matter the size of the facility. Iowa Code chapters 231B, 231C, and 231D do not allow for exemptions or different standards for small organizations. The necessity for consistency and fairness is the same whether the facility is small or large. Notwithstanding, if a small organization identifies a portion of this proposed rulemaking that is overly burdensome and the goals can be accomplished in a manner that would reduce the impact of this proposed rulemaking to the organization, the Department's established waiver process could be utilized.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 67 and adopt the following **new** chapter in lieu thereof:

CHAPTER 67
GENERAL PROVISIONS FOR ELDER GROUP HOMES, ASSISTED LIVING PROGRAMS, AND ADULT DAY SERVICES

481—67.1(231B,231C,231D) Definitions. The following definitions apply to this chapter and to 481—Chapters 68, 69, and 70.

"Accredited" means that the program has received accreditation from an accreditation entity.

"Activities of daily living" means the following self-care tasks: bathing, dressing, grooming, eating, transferring, toileting, and ambulation.

"Ambulatory" or *"ambulation"* means physically and cognitively able to walk without aid of another person.

"Applicable requirements" means Iowa Code chapters 135C, 231B, 231C, 231D, 235B, 235E, and 562A, this chapter, and 481—Chapters 68, 69, and 70, as applicable, and includes any other applicable administrative rules and provisions of the Iowa Code.

"Assistance" means aid to a tenant who self-directs or participates in a task or activity or who retains the mental or physical ability, or both, to participate in a task or activity. Cueing of the tenant regarding a particular task or activity means the tenant has participated in the task or activity.

"Certified staff" means certified nursing assistants (CNAs) and certified medication assistants (CMAs) employed by the program.

"Change of ownership" means the purchase, transfer, assignment or lease of a program and includes a change in the management company responsible for the day-to-day operation of the

program, if the management company is ultimately responsible for any enforcement action taken by the department.

"Dementia" means an illness characterized by multiple cognitive deficits that represent a decline from previous levels of functioning and includes memory impairment and one or more of the following cognitive disturbances: aphasia, apraxia, agnosia and disturbance in executive functioning.

"Department" means the department of inspections, appeals, and licensing.

"Director" means the director of the department.

"Direct supervision" means the provision of guidance and oversight of a delegated nursing task through the physical presence of the licensed nurse to observe and direct certified and noncertified staff.

"Elope" means that a tenant who has impaired decision-making ability leaves the program without the knowledge or authorization of staff.

"Global Deterioration Scale" or *"GDS"* means the seven-stage scale for assessment of primary degenerative dementia developed by Dr. Barry Reisberg.

"Health care professional" means a physician, physician assistant, registered nurse, licensed practical nurse via RN delegation or advanced registered nurse practitioner licensed in Iowa by the respective licensing board or eligible to practice in Iowa through compact licensure agreements.

"Health-related care" means the same as defined in Iowa Code section 231B.1(5) and includes nurse-delegated assistance.

"Human service professional" means an individual with a bachelor's degree in a human service field, including but not limited to human services, gerontology, social work, sociology, psychology, or family science. Two years of experience in a human service field may be substituted for up to two years of the required education.

"Impaired decision-making ability" means a lack of capacity to make safe and prudent decisions regarding one's own routine safety as determined by the program manager or nurse or means having a GDS score of five or above.

"Independent reviewer" means an attorney licensed in the state of Iowa who is not currently and has not been employed by the department in the past eight years, or has not appeared in front of the department on behalf of a health care facility in the past eight years. Preference shall be given to an attorney with background knowledge, experience or training in long-term care.

"Indirect supervision" means the provision of guidance and oversight of a delegated nursing task through means other than direct supervision, including written and verbal communication.

"Instrumental activities of daily living" means those activities that reflect the tenant's ability to perform household and other tasks necessary to meet the tenant's needs within the community, which may include but are not limited to shopping, housekeeping, chores, and traveling within the community.

"In the proximate area" means an area located within a five-minute or less response time.

"Medication setup" means the same as defined in Iowa Code section 231B.1(6).

"Modification" means any addition to or change in physical dimensions or structure, except as incidental to the customary maintenance of the physical structure of the program's facility.

"Monitoring" means an on-site evaluation of a program, a complaint investigation, or a program-reported incident investigation performed by the department to determine compliance with applicable requirements. A monitor who performs a monitoring for the department shall be a registered nurse, human service professional, or another person with program-related expertise.

"Nonaccredited" means that the program has been certified but has not received accreditation from an accreditation entity.

"Noncertified staff" means unlicensed and uncertified personnel employed by the program.

"Nurse delegation" means the action of a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to direct competent certified and noncertified staff to perform selected nursing tasks in selected situations. The decision of a nurse to delegate is based on the delegation process, including assessment, planning, implementation, supervision, and evaluation of the tenant,

nursing tasks, personnel, and the situation. The nurse, as a licensed professional, retains accountability for the delegation process and the decision to delegate. Licensed practical nurses may delegate within the scope of their license with the supervision of a registered nurse.

"Occupancy agreement" or *"contractual agreement"* means the same as defined in Iowa Code sections 231B.1(7) and 231C.2(9).

"Part-time or intermittent care" means licensed nursing services and professional therapies that are provided in combination with nurse-delegated assistance with medications or activities of daily living and do not exceed 28 hours per week or, for adult day services, 4 hours per day.

"Personal care" means the same as defined in Iowa Code section 231B.1(8).

"Preponderance of the evidence" means that the evidence, considered and compared with the evidence opposed to it, produces the belief in a reasonable mind that the allegations are more likely true than not true.

"Program" means one or more of the following, as applicable: an elder group home as defined in Iowa Code section 231B.1 and 481—Chapter 68, an assisted living program as defined in Iowa Code section 231C.1 and 481—Chapter 69, or adult day services as defined in Iowa Code section 231D.1 and 481—Chapter 70.

"Program staff" means all employees of the program, regardless of certification or licensure status.

"Qualified professional" means a facility plant engineer familiar with the type of program being provided, or a licensed plumbing, heating, cooling, or electrical contractor who furnishes regular service to such equipment.

"Recognized accrediting entity" means the same as defined in Iowa Code sections 231C.2(11) and 231D.1(11).

"Regulatory insufficiency" means a violation of an applicable requirement.

"Restraints" means any chemical or manual method that restricts freedom of movement or normal access to one's body or any physical or mechanical device, material or equipment that is attached or adjacent to the tenant's body that the tenant cannot remove easily and that restricts freedom of movement or normal access to one's body.

"Routine" means more often than not or on a regular customary basis.

"Self-administration" means a tenant's taking personal responsibility for all phases of medication except for any component assigned to the program under medication setup, and may include the tenant's use of an automatic pill dispenser.

"Service plan" means the document that defines all services necessary to meet the needs and preferences of a tenant, whether or not the services are provided by the program or other service providers.

"Significant change" means the same as defined in Iowa Code section 231C.2(12).

"Substantial compliance" means the same as defined in Iowa Code section 231C.2(13) regarding a level of compliance with applicable requirements.

"Tenant" means the same as defined in Iowa Code sections 231B.1(9) and 231C.2(14). In the context of adult day services, "tenant" means a "participant" as defined in 481—Chapter 70.

"Tenant advocate" means the same as defined in Iowa Code section 231B.1(10).

"Tenant's legal representative" means the same as defined in Iowa Code section 231B.1(11). In the context of adult day services, "tenant's legal representative" means a "participant's legal representative" as defined in 481—Chapter 70.

481—67.2(231B,231C,231D) Program policies and procedures.

67.2(1) A program's policies and procedures must meet the minimum standards set by applicable requirements. All programs shall have policies and procedures related to the following:

a. Reporting of incidents, including allegations of dependent adult abuse on incident report forms to provide a detailed incident report completed at the time of the incident and include statements from individuals, if any, who witnessed the incident. The program will identify

in the program's policy who of the program staff is responsible for completion of the initial report. The report will remain accessible for a minimum of three years. All accidents or unusual occurrences within the program's building or on the premises that affect tenants will be reported as incidents.

b. Allegations of dependent adult abuse consistent with Iowa Code chapter 235E and rules adopted pursuant to that chapter and, at a minimum, reporting requirements for staff and employees, and requirements that the victim and alleged abuser be separated.

c. Evaluation of each tenant or participant. A copy of the evaluation tool or tools to be used to identify the functional, cognitive and health status of each tenant or participant will be included.

d. Service plans.

e. Medical needs of tenants or participants.

f. Food service, including policies and procedures related to staffing, nutrition, menu planning, therapeutic diets, and food preparation, service and storage.

g. Transportation.

h. Staffing and training.

i. Emergencies, including policies and procedures related to natural disasters, with an evacuation plan and procedures for notifying legal representatives in emergency situations as applicable.

j. Managing risk and upholding tenant or participant autonomy when decision-making results in poor outcomes for the tenant or participant or others.

k. Accidents and emergency response.

l. Addressing sexual relationships between tenants and staff and between tenants with dementia greater than Stage 5 on the Global Deterioration Scale.

m. Extraordinary lifesaving measures, including policies and procedures related to cardiopulmonary resuscitation (CPR).

n. Narcotics protocol, including policies and procedures related to reconciliation and destruction.

67.2(2) The program shall follow the policies and procedures established by the program.

481—67.3(231B,231C,231D) Tenant rights. All tenants have the following rights:

67.3(1) To be treated with consideration, respect, and full recognition of personal dignity and autonomy.

67.3(2) To receive care, treatment and services that are adequate and appropriate.

67.3(3) To receive respect and privacy in the tenant's medical care program. Personal and medical records shall be confidential, and the written consent of the tenant obtained for the records' release to any individual, including family members, except as needed in case of the tenant's transfer to a health care facility or as required by law or a third-party payment contract.

67.3(4) To be free from mental and physical abuse.

67.3(5) To receive from the manager and staff of the program a reasonable response to all requests.

67.3(6) To associate and communicate privately and without restriction with persons and groups of the tenant's choice, including the tenant advocate, on the tenant's initiative or on the initiative of the persons or groups at any reasonable hour.

67.3(7) To manage the tenant's own financial affairs unless a tenant's legal representative has been appointed for the purpose of managing the tenant's financial affairs.

67.3(8) To present grievances and recommend changes in program policies and services, personally or through other persons or in combination with others, to the program's staff or person in charge without fear of reprisal, restraint, interference, coercion, or discrimination.

67.3(9) To be free from restraints.

481—67.4(231B,231C,231D) Program notification to the department. The director or the director's designee shall be notified within 24 hours, or the next business day, by the most expeditious means available:

67.4(1) Of any accident causing major injury, including a substantial injury.

a. "Major injury" is defined as any injury that:

(1) Results in death; or

(2) Requires admission to a higher level of care for treatment, other than for observation; or

(3) Requires consultation with the attending physician, designee of the physician, or physician extender who determines, in writing on a form designated by the department, that an injury is a "major injury" based upon the circumstances of the accident, the previous functional ability of the tenant, and the tenant's prognosis.

b. The following are not reportable accidents:

(1) An ambulatory tenant who falls when neither the program nor its employees have culpability related to the fall, even if the tenant sustains a major injury;

(2) Spontaneous fractures;

(3) Hairline fractures.

67.4(2) When damage to the program is caused by a natural or other disaster, including physical impairments affecting operating (e.g., failure of a heating or cooling system or water heater failure).

67.4(3) When there is an act that causes major injury to a tenant or when a program has knowledge of a pattern of acts committed by the same tenant on another tenant that results in any physical injury. "Pattern" means two or more times within a 30-day period.

67.4(4) When a tenant elopes from a program.

67.4(5) When a tenant attempts suicide, regardless of injury.

67.4(6) When a fire occurs in a program and the fire requires the notification of emergency services, requires full or partial evacuation of the program, or causes physical injury to a tenant.

67.4(7) When a defect or failure occurs in the fire sprinkler or fire alarm system for more than 4 hours in a 24-hour period.

NOTE: Additional reporting requirements are created by other rules and statutes, including but not limited to Iowa Code chapters 235B and 235E, which require reporting of dependent adult abuse.

481—67.5(231B,231C,231D) Medications.

67.5(1) If a program handles, stores, or administers controlled substances, the program shall be registered with the Iowa board of pharmacy as a care facility in accordance with 481—Chapter 551.

67.5(2) Each program shall follow its own written medication policy, including the following:

a. The program will not prohibit a tenant from self-administering medications.

b. A tenant will self-administer medications unless:

(1) The tenant or the tenant's legal representative delegates in the occupancy agreement or signed service plan any portion of medication setup to the program.

(2) The tenant delegates medication setup to someone other than the program.

(3) The program assumes partial control of medication setup at the direction of the tenant. The medication plan will not be implemented by the program unless the program deems it appropriate under applicable requirements, including those in Iowa Code section 231C.16A and subrule 67.9(4).

c. A tenant will keep medications in the tenant's possession unless the tenant or the tenant's legal representative, if applicable, delegates in the occupancy agreement or signed service plan partial or complete control of medications to the program, including the tenant's choice related to storage.

d. When a tenant has delegated medication administration to the program, the program will maintain a list of the tenant's medications. If the tenant self-administers medications, the tenant may choose to maintain a list of medications in the tenant's apartment or to disclose a current list of medications to the program for the purpose of emergency response, but the tenant remains responsible for the accuracy of the list.

e. When medications are administered traditionally by the program:

(1) The administration of medications will be provided by a registered nurse, licensed practical nurse or advanced registered nurse practitioner registered in Iowa, by an individual who has successfully completed a department-approved medication aide or medication manager course and passed the respective department-approved medication aide or manager examination, or by a physician assistant (PA) in accordance with 481—Chapter 781. Injectable medications will be administered as permitted by Iowa law by a registered nurse, licensed practical nurse, advanced registered nurse practitioner, physician, pharmacist, or PA.

(2) The program will maintain a list of each tenant's medications and document the medications administered.

(3) Medications and treatments will be administered as prescribed by the tenant's physician, advanced registered nurse practitioner or PA.

481—67.6(231B,231C,231D) Another business or activity located in a program.

67.6(1) A business or activity serving persons other than tenants of a program is allowed in a designated part of the physical structure in which the program is located if the other business or activity meets the requirements of applicable state and federal codes, administrative rules, and federal regulations.

67.6(2) A business or activity conducted in the designated part of the physical structure in which the program is located shall not interfere with the use of the program by tenants or with services provided to tenants or disturb tenants or reduce access, space, services, or staff available to tenants or necessary to meet the needs of tenants.

481—67.7(231B,231C,231D) Waiver of criteria for retention of a tenant in the program.

67.7(1) *Time-limited waiver.* Upon receipt of a program's request for waiver of the criteria for retention of a tenant, the department may grant a waiver of the criteria under applicable requirements for a time-limited basis. Absent extenuating circumstances, a waiver of the criteria for retention of a tenant is limited to a period of six months or less.

67.7(2) *Waiver petition procedures.* The following procedures shall be used to request and to receive approval of a waiver from criteria for the retention of a tenant:

a. A program will submit the waiver request on a form and in a manner designated by the department as soon as it becomes apparent that a tenant exceeds retention criteria pursuant to an evaluation by a health care or human service professional.

b. The department will respond in writing to a waiver request within 15 working days of receipt of all required documentation. In consultation with the program, the department may take an additional 15 working days to report its determination regarding the waiver request.

c. The program will provide to the department within five working days written notification of any changes in the condition of the tenant as described in the approved waiver request.

67.7(3) *Factors for consideration for waiver of criteria for retention of a tenant.* In addition to the criteria established in Iowa Code section 17A.9A(2), the following factors may be demonstrative in determining whether the criteria for issuance of a waiver have been met:

a. It is the informed choice of the tenant or the tenant's legal representative, if applicable, to remain in the program;

b. The program is able to provide the staff necessary to meet the tenant's service needs in addition to the service needs of the other tenants;

c. The waiver will not jeopardize the health, safety, security or welfare of the tenant, program staff, or other tenants;

d. The tenant has been diagnosed with a terminal illness and has been admitted to hospice, and the tenant exceeds the criteria for retention and admission for a temporary period of less than six months. A terminal diagnosis means the tenant is within six months of the end of life.

67.7(4) *Conditional waiver.* A conditional waiver may be granted contingent upon the department's receipt of additional information or performance of monitoring.

a. If a waiver has been in effect for six months, a monitoring may be conducted to determine whether the tenant meets the criteria to continue on a waiver.

b. The department may seek additional information during the period to determine if a waiver should be granted.

67.7(5) *Appeals.* The denial of a waiver request may be appealed by the program pursuant to Iowa Code chapter 17A.

481—67.8(231B,231C,231D) All other waiver requests. Waiver requests relating to topics other than retention of a tenant in a program shall be filed in accordance with 481—Chapter 6.

481—67.9(231B,231C,231D) Staffing.

67.9(1) *Number of staff.* A sufficient number of trained staff shall be available at all times to fully meet tenants' identified needs.

67.9(2) *Emergency procedures.* All program staff shall be able to implement the accident, fire safety, and emergency procedures.

67.9(3) *Documentation.* The program shall have training records and staffing schedules on file and maintain documentation of training received by program staff, including training of certified and noncertified staff on nurse-delegated procedures.

67.9(4) *Nurse delegation procedures.* The program's registered nurse shall ensure certified and noncertified staff are competent to meet the individual needs of tenants. Nurse delegation shall include the following:

a. The program's newly hired nurse will within 60 days of beginning employment as the program's registered nurse document a review to ensure that staff are sufficiently trained and competent in all tasks that are assigned or delegated.

b. Within 30 days of beginning employment, all program staff will receive training by the program's nurse(s).

c. Training for noncertified staff will include the provision of activities of daily living and instrumental activities of daily living.

d. Direct care staff will receive training regarding service plan tasks in accordance with medical or nursing directives and the acuity of the tenants' health, cognitive or functional status.

e. The program's nurse(s) will provide direct or indirect supervision of all direct care staff as necessary in the professional judgment of the program's nurse(s) and in accordance with the needs of the tenants and staff.

f. Services will be provided to tenants in accordance with the training provided.

g. The program will have in place a system by which direct care staff communicate in writing occurrences that differ from the tenant's normal health and functional and cognitive status. The program's nurse or designee will train staff on reporting to the program's nurse(s) or designee(s) and documenting occurrences that differ from the tenant's normal health and functional and cognitive status. The written communication required by this paragraph will be retained by the program for a period of not less than three years and be accessible to the department upon request.

h. In the absence of the program's nurse(s) due to vacation or other temporary circumstances, the nurse(s) assuming the duties of the program's nurse(s) will have access to staff training in relation to tenant needs.

67.9(5) *Prohibited services.* A program staff member shall not be designated as attorney-in-fact, guardian, conservator, or representative payee for a tenant unless the program staff member is related to the tenant by blood, marriage, or adoption.

67.9(6) *Dependent adult abuse training.* Program staff shall receive training relating to the identification and reporting of dependent adult abuse as required by Iowa Code section 235B.16.

481—67.10(17A,231B,231C,231D) Monitoring.

67.10(1) *Frequency of monitoring.* The department will monitor a certified program at least once during a 24-month period.

67.10(2) *Standard for determining whether a regulatory insufficiency exists.* The department will use a preponderance-of-the-evidence standard when determining whether a regulatory insufficiency exists. A preponderance-of-the-evidence standard does not require that the monitor shall have personally witnessed the alleged violation.

481—67.11(231B,231C,231D) Complaint and program-reported incident report investigation procedure.

67.11(1) *Complaints.* The process for filing a complaint is as follows:

a. Any person with concerns regarding the operation or service delivery of a program may file a complaint with the Department of Inspections, Appeals, and Licensing, Complaints Unit, 6200 Park Avenue, Des Moines, Iowa 50321; by use of the complaint hotline, 1.877.686.0027; by facsimile sent to 515.281.7106; or through the website address: dial.iowa.gov.

b. When the nature of the complaint is outside of the department's authority, the department will forward the complaint or refer the complainant, if known, to the appropriate investigatory entity.

c. The complainant will include as much of the following information as possible in the complaint: the complainant's name, address and telephone number; the complainant's relationship to the program or tenant; and the reason for the complaint. The complainant's name shall be confidential information and shall not be released by the department. The department will act on anonymous complaints unless the department determines that the complaint is intended to harass the program. If the department, upon preliminary review, determines that the complaint is intended as harassment or is without reasonable basis, the department may dismiss the complaint.

67.11(2) *Program-reported incident reports.* When the program is required pursuant to applicable requirements to report an incident, the program will make the report to the department via:

a. The web-based reporting tool accessible from the following Internet site, dia-hfd.iowa.gov;

b. Mail by sending the complaint to the Department of Inspections, Appeals, and Licensing, Complaints Unit, 6200 Park Avenue, Des Moines, Iowa 50321;

c. The complaint hotline, 1.877.686.0027; or

d. Facsimile sent to 515.281.7106.

67.11(3) *Time frames for investigation of complaints or program-reported incident reports.* Upon receipt of a complaint or program-reported incident report made in accordance with this rule, the department will conduct a preliminary review of the complaint or report to determine if a potential regulatory insufficiency has occurred. If a potential regulatory insufficiency exists, the department will institute a monitoring of the program within the following time frames: within 2 working days of receipt of the complaint or incident report if there is the possibility of immediate danger, including that the potential regulatory insufficiency has caused or is likely to cause serious injury, harm, impairment, or death to a resident; or within 20 working days of receipt of the complaint or incident report if the potential regulatory insufficiency has caused or may cause harm that negatively impacts a tenant's mental, physical, or psychosocial status or function and is of such consequence to the tenant's well-being that a rapid response is warranted; or within 45 working days of receipt of the complaint or incident report for any other complaint or incident investigation, including a potential regulatory insufficiency that may have caused harm of limited consequence and does not significantly impair the tenant's mental, physical, or psychosocial status or function.

67.11(4) *Standard for determining whether a complaint is substantiated.* The department will apply a preponderance-of-the-evidence standard in determining whether or not a complaint or program-reported incident report is substantiated.

67.11(5) *Notification of program and complainant.* The department will notify the program and, if known, the complainant of the final report regarding the complaint investigation.

67.11(6) *Notification of accrediting entity.* For any credible report of alleged improper or inappropriate conduct or conditions within an accredited program, the department will notify the accrediting entity by the most expeditious means possible of any actions taken by the department with respect to certification enforcement.

67.11(7) *Notification of complainant when complaint not investigated.* The department will notify the complainant if the department does not investigate a complaint, including the reasons for not investigating the complaint.

481—67.12(17A,231B,231C,231D,85GA,HF2365) Exit interview, final report, plan of correction.

67.12(1) *Exit interview.* The department will provide an exit interview pursuant to Iowa Code sections 231B.8 and 231C.8.

67.12(2) *Final report.* The department will issue the final report pursuant to Iowa Code sections 231B.8(2) and 231C.8(2).

67.12(3) *Plan of correction.* Within ten working days following receipt of the final report, the program shall submit a plan of correction to the department, which shall include:

a. Elements detailing how the program will correct each regulatory insufficiency, including at the system level;

b. The date by which the regulatory insufficiency will be corrected not to exceed 30 days from receipt of the final report without approval of the department;

c. What measures will be taken to ensure the problem does not recur;

d. How the program plans to monitor performance to ensure compliance; and

e. Any other required information.

The department will review the plan of correction and may request additional information or suggest revisions to the plan.

67.12(4) *Monitoring revisit.* The department may conduct a monitoring revisit to ensure that the plan of correction has been implemented and the regulatory insufficiency has been corrected.

481—67.13(17A,231B,231C,231D,85GA,HF2365) Response to final report. The program shall respond pursuant to Iowa Code sections 231B.9A, 231C.9A, and 231D.9A in the following manner.

67.13(1) *If not contesting.* If the program does not seek an informal conference or contest the final report and civil penalty, if assessed, the program shall remit to the department the amount of the civil penalty, if assessed. If a program has been assessed a civil penalty, the civil penalty will be reduced by 35 percent if the requirements of subrule 67.16(5) are met.

67.13(2) *Informal conference.*

a. Request for informal conference. The request for an informal conference must be in writing and include the following:

(1) Identification of the regulatory insufficiency(ies) being disputed;

(2) The type of informal conference requested: virtual or telephone conference;

(3) A request for monitor's notes for the regulatory insufficiency(ies) being disputed, if desired.

b. Submission of documentation. The program will submit the following within ten working days from the date of the program's written request for an informal conference:

(1) The names of those who will be attending the informal conference, including legal counsel;

(2) Documentation supporting the program's position. The program will highlight or use some other means to identify written information pertinent to the disputed regulatory insufficiency(ies). Supporting documentation that is not submitted with the request for an informal conference will not be considered, except as otherwise permitted by the independent reviewer upon good cause shown. "Good cause" means substantial or adequate grounds for failing to submit documentation in a timely manner. In determining whether the program has shown good cause, the independent reviewer shall consider what circumstances kept the program from submitting the supporting documentation within the required time frame.

c. Virtual or telephone conference. A virtual or telephone conference, if requested, will be scheduled to occur within ten working days of the receipt of the written request, all supporting documentation and the plan of correction required by subrule 67.12(3).

(1) Failure to submit supporting documentation will not delay scheduling.

(2) The conference will be scheduled for one hour. The program will informally present information and explanation concerning the contested regulatory insufficiency(ies). The department will have time to respond to the program's presentation. Due to the confidential nature of the conference, attendance may be limited.

(3) If additional information is requested by the independent reviewer during the informal conference, the program will have two working days to deliver the additional materials to the independent reviewer.

(4) When extenuating circumstances exist, the program may be given one opportunity to reschedule.

d. Results. The results of the informal conference will generally be sent within ten working days after the date of the informal conference or within ten working days after the receipt of additional information, if requested.

(1) The department will issue an amended (changes in factual content) or corrected (changes in typographical/data errors) final report if changes result from the informal conference.

(2) The program must submit to the department a new plan of correction for the amended or corrected report within ten calendar days from the date of the letter conveying the results of the conference.

(3) If the informal conference results in dismissal of a regulatory insufficiency for which a civil penalty was assessed, the corresponding civil penalty will be rescinded.

67.13(3) *Procedure after informal conference.* After the conclusion of an informal conference:

a. If the program does not desire to further contest an affirmed or modified final report, the program shall, within five working days after receipt of the written decision of the independent reviewer, remit to the department the civil penalty, if assessed.

b. If the program does desire to further contest an affirmed or modified final report, the program shall, within five working days after receipt of the written decision of the independent reviewer, notify the department in writing that it desires to formally contest the final report.

67.13(4) *Contested case hearings.* Contested case hearings shall be conducted by the department's administrative hearings division pursuant to Iowa Code chapter 17A and 481—Chapter 9.

481—67.14(17A,231B,231C,231D) Denial, suspension or revocation of a certificate.

67.14(1) *Notice and request for hearing.* The denial, suspension or revocation of a certificate shall be effected by delivering to the applicant or certificate holder by restricted certified mail or by personal service a notice setting forth the particular reasons for such actions. A denial, suspension or revocation shall be effective 30 days after certified mailing or personal service of the notice, unless the applicant or certificate holder gives the department written notice requesting a hearing within the 30-day period. If a timely request for hearing is made, the notice shall be deemed suspended pending the outcome of the hearing unless subrule 67.14(3) or 67.14(4) applies. If an enforcement action has been implemented immediately in accordance with subrule 67.14(3) or 67.14(4), the enforcement action remains in effect regardless of a request for hearing.

67.14(2) *Hearings.* Hearings shall be conducted by the administrative hearings division of the department pursuant to Iowa Code chapter 17A and 481—Chapter 9.

67.14(3) *Immediate suspension of a certificate.* When the department finds that an imminent danger to the health or safety of tenants of a program exists that requires action on an emergency basis, the department may direct removal of all tenants from the program and suspend the certificate or require additional remedies to ensure the ongoing safety of the program's tenants prior to a hearing.

67.14(4) *Immediate imposition of enforcement action.* When the department finds that an imminent danger to the health or safety of tenants exists that requires action on an emergency basis, the department may immediately impose a conditional certificate and accompanying conditions upon the program in lieu of immediate suspension of the certificate and removal of the tenants from the program if the department finds that tenants' health and safety would still be protected. The program may request a hearing, but the immediate enforcement action remains in effect regardless of the request for hearing.

481—67.15(17A,231B,231C,231D) Conditional certification.

67.15(1) *Conditional certification.* In lieu of denial, suspension or revocation of a certificate, the department may issue a conditional certificate for a period of up to one year. Notwithstanding subrule 67.14(4), a conditional certificate shall be issued only when regulatory insufficiencies pose no greater risk to tenant health or safety than the potential for causing minimal harm.

a. The department will specify the reasons for the conditional certificate in the notice issuing the conditional certificate.

b. The department may place conditions upon a certificate, such as requiring additional training; restriction of the program from accepting additional tenants for a period of time; or any other action or combination of actions deemed appropriate by the department.

c. Failure by the program to adhere to the plan of correction or conditions placed on the certificate may result in suspension or revocation of the conditional certification and further enforcement action as available under applicable requirements.

d. A program must be in substantial compliance with applicable requirements before the removal of a conditional certificate by the department. Prior to lifting a conditional certificate, the department may conduct a monitoring to verify substantial compliance.

67.15(2) *Appeal of conditional certificate.* A written request for hearing must be received by the department within 30 days after the mailing or service of notice. The conditional certificate will not be suspended pending the hearing. Hearings will be conducted by the administrative hearings division of the department pursuant to Iowa Code chapter 17A and 481—Chapter 9.

481—67.16(17A,231B,231C,231D) Civil penalties.

67.16(1) *When civil penalties may be issued.* Civil penalties may be issued when the director finds that any of the following has occurred:

a. A program that does not comply with applicable requirements and the noncompliance results in imminent danger or a substantial probability of resultant death or physical harm to a tenant may be assessed a civil penalty of not more than $10,000.

b. A program that continues to fail or refuses to comply with applicable requirements within prescribed time frames established by the department or approved by the department in the program's plan of correction and the noncompliance has a direct relationship to the health, safety, or security of tenants may be assessed a civil penalty of not more than $5,000.

c. A program that prevents, interferes with or attempts to impede in any way any duly authorized representative of the department in the lawful enforcement of applicable requirements may be assessed a civil penalty of not more than $1,000.

d. A program that discriminates or retaliates in any way against a tenant, tenant's family, or an employee of the program who has initiated or participated in any proceeding authorized by Iowa Code chapter 231B, 231C or 231D and the corresponding administrative rules may be assessed a civil penalty of not more than $5,000.

67.16(2) *Duplicate civil penalties prohibited.* The department shall not impose duplicate civil penalties on a program for the same set of facts and circumstances.

67.16(3) *Factors in determining the amount of a civil penalty.* The department will consider the following factors when determining the amount of a civil penalty:

a. The frequency and length of time the regulatory insufficiency occurred (i.e., whether the regulatory insufficiency was an isolated or a widespread occurrence, practice, or condition);

b. The past history of the program as it relates to the nature of the regulatory insufficiency (the department will not consider more than the current certification period and the immediately previous certification period);

c. The culpability of the program as it relates to the reasons the regulatory insufficiency occurred;

d. The extent of any harm to the tenants or the effect on the health, safety, or security of the tenants that resulted from the regulatory insufficiency;

e. The relationship of the regulatory insufficiency to any other types of regulatory insufficiencies that have occurred in the program;

f. The actions of the program after the occurrence of the regulatory insufficiency, including when corrective measures, if any, were implemented and whether the program notified the director as required;

g. The accuracy and extent of records kept by the program that relate to the regulatory insufficiency, and the availability of such records to the department;

h. The rights of tenants to make informed decisions;

i. Whether the program made a good-faith effort to address a high-risk tenant's specific needs and whether the evidence substantiates this effort.

67.16(4) *Civil penalties due.* The civil penalty shall be paid to the department within 30 days following the program's receipt of the final report and demand letter. The program may appeal in accordance with rule 481—67.13(17A,231B,231C,231D,85GA,HF2365). If the program appeals, the civil penalty will be deemed suspended until the appeal is resolved.

67.16(5) *Reduction of civil penalty.* If a program has been assessed a civil penalty, the civil penalty will be reduced by 35 percent if both of the following requirements are met:

a. The program does not request a formal hearing pursuant to rule 481—67.13(17A,231B,231C,231D,85GA,HF2365) or withdraws its request for formal hearing within 30 calendar days of the date that the civil penalty was assessed; and

b. The civil penalty is paid and payment is received by the department within 30 calendar days of receipt of the final report.

481—67.17(17A,231B,231C,231D) Judicial review. Judicial review shall be conducted pursuant to Iowa Code chapter 17A and 481—Chapter 9.

481—67.18(135C,231B,231C,231D) Criminal, dependent adult abuse, and child abuse record checks.

67.18(1) *Definitions.* The following definitions apply for the purposes of this rule.

"Background check" or *"record check"* means criminal history, child abuse and dependent adult abuse record checks.

"Comprehensive preliminary background check" means a criminal history check of all states in which the applicant has worked or resided over the seven-year period immediately prior to applying for employment that is conducted by an approved third-party vendor.

"Direct services" means services provided through person-to-person contact. "Direct services" excludes services provided by individuals such as building contractors, repair workers, or others who are in a program for a very limited purpose, who are not in the program on a regular basis, and who do not provide any treatment or services for residents, patients, tenants, or participants of the provider.

"Employed in a program" or *"employment within a program"* means all of the following, if the provider is regulated by the state or receives any federal or state funding:

1. An employee of an assisted living program certified under Iowa Code chapter 231C, if the employee provides direct services to consumers;

2. An employee of an elder group home certified under Iowa Code chapter 231B, if the employee provides direct services to consumers;

3. An employee of an adult day services program certified under Iowa Code chapter 231D, if the employee provides direct services to consumers.

"Employee" means any individual who is paid, either by the program or any other entity (i.e., temporary agency, private duty, Medicare/Medicaid or independent contractors).

"Evaluation" means review by the department of health and human services (HHS) to determine whether a founded child abuse, dependent adult abuse or criminal conviction warrants the person's being prohibited from employment in a program.

"Indirect services" means services provided without person-to-person contact such as those provided by administration, dietary, laundry, and maintenance.

"Program," for purposes of this rule, means the following, if the provider is regulated by the state or receives any federal or state funding:

1. An assisted living program certified under Iowa Code chapter 231C;
2. An elder group home certified under Iowa Code chapter 231B;
3. An adult day services program certified under Iowa Code chapter 231D.

67.18(2) *Explanation of "crime."* For purposes of this rule, the term "crime" does not include offenses under Iowa Code chapter 321 classified as simple misdemeanor or equivalent simple misdemeanor offenses from another jurisdiction.

67.18(3) *Requirements for employer prior to employing an individual.* Prior to employment of a person in a program, the program shall complete the background check requirements set forth below.

a. Informing the prospective employee. A program will ask each person seeking employment by the program, "Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under Iowa Code chapter 321 or equivalent provisions in this state or any other state?" The person will be informed that a background check will be conducted and sign an acknowledgment.

b. Conducting a background check. The program will either request that the department of public safety perform a criminal history check and that HHS perform child and dependent adult abuse record checks of the person in this state or access the single contact repository (SING) to perform the required background check. If SING is used, the program will submit the person's maiden name, if applicable, with the background check request.

c. If a person considered for employment has been convicted of a crime under the law of any state. The program will request that HHS perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the program.

d. If a person considered for employment has a record of founded child abuse or dependent adult abuse under the laws of any state. The program will request that HHS perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of employment in the program.

e. Employment pending evaluation. The program may provisionally employ a person prior to completion of the required record check and evaluation by HHS, as applicable, subject to all of the following:

(1) The program shall have accessed SING to perform the required record check and be awaiting results from SING or awaiting evaluation by HHS, as applicable;

(2) If applicable, the program shall request an evaluation by HHS in accordance with paragraph 67.18(3)*"c"* or *"d"* within 30 days of receipt of SING record check results;

(3) The program shall have utilized an approved third-party vendor to perform a comprehensive preliminary background check;

(4) If the comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, the crime does not constitute a felony as defined in Iowa Code section 701.7 and is not a crime specified pursuant to Iowa Code chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712 or pursuant to Iowa Code section 726.3, 726.7, or 726.8;

(5) The comprehensive preliminary background check shall have determined that the person being considered for employment does not have a record of founded child abuse or dependent adult abuse, or if the comprehensive preliminary background check determines the person being considered for employment does have a record of founded child abuse or dependent adult abuse, subrule 67.18(8) is applicable;

(6) The provisional employment may continue until such time as the required record check through SING and evaluation by HHS, as applicable, are completed.

67.18(4) *Validity of background check results.* The results of a background check conducted pursuant to this rule shall be valid for a period of 30 calendar days from the date the results of the background check are received by the program.

67.18(5) *Employment prohibition.* Except as provided in paragraph 67.18(3)*"e,"* a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a program unless an evaluation has been performed by HHS.

67.18(6) *Transfer of an employee to another program owned or operated by the same person without a lapse in employment.* The program is not required to request additional criminal and child and dependent adult abuse record checks of that employee.

67.18(7) *Transfer of ownership of a program.* At the time of transfer of ownership of a program, the background check required by this rule will be performed for each employee for whom there is no documentation that such background check has been performed. The program may continue to employ such employee pending the performance of the background check and any related evaluation.

67.18(8) *Change of employment—person with criminal or abuse record—exception to record check evaluation requirements.* A person with a criminal or abuse record who is or was employed by a certified program and is hired by another certified program shall be subject to the background check.

a. A reevaluation of the latest record check is not required, and the person may commence employment with the other certified program if the following requirements are met:

(1) HHS previously performed an evaluation concerning the person's criminal or abuse record and concluded the record did not warrant prohibition of the person's employment;

(2) The latest background check does not indicate a crime was committed or founded abuse record was entered subsequent to the prior evaluation;

(3) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed;

(4) Any restrictions placed on the person's employment in the previous evaluation by HHS and still applicable remain applicable in the person's subsequent employment;

(5) The person subject to the background check has maintained a copy of the previous evaluation and provided it to the subsequent employer, or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, a current record check evaluation will be performed.

b. For purposes of this subrule, a position is "substantially the same or has the same job responsibilities" if the position requires the same certification, licensure, or advanced training. For example, a licensed nurse has substantially the same or the same job responsibilities as a director of nursing; a certified nurse aide does not have substantially the same or the same job responsibilities as a licensed nurse.

c. The subsequent employer must maintain the previous evaluation in the employee's personnel file for verification of the exception to the requirement for a record check evaluation.

d. The subsequent employer may request a reevaluation of the background check and may employ the person while the reevaluation is being performed, even though an exemption under paragraph 67.18(8)*"a"* may be authorized.

67.18(9) *Employee notification of criminal convictions or founded abuse after employment.* If a person employed by an employer that is subject to this rule is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment

application date, the person shall inform the employer of such information within 48 hours of the criminal conviction or entry of the record of founded child or dependent adult abuse.

a. The employer shall act to verify the information within seven calendar days of notification. "Verify," for purposes of this subrule, means to access SING to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from HHS, to conduct an online search through the Iowa Courts Online website, or to contact the county clerk of court office and obtain a copy of relevant court documents.

b. If the information is verified, the program shall follow the requirements of paragraphs 67.18(3)*"c"* and *"d."*

c. The employer may continue to employ the person pending the performance of an evaluation by HHS.

d. A person who is required by this subrule to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor under Iowa Code section 135C.33.

e. The employer may notify the county attorney for the county where the employer is located of any violation or failure by an employee to notify the employer of a criminal conviction or entry of an abuse record within the period required under this subrule.

67.18(10) *Program receipt of credible information that an employee has been convicted of a crime or founded for abuse.* If the program receives credible information, as determined by the program, from someone other than the employee, that the employee has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment, and the employee has not informed the employer of the information within the time required by subrule 67.18(9), the program shall take the following actions:

a. The program will act to verify credible information within seven calendar days of receipt. "Verify," for purposes of this subrule, means to access SING to perform a background check, to request a criminal background check from the department of public safety, to request an abuse record check from HHS, to conduct an online search through the Iowa Courts Online website, or to contact the county clerk of court office and obtain a copy of relevant court documents.

b. If the information is verified, the program shall follow the requirements of paragraphs 67.18(3)*"c"* and *"d."*

67.18(11) *Proof of background checks for temporary employment agencies and contractors.* Proof of background checks may be kept in the files maintained by temporary employment agencies and contractors. Facilities may require temporary employment agencies and contractors to provide a copy of the result of the background checks. Copies of such results shall be made available to the department upon request.

481—67.19(17A,231C,231D) Emergency removal of tenants. If the department determines that the health or safety of tenants is in jeopardy and the tenants need to be removed from the program, the department will use the following procedures to ensure a safe and orderly transfer.

67.19(1) The department will notify HHS, the tenant advocate, the appropriate area agency on aging, and other agencies as necessary and appropriate:

a. To alert them to the need to transfer tenants from a program;

b. To request assistance in identifying alternative programs or other appropriate settings;

c. To contact the tenants and their legal representatives or family members, if applicable, and others as appropriate, including health care professionals.

67.19(2) The department will notify the program of the immediate need to transfer tenants and of any assistance available, in coordination with the appropriate parties under subrule 67.19(1).

481—67.20(231C) Nursing assistant work credit.

67.20(1) A program may add an employee to the direct care worker registry by calling 515.281.4077 or by registering through the website at dia-hfd.iowa.gov.

67.20(2) A program shall complete and submit to the department a direct care worker registry application for each certified nursing assistant who works in the program. A registered nurse employed by the program shall supervise the nursing assistant. The application may be obtained by telephone at 515.281.4077 or via the website at dia-hfd.iowa.gov.

67.20(3) A program shall complete and submit to the department a direct care worker registry quarterly employment report whenever a change in the employment of a certified nursing assistant occurs. The report form may be obtained by telephone at 515.281.4077 or via the website at dia-hfd.iowa.gov.

481—67.21(231B,231C,231D) Public or confidential information.

67.21(1) *Public information.*

a. Public disclosure of findings. The program shall provide copies of the final report resulting from a monitoring in a prominent public place. Copies are available upon request from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50323; by telephone at 515.281.6325; or via the website at dia-hfd.iowa.gov.

b. Open records. The following records are open records available for inspection:

(1) Certification applications, certification status, and accompanying materials;

(2) Final findings of state monitorings, including a monitoring that results from a complaint or program-reported incident;

(3) Reports from the fire safety bureau;

(4) Plans of correction submitted by a program;

(5) Official notices of certification sanctions, including enforcement actions;

(6) Findings of fact, conclusions of law, decisions and orders issued pursuant to rules 481—67.10(17A,231B,231C,231D) and 481—67.12(17A,231B,231C,231D,85GA,HF2365);

(7) Waivers, including the department's approval and denial letter and any letter requesting the waiver.

67.21(2) *Confidential information.* Confidential information includes the following:

a. Information that does not comprise a final report resulting from a monitoring, complaint investigation, or program-reported incident investigation. Information that does not comprise a final report may be made public in a legal proceeding concerning a denial, suspension or revocation of certification;

b. Names of all complainants;

c. Names of tenants of a program, identifying medical information, copies of documentation appointing a legal representative, and the address of anyone other than an owner or operator;

d. Social security numbers or employer identification numbers (EIN).

67.21(3) *Redaction of confidential information.* If a record normally open for inspection contains confidential information, the confidential information shall be redacted before the records are provided for inspection.

These rules are intended to implement Iowa Code chapters 231B, 231C, and 231D.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 68
"Elder Group Homes"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 231B.2

State or federal law(s) implemented by the rulemaking: Iowa Code section 231B.2 and Executive Order 10

Public Hearing

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

November 4, 2025 1:30 p.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

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

Public Comment

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

Amy K. Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Purpose and Summary

The proposed rulemaking repromulgates Chapter 68 and implements Iowa Code section 231B.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 231B.2 requires the Department to establish minimum standards for certification and monitoring of elder group homes.

The rulemaking implements the above Iowa Code section by setting forth the certification and recertification process. The rulemaking describes the evaluation needed for tenants and lists the occupancy agreement terms, as well as the criteria for admission and retention of tenants and necessary tenant documents. The rules list how to involuntarily transfer a tenant from the program. The rulemaking sets staffing requirements, along with structural standards and life safety protocols.

Analysis of Impact

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

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

Elder group home owners and operators will bear the costs of the proposed rulemaking. These costs are associated with running safe and effective programs.

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

The tenants of elder group homes will benefit from the rulemaking by receiving safe and adequate care. Their loved ones will benefit by knowing the tenants are taken care of.

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 elder group homes will be impacted by having to comply with the policies and procedures established by the rulemaking. The costs will vary by program and are difficult to predict. The facilities will have to provide adequate staffing and appropriate facilities. It is difficult to determine those costs.

- **Qualitative description of impact:**

The qualitative impact of this rulemaking is that it provides safe and adequate care to tenants and peace of mind to their loved ones.

3. **Costs to the State:**

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

The costs to the Department are those that are statutorily required to oversee the programs. There are currently no elder group homes in Iowa.

- **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 costs of the rulemaking to the programs are necessary to maintain the safety of the tenants in the facilities. These tenants are a vulnerable population. The rulemaking ensures that the programs are providing the tenants with the necessary services to meet their needs safely and adequately.

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 rulemaking. The purpose of Iowa Code chapter 231B is to ensure the safety of the tenants, and the rules promulgated help to achieve that purpose in the most efficient and least intrusive way possible.

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

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

See the answer to section 5 above.

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

See the answer to section 5 above.

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?

Elder group homes will be of different sizes. The need to protect the residents of those facilities is the same no matter the size of the facility. Iowa Code chapter 231B does not allow for exemptions or different standards for small organizations. The necessity for consistency and fairness is the same whether the facility is small or large. Notwithstanding, if a small organization identifies a portion of the rulemaking that is overly burdensome and the goals of which can be accomplished in a manner that would reduce the impact of the rulemaking to the organization, the Department's established waiver process could be utilized.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 68 and adopt the following **new** chapter in lieu thereof:

CHAPTER 68
ELDER GROUP HOMES

481—68.1(231B) Definitions. In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231B, the following definitions apply:

"Applicable requirements" means Iowa Code chapter 231B, this chapter and 481—Chapter 67 and any other applicable administrative rules and provisions of the Iowa Code.

"Household occupant" means a tenant and all others who reside in an elder group home (EGH).

"Maximal assistance with activities of daily living" means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

"Medically unstable" means that a tenant has a condition or conditions:

1. Indicating physiological frailty as determined by the program's staff in consultation with a physician or physician extender;
2. Resulting in two or more significant hospitalizations within a consecutive three-month period for more than observation; and
3. Requiring supervision by a registered nurse more than once a week of the tenant for more than 21 days.

"On-site manager" means the person on duty responsible for direct supervision or provision of tenant care. The on-site manager may be any household occupant over 18 years of age, except a tenant, who is qualified to perform the necessary duties.

"Personal care provider" means an individual who, in return for remuneration, assists with the essential activities of daily living that the tenant can perform personally only with difficulty.

"Program" means an elder group home.

"Unmanageable incontinence" means a condition that requires staff provision of total care for an incontinent tenant who lacks the ability to assist in bladder or bowel continence care.

"Usable floor space" means open floor space that is not under fixtures, furniture or other barriers and is available for walking or wheelchair use.

481—68.2(231B) Program certification and posting requirements.

68.2(1) *Certification.* A program may obtain certification by meeting all applicable requirements.

68.2(2) *Posting requirements.* A program's current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report, and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

481—68.3(231B) Certification—application process.

68.3(1) The applicant shall complete an application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals,

and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

68.3(2) The applicant shall submit one copy of the completed application and all supporting documentation to the department at least 30 calendar days prior to the expected date of beginning operation.

481—68.4(231B) Certification—application content. An application for certification or recertification of an EGH shall include the following:

68.4(1) The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

a. The real estate owner or lessor;

b. The lessee;

c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

68.4(2) A statement disclosing whether the individuals listed in subrule 68.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

68.4(3) A statement disclosing whether any of the individuals listed in subrule 68.4(1) meet the criteria set out in Iowa Code section 231B.10(1)*"g,"* including for a licensed health care facility as defined in Iowa Code section 135C.1 or licensed hospital as defined in Iowa Code section 135B.1.

68.4(4) Reserved.

68.4(5) The tenant occupancy agreement and all attachments.

68.4(6) If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity's current license or certification.

68.4(7) A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

68.4(8) The fee set forth in Iowa Code section 231B.17.

481—68.5(231B) Initial certification process.

68.5(1) Upon receipt of all completed documentation, including fire safety bureau approval and structural and evacuation review approval, the department will determine whether or not the proposed program meets applicable requirements.

68.5(2) If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept tenants.

68.5(3) Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program's compliance with applicable requirements.

68.5(4) If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

68.5(5) The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

68.5(6) The department will notify the program of a final certification decision within ten working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

68.5(7) If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

481—68.6(231B) Expiration of program certification. Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

481—68.7(231B) Recertification process. To obtain recertification, a program shall:

68.7(1) Submit one copy of the completed application, including the information from rule 481—68.4(231B), associated documentation, and the recertification fee as listed in Iowa Code section 231B.17 to the department at the address stated in subrule 68.3(1) at least 90 calendar days prior to the expiration of the program's certification.

68.7(2) Submit additional documentation that each of the following has been inspected and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system; and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

481—68.8(231B) Notification of recertification.

68.8(1) The department will review the application and associated documentation and fees. If the application is incomplete, the department will contact the program to request the additional information. After all finalized documentation is received, including fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

68.8(2) If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

68.8(3) If the decision is to deny recertification, the department shall issue a notice of denial and provide the program the opportunity for a hearing pursuant to rule 481—67.14(17A,231B,231C,231D).

481—68.9(231B) Listing of all certified programs. The department will maintain a list of all certified programs, which is available online at dia-hfd.iowa.gov.

481—68.10(231B) Change of ownership—notification to the department.

68.10(1) Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

68.10(2) In order to transfer certification, the applicant must:

a. Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231B and 481—Chapter 67 and this chapter;

b. At least 30 days prior to the change of ownership of the program, provide application and supporting documents to the department.

68.10(3) The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

481—68.11(231B) Cessation of program operation that includes seeking decertification.

68.11(1) The program shall provide, at least 90 days in advance of cessation, unless there is some type of emergency, written notification to the department and the tenant advocate of the date on which the program will cease operation.

68.11(2) At the time a program decides to cease operation, the program shall submit a plan to the department and make arrangements for the safe and orderly transfer or transition of all tenants within the 90-day period specified by subrule 68.11(1).

68.11(3) The department may conduct a monitoring during the 90-day period to ensure the safety of tenants during the transfer process or transition process.

68.11(4) When a program ceases operation, tenant advocates shall be allowed by the program to privately meet with tenants to provide education and service options.

481—68.12(231B) Occupancy agreement.

68.12(1) The occupancy agreement shall be in 12-point type or larger and written in plain language using commonly understood terms that are easy for the tenant or the tenant's legal representative to understand.

68.12(2) In addition to the requirements of Iowa Code section 231B.5, the written occupancy agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

a. The telephone number for filing a complaint with the department.

b. The telephone number for the office of the tenant advocate.

c. The telephone number for reporting dependent adult abuse.

d. A copy of the program's statement on tenants' rights.

e. A statement that the program will notify the tenant at least 90 days in advance of any planned program cessation, except in cases of emergency.

f. A copy of the program's admission and transfer criteria.

68.12(3) The occupancy agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

68.12(4) A copy of the occupancy agreement shall be provided to the tenant or the tenant's legal representative, if any, and a copy kept by the program.

68.12(5) A copy of the most current occupancy agreement shall be made available to the general public upon request.

481—68.13(231B) Evaluation of tenant.

68.13(1) *Evaluation prior to occupancy.* A program shall evaluate each prospective tenant's functional, cognitive and health status prior to the tenant's signing the occupancy agreement and becoming a household occupant to determine the tenant's eligibility for the program, including whether the services needed are available. The cognitive evaluation shall utilize a scored, objective tool. When the score from the cognitive evaluation indicates moderate cognitive decline and risk, the Global Deterioration Scale shall be used at all subsequent intervals, if applicable. If the tenant subsequently returns to the tenant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, human service professional, or a licensed practical nurse via nurse delegation.

68.13(2) *Evaluation within 30 days of occupancy and with significant change.* A program shall evaluate each tenant's functional, cognitive and health status within 30 days of occupancy. A program shall evaluate each tenant's functional, cognitive and health status as needed with significant change, but not less than annually, to determine the tenant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, human service professional, or a licensed practical nurse via nurse delegation.

481—68.14(231B) Criteria for admission and retention of tenants.

68.14(1) *Persons who may not be admitted or retained.* A program shall not knowingly admit or retain a tenant who:

a. Is bed-bound; or

b. Requires routine, one-person assistance with standing, transfer or evacuation; or

c. Is dangerous to self or other tenants or staff, including but not limited to a tenant who:

(1) Despite intervention chronically elopes, is sexually, verbally or physically aggressive or abusive; or

(2) Displays behavior that places another tenant at risk; or

d. Is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; or

e. Is under the age of 18; or

f. Requires more than part-time or intermittent health-related care; or

g. Has unmanageable incontinence on a routine basis despite an individualized toileting program; or

h. Is medically unstable; or

i. Requires maximal assistance with activities of daily living; or

j. Is physically or mentally unable to immediately and without aid of another travel a normal path to safety, including the ascent and descent of stairs from the tenant's bedroom or bathroom.

68.14(2) *Disclosure of additional occupancy and transfer criteria.* A program may have additional occupancy or transfer criteria if the criteria are disclosed in the written occupancy agreement prior to the tenant's occupancy.

68.14(3) *Assistance with transfer from the program.* A program shall assist a tenant and the tenant's legal representative, if applicable, to ensure a safe and orderly transfer from the program when the tenant exceeds the program's criteria for admission and retention.

481—68.15(231B) Involuntary transfer from the program.

68.15(1) *Program initiation of transfer.* The program shall comply with Iowa Code section 231B.6 and provide notification to the tenant advocate by certified mail and the tenant's treating physician, if any.

68.15(2) *Transfer pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more tenants are identified as exceeding the admission and retention criteria for tenants and transferred as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply:

a. Notification of the program. Within 20 working days of the monitoring or complaint or program-reported incident investigation, the department will notify the program, in writing, of the identification of any tenant who exceeds admission and retention criteria.

b. Notification of others. Each identified tenant, the tenant's legal representative, if applicable, and other providers of services to the tenant will be notified of their opportunity to provide responses within ten days of receipt of the notice, including: specific input, written comment, information, and documentation directly addressing any agreement or disagreement with the identification.

c. Program agreement with the department's finding. If the program agrees with the department's finding and the program begins involuntary transfer proceedings, the program's internal appeal process in subrule 68.15(1) will be utilized for appeals.

d. Program disagreement with the department's finding. If the program does not agree with the department's finding that the tenant exceeds admission and retention criteria, the program may collect and submit all responses to the department, within ten working days of the receipt of the notice, including those from other interested parties. In the program's response, the program will identify the tenant, list the known responses from others, and note the program's agreement or disagreement with the responses from others. Submission of a response does not eliminate the applicable requirements including submission of a plan of correction under 481—subrule 67.13(3). Other persons may also submit information directly to the department.

(1) Consideration of response. Within ten working days of receipt of the program's response for each identified tenant, the department will make a final finding regarding the continued retention of a tenant.

(2) Amending the regulatory insufficiency. If the department's determination is to amend the regulatory insufficiency based on the response, the department will modify the report of findings.

(3) Retaining regulatory insufficiency. If the department retains the regulatory insufficiency, the department will review the plan of correction in accordance with this chapter and 481—Chapter 67. The department will notify the program of the opportunity to appeal the report findings as they relate to the admission and retention decision. The department will provide to the tenant or the tenant's legal

representative the contact information for the tenant advocate. A copy of the final report will be sent to the tenant advocate.

(4) Effect of the filing of an appeal. If an appeal is filed, the tenant who exceeds admission and retention criteria will be allowed to continue living in the EGH until all administrative appeals have been exhausted. Appeals filed that relate to the tenant's exceeding admission and retention criteria will be heard within 30 days of receipt, and appropriate services to meet the tenant's needs will be provided during that period of time.

(5) Request for waiver of criteria for retention of a tenant in a program. To allow a tenant to remain in the program, the program may request a waiver of criteria for retention of a tenant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

481—68.16(231B) Tenant documents.

68.16(1) Documentation for each tenant shall be maintained by the program and include:

a. An occupancy record including the tenant's name, birth date, and home address; identification numbers; date of beginning participation; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;

b. Application forms;

c. The initial evaluations and updates;

d. A nutritional assessment as necessary;

e. The initial individual service plan and updates;

f. Signed authorizations for permission to release medical information, photographs, or other media information as necessary;

g. A signed authorization for the tenant to receive emergency medical care as necessary;

h. A signed managed risk policy and signed managed risk consensus agreements, if any;

i. When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;

j. Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2)*"d"*;

k. Advance health care directives as applicable;

l. A complete copy of the tenant's occupancy agreement, including any updates;

m. A written acknowledgment that the tenant or the tenant's legal representative, if applicable, has been fully informed of the tenant's rights;

n. A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;

o. Incident reports involving the tenant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the tenant's medical record);

p. A copy of waivers of admission or retention criteria, if any;

q. When the tenant is unable to advocate on the tenant's own behalf or the tenant has multiple service providers, including hospice care providers, accurate documentation of the completion of routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);

r. Authorizations for the release of information, if any.

68.16(2) The program records relating to a tenant shall be retained for a minimum of three years after termination of service.

68.16(3) All records shall be protected from loss, damage and unauthorized use.

481—68.17(231B) Service plans.

68.17(1) A service plan shall be developed for each tenant based on the evaluations conducted in accordance with subrules 68.13(1) and 68.13(2); and be designed to meet the specific needs of the individual tenant.

68.17(2) Prior to the tenant's signing the occupancy agreement and becoming a household occupant, a preliminary service plan shall be developed by a health care professional or human service professional in consultation with the tenant and, at the tenant's request, with other individuals identified by the tenant, and, if applicable, with the tenant's legal representative. All persons who develop the plan and the tenant or the tenant's legal representative shall sign the plan.

68.17(3) When a tenant needs personal care or health-related care, the service plan shall be updated within 30 days of the tenant's occupancy and as needed with significant change, but not less than annually. The service plan will be signed by all parties.

a. If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

b. If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained. For example, with chronic exacerbation of a urinary tract infection, nurse review is adequate to institute the previously written evaluation and service plan.

68.17(4) The service plan shall be individualized and indicate:

a. The tenant's identified needs and preferences for assistance;

b. Any services and care to be provided pursuant to the occupancy agreement;

c. The service provider(s), if other than the program;

d. Preferences, if any, of the tenant or the tenant's legal representative for nursing facility care, if the need for nursing facility care presents itself during the elder group home occupancy.

481—68.18(231B) Nurse review. If a tenant does not receive personal or health-related care, but an observed significant change in the tenant's condition occurs, a nurse review shall be conducted. If a tenant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

68.18(1) To monitor, at least every 90 days, or after a significant change in the tenant's condition, any tenant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

68.18(2) To ensure that health care professionals' orders are current for tenants who receive professional-directed health care from the program;

68.18(3) To assess and document the health status of each tenant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the tenant's health status;

68.18(4) To provide the program with written documentation of the activities under the service plan, as set forth in rule 481—68.17(231B), showing the time, date and signature.

481—68.19(231B) Staffing. In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs:

68.19(1) The program will be staffed by an on-site manager 24 hours per day, seven days per week.

68.19(2) Personal care providers will have completed a home care aide training program that meets the requirements and criteria established in 441—Chapter 81.

68.19(3) The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and target population.

68.19(4) Personal care providers and nursing staff may be employed by the program or obtained through a contract with a home health agency or other service provider. Regardless of the source, the staff must meet all applicable requirements.

68.19(5) The program will notify the department in writing within ten business days of a change in the program's manager.

481—68.20(231B) Managed risk policy and managed risk consensus agreements. The program shall have a managed risk policy that will be provided to the tenant along with the occupancy agreement and include:

68.20(1) An acknowledgment of the shared responsibility for identifying and meeting the needs of the tenant and the process for managing risk and for upholding tenant autonomy when tenant decision making results in poor outcomes for the tenant or others;

68.20(2) A consensus-based process to address specific risk situations. Program staff and the tenant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the tenant and all others who participated in the process and be included in the tenant's file.

481—68.21(231B) Transportation. When transportation services are provided directly or under contract with the program the following shall apply:

68.21(1) The vehicle will be accessible and appropriate to the tenants who use it, with consideration for any physical disabilities and impairments.

68.21(2) Every tenant transported will have a seat in the vehicle, except for a tenant who remains in a wheelchair during transport.

68.21(3) Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

68.21(4) Wheelchairs will be secured when the vehicle is in motion.

68.21(5) During loading and unloading of a tenant, the driver will be in the proximate area of the tenants in a vehicle.

68.21(6) The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

481—68.22(231B) Identification of veteran's benefit eligibility.

68.22(1) Within 30 days of a tenant's participation in an elder group home that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the tenant or the tenant's personal representative whether the tenant is a veteran or whether the tenant is the spouse, widow, or dependent of a veteran and document the response.

68.22(2) If the tenant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the tenant's name along with the name of the veteran, if applicable, and the name of the contact person for this information, to the Iowa department of veterans affairs. The program may report such information to the Iowa department of health and human services.

68.22(3) If a tenant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

481—68.23 Reserved.

481—68.24(231B) Life safety—emergency policies and procedures and structural safety requirements.

68.24(1) The program shall submit to the department and follow written emergency policies and procedures, including the following:

a. An emergency plan, with procedures for natural disasters that is located for easy reference;

b. Fire safety procedures;

c. Other general or personal emergency procedures, including head injury protocols;

d. Provisions for amending or revising the emergency plan;

e. Provisions for periodic training of all employees;

f. Procedures for fire drills;

g. Regulations regarding smoking;

h. Procedures for monitoring and testing of smoke-control systems;

i. Tenant evacuation procedures;

j. Procedures for reporting and documentation;

k. Procedures for extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

68.24(2) The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for elder group homes in administrative rules promulgated by the building code bureau and fire safety bureau. Approval of the bureaus indicating that the building complies with these requirements is necessary for certification of a program.

68.24(3) The program shall have the means to control the maximum temperature of water at sources accessible by a tenant to prevent scalding and control the maximum water temperature for tenants with cognitive impairment or dementia or at a tenant's request.

481—68.25(231B) Structural standards.

68.25(1) The EGH shall be safe, sanitary, well-ventilated, and properly lighted, heated, and cooled; and comply with all applicable state and local housing ordinances for family residences and with fire safety rules promulgated by the fire safety bureau.

68.25(2) In addition to meeting the requirements in subrule 68.25(1), the EGH shall meet the following standards:

a. General.

(1) The home, furnishings and fixtures will be clean, in good repair and appropriate for the tenants.

(2) Stairways will have handrails of a circumference, length, texture, strength and stability that can reasonably be expected to provide tenant support.

(3) A functioning light will be provided in each room, stairway and exit; all light bulbs will be protected from breakage or removal with appropriate covers.

(4) The yard, fire exits and exterior steps will be kept free of obstructions and accessible and appropriate to the condition of the tenants.

(5) There will be at least 150 square feet of common living space and sufficient furniture in the home to accommodate the recreational and socialization needs of all the tenants at one time; common space will not be located in the basement or garage, unless such space was constructed for that purpose. Additional common living space may be required if wheelchairs, walkers or other durable medical equipment is to be accommodated. For an EGH constructed or remodeled after July 1, 2005, there will be 300 square feet of usable floor space.

(6) Interior and exterior doorways used by tenants will be wide enough to accommodate wheelchairs and walkers if tenants with impaired mobility are in residence.

(7) Hot and cold water at each tub, shower, and sink will be in sufficient supply to meet the needs of the tenants and staff.

(8) Grab bars will be present for each toilet, tub and shower. Access to toilet and bathing facilities will be barrier-free and provide individual privacy.

(9) A telephone will be available and accessible for tenants' use in a manner that allows for privacy.

b. Safety.

(1) All combustion appliances will be used and maintained properly and inspected annually by a qualified technician for carbon monoxide emissions and any other hazards to health and safety;

(2) Extension cord wiring will not be used in place of permanent electrical fixtures or outlets.

c. Sanitation requirements.

(1) A public water supply will be utilized if available. If a nonmunicipal water source is used, the owner or on-site manager will show documentation from the state laboratory that the water supply is potable and is tested as required by the rules of the environmental protection commission of the department of natural resources.

(2) Septic tanks or other nonmunicipal wastewater disposal systems will be in good working order and comply with state and local regulations for wastewater treatment.

(3) Garbage and refuse will be suitably stored and disposed of by a sanitation company providing service in the area.

(4) If laundry service is provided, soiled linens and clothing will be stored in containers in an area separate from food storage, kitchen and dining areas.

(5) Sanitation for household pets and other domestic animals will be adequate to prevent health and safety hazards.

(6) There will be adequate control of insects and rodents.

(7) Reasonable and prudent precautions for infection control will be taken, including washing hands and exposed portions of arms with soap and hot water immediately before engaging in food preparation and meal service and before and after providing personal care.

(8) There will be at least one toilet and one sink for every four household occupants. A minimum of one sink and toilet is required on each floor occupied by tenants. A sink will be located near each toilet. For an EGH constructed or remodeled after July 1, 2005, there will be at least one toilet and one sink for every two household occupants, with a minimum of one toilet and one sink on each floor occupied by tenants.

(9) At least one tub or shower is required for each six household occupants. For an EGH constructed or remodeled after July 1, 2005, there will be at least one tub or one shower for every four household occupants.

d. Bedroom requirements.

(1) Each tenant bedroom will:

1. Have a door that opens directly to a hallway or common use area without passage through another bedroom or common bathroom;

2. Be adequately ventilated, heated, cooled and lighted;

3. Have at least 70 square feet of usable floor space, excluding any area where a sloped ceiling does not allow a person to stand upright. For an EGH constructed or remodeled after July 1, 2005, each tenant bedroom will have at least 100 square feet of usable floor space;

4. Provide individual privacy and be occupied by one tenant, unless an alternative arrangement is agreed to in the occupancy agreement by the tenant or the tenant's legal representative;

5. Be on ground level for tenants with impaired mobility;

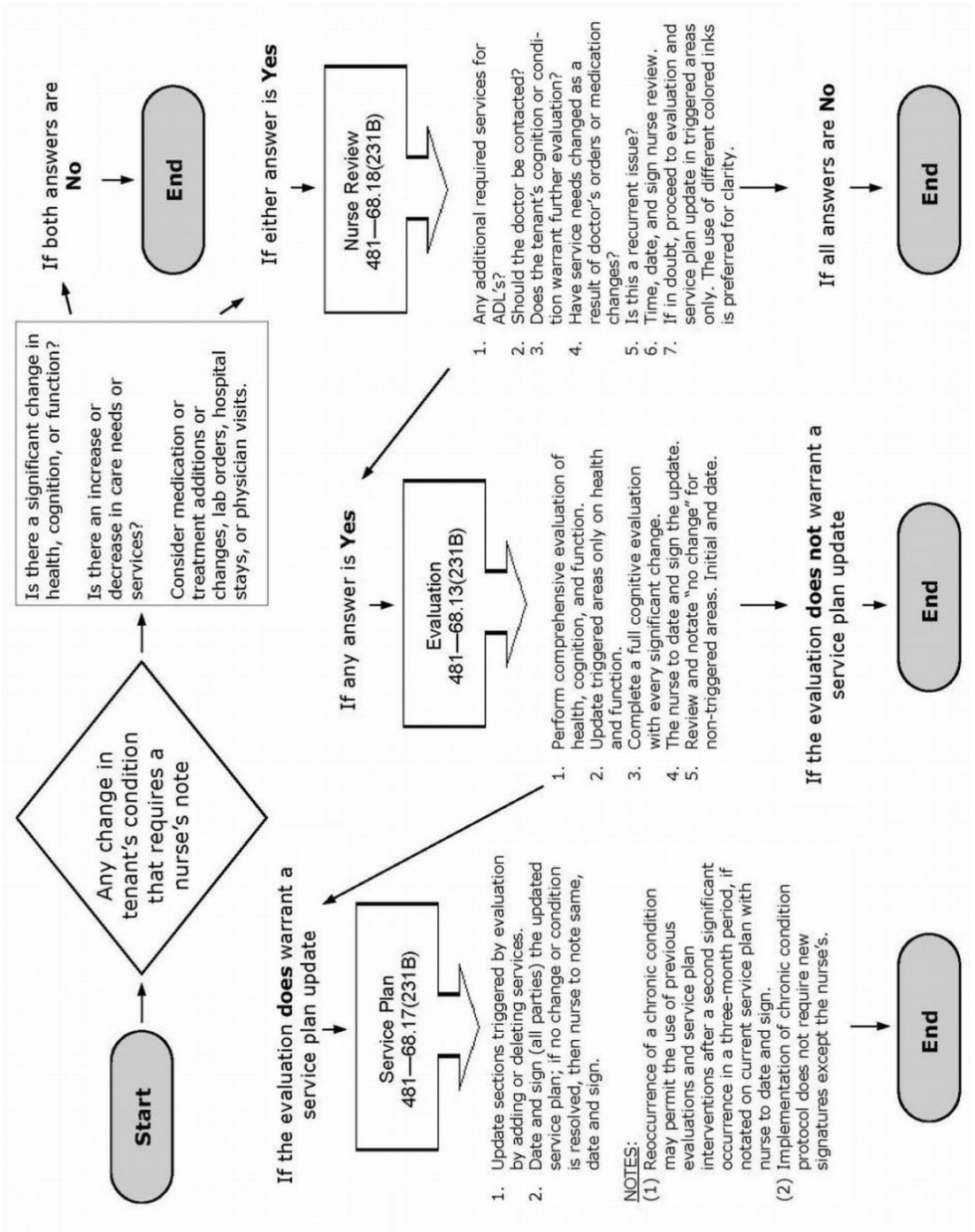
6. Be in sufficiently close proximity to the on-site manager to ensure that tenants are able to alert the on-site manager to nighttime needs or emergencies, or be equipped with a call system.

(2) Owners, operators, on-site managers, their family members, and personal care providers will not use as bedrooms areas that are designated as living areas or as tenant bedrooms;

(3) Common living space and tenant bedrooms will not be used for storage areas.

These rules are intended to implement Iowa Code chapter 231B.

Table A


Start
Any change in tenant's condition that requires a nurse's note
Is there a significant change in health, cognition, or function?
Is there an increase or decrease in care needs or services?
Consider medication or treatment additions or changes, lab orders, hospital stays, or physician visits.
If both answers are No
End
If either answer is Yes
Nurse Review 481—68.18(231B)
1. Any additional required services for ADL's?
2. Should the doctor be contacted?
3. Does the tenant's cognition or condition warrant further evaluation?
4. Have service needs changed as a result of doctor's orders or medication changes?
5. Is this a recurrent issue?
6. Time, date, and sign nurse review.
7. If in doubt, proceed to evaluation and service plan update in triggered areas only. The use of different colored inks is preferred for clarity.
If any answer is Yes
Evaluation 481—68.13(231B)
1. Perform comprehensive evaluation of health, cognition, and function.
2. Update triggered areas only on health and function.
3. Complete a full cognitive evaluation with every significant change.
4. The nurse to date and sign the update.
5. Review and notate "no change" for non-triggered areas. Initial and date.
If all answers are No
End
If the evaluation does warrant a service plan update
Service Plan 481—68.17(231B)
1. Update sections triggered by evaluation by adding or deleting services.
2. Date and sign (all parties) the updated service plan; if no change or condition is resolved, then nurse to note same, date and sign.
NOTES:
(1) Reoccurrence of a chronic condition may permit the use of previous evaluations and service plan interventions after a second significant occurrence in a three-month period, if notated on current service plan with nurse to date and sign.
(2) Implementation of chronic condition protocol does not require new signatures except the nurse's.
End
If the evaluation does not warrant a service plan update
End

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 69
"Assisted Living Programs"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 231C.3

State or federal law(s) implemented by the rulemaking: Iowa Code section 231C.3 and Executive Order 10

Public Hearing

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

November 4, 2025 1:30 p.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing's website before 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:

Amy K. Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Purpose and Summary

The proposed rulemaking repromulgates Chapter 69 and implements Iowa Code section 231C.3 in accordance with the goals and directives of Executive Order 10. Iowa Code section 231C.3 states that the Department must establish minimum standards for certification and monitoring of assisted living programs.

The rulemaking implements the above Iowa Code section by setting forth the various certification and recertification processes. The rulemaking describes the evaluation needed for tenants and lists the occupancy agreement terms, as well as the criteria for admission and retention of tenants and necessary tenant documents. The rules list how to involuntarily transfer a tenant from the program. The rulemaking sets staffing requirements, along with structural standards and life safety protocols.

Analysis of Impact

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

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

The owners and operators will bear the costs of the proposed rulemaking. Those costs are associated with running safe and effective programs.

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

The participants in assisted living programs will benefit from the rulemaking by receiving safe and effective services. Their loved ones will benefit from the peace of mind of knowing their loved ones are cared for.

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 assisted living programs will be impacted by having to comply with the policies and procedures established by the rulemaking. The costs will vary by program and are difficult to predict. The facilities will have to provide adequate staffing and appropriate facilities. It is difficult to determine those costs.

- **Qualitative description of impact:**

The qualitative impact of this rulemaking is that it ensures safe and adequate care for participants and peace of mind to their loved ones.

3. **Costs to the State:**

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

The costs to the agency are those that are statutorily required to implement the program. The acute and continuing care (ACC) and long term care (LTC) bureaus implement multiple Iowa Code and Iowa Administrative Code chapters, including this chapter. The two bureaus have an estimated combined FY 2025 annual budget of $16,020,287 that covers more than 70 full-time equivalent (FTE) positions who work with over 500 licensed health facilities, as well as the 436 assisted living programs in Iowa. There are six full-time employees who work with these programs, along with other duties. The Department collected $212,460 in licensing fees for these programs, along with $428,512 in fines. These figures help to offset the costs to the agency.

- **Anticipated effect on State revenues:**

The Department collected $212,460 in licensing fees for these programs, along with $428,512 in fines.

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

The costs of the rulemaking to the programs are necessary to maintain the safety of the participants in the programs. These participants are a vulnerable population. The rulemaking ensures that the programs are providing them with the necessary services to meet their needs safely and adequately.

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 rulemaking. The purpose of Iowa Code chapter 231C is to ensure the safety of the participants in assisted living programs and the rules promulgated help to achieve that purpose in the most efficient and least intrusive way possible.

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

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

See the answer to section 5 above.

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

See the answer to section 5 above.

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?

Assisted living programs will be of different sizes. The need to protect the participants of those facilities is the same no matter the size of the facility. Iowa Code chapter 231C does not allow for exemptions or different standards for small organizations. The necessity for consistency and fairness is the same whether the facility is small or large. Notwithstanding, if a small organization identifies a portion of the rulemaking that is overly burdensome and the goals of which can be accomplished in a manner that would reduce the impact of the rulemaking to the organization, the Department's established waiver process could be utilized.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 69 and adopt the following **new** chapter in lieu thereof:

CHAPTER 69
ASSISTED LIVING PROGRAMS

481—69.1(231C) Definitions. In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231C, the following definitions apply:

"Applicable requirements" means Iowa Code chapter 231C, this chapter, and 481—Chapter 67 and includes any other applicable administrative rules and provisions of the Iowa Code.

"CARF" means the Commission on Accreditation of Rehabilitation Facilities.

"Cognitive disorder" means a disorder characterized by cognitive dysfunction presumed to be the result of illness that does not meet the criteria for dementia, delirium, or amnestic disorder.

"Dementia-specific assisted living program" means an assisted living program certified under this chapter that:

1. Serves fewer than 55 tenants and has 5 or more tenants who have dementia between Stages 4 and 7 on the Global Deterioration Scale, or
2. Serves 55 or more tenants and 10 percent or more of the tenants have dementia between Stages 4 and 7 on the Global Deterioration Scale, or
3. Holds itself out as providing specialized care for persons with dementia, such as Alzheimer's disease, in a dedicated setting.

"Dwelling unit" means a single unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping and sanitation, and that may include permanent provisions for eating and cooking. "Sanitation" for purposes of this definition means bathroom fixtures as required by this chapter.

"Maximal assistance with activities of daily living" means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

"Medically unstable" means that a tenant has a condition or conditions:

1. Indicating physiological frailty as determined by the program's staff in consultation with a physician or physician extender;
2. Resulting in three or more significant hospitalizations within a consecutive three-month period for more than observation; and

3. Requiring frequent supervision of the tenant for more than 21 days by a registered nurse. For example, a tenant who has a condition such as congestive heart failure that results in three or more significant hospitalizations during a quarter and that requires that the tenant receive frequent supervision may be considered medically unstable.

"Unmanageable incontinence" means a condition that requires staff provision of total care for an incontinent tenant who lacks the ability to assist in bladder or bowel continence care.

481—69.2(231C) Program certification. A program may obtain certification by meeting all applicable requirements or may be voluntarily accredited by a recognized accreditation entity.

69.2(1) *Posting requirements.* A program's current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report, and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

69.2(2) *Dementia-specific programs.* If a program meets the definition of a dementia-specific assisted living program during two sequential certification monitorings, the program shall meet all requirements for a dementia-specific program, including the requirements set forth in rule 481—69.30(231C); subrules 69.29(2), 69.29(4), 69.32(2), and 69.32(3); and paragraph 69.35(1)*"d,"* within 90 days of receiving the final report from the second sequential certification monitoring. If the number of tenants served who have dementia between Stages 4 and 7 on the Global Deterioration Scale goes below that which is required by the definition of dementia-specific program at any time after the program has been deemed dementia-specific by definition and the program is not holding itself out as providing dementia care in a specialized setting, the program will no longer be considered dementia-specific.

481—69.3(231C) Certification of a nonaccredited program—application process.

69.3(1) The applicant shall complete an application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.381.7272.

69.3(2) The applicant shall submit one copy of the completed application and all supporting documentation to the department at least 90 calendar days prior to the expected date of beginning operation.

481—69.4(231C) Nonaccredited program—application content. An application for certification or recertification of a nonaccredited program shall include the following:

69.4(1) The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

a. The real estate owner or lessor;

b. The lessee;

c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

69.4(2) A statement disclosing whether the individuals listed in subrule 69.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

69.4(3) A statement disclosing whether any of the individuals listed in subrule 69.4(1) meet the criteria set out in Iowa Code section 231C.10(1)*"g,"* including for licensed health care facility as defined in Iowa Code section 135C.1, or licensed hospital as defined in Iowa Code section 135B.1.

69.4(4) The tenant occupancy agreement and all attachments.

69.4(5) If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity's current license or certification.

69.4(6) A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

69.4(7) The fee set forth in Iowa Code section 231C.18.

481—69.5(231C) Initial certification process for a nonaccredited program.

69.5(1) Upon receipt of all completed documentation, including building code and fire safety bureau approval and structural and evacuation review approval, the department will determine whether or not the proposed program meets applicable requirements.

69.5(2) If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept tenants.

69.5(3) Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program's compliance with applicable requirements.

69.5(4) If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

69.5(5) The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

69.5(6) The department will notify the program of a final certification decision within 10 working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

69.5(7) If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

481—69.6(231C) Expiration of the certification of a nonaccredited program. Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

481—69.7(231C) Recertification process for a nonaccredited program. To obtain recertification, a program shall:

69.7(1) Submit one copy of the completed application, associated documentation, and the recertification fee as listed in Iowa Code section 231C.18 to the department at least 30 calendar days prior to the expiration of the program's certification.

69.7(2) Submit additional documentation that each of the following has been inspected by a qualified professional and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system; and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

481—69.8(231C) Notification of recertification for a nonaccredited program.

69.8(1) The department will review the application and associated documentation and fees. After all finalized documentation is received, including building code and fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

69.8(2) If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

481—69.9(231C) Certification or recertification of an accredited program—application process. An applicant for certification or recertification of a program accredited by a recognized accrediting entity shall:

69.9(1) Submit a completed application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

69.9(2) Submit a copy of the current accreditation outcome from the recognized accrediting entity.

69.9(3) Maintain compliance with the building code and fire safety bureau's requirements.

69.9(4) Submit the appropriate fees as set forth in Iowa Code section 231C.18.

481—69.10(231C) Certification or recertification of an accredited program—application content. An application for certification or recertification of an accredited program shall comply with rule 481—69.3(231C) and include a copy of the current accreditation outcome from the recognized accrediting entity.

481—69.11(231C) Initial certification process for an accredited program.

69.11(1) Within 20 working days of receiving all finalized documentation, including building code and fire safety bureau approval, the department will notify the accredited program whether the program meets applicable requirements and whether certification will be issued.

69.11(2) If the decision is to certify, a certification will be issued for the term of the accreditation not to exceed three years unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

69.11(3) If the decision is to deny certification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.13(17A,231B,231C,231D).

69.11(4) Unless conditionally issued, suspended or revoked, certification for a program will expire at the end of the time period specified on the certificate.

481—69.12(231C) Recertification process for an accredited program.

69.12(1) To obtain recertification, an accredited program shall comply with rule 481—69.9(231C) at least 30 calendar days prior to the expiration of the program's certification.

69.12(2) If the facility is in good standing, a full certification will be issued for the term of the accreditation not to exceed three years unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

69.12(3) If the decision is to deny recertification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.14(17A,231B,231C,231D).

481—69.13(231C) Listing of all certified programs. The department will maintain a list of all certified programs, which is available online at dia-hfd.iowa.gov.

481—69.14(231C) Recognized accrediting entity.

69.14(1) The department designates CARF as a recognized accrediting entity for programs.

69.14(2) To apply for designation by the department as a recognized accrediting entity for programs, an entity shall submit a letter of request, and its standards shall meet the applicable requirements for programs.

69.14(3) The designation will remain in effect for as long as the accreditation standards meet the applicable requirements for programs.

69.14(4) An accrediting entity shall provide annually to the department, at no cost, a current edition of the applicable standards manual and survey preparation guide, and training thereon, within 120 working days after the publications are released.

481—69.15(231C) Requirements for an accredited program. Each accredited program that is certified by the department shall:

69.15(1) Provide the department a copy of all survey reports including outcomes, quality improvement plans and annual conformance to quality reports generated or received, as applicable, within ten working days of receipt of the reports.

69.15(2) Notify the department by the most expeditious means possible of all credible reports of alleged improper or inappropriate conduct or conditions within the program and any actions taken by the accrediting entity with respect thereto.

69.15(3) Notify the department immediately of the expiration, suspension, revocation or other loss of the program's accreditation.

481—69.16(231C) Maintenance of program accreditation.

69.16(1) An accredited program will continue to be recognized for certification by the department if both of the following requirements are met:

a. The program complies with the requirements outlined in rule 481—69.15(231C).

b. The program maintains its voluntary accreditation status for the duration of the time-limited certification period.

69.16(2) A program that does not maintain its voluntary accreditation status must become certified by the department prior to any lapse in accreditation or cease operation as a program.

481—69.17(231C) Change of ownership—notification to the department.

69.17(1) Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

69.17(2) In order to transfer certification, the applicant must:

a. Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231C and 481—Chapter 67 and this chapter;

b. At least 30 days prior to the change of ownership of the program, provide application and supporting documentation to the department.

69.17(3) The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

481—69.18(231C) Plan reviews of a building for a new program.

69.18(1) Before a building is constructed or remodeled for use in a new program, the state building code and fire safety bureau of the department shall review the construction documents and do fire inspections for compliance with requirements pursuant to this chapter. Construction or remodeling includes new construction, remodeling of any part of an existing building, addition of a new wing or floor to an existing building, or conversion of an existing building.

69.18(2) A program applicant shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

69.18(3) The plan review fee must be paid before construction documents are uploaded to the project folder.

69.18(4) The building code bureau of the department will notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

69.18(5) The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau regarding how any noncompliance will be resolved.

69.18(6) Upon final notification by the building code bureau that the construction documents meet the bureau's requirements, construction or remodeling of the building may commence.

69.18(7) The fire safety bureau will schedule an on-site visit of the building site with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the construction

or remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for certification.

481—69.19(231C) Plan review prior to the remodeling of a building for a certified program.

69.19(1) Before a building for a certified program is remodeled as defined in subrule 69.18(1), the building code bureau will review the construction documents for compliance with requirements set forth in rule 481—69.35(231C).

69.19(2) A certified program shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

69.19(3) The plan review fee must be paid before construction documents are uploaded to the project folder.

69.19(4) Upon final notification by the building code bureau that the construction documents meet structural and life safety requirements, remodeling of the building may commence.

69.19(5) The building code and fire safety bureaus shall schedule an on-site visit of the building with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for continued certification or recertification of the program.

481—69.20(231C) Cessation of program operation that includes seeking decertification.

69.20(1) At least 90 days in advance of cessation, the program shall provide to the department and the office of long-term care ombudsman written notification of the date on which the program will cease operation or decertify.

69.20(2) At the time a program decides to cease operation the program shall submit a plan to the department and make arrangements for the safe and orderly transfer or transition of all tenants within the 90-day period specified by subrule 69.20(1).

69.20(3) The department may conduct a monitoring during the 90-day period to ensure the safety of tenants during the transfer process or transition process.

69.20(4) When a program ceases operation representatives from the office of long-term care ombudsman shall be allowed by the program to privately meet with tenants to provide education and service options.

481—69.21(231C) Occupancy agreement.

69.21(1) The occupancy agreement shall be in 12-point type or larger, written in plain language using commonly understood terms and be easy for the tenant or the tenant's legal representative to understand.

69.21(2) In addition to the requirements of Iowa Code section 231C.5, the written occupancy agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

a. The telephone number for filing a complaint with the department.

b. The telephone number for the office of long-term care ombudsman.

c. The telephone number for reporting dependent adult abuse.

d. A copy of the program's statement on tenants' rights.

e. A statement that the tenant landlord law applies to assisted living programs.

f. A statement that the program will notify the tenant at least 90 days in advance of any planned program cessation, except in cases of emergency.

69.21(3) The occupancy agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

69.21(4) A copy of the occupancy agreement shall be provided to the tenant or the tenant's legal representative, if any, and a copy kept by the program.

69.21(5) A copy of the most current occupancy agreement shall be made available to the general public upon request.

481—69.22(231C) Evaluation of tenant.

69.22(1) *Evaluation prior to occupancy.* A program shall evaluate each prospective tenant's functional, cognitive and health status prior to the tenant's signing the occupancy agreement and taking occupancy of a dwelling unit in order to determine the tenant's eligibility for the program, including whether the services needed are available. The cognitive evaluation shall utilize a scored, objective tool. When the score from the cognitive evaluation indicates moderate cognitive decline and risk, the Global Deterioration Scale (GDS) shall be used at all subsequent intervals, if applicable. If the tenant subsequently returns to the tenant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

69.22(2) *Evaluation within 30 days of occupancy.* A program shall evaluate each tenant's functional, cognitive and health status within 30 days of occupancy. The evaluation shall be conducted by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

69.22(3) *Evaluation annually and with significant change.* A program shall evaluate each tenant's functional, cognitive and health status as needed with significant change, but not less than annually, to determine the tenant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, a human service professional, or a licensed practical nurse via nurse delegation.

481—69.23(231C) Criteria for admission and retention of tenants.

69.23(1) *Persons who may not be admitted or retained.* A program shall not knowingly admit or retain a tenant who:

a. Is bed-bound; or

b. Requires routine, two-person assistance with standing, transfer or evacuation; or

c. Is dangerous to self or other tenants or staff, including but not limited to a tenant who:

(1) Despite intervention, chronically elopes or is sexually, verbally, or physically aggressive or abusive; or

(2) Displays behavior that places another tenant at risk; or

d. Is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; or

e. Is under the age of 18; or

f. Requires more than part-time or intermittent health-related care; or

g. Has unmanageable incontinence on a routine basis despite an individualized toileting program; or

h. Is medically unstable; or

i. Requires maximal assistance with activities of daily living; or

j. Despite intervention, chronically urinates or defecates in places that are not considered acceptable according to societal norms.

69.23(2) *Disclosure of additional occupancy and transfer criteria.* A program may have additional occupancy or transfer criteria if the criteria are disclosed in the written occupancy agreement prior to the tenant's occupancy.

69.23(3) *Assistance with transfer from the program.* A program shall assist a tenant and the tenant's legal representative, if applicable, to ensure a safe and orderly transfer from the program when the tenant exceeds the program's criteria for admission and retention.

481—69.24(231C) Involuntary transfer from the program.

69.24(1) *Program initiation of transfer.* The program shall comply with Iowa Code section 231C.6 and the following:

a. The program will provide the tenant, or the tenant's legal representative, the contact information for the office of long-term care ombudsman.

b. The program will immediately provide to the office of long-term care ombudsman, by mail or email, a copy of the notification and notify the tenant's treating physician, if any.

c. Pursuant to statute, the office of long-term care ombudsman will offer the notified tenant or tenant's legal representative assistance with the program's internal appeal process.

69.24(2) *Transfer pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more tenants are identified as exceeding the admission and retention criteria for tenants and need to be transferred as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply:

a. Program agreement with the department's finding. If the program agrees with the department's finding and the program begins involuntary transfer proceedings, the program's internal appeal process in subrule 69.24(1) will be utilized for appeals.

b. Program disagreement with the department's finding. If the program does not agree with the department's finding that the tenant exceeds admission and retention criteria, the program may appeal the department's final report as provided in rule 481—67.14(17A,231B,231C,231D,85GA,HF2365). If an appeal is filed, the tenant who exceeds admission and retention criteria will be allowed to continue living at the program until all administrative appeals have been exhausted. Appeals filed that relate to the tenant's exceeding admission and retention criteria will be heard within 30 days of receipt, and appropriate services to meet the tenant's needs will be provided during that period of time.

c. Request for waiver of criteria for retention of a tenant in a program. To allow a tenant to remain in the program, the program may request a waiver of criteria for retention of a tenant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

481—69.25(231C) Tenant documents.

69.25(1) Documentation for each tenant shall be maintained by the program and include:

a. An occupancy record including the tenant's name, birth date, and home address; identification numbers; date of occupancy; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;

b. Application forms;

c. The initial evaluations and updates;

d. A nutritional assessment as necessary;

e. The initial individual service plan and updates;

f. Signed authorizations for permission to release medical information, photographs, or other media information as necessary;

g. A signed authorization for the tenant to receive emergency medical care as necessary;

h. A signed managed risk policy and signed managed risk consensus agreements, if any;

i. When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;

j. Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2)*"d"*;

k. Advance health care directives as applicable;

l. A complete copy of the tenant's occupancy agreement, including any updates;

m. A written acknowledgment that the tenant or the tenant's legal representative, if applicable, has been fully informed of the tenant's rights;

n. A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;

o. Incident reports involving the tenant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the tenant's medical record);

p. A copy of waivers of admission or retention criteria, if any;

q. When the tenant is unable to advocate on the tenant's own behalf or the tenant has multiple service providers, including hospice care providers, accurate documentation of the completion of routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);

r. Authorizations for the release of information, if any.

69.25(2) The program records relating to a tenant shall be retained for a minimum of three years after termination of services.

69.25(3) All records shall be protected from loss, damage and unauthorized use.

481—69.26(231C) Service plans.

69.26(1) A service plan shall be developed for each tenant based on the evaluations conducted in accordance with rule 481—69.22(231C) and be designed to meet the specific needs of the individual tenant.

69.26(2) Prior to the tenant's signing the occupancy agreement and taking occupancy of a dwelling unit, a preliminary service plan shall be developed by a health care professional or human service professional in consultation with the tenant and, at the tenant's request, with other individuals identified by the tenant, and, if applicable, with the tenant's legal representative. All persons who develop the plan and the tenant or the tenant's legal representative shall sign the plan.

69.26(3) When a tenant needs personal care or health-related care, the service plan shall be updated within 30 days of the tenant's occupancy and as needed with significant change, but not less than annually. The service plan shall be signed by all parties, including the tenant or tenant's legal representative.

a. If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

b. If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained.

69.26(4) The service plan shall be individualized and indicate:

a. The tenant's identified needs and preferences for assistance;

b. Any services and care to be provided pursuant to the occupancy agreement;

c. The service provider(s), if other than the program;

d. For tenants who are unable to plan their own activities, including tenants with dementia, a list of person-centered planned and spontaneous activities based on the tenant's abilities and personal interests;

e. Preferences, if any, of the tenant or the tenant's legal representative for nursing facility care, if the need for nursing facility care presents itself during the assisted living program occupancy.

481—69.27(231C) Nurse review.

69.27(1) If a tenant does not receive personal or health-related care, but an observed significant change in the tenant's condition occurs, a nurse review shall be conducted.

69.27(2) If a tenant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

a. To monitor, at least every 90 days, or after a significant change in the tenant's condition, any tenant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

b. To ensure that health care professionals' orders are current for tenants who receive professional-directed health care from the program;

c. To assess and document the health status of each tenant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the tenant's health status;

d. To provide the program with written documentation of the nurse review, showing the time, date and signature.

481—69.28(231C) Food service.

69.28(1) The program shall provide or coordinate with other community providers to provide a hot or other appropriate meal(s) at least once a day or arrange for the availability of meals.

69.28(2) Meals and snacks provided by the program but not prepared on site shall be obtained from or provided by an entity that meets the standards of state and local health laws and ordinances concerning the preparation and serving of food.

69.28(3) Menus shall be planned to provide the following percentage of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences based on the number of meals provided by the program:

a. A minimum of 33⅓ percent if the program provides one meal per day;

b. A minimum of 66⅔ percent if the program provides two meals per day; and

c. One hundred percent if the program provides three meals per day.

69.28(4) Therapeutic diets may be provided by a program. If therapeutic diets are provided, they shall be prescribed by a physician, physician assistant, or advanced registered nurse practitioner. The thirteenth edition of the Iowa Simplified Diet Manual published by the Iowa dietetic association shall be available and used in the planning and serving of therapeutic diets. A licensed dietitian shall be responsible for writing and approving the therapeutic menu and for reviewing procedures for food preparation and service for therapeutic diets.

69.28(5) Personnel who are employed by or contract with the program and who are responsible for food preparation or service, or both food preparation and service, shall have an orientation on sanitation and safe food handling prior to handling food and have annual in-service training on food protection.

a. In addition to the requirements above, a minimum of one person directly responsible for food preparation shall have successfully completed a state-approved food protection program by:

(1) Obtaining certification as a dietary manager; or

(2) Obtaining certification as a food protection professional; or

(3) Successfully completing an ANSI-accredited certified food protection manager program meeting the requirements for a food protection program included in the Food Code adopted pursuant to Iowa Code chapter 137F. Another program may be substituted if the program's curriculum includes substantially similar competencies to a program that meets the requirements of the Food Code and the provider of the program files with the department a statement indicating that the program provides substantially similar instruction as it relates to sanitation and safe food handling.

b. If the person is in the process of completing a course or certification listed in paragraph 69.28(5)*"a,"* the requirement relating to completion of a state-approved food protection program will be considered to have been met.

69.28(6) Programs engaged in the preparation and service of meals and snacks shall meet the standards of state and local health laws and ordinances pertaining to the preparation and service of food and be licensed pursuant to Iowa Code chapter 137F. The department will not require the program to be licensed as a food establishment if the program limits food activities to the following:

a. All main meals and planned menu items will be prepared offsite and transferred to the program kitchen for service to tenants.

b. Baked goods that do not require temperature control for safety and single-service juice or milk may be stored in the program's kitchen and provided as part of a continental breakfast.

c. Ingredients used for food-related activities with tenants may be stored in the program's kitchen. Tenant activities may include the preparation and cooking of food items in the program's

kitchen if the activity occurs on an irregular or sporadic basis and the items prepared are not part of the program's menu.

d. Appropriately trained staff may prepare in the program's kitchen individual quantities of tenant-requested menu-substitution food items that require limited or no preparation, such as peanut butter or cheese sandwiches or a single-service can of soup. The food items necessary to prepare the menu substitution may be stored in the program's kitchen. These food items may not be cooked in the program's kitchen but may be reheated in a microwave. A two- or four-slice toaster may be used for tenant-requested menu-substitution items, but there will be no bare-hand contact.

e. Tenants may take food items left over from a meal back to their apartments, but no leftovers will be stored in the program's kitchen.

f. Warewashing may be done in the program's kitchen as long as the program utilizes a commercial dishwasher and documents daily testing of sanitizer chemical ppm and proper water temperatures. Verification by the department of these practices may be conducted during on-site visits.

69.28(7) All perishable or potentially hazardous food shall be cooked to recommended temperatures and held at safe temperatures of 41°F (5°C) or below, or 135°F (57°C) or above.

481—69.29(231C) Staffing. In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs.

69.29(1) Each tenant will have access to a 24-hour personal emergency response system that automatically identifies the tenant in distress and can be activated with one touch.

69.29(2) In lieu of providing access to a personal emergency response system, a program serving one or more tenants with cognitive disorder or dementia will follow a system, program, or written staff procedures that address how the program will respond to the emergency needs of the tenant(s).

69.29(3) The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and target population.

69.29(4) A dementia-specific assisted living program will have one or more staff persons who monitor tenants as indicated in each tenant's service plan. The staff will be awake and on duty 24 hours a day on site and in the proximate area.

A non-dementia-specific assisted living program will have one or more staff persons who monitor tenants as indicated in each tenant's service plan, be able to respond to a call light or other emergent tenant needs, and be in the proximate area 24 hours a day on site.

69.29(5) All programs employing a new program manager after January 1, 2010, will require the manager within six months of hire to complete an assisted living management class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on assisted living programs. Managers who have completed a similar training prior to January 1, 2010, will not be required to complete additional training to meet this requirement.

69.29(6) All programs employing a new delegating nurse after January 1, 2010, will require the delegating nurse within six months of hire to complete an assisted living manager class or assisted living nursing class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on assisted living. A minimum of one delegating nurse from each program will complete the training. If there are multiple delegating nurses and only one delegating nurse completes the training, the delegating nurse who completes the training will train the other delegating nurses in the Iowa rules and laws on assisted living. As of January 1, 2011, all programs shall have a minimum of one delegating nurse who has completed the training described in this subrule.

69.29(7) The program will notify the department in writing within ten business days of a change in the program's manager.

69.29(8) The program must develop and implement policy and procedure for addressing sexual relationships between tenants and staff and between tenants with dementia greater than Stage 5 on the Global Deterioration Scale.

481—69.30(231C) Dementia-specific education for program personnel.

69.30(1) All personnel employed by or contracting with a dementia-specific program shall receive a minimum of eight hours of dementia-specific education and training within 30 days of either employment or the beginning date of the contract, as applicable.

69.30(2) The dementia-specific education or training shall include:

a. An explanation of dementia and related disorders;

b. The program's specialized dementia care philosophy and program;

c. Skills for communicating with persons with dementia;

d. Skills for communicating with family and friends of persons with dementia;

e. An explanation of family issues such as role reversal, grief and loss, guilt, relinquishing the care-giving role, and family dynamics;

f. The importance of planned and spontaneous activities;

g. Skills in assistance with instrumental activities of daily living;

h. The importance of the service plan and social history information;

i. Skills in working with challenging tenants;

j. Techniques for simplifying, cueing, and redirecting;

k. Staff support and stress reduction;

l. Medication management and nonpharmacological interventions.

69.30(3) Dementia-specific continuing education.

a. Except as otherwise provided in this subrule, all personnel employed by or contracting with a dementia-specific program shall receive a minimum of two hours of dementia-specific continuing education annually.

b. Direct-contact personnel employed by or contracting with a dementia-specific program or employed by a contracting agency providing staff to a dementia-specific program shall receive a minimum of eight hours of dementia-specific continuing education annually.

c. Contracted personnel who have no contact with tenants (e.g., persons providing lawn maintenance or snow removal) are not required to receive the two hours of training required in paragraph 69.30(3)*"a."*

d. The contracting agency may provide the program with documentation of dementia-specific continuing education that meets the requirements of this subrule.

69.30(4) An employee or contractor who provides documentation of completion of a dementia-specific education or training program within the past 12 months will be exempt from the education and training requirement of subrule 69.30(1).

69.30(5) Dementia-specific training will include hands-on training and any of the following: classroom instruction, web-based training, and case studies of tenants in the program.

481—69.31(231C) Managed risk policy and managed risk consensus agreements. The program shall have a managed risk policy that will be provided to the tenant along with the occupancy agreement and include:

69.31(1) An acknowledgment of the shared responsibility for identifying and meeting the needs of the tenant and the process for managing risk and for upholding tenant autonomy when tenant decision making could result in poor outcomes for the tenant or others;

69.31(2) A consensus-based process to address specific risk situations. Program staff and the tenant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the tenant and all others who participated in the process and be included in the tenant's file.

481—69.32(231C) Life safety—emergency policies and procedures and structural safety requirements.

69.32(1) The program shall submit to the department and follow written emergency policies and procedures, including:

a. An emergency plan with procedures for natural disasters that is located for easy reference;
b. Fire safety procedures;
c. Other general or personal emergency procedures, including head injury protocols;
d. Provisions for amending or revising the emergency plan;
e. Provisions for periodic training of all employees;
f. Procedures for fire drills;
g. Regulations regarding smoking;
h. Monitoring and testing of smoke-control systems;
i. Tenant evacuation procedures;
j. Procedures for reporting and documentation;
k. Extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

69.32(2) An operating alarm system shall be connected to each exit door in a dementia-specific program.

69.32(3) The program shall obtain approval from the fire safety bureau of the department before the installation of any specialized door locking systems.

69.32(4) A program serving a person(s) with cognitive disorder or dementia shall have written procedures regarding:

a. Alarm systems, if an alarm system is in place.
b. Appropriate staff response when a tenant's service plan indicates a risk of elopement or when a tenant exhibits wandering behavior.
c. Appropriate staff response if a tenant with cognitive disorder or dementia is missing.

69.32(5) The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for assisted living programs in administrative rules promulgated by the building code and fire safety bureaus. Approval of both bureaus indicating that the building complies with these requirements is necessary for certification of a program.

69.32(6) The program shall have the means to control the maximum temperature of water at sources accessible by a tenant to prevent scalding and control the maximum water temperature for tenants with cognitive impairment or dementia or at a tenant's request.

481—69.33(231C) Transportation. When transportation services are provided directly or under contract with the program the following shall apply:

69.33(1) The vehicle will be accessible and appropriate to the tenants who use it, with consideration for any physical disabilities and impairments.

69.33(2) Every tenant transported will have a seat in the vehicle, except for a tenant who remains in a wheelchair during transport.

69.33(3) Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

69.33(4) Wheelchairs will be secured when the vehicle is in motion.

69.33(5) During loading and unloading of a tenant, the driver will be in the proximate area of the tenants in a vehicle.

69.33(6) The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

69.33(7) Each vehicle will have a first-aid kit, fire extinguisher, safety triangles and a device for two-way communication.

481—69.34(231C) Activities. The program shall have a policy related to activities, including the following:

69.34(1) The program will provide appropriate activities for each tenant reflecting individual differences in age, health status, sensory deficits, lifestyle, ethnic and cultural beliefs, religious beliefs,

values, experiences, needs, interests, abilities and skills by providing opportunities for a variety of types and levels of involvement.

69.34(2) Activities will be planned to support the tenant's service plan consistent with occupancy policies.

69.34(3) A written schedule of activities will be developed at least monthly and made available to tenants and their legal representatives.

69.34(4) Tenants will be given the opportunity to choose their levels of participation in all activities offered in the program.

481—69.35(231C) Structural requirements.

69.35(1) *General requirements.*

a. The structure of the program will be designed and operated to meet the needs of the tenants.

b. The buildings and grounds will be well-maintained, clean, safe and sanitary.

c. Programs will have private dwelling units with a single-action, lockable entrance door.

d. A program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or remove the lock on an entrance door and disable or remove the lock if its presence presents a danger to the health and safety of the tenant.

e. The structure in which a program is housed shall comply with the administrative rules promulgated by the building code and fire safety bureaus.

f. Programs may have individual cooking facilities within the private dwelling units. Any program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or easily remove appliances and disable or remove them if their presence presents a danger to the health and safety of the tenant or others.

69.35(2) *Programs certified prior to July 4, 2001.* Facilities for programs certified prior to July 4, 2001, shall meet the following requirements:

a. Each dwelling unit will have at least one room that will have not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.

b. Each dwelling unit will have not less than 190 square feet of floor area, excluding bathrooms.

c. A dwelling unit used for double occupancy will have not less than 290 square feet of floor area, excluding bathrooms.

d. The program will have a minimum of 15 square feet of common area per tenant.

69.35(3) *New construction built on or after July 4, 2001.* Programs operated in new construction built on or after July 4, 2001, shall meet the following requirements:

a. Each dwelling unit will have at least one room that will have not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.

b. Each dwelling unit used for single occupancy will have a total square footage of not less than 240 square feet of floor area, excluding bathrooms and door swing.

c. A dwelling unit used for double occupancy will have a total square footage of not less than 340 square feet of floor area, excluding bathrooms and door swing.

d. Each dwelling unit will contain a bathroom, including a toilet, sink and bathing facilities. A program serving persons with cognitive impairment or dementia, whether in a general or dementia-specific setting, will have the means to disable or remove the sink or bathing facility water control and will disable or remove the water control if its presence presents a danger to the health and safety of the tenant.

e. Self-closing doors are not required for individual dwelling units, whether in a general or dementia-specific setting, unless the authority with jurisdiction determines that the level of hazard has increased to require the installation of closure hardware (for example, presence of a stove, range or oven).

69.35(4) *Structure being converted to or remodeled for use by a program on or after July 4, 2001.* A program operating in a structure that was converted or remodeled for use for a program on or after July 4, 2001, shall meet the following requirements:

a. Each dwelling unit will have at least one room that has not less than 120 square feet of floor area. Other habitable rooms will have an area of not less than 70 square feet.

b. Each dwelling unit used for single occupancy will have a total square footage of not less than 190 square feet of floor area, excluding bathrooms and door swing.

c. A dwelling unit used for double occupancy will have a total square footage of not less than 290 square feet of floor area, excluding bathrooms and door swing.

d. Each dwelling unit will have a bathroom, including a toilet, sink and bathing facility.

481—69.36(231C) Dwelling units in dementia-specific programs. Dementia-specific programs are exempt from the requirements in subrules 69.35(2) through 69.35(4) as follows:

69.36(1) For a program built in a family or neighborhood design:

a. Each dwelling unit used for single occupancy will have a total square footage of not less than 150 square feet of floor area, excluding a bathroom; and

b. Each dwelling unit used for double occupancy will have a total square footage of not less than 250 square feet of floor area, excluding a bathroom.

69.36(2) Dementia-specific programs may choose not to provide bathing facilities in the dwelling units.

481—69.37 Reserved.

481—69.38(83GA,SF203) Identification of veteran's benefit eligibility.

69.38(1) Within 30 days of a tenant's admission to an assisted living program that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the tenant or the tenant's personal representative whether the tenant is a veteran or whether the tenant is the spouse, widow, or dependent of a veteran and document the response.

69.38(2) If the tenant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the tenant's name along with the name of the veteran, if applicable, as well as the name of the contact person for this information, to the Iowa department of veterans affairs. The program may report such information to the Iowa department of health and human services.

69.38(3) If a tenant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

481—69.39(231C) Respite care services. "Respite care services" means an organized program of temporary supportive care provided for 24 hours or more to a person in order to relieve the usual caregiver of the person from providing continual care to the person, or on request of the tenant as a trial of the program. An assisted living program that chooses to provide respite care services must meet the following requirements related to respite care services and be certified as an assisted living program.

69.39(1) *Length of stay.* Respite care services will be provided for no more than 30 consecutive days and for a total of no more than 60 days in a consecutive 12-month period beginning on the first day the individual stays in the program.

69.39(2) *No separate certificate.* An assisted living program that chooses to provide respite care services is not required to obtain a separate certificate or pay a certification fee.

69.39(3) *Assessment.* The program nurse will assess the individual prior to the individual's stay and will document:

a. Safety and supervision needs;

b. Medical needs;

c. Dietary needs;

d. Bowel and bladder function.

69.39(4) *Written direction to staff.* The program nurse will document the care needs of the individual based on the assessment conducted pursuant to subrule 69.39(3) and provide the documentation to staff.

69.39(5) *Involuntary termination of respite care services.* The program may terminate the respite care services for the individual. Rule 481—69.24(231C) will not apply. The program will make proper arrangements for the welfare of the individual prior to involuntary termination of respite care services, including notification of the individual's family or legal representative.

69.39(6) *Contract.* The program will have a contract with each individual, including:

a. The time period during which the individual will be considered to be receiving respite care services, not to exceed 30 consecutive days.

b. A description of all fees, charges, and rates for respite care services, and any additional and optional services and their related costs.

c. A statement that respite care services may be involuntarily terminated. Rule 481—69.24(231C) will not apply.

d. Identification of the party responsible for payment of fees and identification of the respite care individual's legal representative, if any.

e. Identification of emergency contacts, including but not limited to the individual's family member(s) and physician.

f. A statement that all individual information will be maintained in a confidential manner to the extent required under state and federal law.

g. The refund policy, if applicable.

h. A statement regarding billing and payment procedures.

69.39(7) *Admission to program.*

a. Individuals receiving respite care will not be considered an admission to the program.

b. Individuals receiving respite care will be included in the program's census.

c. The program will not enter into multiple 30-day contracts with an individual receiving respite care in order to lengthen the individual's stay in the program.

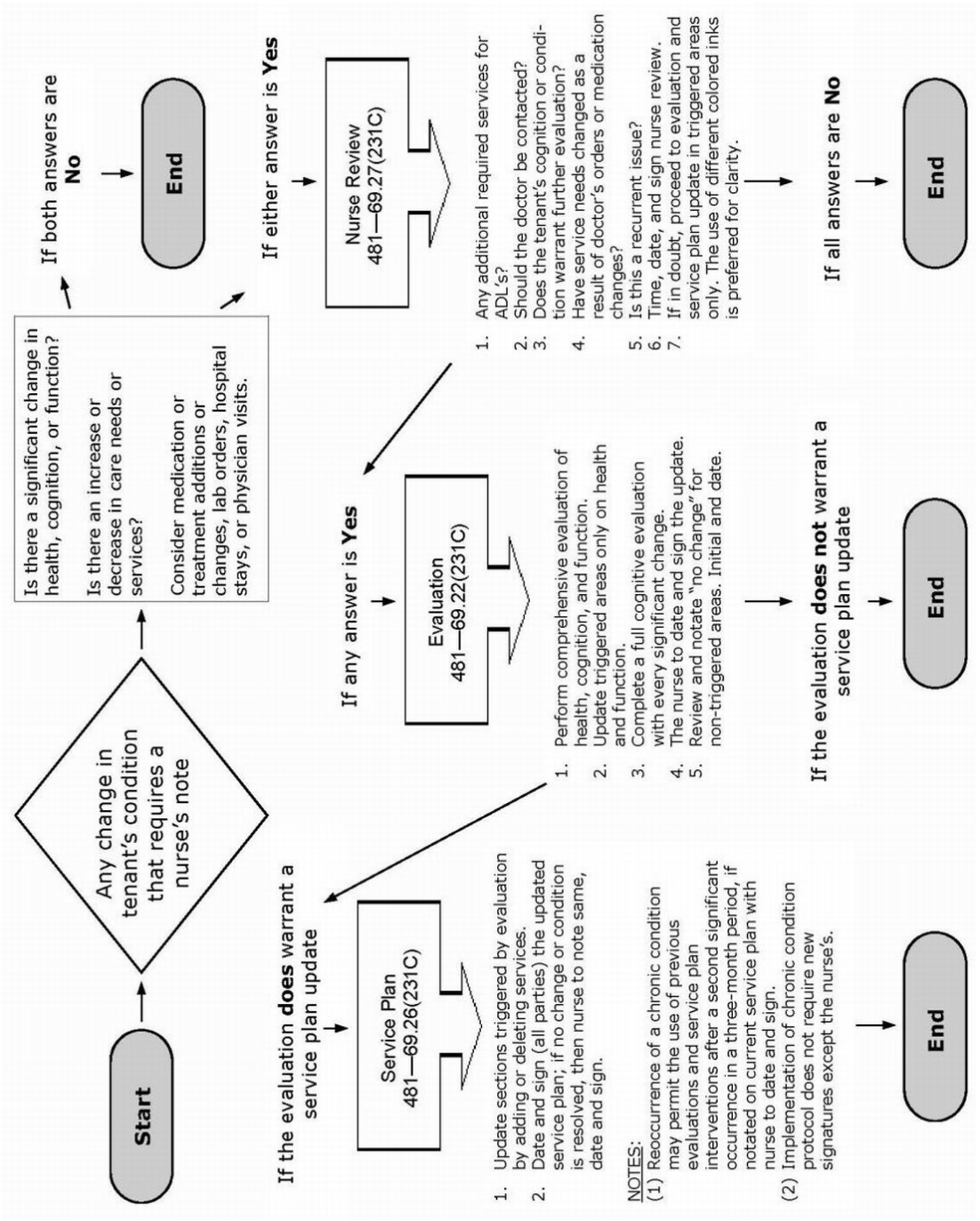
d. If an individual receiving respite care remains in the program beyond 30 consecutive days and is eligible for admission, the department will consider the individual a tenant in the program. The program will follow all requirements for admission to the program.

69.39(8) *Level of care criteria.* Individuals receiving respite care must meet the criteria found in subrule 69.23(1) for admission and retention of tenants. Respite care services will not be provided by an assisted living program to persons requiring a level of care that is higher than the level of care the program is certified to provide.

69.39(9) *Accessibility by the department.* The department shall have the same access to respite care services records as provided in 481—subrule 67.10(2).

These rules are intended to implement Iowa Code chapter 231C.

Table A


Start
Any change in tenant's condition that requires a nurse's note
Is there a significant change in health, cognition, or function?
Is there an increase or decrease in care needs or services?
Consider medication or treatment additions or changes, lab orders, hospital stays, or physician visits.
If both answers are No
End
If either answer is Yes
Nurse Review 481—69.27(231C)
1. Any additional required services for ADL's?
2. Should the doctor be contacted?
3. Does the tenant's cognition or condition warrant further evaluation?
4. Have service needs changed as a result of doctor's orders or medication changes?
5. Is this a recurrent issue?
6. Time, date, and sign nurse review.
7. If in doubt, proceed to evaluation and service plan update in triggered areas only. The use of different colored inks is preferred for clarity.
If any answer is Yes
Evaluation 481—69.22(231C)
1. Perform comprehensive evaluation of health, cognition, and function.
2. Update triggered areas only on health and function.
3. Complete a full cognitive evaluation with every significant change.
4. The nurse to date and sign the update.
5. Review and notate "no change" for non-triggered areas. Initial and date.
If all answers are No
End
If the evaluation does warrant a service plan update
Service Plan 481—69.26(231C)
1. Update sections triggered by evaluation by adding or deleting services.
2. Date and sign (all parties) the updated service plan; if no change or condition is resolved, then nurse to note same, date and sign.
NOTES:
(1) Reoccurrence of a chronic condition may permit the use of previous evaluations and service plan interventions after a second significant occurrence in a three-month period, if notated on current service plan with nurse to date and sign.
(2) Implementation of chronic condition protocol does not require new signatures except the nurse's.
End
If the evaluation does not warrant a service plan update
End

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 70
"Adult Day Services"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 231D.2

State or federal law(s) implemented by the rulemaking: Iowa Code section 231D.2 and Executive Order 10

Public Hearing

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

November 4, 2025 1:30 p.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

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

Public Comment

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

Amy K. Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Purpose and Summary

The proposed rulemaking repromulgates Chapter 70 and implements Iowa Code section 231D.2 in accordance with the goals and directives of Executive Order 10. Iowa Code section 231D.2 indicates that the Department is to establish a program for certification and monitoring of complaint investigations related to adult day services.

The rulemaking implements the above Iowa Code section by setting forth the various certification and recertification processes. The rulemaking describes the evaluation needed for participants and lists the occupancy agreement terms, as well as the criteria for admission and retention of participants and necessary participant documents. The rules list how to involuntarily discharge a participant from the program. The rulemaking sets staffing requirements, along with structural standards and life safety protocols.

Analysis of Impact

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

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

The program owners and administrators will bear the costs of the proposed rulemaking by complying with the requirements to maintain the program. Those costs are associated with running safe and effective programs.

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

The participants in adult day service programs will benefit from the rulemaking by receiving safe and effective services. Their loved ones will benefit from the peace of mind of knowing the participants are cared for.

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 adult day service programs will be impacted by having to comply with the policies and procedures established by the rulemaking. The costs will vary by program and are difficult to predict. The facilities will have to provide adequate staffing and appropriate facilities. It is difficult to determine those costs.

- **Qualitative description of impact:**

The qualitative impact of this rulemaking is that it provides safe and adequate care to participants and peace of mind to their loved ones.

3. **Costs to the State:**

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

The Department incurs the statutorily required costs to implement and enforce the rulemaking. The Acute & Continuing Care (ACC) and Long Term Care (LTC) bureaus implement multiple Iowa Code and Iowa Administrative Code chapters related to health facilities, including this chapter. ACC and LTC have an estimated combined FY 2025 budget of $16,020,287 that covers more than 70 full-time equivalent (FTE) positions working with over 500 licensed health facilities. There are 26 adult day service programs in Iowa. Six full-time employees work with the program and helped to collect $8,000 in licensing fees.

- **Anticipated effect on State revenues:**

The anticipated effect on State revenues is minimal, as shown by the small amount collected for licensing fees.

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

Adult day services serve persons with functional impairment. That population is vulnerable and deserves protection. Iowa Code chapter 231D promotes safe and adequate care for the individuals who enroll in adult day services. These rules are intended to aid in achieving that goal. The benefits justify the costs. Furthermore, there were no fines issued in FY 2024, which shows the effectiveness of the program.

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

Making this chapter less restrictive would undermine the goals of Iowa Code chapter 231D, which are to promote and encourage adequate and safe care for adults with functional impairments. The persons served by adult day services are vulnerable and the rules as promulgated serve to protect that population.

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

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

See the answer to section 5 above.

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

See the answer to section 5 above.

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?

Adult day programs are of different sizes. The need to protect the participants of those programs is the same no matter the size of the facility. Iowa Code chapter 231D does not allow for exemptions or different standards for small organizations. The necessity for consistency and fairness is the same whether the program is small or large. Notwithstanding, if a small organization identifies a portion of the rulemaking that is overly burdensome and the goals can be accomplished in a manner that would reduce the impact of the rulemaking to the organization, the Department's established waiver process could be utilized.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 70 and adopt the following **new** chapter in lieu thereof:

CHAPTER 70
ADULT DAY SERVICES

481—70.1(231D) Definitions. In addition to the definitions in 481—Chapter 67 and Iowa Code chapter 231D, the following definitions apply:

"Applicable requirements" means Iowa Code chapter 231D, this chapter, 481—Chapter 67 and includes any other applicable administrative rules and provisions of the Iowa Code.

"CARF" means the Commission on Accreditation of Rehabilitation Facilities.

"Cognitive disorder" means a disorder characterized by cognitive dysfunction presumed to be the result of illness that does not meet criteria for dementia, delirium, or amnestic disorder.

"Dementia-specific adult day services program" means an adult day services program certified under this chapter that:

1. Serves fewer than 55 participants and has 5 or more participants who have dementia between Stages 4 and 7 on the Global Deterioration Scale, or
2. Serves 55 or more participants and 10 percent or more of the participants have dementia between Stages 4 and 7 on the Global Deterioration Scale, or
3. Holds itself out as providing specialized care for persons with dementia, such as Alzheimer's disease, in a dedicated setting.

"Maximal assistance with activities of daily living" means routine total dependence on staff for the performance of a minimum of four activities of daily living for a period that exceeds 21 days.

"Medically unstable" means that a participant has a condition or conditions:

1. Indicating physiological frailty as determined by the program's staff in consultation with a physician or physician extender;

2. Resulting in three or more significant hospitalizations within a consecutive three-month period for more than observation; and

3. Requiring frequent supervision of the participant for more than 21 days by a registered nurse.

For example, a participant who has a condition such as congestive heart failure that results in three or more significant hospitalizations during a quarter and that requires that the participant receive frequent supervision may be considered medically unstable.

"Unmanageable incontinence" means a condition that requires staff provision of total care for an incontinent participant who lacks the ability to assist in bladder or bowel continence care.

"Visiting day(s)" means up to 16 hours in a two-day period during which a person may visit a program prior to admission for the purpose of assessing eligibility for the program and personal satisfaction.

481—70.2(231D) Program certification. A program may obtain certification by meeting all applicable requirements or voluntarily accredited by a recognized accreditation entity.

70.2(1) *Posting requirements.* A program's current certificate shall be visibly displayed within the designated operation area of the program. The latest monitoring report, fire safety bureau report, and food establishment inspections report issued pursuant to Iowa Code chapter 137F shall be made available to the public by the program upon request.

70.2(2) *Dementia-specific programs.* If a program meets the definition of a dementia-specific adult day services program during two sequential certification monitorings, the program shall meet all requirements for a dementia-specific program, including the requirements set forth in rule 481—70.30(231D) and in subrule 70.32(2).

481—70.3(231D) Certification of a nonaccredited program—application process.

70.3(1) The applicant shall complete an application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

70.3(2) The applicant shall submit one copy of the completed application and all supporting documentation to the department at the above address at least 90 calendar days prior to the expected date of beginning operation.

481—70.4(231D) Nonaccredited program—application content. An application for certification or recertification of a nonaccredited program shall include the following:

70.4(1) The names, addresses, and percentage of stock, shares, partnership or other equity interest of all officers, members of the board of directors and trustees, as well as stockholders, partners or any individuals who have greater than a 10 percent equity interest in each of the following, as applicable:

a. The real estate owner or lessor;

b. The lessee;

c. The management company responsible for the day-to-day operation of the program.

The program will notify the department of any changes in the list no later than ten working days after the effective date of the change.

70.4(2) A statement disclosing whether the individuals listed in subrule 70.4(1) have been convicted of a felony or an aggravated or serious misdemeanor or found to be in violation of the child abuse or dependent adult abuse laws of any state.

70.4(3) A statement disclosing whether any of the individuals listed in subrule 70.4(1) fall under the provisions in Iowa Code section 231D.5, including for a licensed health care facility as defined in Iowa Code section 135C.1 or a licensed hospital as defined in Iowa Code section 135B.1.

70.4(4) The contractual agreement and all attachments.

70.4(5) If the program contracts for personal care or health-related care services from a certified home health agency, a mental health center or a licensed health care facility, a copy of that entity's current license or certification.

70.4(6) A copy of the state license for the entity that provides food service, whether the entity is the program or an outside entity or a combination of both.

70.4(7) The fee set forth in Iowa Code section 231D.4.

481—70.5(231D) Initial certification process for a nonaccredited program.

70.5(1) Upon receipt of all completed documentation, including building code and fire safety bureau approval and structural and evacuation review approval, the department will determine whether the proposed program meets applicable requirements.

70.5(2) If the department determines the proposed program meets the requirements for certification, a provisional certification will be issued to the program to begin operation and accept participants.

70.5(3) Within 180 calendar days following issuance of provisional certification, the department will conduct a monitoring to determine the program's compliance with applicable requirements.

70.5(4) If a regulatory insufficiency is identified as a result of the monitoring, the process in rule 481—67.10(17A,231B,231C,231D) will be followed.

70.5(5) The department will make a final certification decision based on the results of the monitoring and review of an acceptable plan of correction.

70.5(6) The department will notify the program of a final certification decision within ten working days following the finalization of the monitoring report or receipt of an acceptable plan of correction, whichever is applicable.

70.5(7) If the decision is to continue certification, the department will issue a full two-year certification effective from the date of the original provisional certification.

481—70.6(231D) Expiration of the certification of a nonaccredited program. Unless conditionally issued, suspended or revoked, certification of a program will expire at the end of the time period specified on the certificate.

481—70.7(231D) Recertification process for a nonaccredited program. To obtain recertification, a program shall:

70.7(1) Submit one copy of the completed application, associated documentation, and the recertification fee as listed in Iowa Code section 231D.4 to the department at the address stated in subrule 70.3(1) at least 30 calendar days prior to the expiration of the program's certification.

70.7(2) Submit additional documentation that each of the following has been inspected by a qualified professional and found to be maintained in conformance with the manufacturer's recommendations and nationally recognized standards: heating system, cooling system, water heater, electrical system, plumbing, sewage system, artificial lighting, and ventilation system; and, if located on site, garbage disposal, kitchen appliances, washing machines and dryers, and elevators.

481—70.8(231D) Notification of recertification for a nonaccredited program.

70.8(1) The department will review the application, associated documentation and fees. After all finalized documentation is received, including building code and fire safety bureau approval, the department will determine the program's compliance with applicable requirements.

70.8(2) If the facility is in good standing, the department will issue the program a two-year certification effective from the date of the expiration of the previous certification.

481—70.9(231D) Certification or recertification of an accredited program—application process. An applicant for certification or recertification of a program accredited by a recognized accrediting entity shall:

70.9(1) Submit a completed application packet obtained from the department health facilities division website at dia-hfd.iowa.gov; by mail from the Department of Inspections, Appeals, and Licensing, Adult Services Bureau, 6200 Park Avenue, Des Moines, Iowa 50321; or by telephone at 515.281.7272.

70.9(2) Submit a copy of the current accreditation outcome from the recognized accrediting entity.

70.9(3) Maintain compliance with the requirements of the building code and fire safety bureau of the department pursuant to this chapter.

70.9(4) Submit the appropriate fees as set forth in Iowa Code section 231D.4.

481—70.10(231D) Certification or recertification of an accredited program—application content. An application for certification or recertification of an accredited program shall comply with rule 481—70.4(231D) and include a copy of the current accreditation outcome from the recognized accrediting entity.

481—70.11(231D) Initial certification process for an accredited program.

70.11(1) Within 20 working days of receiving all finalized documentation, including building code and fire safety bureau approval, the department will notify the accredited program whether the accredited program meets applicable requirements and whether certification will be issued.

70.11(2) If the decision is to certify, a certification will be issued for the term of the accreditation not to exceed three years, unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity.

70.11(3) If the decision is to deny certification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.13(17A,231B,231C,231D).

481—70.12(231D) Recertification process for an accredited program.

70.12(1) To obtain recertification, an accredited program shall comply with rule 481—70.9(231D) at least 30 calendar days prior to the expiration of the program's certification.

70.12(2) If the facility is in good standing, a full certification shall be issued for the term of the accreditation not to exceed three years, unless the certification is conditionally issued, suspended or revoked by either the department or the recognized accrediting entity. If the decision is to deny recertification, the department will provide the applicant an opportunity for hearing in accordance with rule 481—67.14(17A,231B,231C,231D).

481—70.13(231D) Listing of all certified programs. The department will maintain a list of all certified programs, which is available online at dia-hfd.iowa.gov/DIA_HFD/Home.do.

481—70.14(231D) Recognized accrediting entity.

70.14(1) The department designates CARF as a recognized accrediting entity for programs.

70.14(2) To apply for designation by the department as a recognized accrediting entity for programs, an accrediting entity shall submit a letter of request and its standards shall meet the applicable requirements for programs.

70.14(3) The designation will remain in effect for as long as the accreditation standards meet the applicable requirements for programs.

70.14(4) An accrediting entity shall provide annually to the department, at no cost, a current edition of the applicable standards manual and survey preparation guide, and training thereon, within 120 working days after the publications are released.

481—70.15(231D) Requirements for an accredited program. Each accredited program that is certified by the department shall:

70.15(1) Provide the department a copy of all survey reports including outcomes, quality improvement plans and annual conformance to quality reports generated or received, as applicable, within ten working days of receipt of the reports.

70.15(2) Notify the department by the most expeditious means possible of all credible reports of alleged improper or inappropriate conduct or conditions within the program and any actions taken by the accrediting entity with respect thereto.

70.15(3) Notify the department immediately of the expiration, suspension, revocation or other loss of the program's accreditation.

481—70.16(231D) Maintenance of program accreditation.

70.16(1) An accredited program will continue to be recognized for certification by the department if both of the following requirements are met:

a. The program complies with the requirements outlined in rule 481—70.15(231D).

b. The program maintains its voluntary accreditation status for the duration of the time-limited certification period.

70.16(2) A program that does not maintain its voluntary accreditation status must become certified by the department prior to any lapse in accreditation or cease operation as a program.

481—70.17(231D) Change of ownership—notification to the department.

70.17(1) Certification, unless conditionally issued, suspended or revoked, may be transferable. If the program's certification has been conditionally issued, the department must approve a change of ownership prior to the transfer of the certification.

70.17(2) In order to transfer certification, the applicant must:

a. Meet the requirements of the rules, regulations and standards contained in Iowa Code chapter 231D and 481—Chapter 67 and this chapter;

b. At least 30 days prior to the change of ownership of the program, provide application and supporting documentation to the department.

70.17(3) The department may conduct a monitoring within 90 days following a change in the program's ownership to ensure that the program complies with applicable requirements. If a regulatory insufficiency is found, the department will take any necessary enforcement action authorized by applicable requirements.

481—70.18(231D) Plan reviews of a building for a new program.

70.18(1) Before a building is constructed or remodeled for use in a new program, the state building code bureau shall review the blueprints for compliance with requirements pursuant to this chapter. Construction or remodeling includes new construction, remodeling of any part of an existing building, addition of a new wing or floor to an existing building, or conversion of an existing building.

70.18(2) A program applicant shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

70.18(3) The plan review fee must be paid before construction documents are uploaded to the project folder.

70.18(4) The building code bureau will notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

70.18(5) The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau regarding how any noncompliance will be resolved.

70.18(6) Upon final notification by the building code bureau that the construction documents meet requirements, construction or remodeling of the building may commence.

70.18(7) The building code and fire safety bureaus will schedule an on-site visit of the building site with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the construction or remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for certification.

481—70.19(231D) Plan review prior to the remodeling of a building for a certified program.

70.19(1) Before a building for a certified program is remodeled as defined in subrule 70.18(1), the building code bureau shall review the construction documents for compliance with requirements set forth in rule 481—70.35(231D).

70.19(2) A certified program shall submit construction documents to the building code bureau's online portal at dial.iowa.gov/licenses/building/plan-review.

70.19(3) The documents won't be reviewed until the fee is received.

70.19(4) The building code bureau will review the documents within 35 working days of receipt and notify the Iowa-licensed architect or Iowa-licensed engineer in writing regarding the status of compliance with requirements.

70.19(5) The Iowa-licensed architect or Iowa-licensed engineer shall respond to the building code bureau in 20 working days to state how any noncompliance will be resolved.

70.19(6) Upon final notification by the building code bureau that the construction documents meet structural and life safety requirements, remodeling of the building may commence.

70.19(7) The building code and fire safety bureaus will schedule an on-site visit of the building with the contractor, or Iowa-licensed architect or Iowa-licensed engineer, during the remodeling process to ensure compliance with the approved construction documents. Any noncompliance must be resolved prior to approval for continued certification or recertification of the program.

481—70.20(231D) Cessation of program operation that includes seeking decertification.

70.20(1) The program shall provide, at least 90 days in advance of cessation, unless there is some type of emergency, written notification to the department of the date on which the program will cease operation.

70.20(2) At the time a program decides to cease operation, the program shall submit a plan to the department and make arrangements for the safe and orderly discharge or transition of all participants within the 90-day period specified by subrule 70.20(1).

70.20(3) The department may conduct a monitoring during the 90-day period to ensure the safety of participants during the discharge process or transition process.

481—70.21(231D) Contractual agreement.

70.21(1) The contractual agreement shall be in 12-point type or larger, written in plain language using commonly understood terms and easy for the participant or the participant's legal representative to understand.

70.21(2) In addition to the requirements of Iowa Code section 231D.17, the written contractual agreement shall include the following information in the body of the agreement or in the supporting documents and attachments:

a. The telephone number for filing a complaint with the department.

b. The telephone number for reporting dependent adult abuse.

c. A copy of the program's statement on participants' rights.

d. A statement that the program will notify the participant at least 90 days in advance of any planned program cessation, except in cases of emergency.

e. A copy of the program's admission criteria.

70.21(3) The contractual agreement shall be reviewed and updated as necessary to reflect any change in services or financial arrangements.

70.21(4) A copy of the contractual agreement shall be provided to the participant or the participant's legal representative, if any, and a copy shall be kept by the program.

70.21(5) A copy of the most current contractual agreement shall be made available to the general public upon request.

481—70.22(231D) Evaluation of participant.

70.22(1) *Evaluation prior to participation.* A program shall evaluate each prospective participant's functional, cognitive and health status prior to the participant's signing the contractual agreement and participating in the program, with the exception of visiting day(s), to determine the participant's eligibility for the program, including whether the services needed are available. The cognitive evaluation shall be appropriate to the population served. When the cognitive evaluation indicates moderate cognitive decline and risk, the Global Deterioration Scale shall be used at all subsequent intervals, if applicable. If the participant subsequently returns to the participant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, human service professional, or a licensed practical nurse via nurse delegation.

70.22(2) *Evaluation within 30 days of participation and with significant change.* A program shall evaluate each participant's functional, cognitive and health status within 30 days of the participant's beginning participation in the program. A program shall evaluate each participant's functional, cognitive and health status as needed with significant change, but not less than annually, to determine the participant's continued eligibility for the program and to determine any changes to services needed. The evaluation shall be conducted by a health care professional, human service professional, or. a licensed practical nurse via nurse delegation.

70.22(3) *Requirements for visiting day(s).* Evaluation of the participant is not required during visiting day(s), but the program shall provide the participant or the participant's legal representative with a written explanation of the expectations for the visiting day(s).

481—70.23(231D) Criteria for admission and retention of participants.

70.23(1) *Persons who may not be admitted or retained.* Criteria are set forth in Iowa Code section 231D.19.

70.23(2) *Disclosure of additional participation and discharge criteria.* A program may have additional participation or discharge criteria if the criteria are disclosed in the written contractual agreement prior to the participant's participation in the program.

70.23(3) *Assistance with discharge from the program.* A program shall assist a participant and the participant's legal representative, if applicable, to ensure a safe and orderly discharge from the program when the participant exceeds the program's criteria for admission and retention.

481—70.24(231D) Involuntary discharge from the program.

70.24(1) *Program initiation of discharge.* If a program initiates the involuntary discharge of a participant and the action is not the result of a monitoring, including a complaint investigation or program-reported incident investigation, by the department and if the participant or participant's legal representative contests the discharge, the procedures in Iowa Code section 231D.18 shall apply.

70.24(2) *Discharge pursuant to results of monitoring or complaint or program-reported incident investigation by the department.* If one or more participants are identified as exceeding the admission and retention criteria for participants and need to be discharged as a result of a monitoring or a complaint or program-reported incident investigation conducted by the department, the following procedures shall apply:

a. Notification of the program. Within 20 working days of the monitoring or complaint or program-reported incident investigation, the department will notify the program, in writing, of the identification of any participant who exceeds admission and retention criteria.

b. Notification of others. Each identified participant, the participant's legal representative, if applicable, and other providers of services to the participant will be notified of their opportunity to provide responses within ten days of receipt of the notice, including: specific input, written comment, information, and documentation directly addressing any agreement or disagreement with the identification.

c. Program agreement with the department's finding. If the program agrees with the department's finding and the program begins involuntary discharge proceedings, the program's internal appeal process in subrule 70.24(1) shall be utilized for appeals.

d. Program disagreement with the department's finding. If the program does not agree with the department's finding that the participant exceeds admission and retention criteria, the program may collect and submit all responses to the department, including those from other interested parties, within ten working days of receipt of the notice. In the program's response, the program will identify the participant, list the known responses from others, and note the program's agreement or disagreement with the responses from others. Submission of a response does not eliminate the applicable requirements, including submission of a plan of correction under 481—subrule 67.13(3). Other persons may also submit information directly to the department.

(1) Consideration of response. Within ten working days of receipt of the program's response for each identified participant, the department will consider the response and make a final finding regarding the continued retention of a participant.

(2) Amending the regulatory insufficiency. If the department's determination is to amend the regulatory insufficiency based on the response, the department will modify the report of findings.

(3) Retaining regulatory insufficiency. If the department retains the regulatory insufficiency, the department will review the plan of correction in accordance with this chapter and 481—Chapter 67. The department will notify the program of the opportunity to appeal the report findings as they relate to the admission and retention decision.

(4) Effect of the filing of an appeal. If an appeal is filed, the participant who exceeds admission and retention criteria will be allowed to continue to participate in the program until all administrative appeals have been exhausted. Appeals filed that relate to the participant's exceeding admission and retention criteria will be heard within 30 days of receipt, and appropriate services to meet the participant's needs will be provided during that period of time.

(5) Request for waiver of criteria for retention of a participant in a program. To allow a participant to continue to participate in the program, the program may request a waiver of criteria for retention of a participant pursuant to rule 481—67.7(231B,231C,231D) from the department within ten working days of the receipt of the report.

481—70.25(231D) Participant documents.

70.25(1) Documentation for each participant shall be maintained by the program and include:

a. A participation record including the participant's name, birth date, and home address; identification numbers; date of beginning participation; name, address and telephone number of health professional(s); diagnosis; and names, addresses and telephone numbers of family members, friends or other designated people to contact in the event of illness or an emergency;

b. Application forms;

c. The initial evaluations and updates;

d. A nutritional assessment as necessary;

e. The initial individual service plan and updates;

f. Signed authorizations for permission to release medical information, photographs, or other media information as necessary;

g. A signed authorization for the participant to receive emergency medical care as necessary;

h. A signed managed risk policy and signed managed risk consensus agreements, if any;

i. When any personal or health-related care is delegated to the program, the medical information sheet; documentation of health professionals' orders, such as those for treatment, therapy, and medication; and nurses' notes written by exception;

j. Medication lists, which will be maintained in conformance with 481—paragraph 67.5(2)*"d"*;

k. Advance health care directives as applicable;

l. A complete copy of the participant's contractual agreement, including any updates;

m. A written acknowledgment that the participant or the participant's legal representative, if applicable, has been fully informed of the participant's rights;

n. A copy of guardianship, durable power of attorney for health care, power of attorney, or conservatorship or other documentation of a legal representative;

o. Incident reports involving the participant, including but not limited to those related to medication errors, accidents, falls, and elopements (such reports need not be included in the participant's medical record);

p. A copy of waivers of admission or retention criteria, if any;

q. When the participant is unable to advocate on the participant's own behalf or the participant has multiple service providers, including hospice care providers, accurate documentation of the completion of routine personal or health-related care is required on task sheets. If tasks are doctor-ordered, the tasks will be part of the medication administration records (MARs);

r. Authorizations for the release of information, if any.

70.25(2) The program records relating to a participant shall be retained for a minimum of three years after termination of service.

70.25(3) All records shall be protected from loss, damage and unauthorized use.

481—70.26(231D) Service plans.

70.26(1) A service plan shall be developed for each participant based on the evaluations conducted in accordance with subrule 70.22 and designed to meet the specific service needs of the individual participant.

70.26(2) Prior to the participant's signing the contractual agreement and participating in the program, a preliminary service plan shall be developed by a health care professional or human service professional in consultation with the participant and, at the participant's request, with other individuals identified by the participant, and, if applicable, with the participant's legal representative. All persons who develop the plan and the participant or the participant's legal representative shall sign the plan.

70.26(3) When a participant needs personal care or health-related care, the service plan shall be updated within 30 days of the participant's participation and as needed with significant change, but not less than annually. The updated service plan shall be signed and dated by all parties.

a. If a significant change does not exist, the program may, after nurse review, add minor discretionary changes to the service plan without a comprehensive evaluation and without obtaining signatures on the service plan.

b. If a significant change relates to a recurring or chronic condition, a previous evaluation and service plan of the recurring condition may be utilized without new signatures being obtained.

70.26(4) The service plan shall be individualized and indicate:

a. The participant's identified needs and preferences for assistance;

b. Any services and care to be provided pursuant to the contractual agreement;

c. The service provider(s), if other than the program;

d. For participants who are unable to plan their own activities, including participants with dementia, planned and spontaneous activities based on the participant's abilities and personal interests.

481—70.27(231D) Nurse review. If a participant does not receive personal or health-related care, but an observed significant change in the participant's condition occurs, a nurse review shall be conducted. If a participant receives personal or health-related care, the program shall provide for a registered nurse or a licensed practical nurse via nurse delegation:

70.27(1) To monitor, at least every 90 days, or after a significant change in the participant's condition, any participant who receives program-administered prescription medications for adverse reactions to the medications and to make appropriate interventions or referrals, and to ensure that the prescription medication orders are current and that the prescription medications are administered consistent with such orders;

70.27(2) To ensure that health care professionals' orders are current for participants who receive health care professional-directed care from the program;

70.27(3) To assess and document the health status of each participant, to make recommendations and referrals as appropriate, and to monitor progress relating to previous recommendations at least every 90 days and whenever there are changes in the participant's health status;

70.27(4) To provide the program with written documentation of the activities under the service plan, as set forth in rule 481—70.26(231D), showing the time, date and signature.

481—70.28(231D) Food service.

70.28(1) The program shall provide or coordinate with other community providers to provide a hot or other appropriate meal(s) at least once a day or arrange for the availability of meals, unless otherwise noted in the contractual agreement.

70.28(2) Meals and snacks provided by the program but not prepared on site shall be obtained from or provided by an entity that meets the standards of state and local health laws and ordinances concerning the preparation and serving of food.

70.28(3) Menus shall be planned to provide the following percentage of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences based on the number of meals provided by the program:

a. A minimum of 33⅓ percent if the program provides one meal per day;

b. A minimum of 66⅔ percent if the program provides two meals per day; and

c. One hundred percent if the program provides three meals per day.

70.28(4) Therapeutic diets may be provided by a program. If therapeutic diets are provided, they shall be prescribed by a physician, physician assistant, or advanced registered nurse practitioner. A copy of the Iowa Simplified Diet Manual, Thirteenth Edition, published by the Iowa Academy of Nutrition and Dietetics shall be available and used in the planning and serving of therapeutic diets. A licensed dietitian shall be responsible for writing and approving the therapeutic menu and for reviewing procedures for food preparation and service for therapeutic diets.

70.28(5) Personnel who are employed by or contract with the program and who are responsible for food preparation or service, or both food preparation and service, shall have an orientation on sanitation and safe food handling prior to handling food and shall have annual in-service training on food protection.

a. In addition to the requirements above, a minimum of one person directly responsible for food preparation shall have successfully completed a state-approved food protection program by:

(1) Obtaining certification as a dietary manager; or

(2) Obtaining certification as a food protection professional; or

(3) Successfully completing an ANSI-accredited certified food protection manager program meeting the requirements for a food protection program included in the Food Code adopted pursuant to Iowa Code chapter 137F. Another program may be substituted if the program's curriculum includes substantially similar competencies to a program that meets the requirements of the Food Code and the provider of the program files with the department a statement indicating that the program provides substantially similar instruction as it relates to sanitation and safe food handling.

b. If the person is in the process of completing a course or certification listed in paragraph 70.28(5)*"a,"* the requirement relating to completion of a state-approved food protection program will be considered to have been met.

70.28(6) Programs engaged in the preparation and service of meals and snacks shall meet the standards of state and local health laws and ordinances pertaining to the preparation and service of food and be licensed pursuant to Iowa Code chapter 137F. The department will not require the program to be licensed as a food establishment if the program limits food activities to the following:

a. All main meals and planned menu items will be prepared offsite and transferred to the program kitchen for service to participants.

b. Baked goods that do not require temperature control for safety and single-service juice or milk may be stored in the program's kitchen and provided as part of a continental breakfast.

c. Ingredients used for food-related activities with participants may be stored in the program's kitchen. Participant activities may include the preparation and cooking of food items in the program's kitchen if the activity occurs on an irregular or sporadic basis and the items prepared are not part of the program's menu.

d. Appropriately trained staff may prepare in the program's kitchen individual quantities of participant-requested menu-substitution food items that require limited or no preparation, such as peanut butter or cheese sandwiches or a single-service can of soup. The food items necessary to prepare the menu substitution may be stored in the program's kitchen. These food items may not be cooked in the program's kitchen but may be reheated in a microwave. A two- or four-slice toaster may be used for participant-requested menu-substitution items, but no bare-hand contact.

e. Warewashing may be done in the program's kitchen as long as the program utilizes a commercial dishwasher and documents daily testing of sanitizer chemical ppm and proper water temperatures. Verification by the department of these practices may be conducted during on-site visits.

481—70.29(231D) Staffing. In addition to the general staffing requirements in rule 481—67.9(231B,231C,231D), the following requirements apply to staffing in programs.

70.29(1) No fewer than two staff persons who monitor participants will be awake and on duty during all hours of operation when two or more participants are participating in the program.

70.29(2) The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and target population.

70.29(3) A program that serves one or more participants with cognitive disorders or dementia will follow written procedures that address how the program will respond to the emergency needs of the participants.

70.29(4) The program will notify the department in writing within ten business days of a change in the program's manager.

481—70.30(231D) Dementia-specific education for program personnel.

70.30(1) All personnel employed by or contracting with a dementia-specific program shall receive a minimum of eight hours of dementia-specific education and training within 30 days of either employment or the beginning date of the contract, as applicable.

70.30(2) The dementia-specific education or training shall include the following:

a. An explanation of Alzheimer's disease and related disorders;

b. The program's specialized dementia care philosophy and program;

c. Skills for communicating with persons with dementia;

d. Skills for communicating with family and friends of persons with dementia;

e. An explanation of family issues such as role reversal, grief and loss, guilt, relinquishing the care-giving role, and family dynamics;

f. The importance of planned and spontaneous activities;

g. Skills in assistance with instrumental activities of daily living;

h. The importance of the service plan and social history information;

i. Skills in working with challenging participants;

j. Techniques for simplifying, cueing, and redirecting;

k. Staff support and stress reduction;

l. Medication management and nonpharmacological interventions.

70.30(3) All personnel employed by or contracting with a dementia-specific program shall receive a minimum of two hours of dementia-specific continuing education annually. Direct-contact personnel shall receive a minimum of eight hours of dementia-specific continuing education annually.

70.30(4) An employee or contractor who provides documentation of completion of a dementia-specific education or training program within the past 12 months will be exempt from the education and training requirement of subrule 70.30(1).

70.30(5) Dementia-specific training will include hands-on training and include: classroom instruction, Web-based training, and case studies of participants in the program.

481—70.31(231D) Managed risk policy and managed risk consensus agreements. The program shall have a managed risk policy that will be provided to the participant along with the contractual agreement and include:

70.31(1) An acknowledgment of the shared responsibility for identifying and meeting the needs of the participant and the process for managing risk and for upholding participant autonomy when participant decision making results in poor outcomes for the participant or others;

70.31(2) A consensus-based process to address specific risk situations. Program staff and the participant will participate in the process. The result of the consensus-based process may be a managed risk consensus agreement that will include the signature of the participant and the signatures of all others who participated in the process and be included in the participant's file.

481—70.32(231D) Life safety—emergency policies and procedures and structural safety requirements.

70.32(1) The program shall submit to the department and follow written emergency policies and procedures, including:

a. An emergency plan, with procedures for natural disasters that is located for easy reference;
b. Fire safety procedures;
c. Other general or personal emergency procedures, including head injury protocols;
d. Provisions for amending or revising the emergency plan;
e. Provisions for periodic training of all employees;
f. Procedures for fire drills;
g. Regulations regarding smoking;
h. Monitoring and testing of smoke-control systems;
i. Participant evacuation procedures;
j. Procedures for reporting and documentation;
k. Extraordinary lifesaving measures, such as cardiopulmonary resuscitation (CPR).

70.32(2) An operating alarm system shall be connected to each exit door in a dementia-specific program. A program serving a person(s) with cognitive disorder or dementia, whether in a general or dementia-specific setting, shall have written procedures regarding:

a. Alarm systems and appropriate staff response when a participant's service plan indicates a risk of elopement or a participant exhibits wandering behavior.

b. Appropriate staff response if a participant with cognitive disorder or dementia is missing.

The program shall obtain approval from the fire safety bureau before the installation of any specialized door locking systems.

70.32(3) The program's structure and procedures and the facility in which a program is located shall meet the requirements adopted for adult day services programs in administrative rules promulgated by the building code and fire safety bureaus. Approval of both bureaus indicating that the building complies with these requirements is necessary for certification of a program.

70.32(4) The program shall have the means to control the maximum temperature of water at sources accessible by a participant to prevent scalding and control the maximum water temperature for participants with cognitive impairment or dementia or at a participant's request.

481—70.33(231D) Transportation. When transportation services are provided directly or under contract with the program the following shall apply:

70.33(1) The vehicle will be accessible and appropriate to the participants who use it, with consideration for any physical disabilities and impairments.

70.33(2) Every participant transported will have a seat in the vehicle, except for a participant who remains in a wheelchair during transport.

70.33(3) Vehicles will have adequate seat belts and securing devices for ambulatory and wheelchair-using passengers.

70.33(4) Wheelchairs will be secured when the vehicle is in motion.

70.33(5) During loading and unloading of a participant, the driver will be in the proximate area of the participants in a vehicle.

70.33(6) The driver will have a valid and appropriate Iowa driver's license or commercial driver's license as required by law for the vehicle being utilized for transport, or be so licensed in another state. The driver will meet any state or federal requirements for licensure or certification for the vehicle operated.

70.33(7) Each vehicle will have a first-aid kit, fire extinguisher, safety triangles and a device for two-way communication.

481—70.34(231D) Activities.

70.34(1) The program shall provide appropriate activities for each participant reflecting individual differences in age, health status, sensory deficits, lifestyle, ethnic and cultural beliefs, religious beliefs, values, experiences, needs, interests, abilities and skills by providing opportunities for a variety of types and levels of involvement.

70.34(2) Activities shall be planned to support the participant's service plan and be consistent with the program statement and participation policies.

70.34(3) A written schedule of activities shall be developed at least monthly and made available to participants and their legal representatives.

70.34(4) Participants shall be given the opportunity to choose their levels of participation in all activities offered in the program.

481—70.35(231D) Structural requirements.

70.35(1) The structure, equipment and physical environment of the program will be designed and operated to meet the needs of the participants. The building, grounds and equipment will be well-maintained, clean, safe and sanitary.

70.35(2) There will be at least one toilet for every ten participants and staff members.

70.35(3) Toilets and bathing and toileting appliances will be equipped for use by participants with multiple disabilities.

70.35(4) There will be a ratio of at least one hand-washing sink for every two toilets. The sink(s) will be proximate to the toilets. Hand-washing facilities will be readily accessible to participants and staff.

70.35(5) Shower and tub areas, if provided, will be equipped with grab bars and slip-resistant surfaces.

70.35(6) Signaling emergency call devices will be installed or placed in all bathroom areas, restroom stalls and showers.

70.35(7) A telephone will be available to participants to make and receive calls in a private manner and for emergency purposes.

70.35(8) A storage area(s) will be provided for storage of program supplies and participants' possessions, which will be stored in such a manner that, when not in use, will prevent personal injury to participants and staff.

70.35(9) The program will provide a separate area to permit privacy for evaluations and to isolate participants who become ill.

70.35(10) The program will meet other building and public safety codes, including rules pertaining to accessibility contained in the state building code and provisions of the state building code relating to persons with disabilities.

70.35(11) The program will meet the requirements in subrule 70.32(4).

481—70.36(231D) Identification of veteran's benefit eligibility.

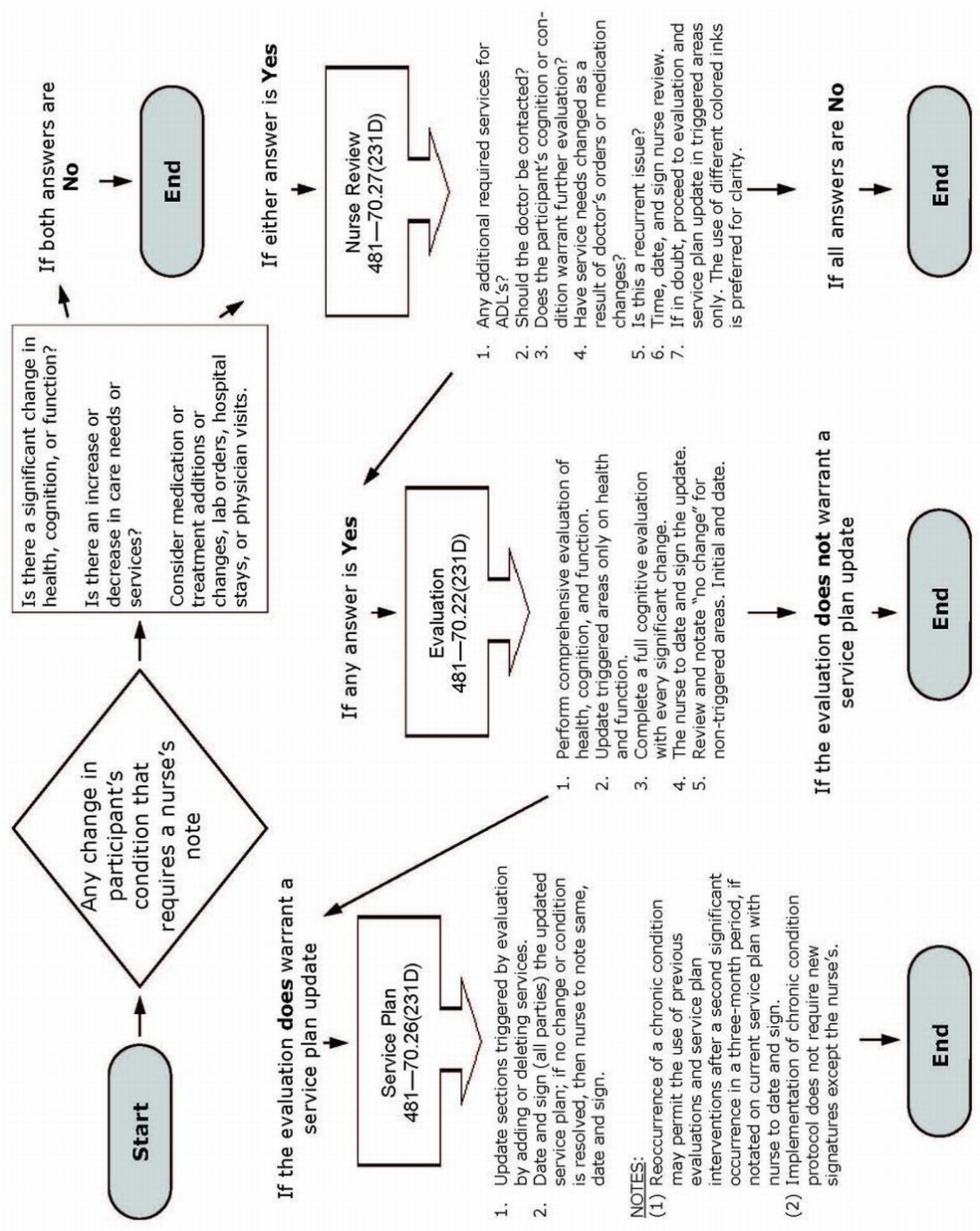
70.36(1) Within 30 days of a participant's participation in an adult day services program that receives reimbursement through the medical assistance program under Iowa Code chapter 249A, the program shall ask the participant or the participant's personal representative whether the participant is a veteran or whether the participant is the spouse, widow or dependent of a veteran and document the response.

70.36(2) If the participant may be a veteran or the spouse, widow, or dependent of a veteran, the program shall report the participant's name along with the name of the veteran, if applicable, as well as the name of the contact person for this information, to the Iowa department of veterans affairs. The program may also report such information to the Iowa department of health and human services.

70.36(3) If a participant is eligible for benefits through the U.S. Department of Veterans Affairs or other third-party payor, the program first shall seek reimbursement from the identified payor source before seeking reimbursement from the medical assistance program established under Iowa Code chapter 249A.

These rules are intended to implement Iowa Code chapter 231D.

Table A


Start
Any change in participant's condition that requires a nurse's note
Is there a significant change in health, cognition, or function?
Is there an increase or decrease in care needs or services?
Consider medication or treatment additions or changes, lab orders, hospital stays, or physician visits.
If both answers are No
End
If either answer is Yes
Nurse Review 481—70.27(231D)
1. Any additional required services for ADL's?
2. Should the doctor be contacted?
3. Does the participant's cognition or condition warrant further evaluation?
4. Have service needs changed as a result of doctor's orders or medication changes?
5. Is this a recurrent issue?
6. Time, date, and sign nurse review.
7. If in doubt, proceed to evaluation and service plan update in triggered areas only. The use of different colored inks is preferred for clarity.
If any answer is Yes
Evaluation 481—70.22(231D)
1. Perform comprehensive evaluation of health, cognition, and function.
2. Update triggered areas only on health and function.
3. Complete a full cognitive evaluation with every significant change.
4. The nurse to date and sign the update.
5. Review and notate "no change" for non-triggered areas. Initial and date.
If all answers are No
End
If the evaluation does not warrant a service plan update
End
If the evaluation does warrant a service plan update
Service Plan 481—70.26(231D)
1. Update sections triggered by evaluation by adding or deleting services.
2. Date and sign (all parties) the updated service plan; if no change or condition is resolved, then nurse to note same, date and sign.
NOTES:
(1) Reoccurrence of a chronic condition may permit the use of previous evaluations and service plan interventions after a second significant occurrence in a three-month period, if notated on current service plan with nurse to date and sign.
(2) Implementation of chronic condition protocol does not require new signatures except the nurse's.
End

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapters 940, 941, 942, 943 and 945 "Licensure of Barbers and Cosmetologists, Electrologists, Estheticians, Nail Technologists, and Instructors of Barbering and Cosmetology Arts and Sciences; Licensure of Establishments and Schools of Barbering and Cosmetology Arts and Sciences; Establishment Training Program; Infection Control for Establishments and Schools of Barbering and Cosmetology Arts and Sciences; Discipline for Barbering and Cosmetology Arts and Sciences Licensees, Instructors, Establishments, and Schools"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 157 and 272C

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 157 and 272C and 2025 Iowa Acts, House File 711

Public Hearing

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

November 4, 2025	6200 Park Avenue
10 a.m.	Des Moines, Iowa

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

Public Comment

Any interested person may submit written 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:

Mary Collins
6200 Park Avenue
Des Moines, Iowa 50321
Email: mary.collins@dia.iowa.gov

Purpose and Summary

This proposed rulemaking amends the rules promulgated by the Board of Barbering and Cosmetology Arts and Sciences to implement 2025 Iowa Acts, House File 711. This rulemaking allows for a combined course of study to be offered by barber and cosmetology arts and sciences schools, instructors to receive compensation for services while not teaching students, and implementing the establishment training program.

All references to Iowa Code chapter 157 herein are to the chapter as amended by 2025 Iowa Acts, House File 711.

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 anticipated costs related to this proposed rulemaking other than the costs already incurred by the Board to enforce the rules. An establishment may incur costs in training should it decide to utilize the establishment training program.

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

The proposed rulemaking provides an additional pathway to licensure in the barber and cosmetology arts and sciences. This rulemaking also provides for a combined course of study for those individuals who may want to practice more than one type of barber and cosmetology arts and sciences program. This rulemaking benefits instructors at barber and cosmetology schools by allowing the instructor to be compensated for services offered at the salon so long as the services are not performed while the instructor is teaching students.

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:**

Members of the public would incur no additional costs related to this rulemaking. The establishment would be responsible for the costs of providing the training if the establishment chooses to participate in the establishment training program.

- **Qualitative description of impact:**

The Board believes that the costs are justified by the benefits achieved because the proposed rules allow individuals to become licensed in the barbering and cosmetology arts and sciences through the establishment training program. This program allows the individual to obtain hands-on training in the salon instead of completing the traditional course of study. Additionally, the rules allow for the combined course of study to allow individuals to become licensed in more than one area without having to duplicate coursework.

3. **Costs to the State:**

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

Costs to the agency are for the staff time needed to manage Board activities, including oversight of practice standards and requirements. The Board would approve programs and licensing requirements; however, the Board does not anticipate any further costs than are already incurred.

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 proposed rulemaking has no anticipated impact on State revenues. Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

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

The Board is required by 2025 Iowa Acts, House File 711, to create rules to implement these legislative changes.

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

The Board is required by 2025 Iowa Acts, House File 711, to create rules to implement these legislative changes. 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 by 2025 Iowa Acts, House File 711, to create rules to implement these legislative changes. The Board has not identified any alternative methods to carry out this proposed rulemaking.

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

The Board is required by 2025 Iowa Acts, House File 711, to create rules to implement these legislative changes. The Board has not identified any alternative methods to carry out this proposed rulemaking.

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?

These proposed rules relate to public safety concerns that are present whether the business is a small business or a large corporation. While some barber and cosmetology professionals may work in small establishments, some also work for large corporations. To exempt small businesses from adhering to this chapter would jeopardize any member of the public who sought services from those small businesses. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Amend subparagraph **940.2(1)"c"(3)** as follows:

(3) If the applicant has graduated from an apprenticeship program, the applicant must direct the Iowa office of apprenticeship registered apprenticeship program sponsor to submit a certificate of completion.

ITEM 2. Amend subparagraph **940.5(2)"b"(2)** as follows:

(2) Obtain from the program a certification of training that contains the following information:

1. Date, location, and course title;
2. Number of contact hours;
3. Name of the manufacturer, including the contact information or name and license number of the school that provided the training;

~~3.~~ 4. Specific identifying description of the microdermabrasion machine covered by the course; and

~~4.~~ 5. Evidence that the training program includes a safety training component that provides a thorough understanding of the procedures to be performed. The training program shall address fundamentals of potential hazards, management and employee responsibilities relating to control measures, and regulatory requirements.

ITEM 3. Amend subparagraph **940.5(3)"c"(2)** as follows:

(2) Obtain from the program a certification of training that contains the following information:

1. Date, location, and course title;
2. Number of contact hours;
3. Name of the product manufacturer, including the contact information or name and license number of the school that provided the training;

~~3.~~ 4. Specific identifying description of the chemical peel process and products covered by the course; and

~~4.~~ 5. Evidence that the training program includes a safety training component that provides a thorough understanding of the procedures to be performed. The training program shall address

fundamentals of potential hazards, management and employee responsibilities relating to control measures, and regulatory requirements.

ITEM 4. Amend subrule 940.6(4) as follows:

940.6(4) Persons licensed under this chapter or participating in an establishment training program who provide hair removal, manicuring and nail technology services shall not administer any procedure in which human tissue is cut, shaped, vaporized, or otherwise structurally altered, except for the use of a cuticle nipper.

This subrule is intended to implement Iowa Code section 157.2(3) as amended by 2025 Iowa Acts, House File 711.

ITEM 5. Adopt the following **new** paragraph **941.14(1)"e"**:

e. Esthetics and nail technology combined curriculum. Supervised practical instruction, theory and demonstrations must include core life sciences hours and all practices within the scope of Iowa Code section 157.1(13) and 157.1(25).

Core life sciences	150 hours
Esthetics theory	115 hours
Nail technology theory	50 hours
Applied practical esthetics instruction	335 hours
Applied practical nail technology instruction	125 hours
Total course of study	775 hours (26 semester credit hours)

This paragraph is intended to implement Iowa Code section 157.10(1)*"d"* as enacted by 2025 Iowa Acts, House File 711.

ITEM 6. Amend subrule 941.15(4) as follows:

941.15(4) An instructor shall:

a. Be responsible for and in direct charge of all physical and virtual core and theory classrooms and practical classrooms and clinics at all times; and

b. Familiarize students with the different standard supplies and equipment used in establishments~~; and~~.

~~*c.* Not perform barbering and cosmetology arts and sciences services, with or without compensation, on the school premises except for demonstration purposes, such as continuing education classes consistent with rule 481—941.23(157).~~

This subrule is intended to implement Iowa Code section 157.8A(2) as enacted by 2025 Iowa Acts, House File 711.

ITEM 7. Adopt the following **new** 481—Chapter 942:

CHAPTER 942
ESTABLISHMENT TRAINING PROGRAM

481—942.1(157) Definitions.

"Supervision" means within the physical presence of a licensee who is registered to be a supervisor and the licensee is available to assist in providing services.

"Supervisor" means a licensed employee providing supervision to a trainee in the establishment training program. This individual must be both a licensee of the board in the discipline for which the supervisor is training and a licensed instructor.

"Trainee" means an unlicensed employee enrolled in the establishment training program.

This rule is intended to implement Iowa Code chapter 157 as amended by 2025 Iowa Acts, House File 711.

481—942.2(157) Registration. An establishment registering as an establishment training program shall comply with all facility and minimum equipment requirements, safety and infection control provisions, inspection requirements, management requirements, and establishment licensing renewal requirements. The department shall inspect an establishment participating in the program as the department deems necessary.

942.2(1) *Establishment registration.*

a. Establishment owners must register their establishment with the board and must provide:

(1) Establishment license number;

(2) Supervisor license number(s) and instructor license number; and

(3) Course of study plan for each practice discipline offered, including theory and clinical training plans. Plans shall include the anticipated number of paid and unpaid clinical instruction hours the trainee will complete.

b. The establishment, establishment owner, and the supervisor cannot be under probation or any disciplinary action by the board.

c. The establishment owner must notify the board within 30 days of program closure if the establishment is no longer participating in the establishment training program.

942.2(2) *Trainee registration.* Trainees must register with the board and must provide:

a. Name and license number of the establishment where they will be training.

b. Contract with the establishment training program, including the start date and anticipated completion date in accordance with these rules.

This rule is intended to implement Iowa Code section 157.12D(1) as enacted by 2025 Iowa Acts, House File 711.

481—942.3(157) Employment of trainees. Establishments participating in the establishment training program may employ persons, without regard to the person's licensure status, to provide services that would otherwise require a license under Iowa Code chapter 157 as amended by 2025 Iowa Acts, House File 711.

942.3(1) Establishment owners will comply with standards set forth in the Fair Labor Standards Act as effective on [effective date of the rulemaking] when a trainee is providing services to customers except when a trainee is providing services to nonpaying customers, working on mannequins, and participating in theory instruction.

942.3(2) Services provided by a trainee must occur under the supervision of a supervisor who regularly provides those services.

a. Supervisors are required to have an active Iowa instructor license. The license cannot be on probationary status.

b. Supervisors shall only train on services they are licensed to provide.

c. Supervisors shall only supervise one trainee at a time for clinical instruction on a customer.

d. Any registered supervisor can supervise any registered trainee participating in the establishment training program.

942.3(3) Trainees must receive education while participating in the establishment training program. The establishment training program shall not hold itself out as a school.

a. Trainees must complete two hours of education related to barbering and cosmetology laws and rules of the state and sanitation, as prescribed by the board, prior to offering services permitted under the establishment training program.

b. A trainee must complete at least 2,000 hours of supervised practice under an establishment training program.

c. Course of study.

(1) 1,410 of the 2,000 hours must be clinical instruction.

(2) 590 of the 2,000 hours must be theory instruction. Theory must be taught based on reference materials in accordance with the board-prescribed examination.

d. Each establishment training program must have a contract between the program and the trainee that includes liability insurance and a start date and anticipated end date.

(1) The program must be completed in four years for an average of approximately ten hours per week.

(2) The program may be extended beyond four years for circumstances such as disability, incapacity, or other good cause as approved by the board.

942.3(4) Minimum equipment requirements.

a. The establishment training program must provide all equipment and supplies required to perform the services on which the supervisor is training.

b. The establishment training program must provide the theory textbook or e-book.

942.3(5) Tuition and fees. The establishment training program and supervisor shall not accept or charge any fee or tuition to the trainee for instruction, rent, supplies, equipment or any other necessary tools for instruction.

942.3(6) All training, education, and instruction must be adequately documented. Establishment owners have the following responsibilities:

a. Ensuring education, training, skills, and competence of persons who provide services in the owner's establishment;

b. Ensuring all supervisors are training within their scope of practice;

c. Tracking trainee hours of completion, including a differentiation between theory and clinical hours completed; and

d. Maintaining records and documents pertaining to the trainee's completion of the two hours of education related to barbering and cosmetology laws and rules of the state and sanitation.

942.3(7) All training received by the trainee must be transportable to any other establishment training program.

a. If a severance of relationship occurs between the program and the trainee, the program must sign an affidavit stating all hours completed by the trainee, to include a differentiation of hours instruction and education for clinical and theory training. The affidavit must be provided to the trainee within ten days of severance.

b. A trainee must complete a new contract with the new establishment training program to include a new start date and anticipated completion date based on formerly completed hours.

This rule is intended to implement Iowa Code section 157.12D(2) as enacted by 2025 Iowa Acts, House File 711.

481—942.4(157) Disclosure.

942.4(1) The establishment shall disclose in writing prior to the consumer's receipt of services from a trainee that the establishment is participating in the program and that the provider is not licensed. The disclosure shall be clearly legible and state: "This licensed establishment is registered to participate in an establishment training program. This establishment employs unlicensed providers who work under the supervision of licensed providers. The services you are receiving are from an unlicensed provider participating in this program."

942.4(2) The establishment must:

a. Display the disclosure statement on all electronic booking sites, the establishment website, and all social media sites prior to the consumer's receipt of services from a trainee;

b. Display the disclosure statement on a sign at the front door of the establishment. The sign must be at least 8" × 11" in size with the disclosure statement printed and clearly legible; and

c. Display the disclosure statement on a sign or placard at the trainee's work station. The sign or placard should be at least 5" × 7" in size with the disclosure statement printed and clearly legible.

This rule is intended to implement Iowa Code section 157.12D(4) as enacted by 2025 Iowa Acts, House File 711.

481—942.5(157) Program completion. The trainee must provide to the board an affidavit signed by the supervisor and establishment owner of completing 2,000 hours of supervised practice to take the board-prescribed examination for licensure. The establishment must provide the affidavit to the trainee within ten days following completion of the program.

942.5(1) The trainee must take the board-prescribed examination within six months of program completion.

942.5(2) The trainee can no longer provide barbering and cosmetology arts and sciences services without a license six months after completion of the program. Any services provided during the six months following program completion must be under the supervision of the establishment training program and supervisor.

This rule is intended to implement Iowa Code section 157.3(3) as enacted by 2025 Iowa Acts, House File 711.

ITEM 8. Amend rule 481—943.16(157) as follows:

481—943.16(157) Events and services provided outside of a licensed establishment.

943.16(1) Licensed barber and cosmetologists, nail ~~technicians~~ technologists, and estheticians may provide limited services at certain locations (e.g., weddings) outside of a licensed establishment. Limited services:

a. to *c.* No change.

943.16(2) Licensees may provide limited services outside of a licensed establishment as follows:

a. No change.

b. Limited services must be within the scope of practice of the licensed barber and cosmetologist, nail ~~technician~~ technologist, or esthetician.

c. and *d.* No change.

ITEM 9. Amend rule 481—945.2(157,272C) as follows:

481—945.2(157,272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in 481—Chapter 504 when the board determines that any of the acts or offenses listed in such chapter or in Iowa Code section 147.55 or any of the following have occurred:

945.2(1) and **945.2(2)** No change.

945.2(3) Permitting an unlicensed employee or person under the licensee's or the licensed school's or establishment's control to perform activities that require a license, unless the individual is participating in the establishment training program.

945.2(4) to **945.2(6)** No change.

945.2(7) An establishment training program endangers human health.

945.2(8) An establishment training program fails to comply with the Fair Labor Standards Act as effective on [effective date of the rulemaking] when trainees are providing services to paying customers.

945.2(9) An establishment training program is unable to pass at least 50 percent of trainees out of the program.

This rule is intended to implement Iowa Code section 157.12D(6) as enacted by 2025 Iowa Acts, House File 711.

ITEM 10. Amend subrule 945.3(1) as follows:

945.3(1) Acts or practices by unlicensed persons that require licensure to practice barbering and cosmetology arts and sciences under Iowa Code chapter 157 as amended by 2025 Iowa Acts, House File 711, unless the individual is participating in the establishment training program.

This subrule is intended to implement Iowa Code sections 157.2(1)*"h"* and 157.13(1)*"d"* as enacted by 2025 Iowa Acts, House File 711.

Regulatory Analysis

Notice of Intended Action to be published: 265—Chapter 44
"Iowa Agricultural Development Programs"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 16.5(1)*"r"*

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 16, subchapter VIII, and sections 16.4A, 16.4B, and 16.5D

Public Hearing

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

November 4, 2025	1963 Bell Avenue
2:30 to 2:45 p.m.	Des Moines, Iowa

Public Comment

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

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

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 44 and adopt a new Chapter 44 in lieu thereof. The chapter describes the policies and procedures applicable to the beginning farmer loan program, beginning farmer loan participation program, and beginning farmer tax credit program (programs) administered by the Authority.

Analysis of Impact

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

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

Beginning farmers and agricultural asset owners interested in applying for the programs will bear the costs of the rulemaking.

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

Beginning farmers and agricultural asset owners interested in applying for the programs will benefit from the 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:**

Entities and individuals interested in applying for certification may require staff time to complete an application. Entities and individuals that receive loans or tax credits through the programs may similarly incur costs to comply with reporting and monitoring requirements. Some applicants and recipients may choose to rely on an external service provider such as an accountant to complete these tasks. The amount of the costs will vary depending on the compensation of staff or service providers

involved. Loan applicants pay a $100 application fee, due at the time an application is submitted to the authority. A fee is also assessed equal to 1.5 percent of the amount of a loan, due at the time of loan closing. Tax credit applicants pay application fees based on the number of acres and years of application.

- **Qualitative description of impact:**

The beginning farmer loan program assists new farmers in acquiring agricultural land, machinery, equipment, buildings, breeding livestock or making farm improvements. The loan participation program assists farmers in securing down payment assistance for agricultural purchases. The beginning farmer tax credit program offers an incentive to asset owners for leasing their agricultural land, machinery, equipment, buildings or livestock to beginning farmers.

3. **Costs to the State:**

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

Authority staff time is required to review and approve applications, issue tax credit certificates, disburse loan funds, review reports, and communicate with program applicants and recipients.

- **Anticipated effect on State revenues:**

The rules have no anticipated impact on State revenues. Up to $12 million total in tax credits may be authorized by the Authority for the beginning farmer tax credit program each fiscal year. The beginning farmer loan program is funded through tax-exempt conduit bonds (aggie bonds). The program receives 21 percent of Iowa's volume cap to be used for beginning farmers. The loan participation program is funded through the Rural Rehabilitation Trust Fund, which is held and administered by the Authority.

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

Only entities and individuals that will potentially benefit from the program bear the costs of the rulemaking. The costs to the State to administer the program are proportional to the activities supported.

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

The Authority has not identified any less costly methods or less intrusive methods for administering the programs.

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

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

The Authority did not consider any other methods.

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

The Authority did not consider any other methods.

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 rulemaking impacts only small businesses seeking to benefit from the programs. The rules regarding compliance and reporting requirements are no more stringent than necessary to implement the purposes of the programs. The rules do not establish schedules or deadlines. The rules do not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 265—Chapter 44 and adopt the following **new** chapter in lieu thereof:

CHAPTER 44
IOWA AGRICULTURAL DEVELOPMENT PROGRAMS

265—44.1(16) Definitions.

"Agricultural assets" means the same as defined in Iowa Code section 16.58.

"Agricultural development board" or *"IAD board"* means the agricultural development board created in Iowa Code section 16.2C.

"Agricultural improvement" means the same as defined in Iowa Code section 16.58.

"Agricultural land" means the same as defined in Iowa Code section 16.58.

"Agricultural lease agreement" or *"agreement"* means the same as defined in Iowa Code section 16.77.

"Application" means a completed instrument on a form approved by the authority.

"Authority" means the Iowa finance authority created in Iowa Code section 16.1A.

"Beginning farmer" means the same as defined in Iowa Code section 16.58.

"BFLP" means beginning farmer loan program established pursuant to Iowa Code chapter 16, subchapter VIII, part 6, subpart A.

"BFLP beginning farmer" means a beginning farmer who also meets the requirements of a first-time farmer as defined in Section 147(c) of the Internal Revenue Code.

"BFTC" means beginning farmer tax credit program established pursuant to Iowa Code chapter 16, subchapter VIII, part 6, subpart B.

"Bond purchaser" means any lender or any person who purchases an authority bond under the individual agricultural development bond program.

"Cash rent agreement" means an agreement whereby operation of agricultural assets is transferred via a fixed cash payment per annum.

"Commodity share agreement" means an agreement whereby operation of agricultural assets is transferred via a risk-sharing mechanism, whereby the agricultural assets owner receives a portion of the production as payment for use of the agricultural assets.

"Eligible taxpayer" means the same as defined in Iowa Code section 16.77.

"Farm" means a farming enterprise that is generally recognized as a farm rather than a rural residence.

"Farming" means the same as defined in Iowa Code section 16.58.

"Flex lease agreement" means an agreement that transfers operation of agricultural assets via a combination of fixed cash payments and, at times, additional payment based on production or other variables.

"Lender" means any regulated bank, trust company, bank holding company, mortgage company, national banking association, savings and loan association, life insurance company, state or federal governmental agency or instrumentality, or other financial institution or entity authorized and able to make mortgage loans or secured loans in this state.

"LPP" means loan participation program.

"LPP loan" means the "last-in/last-out" loan participation requested by the lender from the authority.

"Participated loan" means a loan or loans, any portion of which is shared with or sold to the authority by the lender.

"Person" means the same as defined in Iowa Code section 4.1(20).

"Qualified beginning farmer" means the same as defined in Iowa Code section 16.77.

"USDA" means the United States Department of Agriculture.

"USDA NASS" means the USDA's National Agricultural Statistics Service.

265—44.2(16) Maximum allowable net worth.

44.2(1) Pursuant to Iowa Code section 16.58(9), the authority will establish the maximum allowable net worth for each calendar year. The maximum allowable net worth shall be increased or decreased from the previous year by an amount equal to the percentage increase or decrease (September to September) in the USDA "Index of Prices Paid for Commodities and Services, Interest, Taxes, and Farm Wage Rates" reported as of October 1 of the immediately preceding calendar year. The maximum allowable net worth will be rounded to the nearest thousand dollars.

44.2(2) A beginning farmer's or BFTC beginning farmer's net worth will be established by determining total assets minus total liabilities as determined in accordance with generally accepted accounting principles with appropriate exceptions and exemptions reasonably related to an equitable determination of the net worth of the individual, partnership, limited liability company or corporation. Assets shall be valued at fair market value.

44.2(3) For the purposes of this rule, "total liabilities" means all liabilities, including but not limited to accounts payable, notes or other indebtedness owed, taxes, rent, amount owed on any real estate contract or real estate mortgage, judgments, accrued interest payable, and any other liabilities. Liabilities shall be determined on the basis of generally accepted accounting principles.

44.2(4) In only those cases where a beginning farmer's or BFTC beginning farmer's liabilities include an amount for deferred tax liability that causes the applicant's net worth to change from exceeding the maximum allowable net worth to an amount no greater than the maximum allowable net worth, the applicant is required to have a certified public accountant prepare the financial statement and provide supporting calculations and documentation acceptable to the IAD board.

44.2(5) For the purposes of this rule, "total assets" means all assets including but not limited to cash, crops or feed on hand, livestock held for sale, breeding stock, marketable bonds and securities, securities not readily marketable, accounts receivable, notes receivable, cash invested in growing crops, net cash value of life insurance, machinery, equipment, cars, trucks, farm and other real estate including life estates and personal residence, value of beneficial interest in a trust, government payments or grants, and any other assets. "Total assets" shall not include items used for personal, family or household purposes by the applicant; but in no event shall any property be excluded, to the extent a deduction for depreciation is allowable for federal income tax purposes. All assets shall be valued at fair market value by the lender. The value shall be what a willing buyer would pay a willing seller in the locality. A deduction of ten percent may be made from fair market value of farm and other real estate.

44.2(6) Notwithstanding the definition of "total assets" in subrule 44.2(5), the value of any retirement accounts will not be included as assets for the purposes of establishing a beginning farmer's or BFTC beginning farmer's net worth. For the purposes of this subrule, an account type identified in rule 701—302.47(422) will be considered a retirement account.

265—44.3(16) Beginning farmer loan program eligibility. A loan to or on behalf of a BFLP beginning farmer shall be provided only if the criteria in Iowa Code section 16.75(3) are satisfied. In the loan application, the beginning farmer must demonstrate to the satisfaction of the authority that the beginning farmer has or will have access to adequate working capital, farm equipment, machinery, or livestock.

265—44.4(16) Beginning farmer loan program.

44.4(1) *Individual agricultural development bond program description.* This program is intended to allow BFLP beginning farmers to obtain lower interest rate loans for qualified purposes by obtaining loan funds from the proceeds of a tax-exempt bond issued by the authority and purchased by the bond purchaser. The authority will enter into a loan agreement with the BFLP beginning farmer and assign that BFLP loan to the bond purchaser. At the same time, the authority will issue a tax-exempt bond in the amount of the BFLP loan, and the bond purchaser will purchase that bond, which is used to fund the BFLP loan assigned to the bond purchaser. The bond that is issued by the authority and purchased by the bond purchaser is a nonrecourse obligation. The only security for the bond purchaser is the underlying security on the assigned BFLP loan.

44.4(2) *Application procedures.* The BFLP beginning farmer may apply for a BFLP loan with any bond purchaser. Any BFLP loan approved will be assigned to that bond purchaser. BFLP loan eligibility is determined by the requirements of Iowa Code sections 16.75 and 16.76 and this chapter.

a. If a BFLP beginning farmer meets the BFLP loan eligibility requirements, the decision on whether to enter into the loan agreement is between the BFLP beginning farmer and the bond purchaser. The BFLP beginning farmer and bond purchaser must agree on the terms of the loan, such as interest rates, length of loan, down payment, service fees, origination charges and repayment schedule. The terms may not be more onerous than terms charged to similar customers for similar loans, taking into account the tax-exempt nature of interest on the BFLP loan.

b. Following completion of the BFLP loan application by the BFLP beginning farmer and approval by the bond purchaser, the BFLP loan application must be submitted to the authority for its review and approval.

c. The authority's review will include but not be limited to whether:

(1) The BFLP loan applicant is a BFLP beginning farmer;

(2) The BFLP loan proceeds will be used for a qualified purpose under Iowa Code sections 16.75 and 16.76, this chapter, and the Internal Revenue Code and IRS regulations relating to private activity bonds;

(3) The terms of the BFLP loan comply with these rules; and

(4) The bond purchaser is a lender or bond purchaser as defined in this chapter.

d. The authority may require that the bond purchaser furnish any information that the authority deems necessary to determine whether the bond purchaser qualifies as either a lender or bond purchaser. If the authority determines that the bond purchaser does not qualify as either a lender or bond purchaser, it may deny the application.

e. The authority may charge fees as needed to defray its costs for processing the BFLP loan and bond.

44.4(3) *Issuance of bond.* All bonds issued by the authority will conform to all applicable requirements of the United States Internal Revenue Code of 1986 as amended, and its regulations.

a. Public hearings may be held by a member of the IAD board or an appointee or employee of the authority.

b. Following approval of the BFLP loan by the authority, and upon completion of a public hearing and approval of the bond issuance by the governor or another elected state official designated by the governor, the authority will issue a bond, to be purchased by the bond purchaser, in the amount and fitting the terms of the BFLP loan to the BFLP beginning farmer. The principal and interest on the bond are a limited obligation payable solely out of the revenues derived from the BFLP loan to the BFLP beginning farmer and the underlying collateral or other security furnished by or on behalf of the BFLP beginning farmer. The bond purchaser shall have no other recourse against the authority. The principal and interest on the bond do not constitute an indebtedness of the authority or a charge against its general credit or general fund.

44.4(4) *Priority of applications.* Applications shall be processed by the authority on a first-come, first-served basis, based upon the receipt of all completed documents by the authority.

44.4(5) *Procedures following bond issuance.* No bond proceeds may be used for a nonqualified purpose or by a nonqualified user. Following disbursement of the bond proceeds, the bond purchaser

and BFLP beginning farmer may be required to certify to the authority that the proceeds were used by the BFLP beginning farmer for a qualified purpose.

44.4(6) *Assignment of BFLP loans by bond purchasers.* A bond purchaser may assign a BFLP loan in whole or in part to any person. Servicing of the BFLP loan may also be assigned. The authority must be notified in writing prior to assignment of the BFLP loan.

44.4(7) *Assumption of BFLP loans, substitution of collateral and transfer of property.* BFLP loans may not be assumed without the prior approval of the authority, and then only if the purchaser of the property is a BFLP beginning farmer. Equipment and other depreciable property may be exchanged or traded for similar property, and other property such as breeding livestock may be added or substituted as collateral at the discretion of the bond purchaser without the prior approval of the authority.

44.4(8) *Right to audit.* The authority shall have the right to audit the records of the bond purchaser and the BFLP beginning farmer relating to the BFLP loan and bond at any time to ensure that bond proceeds were used for a qualified purpose by a qualified user.

265—44.5(16) Loan participation program.

44.5(1) *Program summary.* The loan participation program is intended to assist lenders and beginning farmers by purchasing a portion of a loan made by a lender to a beginning farmer for the purchase of agricultural property.

a. Supplement to beginning farmer's down payment. The LPP loan can be used to supplement the beginning farmer's down payment so that the beginning farmer can more readily secure a participated loan from a lender.

b. Last-in/last-out collateral position. The program enables lenders to request a "last-in/last-out" LPP loan from the authority. The lender, on behalf of the beginning farmer, shall apply for the LPP loan on application forms provided by the authority.

c. Lender's certification. The lender and the beginning farmer shall certify that the information included in the application and any other documents submitted for consideration is true and correct to the best of their knowledge.

d. LPP loan in conjunction with BFLP loan. The loan participation program may be used in conjunction with the authority's beginning farmer loan program, provided the beginning farmer meets the criteria for both programs.

44.5(2) *Underwriting criteria.* Commercial underwriting criteria will be used as determined by the authority.

44.5(3) *Eligible projects and activities.*

a. Use of project. LPP loans must be for new purchases or new construction. Assets purchased or constructed with LPP loan funds must be used for agricultural purposes.

b. Agricultural land. The participated loan can be used for the purchase of agricultural land, which may include small acreages on which sufficient agricultural improvements are located to conduct a livestock operation. If a house is located on land for which an LPP loan is requested, an appraisal of the house will be made. If the appraised value of the house exceeds 50 percent of the appraised value of the property or total collateral, then the property will not be eligible for an LPP loan.

c. Agricultural improvements. The participated loan can be used for the construction or purchase of agricultural improvements, including but not limited to confinement systems for swine, cattle, or poultry; barns or other outbuildings; and grain storage facilities and silos.

d. Livestock used for breeding purposes. The participated loan can be used for the purchase of livestock if an income tax deduction for depreciation is allowed for such livestock in computing state and federal income taxes.

e. Machinery and equipment. The participated loan can be used for the purchase of agricultural machinery and equipment if an income tax deduction for depreciation is allowed for such machinery

and equipment in computing state and federal income taxes. Machinery and equipment purchased with the participated loan must be used in the beginning farmer's farming operation.

f. Interim financing by lender. Interim financing by the lender is allowed.

44.5(4) *Ineligible projects.* The following activities are ineligible for an LPP loan:

a. Refinancing of existing debt or new purchases that have been incurred by the borrower more than 60 days prior to approval of the LPP loan by the authority.

b. Financing personal or living expenses and working capital to purchase such items as feed, seed, fertilizer, fuel, and feeder livestock.

c. Financing a down payment for a contract sale, or in connection with a loan from a nonregulated lender.

44.5(5) *Program parameters.*

a. Purchase price impact. Maximum LPP loan amount and loan terms will be determined by the IAD board.

b. LPP interest rate. The IAD board will set the interest rate on the LPP loan.

c. LPP loans outstanding. Loans under the program may be issued more than once, provided that the outstanding LPP loan totals do not exceed the maximum amount set by the IAD board.

44.5(6) *LPP loan application.* Applications for LPP loans will include:

a. A financial statement, in a form acceptable to the authority, and any other information deemed necessary and appropriate to document the eligibility of the beginning farmer and the beginning farmer's ability to make principal and interest payments. If the beginning farmer or the beginning farmer's spouse is involved in a business, partnership, limited liability company, or corporation, either related or unrelated to the beginning farmer's farming operation, a financial statement from this entity must also be submitted with the application.

b. If available, copies of the beginning farmer's prior three years' federal income tax returns.

c. A letter documenting that the beginning farmer has sufficient training, experience and access to capital to the satisfaction of the authority.

44.5(7) *Application procedures.*

a. Credit evaluation. The lender will evaluate the beginning farmer's net worth and ability to pay principal and interest and certify the sufficiency of security for the participated loan. The authority will review the application and make its own credit evaluation prior to issuance of an LPP loan.

b. Processing LPP loan applications. Applications for the program will be accepted and processed by the authority on a first-come, first-served basis. The authority may cease accepting applications if the maximum allowable limit for total outstanding LPP loans is reached or the program is altered by the Iowa general assembly or by rules promulgated by the authority.

c. Security for participated loans and use of security documents. The lender shall take any security, cosignatures, guarantees or sureties that are deemed necessary by the authority for any participated loan. Any guarantee of repayment or pledge of additional collateral required by the lender to secure the participated loan shall secure the entire participated loan.

d. Recording documents and fees. Any recording or filing fees or transfer taxes associated with the participated loan will be paid by the beginning farmer or lender and not the authority. The authority will have no responsibility with respect to the preparation, execution, or filing of any declaration of value or groundwater hazard statements.

44.5(8) *Loan administration procedures.*

a. Lender's responsibilities. The lender is responsible for servicing the participated loan following accepted standards of loan servicing and for transferring LPP loan payments to the authority.

(1) At the request of the authority, the lender shall:

1. Provide the authority with copies of a current financial statement or a current tax return, or both, on an annual basis.

2. Provide copies of insurance to the authority with the lender named as loss payee.

(2) The lender shall not, without prior consent of the authority:

1. Make or consent to any substantial alterations in the terms of any participated loan instrument;

2. Make or consent to releases of security or collateral unless replaced with collateral of equal value on the participated loan;

3. Accelerate the maturity of the participated loan;

4. Sue upon any participated loan instrument;

5. Waive any claim against any beginning farmer, cosignor, guarantor, obligor, or standby creditor arising out of any instruments.

(3) The lender will apply payments to the participated loan according to the amortization schedule(s) approved by the authority or on a pro-rata basis.

b. Payment due dates. Payment due dates for the LPP loan will be the same as for the lender's share of the loan.

c. Prepayment penalty. There is no penalty for early repayment of principal or interest.

d. Repayment proceeds and collateral. Without limitation, the repayment of proceeds and collateral shall include rights of setoff and counterclaim, which the lender or the authority jointly or severally may at any time recover on any participated loan.

e. Subsequent loans. Any loan or advance made by a lender to a beginning farmer subsequent to the beginning farmer's obtaining an LPP loan under the program and secured by collateral or security pledged for the participated loan will be subordinate to the participated loan.

f. Events of loan default.

(1) Default will occur when the participated loan payment is 30 days past due. Notice to cure will be sent by the lender to the beginning farmer with a copy sent to the authority. The lender will take appropriate steps to cure the default through mediation, liquidation, or foreclosure if needed.

(2) After a participated loan is in default for a period of 30 days, the lender shall file monthly reports with the authority regarding the status of the participated loan.

(3) The authority may, anytime a participated loan is in default, purchase the unpaid portion of the participated loan from the lender including the note, security agreements, additional guarantees, and other documents. The authority would become the servicer of the participated loan if purchased.

g. Applying principal and interest payments. Lenders shall receive all payments of principal and interest. All payments made prior to liquidation or foreclosure shall be made according to the amortization schedule(s) approved by the authority or on a pro-rata basis. All accrued interest must be paid to zero at least annually on the anniversary date of the note.

h. Application of proceeds of loan liquidation. Application of proceeds of loan liquidation will be determined after a written liquidation plan is approved by the authority or the loan committee of the IAD board. All funds received from liquidation or foreclosure procedures shall be applied in the following order of priority:

First Priority: To the payment of the outstanding principal of and accrued interest on the lender's portion of the participated loan;

Second Priority: To the payment of the outstanding principal of and accrued interest on the authority's LPP loan;

Third Priority: To the payment on a pro-rata basis of all reasonable and necessary expenses incurred by the lender or the authority in connection with such liquidation or foreclosure procedures.

44.5(9) *Right to audit.* The authority shall have the right to audit records of the lender and the beginning farmer relating to any participated loan made under the program at any time.

265—44.6(16) Loan program fees. Applicants for both the BLFP and LPP shall pay the following fees:

1. A $100 application fee, due at the time an application is submitted to the authority.

2. A fee equal to 1.5 percent of the amount of a loan, due at the time of loan closing.

265—44.7(16) Beginning farmer tax credit program.

44.7(1) *Eligibility.*

a. Eligible taxpayer. Only eligible taxpayers that own agricultural assets included in an agricultural lease agreement are eligible for a tax credit. Pursuant to 701—subrules 302.87(3) and 302.88(3), an eligible taxpayer that elects to exclude all qualifying capital gains from the sale of real property used in a farming business and the sale of certain livestock or that elects to exclude net income pursuant to a farm tenancy agreement covering real property is not eligible for a tax credit.

b. Qualified beginning farmer. A beginning farmer must meet all of the criteria in Iowa Code section 16.79(2), be of majority age pursuant to Iowa Code section 599.1, and be legally able to enter into a contract to be eligible for participation in the beginning farmer tax credit program.

44.7(2) *Tax credit term.* The term of the credit shall begin in the crop year in which the authority board approves the award. The maximum term of the credit shall not exceed the term of the agricultural lease agreement.

44.7(3) *Application.*

a. The authority shall prepare and make available appropriate forms to be used in making application for the tax credit, including forms for both the taxpayer and the qualified beginning farmer.

b. Each application shall include but not be limited to the following:

(1) Taxpayer information: name, address, and social security number or tax identification number.

(2) Qualified beginning farmer information: name and address. In addition, the application shall have attached to it a copy of the qualified beginning farmer's current financial statement (generally prepared one month preceding application submission). The application will also include a background letter on the qualified beginning farmer documenting to the satisfaction of the authority that the beginning farmer has sufficient education, training, or experience in farming and has access to adequate working capital and production items.

(3) A copy of the agricultural lease agreement that conforms to the requirements in Iowa Code section 16.79A.

c. Complete applications shall be processed in the order they are received by the authority.

d. Authority staff will review applications for completeness and eligibility and make recommendations to the IAD board. The IAD board will review applications and recommendations from authority staff and make recommendations to the authority. Upon review of the recommendations of the IAD board, the authority will approve, defer, or deny each application.

e. Any applicant wishing to appeal a decision of the IAD board can appeal directly to the IAD board.

f. Upon submission of the application or a request to amend an agricultural lease agreement, the authority shall collect the application fee. The authority shall collect fees in the amounts based upon the acreage of the land that is the subject of the agreement and the length of the lease, as indicated in the chart below.

Application Fees Chart

	Length of Lease in Years			
Leased Acres	**2**	**3**	**4**	**5**
100 or fewer	$300	$350	$400	$450
101 to 250	$400	$450	$500	$550
251 or more	$500	$550	$600	$650

g. For an amendment to a previously approved agricultural lease agreement, an amendment fee of $100 shall be paid at the time the amendment is submitted. If the amendment includes additional acres, the application fee is based on the number of additional acres being rented and the years remaining on the lease, as indicated in the chart below.

Additional Acres Fee Chart

	Number of Years Remaining on Lease				
# of Additional Acres	**1**	**2**	**3**	**4**	**5**
100 or fewer	$250	$300	$350	$400	$450
101 to 250	$350	$400	$450	$500	$550
251 or more	$450	$500	$550	$600	$650

44.7(4) *Requirements of an agricultural lease agreement.*

a. The agricultural lease agreement must be in writing and signed by all parties and must meet all of the requirements in Iowa Code section 16.79A.

b. At the end of the approved agricultural lease agreement term, a new application must be submitted to the authority. For the purposes of this paragraph, an eligible taxpayer first participating in the beginning farmer tax credit program on or after January 1, 2019, for a tax year beginning on or after that date, may participate in the program for not more than 15 years.

c. An eligible taxpayer may apply and be approved to enter into agreements with different qualified beginning farmers.

44.7(5) *Changes to an agricultural lease agreement.*

a. The underlying lease for agricultural land may only be amended under the circumstances identified in Iowa Code section 16.70A(4)*"b."* If the eligible taxpayer and the qualified beginning farmer are amending an agricultural lease agreement but none of the conditions in Iowa Code section 16.70A(4)*"b"* apply, then the eligible taxpayer must submit a new application for a tax credit.

b. If an amendment to an agreement changes the total amount that will be paid to the eligible taxpayer under the agreement, the procedures in Iowa Code section 16.79A(4)*"c"* will apply.

c. Expiration of lease. Prior to the expiration of the lease, the qualified beginning farmer will continue to be eligible for the term of the lease. Upon expiration of the lease, both the taxpayer and qualified beginning farmer must reapply to continue the tax credit.

44.7(6) *Procedure for calculating tax credit awards.*

a. The authority will determine tax credit amounts as described in Iowa Code section 16.82(3).

b. To calculate the credit for a commodity share agreement, the authority will use the following assumptions:

(1) Fifty percent of the leased land is allocated to corn and 50 percent of the leased land is allocated to soybeans, unless the lease specifies a different allocation of corn and soybeans. If the lease specifies a different allocation of corn and soybeans, then the leased land will be allocated proportionally, in accordance with the terms of the lease.

(2) For all years of the lease, the prices used for corn and soybeans will be the average prices for the last five years excluding the highest and lowest prices based on the USDA-NASS statewide data calculated at the time the application is approved.

(3) For all years of the lease, the commodity yields used for corn and soybeans will be the past ten-year average per-bushel yields for the same county where the leased land is located excluding the years of highest and lowest per-bushel yields based on the USDA-NASS data calculated at the time the application is approved.

(4) If the lease specifies a crop other than corn and soybeans, the relevant price and yield data from USDA-NASS for that crop will be used.

c. To calculate the credit for a commodity share agreement, the authority will use the following formula: (1/2 acres leased multiplied by corn yield multiplied by corn price multiplied by percentage of owner's share multiplied by the BFTC commodity share tax credit percentage) plus (1/2 acres leased multiplied by soybean yield multiplied by soybean price multiplied by owner's share multiplied by the BFTC commodity share tax credit percentage) = the amount of the tax credit. If the lease specifies a different allocation of corn and soybeans, then the leased acres will be in accordance with the terms of the lease.

d. The amount of the tax credit for a flex lease agreement equals the sum of the following amounts:

(1) The portion of the lease that is based on rent will be calculated as a cash rent agreement.

(2) The portion of the lease that is based on crop yield will be calculated as a commodity share agreement.

(3) If the flexible or bonus portion of the lease is based on crop production, the annual yield used to calculate the bonus will be the yield defined in subparagraph 44.6(6)*"c"*(3). If the annual yield is above the yield needed to trigger the bonus, the taxpayer will be awarded additional tax credits. The formula for calculating the tax credit will be yield above lease bonus trigger multiplied by price multiplied by percentage of owner's share multiplied by the BFTC commodity share tax credit percentage.

(4) For other factors used in a flex lease agreement, the relevant data used will be the past ten-year average per-bushel yield for the same county where the leased land is located excluding the highest and lowest years based on the USDA-NASS data.

e. The amount of the tax credit shall be reduced by the percent ownership interest of the qualifying beginning farmer in the agricultural assets.

265—44.8(16) Violations of law. During the application process for the programs administered pursuant to this chapter, the authority will determine whether an applicant has a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws. An applicant that has such a record of violations of the law will be ineligible for the programs.

265—44.9(16) References. References to the Internal Revenue Code in this chapter are as in effect on [effective date of rulemaking].

These rules are intended to implement Iowa Code sections 16.4A, 16.4B, and 16.5D and chapter 16, subchapter VIII.

Regulatory Analysis

Notice of Intended Action to be published: 265—Chapter 45
"Manufactured Housing Program Fund"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 16.45 and 17A
State or federal law(s) implemented by the rulemaking: Iowa Code section 16.45 and chapter 17A

Public Hearing

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

November 4, 2025	1963 Bell Avenue
2:45 to 3 p.m.	Des Moines, Iowa

Public Comment

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

Tyler Barnard
Iowa Finance Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: tyler.barnard@iowafinance.com

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 45 and adopt a new Chapter 45 in lieu thereof. The new chapter will eliminate language that is duplicative of statutory language, will eliminate unnecessary and inconsistent language, will remove unnecessarily restrictive terms, will clarify existing provisions, and will update outdated language.

Analysis of Impact

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

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

There is no additional cost entailed by the proposed rulemaking.

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

Borrowers, financial institutions, and lenders may benefit from the improved clarity of the proposed chapter.

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

- **Quantitative description of impact:**

The proposed rulemaking contains no quantitative impacts.

- **Qualitative description of impact:**

The proposed rulemaking will provide clarity about the Authority's processes for its manufactured housing program fund.

3. **Costs to the State:**

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

The Authority incurs staff time to review linked deposit requests, determine loan eligibility, and monitor linked deposits.

- **Anticipated effect on State revenues:**

The proposed rulemaking has 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 proposed rulemaking does not impose any additional costs on financial institutions and lenders compared to the existing Chapter 45.

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

The Authority has not identified any less costly methods or less intrusive methods that exist for administering the manufactured housing program.

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

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

The Authority did not consider any alternative methods.

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

The Authority did not consider any alternative methods because the Authority did not identify a less costly or less intrusive method.

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 does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 265—Chapter 45 and adopt the following **new** chapter in lieu thereof:

CHAPTER 45
MANUFACTURED HOUSING PROGRAM FUND

265—45.1(16) Purpose. Iowa Code section 16.45(1) states the purpose of these rules.

265—45.2(16) Definitions.

"Authority" means the Iowa finance authority.

"Borrower" means one or more individuals borrowing or seeking to borrow money for the purchase of a manufactured home sited on leased land.

"Financial institution" means a financial institution as defined in Iowa Code section 12C.1 that has been approved as a depository of public funds pursuant to Iowa Code section 12C.2.

"Fund" means the manufactured housing program fund created pursuant to Iowa Code section 16.45.

"Interlender loan" means the lending of funds by a financial institution to a lender, which funds are, in turn, to be loaned by the lender to a borrower to finance the purchase of a manufactured home sited on leased land.

"Lender" means a lender as defined in Iowa Code section 537.1301 that is licensed by the banking division of the department of insurance and financial services and that has not been approved as a depository of public funds pursuant to Iowa Code section 12C.2.

"Manufactured home" or *"manufactured housing"* means the same as defined in Iowa Code section 435.1.

"Mortgage loan" means a loan from a financial institution or lender to a borrower to finance the purchase of a manufactured home.

"Program" means the manufactured housing program.

"Revolving funds" means the funds created by Iowa Code sections 16.46 through 16.49.

265—45.3(16) Sources of funds.

45.3(1) *Authorized transfers.* Authorized transfers to the fund are made pursuant to Iowa Code section 16.45(2)*"a"* and 16.45(2)*"b."*

45.3(2) *Recapture and repayments—nonreversion.* Recapture of awards and other repayments to the fund are made pursuant to Iowa Code section 16.45(2)*"c."*

265—45.4(16) Program overview. The program is established as a means of facilitating affordable financing for the purchase of eligible manufactured homes to be sited on leased land located in the state of Iowa. By providing capital at a low interest rate in the form of linked deposits to financial institutions and lenders, the program is intended to enable financial institutions and lenders, in turn, to offer lower interest rate mortgage loans to borrowers or to enable financial institutions to offer interlender loans to lenders, the proceeds of which are, in turn, to be loaned to borrowers at low interest rates to finance the purchase of manufactured homes. The authority's role is strictly that of a depositor, not a lender, loan guarantor, or loan participant.

265—45.5(16) Eligible financing.

45.5(1) *Lender participation agreement.* Linked deposits are made pursuant to a lender participation agreement to be created by the authority. If the mortgage loan is to be made by a financial institution, the lender participation agreement is between the authority and the financial institution. If the mortgage loan is to be made by a lender, the lender participation agreement is between the authority, the lender, and a financial institution.

45.5(2) *Eligible loans.* To be eligible for a linked deposit under the program, a mortgage loan is to meet all of the following:

a. The mortgage loan is only for the purchase of a manufactured home as the borrower's primary residence; refinancing is not eligible for the program;

b. The manufactured home is sited on leased land located in the state of Iowa;

c. The term of the mortgage loan is not to exceed 30 years;

d. The mortgage loan is fully amortized;

e. The terms of the mortgage loan contain no prepayment penalties;

f. The interest rate payable on the mortgage loan is not to exceed 9 percent APR;

g. Fees charged by the financial institution or lender to cover its costs of originating the mortgage loan (closing fees, origination fees, etc.) are, in the aggregate, not to exceed 1 percent of the principal mortgage loan amount;

h. Closing agent or settlement fees paid to third-party closers, if any, shall not exceed $500;

i. Customary and reasonable closing costs are allowed; and

j. The financial institution or lender is to comply with all applicable fair lending laws and regulations.

265—45.6(16) Linked deposits. The process to create a linked deposit follows:

45.6(1) Once a financial institution or lender has received a completed loan application from a borrower, the financial institution or lender is to notify the authority via a linked deposit reservation request. The reservation request is on a form created and periodically updated by the authority. The form may be in a paper format or an online web-based format at the authority's discretion. The authority reviews and approves or denies requests. If the reservation request is approved, the authority will tentatively reserve an amount in or available to the fund for up to 60 days for a linked deposit for the mortgage loan that was the subject of the request. No reservation is made if the requested mortgage loan amount exceeds the amount(s) in and available to the fund. The reservation is terminated if the mortgage loan does not close within the 60-day period. If the reservation request is denied, the authority will notify the financial institution or lender that originated the mortgage loan and state the reason for denial.

45.6(2) The financial institution or lender that originated the mortgage loan is to review the borrower's mortgage loan application, applying ordinary manufactured housing lending underwriting criteria. If the loan application is approved by the financial institution or lender, the financial institution or lender submits a request to the authority for a linked deposit. The request shall be on a form created and periodically updated by the authority and which may be in a paper format or an online web-based format at the authority's discretion.

45.6(3) Upon receipt of a linked deposit request, the authority will review the information provided and determine whether the mortgage loan is eligible under the program's criteria. If necessary, the authority may request additional information. If the mortgage loan is determined eligible, the authority will, if necessary to make the linked deposit, transfer moneys from one or more of the revolving funds, at the authority's discretion, into the fund to ensure there is a sufficient amount available in the fund to make the linked deposit. The authority then deposits with the financial institution an amount equal to the principal amount of the mortgage loan via automated clearing house (ACH) money transfer. The linked deposit is not security for the mortgage loan or for the interlender loan, if any, nor is it a loan guarantee. The lender or financial institution making the mortgage loan bears all financial risk for the mortgage loan. The financial institution bears all financial risk for any interlender loan. If the mortgage loan is determined ineligible, the authority will notify the financial institution or lender that originated the mortgage loan and state the reason for denial.

45.6(4) The authority shall receive monthly bank statements for the linked deposit account.

45.6(5) The moneys in the linked deposit account remain in the account for the duration of the mortgage loan. Annually, as of June 30, the financial institution or lender that originated the mortgage loan is to notify the authority of the amount of principal that has been repaid on the mortgage loan during the previous 12 months. The authority will then withdraw from the linked deposit account an amount equal to the principal that was repaid on the mortgage loan during the previous year so that the amount of the linked deposit equals the outstanding principal balance of the mortgage loan.

45.6(6) If a financial institution has more than one mortgage loan in the program, the linked deposits for those mortgage loans may be maintained in a single account.

45.6(7) The linked deposit for a mortgage loan is withdrawn in full if the mortgage loan is paid off, if the manufactured home purchased with the mortgage loan proceeds is destroyed, or if the borrower defaults on the mortgage loan.

45.6(8) The linked deposit account shall bear interest at a rate of not less than 1 percent per annum.

265—45.7(16) Limits on linked deposits. In any state of Iowa fiscal year, the authority is not to deposit more than 50 percent of the moneys in or available to the fund with any one financial

institution pursuant to the program; provided, however, that after the first six months of such fiscal year, the authority may make a linked deposit with any participating financial institution regardless of any amounts previously deposited with such financial institution.

265—45.8(16) Availability of moneys for linked deposits. The obligation of the authority to deposit funds into a linked deposit account is subject to the availability of moneys either in the fund or transferrable to the fund from the sources set forth in Iowa Code section 16.45 under the limitations set forth in that section.

These rules are intended to implement Iowa Code section 16.45.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 37
"General Provisions for Radiation and Radiation Protection Standards"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 136C
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 136C and 10 CFR 20

Public Hearing

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

November 4, 2025 10 a.m.	Microsoft Teams Meeting ID: 256 572 060 444 0 Passcode: SG2Vc96j

Public Comment

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

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

Purpose and Summary

This proposed chapter is one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed chapter and the seven others underwent a fulsome review as a 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 reflect current policies and procedures. This proposed chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the Department. Unless otherwise exempted, the provisions of this proposed chapter apply to and provide regulatory guidance to all persons who receive, possess, use, transfer, own, or acquire any source of radiation.

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:**

All Iowans who depend on the use of radiological materials in all industries will benefit from 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:**

The changes made in this proposed rulemaking are within the scope of Executive Order 10 and strengthen and clarify the regulations, but the changes do not diminish the chapter's effectiveness or add additional burdens. No changes have been made to the fees in this chapter.

- **Qualitative description of impact:**

Operators, clinical practitioners, patients, and anyone in an industry who handles or deals with radiological materials stands to benefit through the review and promulgation of this proposed chapter.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs in the enforcement of this proposed chapter.

- **Anticipated effect on State revenues:**

This 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:**

Not applicable. The regulation of radiological materials is required by Iowa Code chapter 136B.

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

Not applicable. The regulation of radiological materials is required by Iowa Code chapter 136B.

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

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

Not applicable. The regulation of radiological materials is required by Iowa Code chapter 136B.

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

Not applicable. The regulation of radiological materials is required by Iowa Code chapter 136B.

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 have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37
GENERAL PROVISIONS FOR RADIATION AND RADIATION PROTECTION STANDARDS

641—37.1(136C) General provisions.

37.1(1) Except as otherwise specifically exempted, the provisions of this chapter apply to all persons who receive, possess, use, transfer, own, or acquire any source of radiation. However, nothing in these rules shall apply to the extent that such persons are subject to regulation by the U.S. Nuclear Regulatory Commission. Attention is directed to the fact that regulation by the state of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of the agreement between the state and the U.S. Nuclear Regulatory Commission and to 10 CFR Part 150 of the Commission's regulations as amended to August 1, 2025.

37.1(2) All persons possessing radiation machines within the state shall be registered in accordance with this chapter, except as specifically exempted.

37.1(3) No person shall receive, possess, use, transfer, own, or acquire radioactive material, except as authorized in a specific or general license issued pursuant to this chapter or as otherwise provided in these rules.

37.1(4) This chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the department. These rules are issued pursuant to the authority in Iowa Code sections 136C.3 and 136C.4.

37.1(5) The requirements of this chapter are designed to control the receipt, possession, use, transfer, and disposal of radiation sources by any licensee or registrant to ensure that the total radiation dose to any individual, excluding background radiation, does not exceed the standards for protection against radiation prescribed in this chapter.

37.1(6) The limits in this chapter do not apply to doses from background radiation, medical exposures for diagnosis or therapy, or voluntary participation in medical research. Nothing in this chapter shall be construed as limiting actions that may be necessary to protect public health and safety.

37.1(7) In addition to complying with the requirements set forth in this chapter, every reasonable effort should be made to maintain radiation exposures and releases of radioactive material in effluents to unrestricted areas as low as is reasonably achievable (ALARA).

37.1(8) The requirements of this chapter are in addition to, and not in substitution for, any other applicable provisions of 641—Chapters 38 through 42. Compliance with the most stringent applicable requirements, whether found in this chapter or in 641—Chapters 38 through 42, is required.

37.1(9) The provisions in this chapter pertaining to radioactive materials are consistent with the requirements of 10 CFR Parts 19 and 20 (as amended to August 1, 2025) and as referenced in 641—Chapter 39. Accordingly, the provisions of 641—Chapter 39 apply to corresponding rules and subrules of this chapter.

641—37.2(136C) Definitions. Except as otherwise specifically provided within a chapter or rule, these definitions apply to 641—Chapters 37 through 42.

"Absorbed dose rate" means absorbed dose per unit time, for machines with timers, or dose monitor unit per unit time for linear accelerators.

"Accelerator" or *"particle accelerator"* means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

"Accelerator-produced material" means any material made radioactive by a particle accelerator.

"Activity" means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the curie (Ci) and the becquerel (Bq).

"Adult" means an individual 18 years of age or older.

"Agreement state" means any state with which the U.S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under Subsection 274b of the Atomic Energy Act of 1954 as amended (73 Stat. 689). The state of Iowa is an agreement state as of January 1, 1986.

"Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, particles, mists, vapors, or gases.

"Airborne radioactivity area" means a room, enclosure, or area in which airborne radioactive material (composed wholly or partly of licensed material) exists in concentrations (1) in excess of the derived air concentrations (DACs) specified in 10 CFR Part 20, Appendix A (as amended to August 1, 2025), or (2) to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

"Air kerma" or *"K"* means the kinetic energy released in air by ionizing radiation. Kerma is determined as the quotient of dE by dM, where dE is the sum of the initial kinetic energies of all the charged ionizing particles liberated by uncharged ionizing particles in air of mass dM. The SI unit of air kerma is joule per kilogram, and the special name for the unit of kerma is the gray (Gy).

"Air-purifying respirator" means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

"Annual limit on intake" or *"ALI"* means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference person that would result in a committed effective dose equivalent of 5 rem (0.05 Sv) or a committed dose equivalent of 50 rem (0.5 Sv) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table I, Columns 1 and 2, of 10 CFR Part 20, Appendix B, as amended to August 1, 2025.

"Annually" means at least once every 365 days.

"As low as is reasonably achievable" or *"ALARA"* means making every reasonable effort to maintain exposures to radiation as far below the dose limits in these rules as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Assembler" means any person engaged in the business of assembling, replacing, or installing one or more components into an X-ray system or subsystem. The term includes the owner of an X-ray system or the employee or agent who assembles components into an X-ray system that is subsequently used to provide professional or commercial services.

"Assigned protection factor" or *"APF"* means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

"Atmosphere-supplying respirator" means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

"Authorization" means license, registration, certificate, permit, or any other document issued or received by the department that authorizes specific activities related to the possession and use of radioactive materials or radiation-producing machines in Iowa.

"Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. "Background radiation" does not include sources of radiation from radioactive materials regulated by the department.

"Beam axis" means a line from the source through the centers of the X-ray fields.

"Beam-limiting device" means a field defining collimator, integral to the system, which provides a means to restrict the dimensions of the X-ray field or useful beam.

"Beam monitoring system" means a system designed and installed in the radiation head to detect and measure the radiation present in the useful beam.

"Becquerel" or *"Bq"* means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second (dps or tps).

"Bioassay" or *"radiobioassay"* means the determination of kinds, quantities or concentrations and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body.

"Bone densitometry" means the use of ionizing radiation for diagnostic purposes utilizing a dual energy X-ray absorptiometry (DEXA) system. A DEXA system employs low-dose X-rays at two distinct energy levels to measure bone mineral density, and may also be used to assess lean tissue mass, total or regional body fat, or to perform other examinations as permitted by the system's intended use and the department.

"Brachytherapy" means a method of radiation therapy in which sealed sources are utilized to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, intraluminal, or interstitial application.

"Brachytherapy source" means a radioactive source or a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.

"Byproduct material" means:

1. Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

2. The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition;

3. Any discrete source of radium-226 that is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity or any material that:

- Has been made radioactive by use of a particle accelerator; and
- Is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and
- Any discrete source of naturally occurring radioactive material, other than source material, that:
  - The Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat to the public health and safety or the common defense and security similar to the threat posed by a discrete source of radium-226; and
  - Before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical, or research activity.

"Cabinet radiography" means industrial radiography conducted in an enclosure or cabinet shielded so that radiation levels at every location on the exterior meet the limitations specified in rule 641—37.11(11).

"Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year begins in January, and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method of determining calendar quarters for purposes of these rules, except at the beginning of a year.

"Calibration" means the determination of:

1. The response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or

2. The strength of a source of radiation relative to a standard.

"Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier or by civil aircraft.

"Class," "lung class," or *"inhalation class"* means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D, Days, of less than 10 days, for Class W, Weeks, from 10 to 100 days, and for Class Y, Years, of greater than 100 days.

"Code of Federal Regulations" or *"CFR"* means the codification of the general and permanent regulations promulgated by the executive departments and agencies of the federal government of the United States as amended to August 1, 2025, and all references to the CFR herein are amended as to August 1, 2025. It is the official legal print publication containing the rules published in the Federal Register.

"Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

"Committed dose equivalent" or *"HT,50"* means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

"Committed effective dose equivalent" or *"HE,50"* is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \Sigma w_T H_{T,50}$).

"Computed tomography" or *"CT"* means the production of a tomogram by the acquisition and computer processing of X-ray transmission data.

"Consignment" means each shipment of a package or groups of packages or load of radioactive material offered by a shipper for transport.

"Constraint or dose constraint" means a value above which specified licensee actions are required.

"Controlled area" means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee or registrant for any reason.

"Curie" means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material that decays at the rate of 3.7E+10 transformations per second (tps).

"Declared pregnant woman" means a woman who has voluntarily informed her licensee or registrant, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

"Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits:

1. Release of the property for unrestricted use and termination of the license; or

2. Release of the property under restricted conditions and termination of the license.

"Deep dose equivalent" or *"Hd,"* which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm^2).

"Demand respirator" means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

"Derived air concentration" or *"DAC"* means the concentration of a given radionuclide in air that if breathed by the reference person for a working year of 2,000 hours under conditions of light work (inhalation rate 1.2 cubic meters of air per hour) results in an intake of one ALI. DAC values are given in Table I, Column 3, of 10 CFR Part 20, Appendix B.

"Derived air concentration-hour" or *"DAC-hour"* means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each

radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take 2,000 DAC-hours to represent one ALI, equivalent to a committed dose equivalent of 5 rem (0.05 Sv).

"Direct supervision" means guidance and instruction by a qualified individual who is physically present and watching the performance of the radiological operation or procedure and in such proximity that contact can be maintained and immediate assistance can be given as required.

"Discrete source" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical, or research activities.

"Disposable respirator" means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

"Distinguishable from background" means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

"Dose" or *"radiation dose"* is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent.

"Dose equivalent" or *"HT"* means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

"Dose limits" or *"limits"* means the permissible upper bounds of radiation doses established in accordance with these rules.

"Effective dose equivalent" or *"HE"* means the sum of the products of the dose equivalent to each organ or tissue (HT) and the weighting factor (wT) applicable to each of the body organs or tissues that are irradiated ($HE = \Sigma wTHT$).

"Embryo" or *"fetus"* means the developing human organism from conception until the time of birth.

"Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed or registered radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

"Exposure" means being exposed to ionizing radiation or to radioactive material.

"Exposure" means the quotient of dQ by dm where "dQ" is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass "dm" are completely stopped in air. (The special unit of exposure is the roentgen (R) for SI equivalent coulomb per kilogram.) When not underlined as above or when indicated as "exposure" or (X), the term "exposure" has a more general meaning in these rules.

"Exposure rate" means the exposure per unit of time, such as roentgen per minute and milliroentgen per hour.

"External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

"Extremity" means hand, elbow, arm below the elbow, foot, knee, and leg below the knee. For purposes of certification standards, "lower extremities" and "upper extremities" mean the same as defined in rule 641—38.7(136C).

"Facility" means the location, building, vehicle, or complex under one administrative control at which radioactive material is stored or used or at which one or more radiation machines are installed, located, or used.

"FDA" means the United States Food and Drug Administration.

"Filtering facepiece (dust mask)" means a negative pressure particulate respirator with a filter as an integral part of the facepiece, or with the entire facepiece composed of the filtering medium, that is not equipped with elastomeric sealing surfaces and adjustable straps.

"Fit factor" means a quantitative estimate of the fit of a particular respirator to a specific individual and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

"Fit test" means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

"Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

"Generally applicable environmental radiation standards" means standards issued by the U.S. Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954 as amended to August 1, 2025, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

"Gray" or *"Gy"* means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (1 Gy = 100 rad).

"Half-value layer" or *"HVL"* means the thickness of a specified material that attenuates X-radiation or gamma radiation to an extent such that the air kerma rate, exposure rate or absorbed dose rate is reduced to one-half of the value measured without the material at the same point. The contribution of all scattered radiation, other than any that might be present initially in the beam concerned, is excluded.

"Hazardous waste" means those wastes designated as hazardous by U.S. Environmental Protection Agency regulations in 40 CFR 261 as amended to August 1, 2025.

"Healing arts" means the occupational fields of diagnosing or treating disease, providing health care and improving health by the practice of medicine, osteopathy, chiropractic, podiatry, dentistry, nursing, veterinary medicine, and supporting professions, such as physician assistants, nurse practitioners, radiologic technologists, and dental hygienists.

"Helmet" means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

"High dose-rate remote afterloader" means a brachytherapy device that remotely delivers a dose rate in excess of 1200 rads (12 gray) per hour at the point or surface where the dose is prescribed.

"High-level radioactive waste" or *"HLW"* means (1) irradiated reactor fuel; (2) liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel; and (3) solids into which such liquid wastes have been converted.

"High radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual's receiving a dose equivalent in excess of 0.1 rem (1 mSv) in one hour at 30 centimeters from any source of radiation or 30 centimeters from any surface that the radiation penetrates.

"Highway route controlled quantity" means a quantity within a single package that exceeds:

1. 3,000 times the A1 value of the radionuclides as specified in 49 CFR 173.435 for special form Class 7 (radioactive) material;
2. 3,000 times the A2 value of the radionuclides as specified in 49 CFR 173.435 for normal form Class 7 (radioactive) material; or
3. 1,000 TBq (27,000 Ci), whichever is least.

"Hood" means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

"Human use" means the internal or external administration of radiation or radioactive material to human beings.

"Individual" means any human being.

"Individual monitoring" means the assessment of:

1. Dose equivalent by the use of devices designed to be worn by an individual or by the use of survey data; or
2. Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours.

"Individual monitoring devices," "personnel dosimeter" or *"dosimeter"* means devices designed to be worn by a single individual for the assessment of dose equivalent. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, optically stimulated luminescent (OSL) devices, and personal air sampling devices.

"Industrial radiography" means an examination of the structure of materials by nondestructive methods, utilizing ionizing radiation to make radiographic images.

"Inspection" means an official examination or observation including but not limited to tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the department.

"Instrument traceability," "source traceability" or *"traceable to a national standard"* means, for ionizing radiation measurements, the ability to show that an instrument has been calibrated at specified time intervals using a national standard or a transfer standard. If a transfer standard is used, the calibration must be from a laboratory accredited by a program that required continuing participation in measurement quality assurance with the National Institute of Standards and Technology or other equivalent national or international program.

"Interlock" means a device preventing the start or continued operation of equipment unless certain predetermined conditions prevail.

"Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

"Ionizing radiation producing machine" or *"radiation machine"* means any device capable of producing radiation when the associated control devices are operated, excluding devices that produce radiation only by the use of radioactive material.

"Iowa approved" means recognized or accepted by the department as meeting the training and experience requirements established by MQSA, CFR, or any additional criteria set forth by the department. This may include but is not limited to formal approval by the department based on documentation of education, training, certification, and clinical experience.

"Irradiation" means the exposure of a living being or matter to ionizing radiation.

"Leakage radiation" means radiation emanating from the diagnostic or therapeutic source assembly, except for:

1. The useful beam, and
2. Radiation produced when the exposure switch or timer is not activated.

"Lens dose equivalent" or *"LDE"* applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm^2).

"License" means a license issued by the department in accordance with the rules adopted by the department.

"Licensed (or registered) material" means radioactive material received, possessed, used, transferred or disposed of under a general or specific license (or registration) issued by the department.

"Licensed practitioner" means a person licensed or otherwise authorized by law to practice medicine, osteopathy, chiropractic, podiatry, or dentistry in Iowa, or certified as a physician assistant as defined in Iowa Code section 148C.1(7) and is authorized to prescribe X-ray tests for the purpose of diagnosis or treatment.

"Licensee" means any person who is licensed by the department in accordance with these rules and Iowa Code chapter 136C.

"Licensing state" means any state with regulations equivalent to the suggested state regulations for control of radiation relating to, and an effective program for, the regulatory control of NARM and that has been granted final designation by the Conference of Radiation Control Program Directors, Inc.

"Loose-fitting facepiece" means a respiratory inlet covering that is designed to form a partial seal with the face.

"Lost or missing licensed (or registered) source of radiation" means licensed (or registered) source of radiation whose location is unknown. This definition includes licensed (or registered) material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

"Mammography" means the radiography of the breast.

"Mammography unit" means an assemblage of components for the production of X-rays for use during mammography, including, at a minimum, an X-ray generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the supporting structures for these components.

"Medical event" means the medical event:

1. In which, except for an event that results from patient intervention:

- The administration of byproduct material or radiation from byproduct material, except permanent implant brachytherapy, results in:
  - A dose that differs from the prescribed dose or dose that would have resulted from the prescribed dosage by more than 5 rem (0.05 Sv) effective dose equivalent, 50 rem (0.5 Sv) to an organ or tissue, or 50 rem (0.5 Sv) shallow dose equivalent to the skin; and
    - The total dose delivered differs from the prescribed dose by 20 percent or more;
    - The total dosage delivered differs from the prescribed dosage by 20 percent or more or falls outside the prescribed dosage range; or
    - The fractionated dose delivered differs from the prescribed dose, for a single fraction, by 50 percent or more.
  - A dose that exceeds 5 rem (0.05 Sv) effective dose equivalent, 50 rem (0.5 Sv) to an organ or tissue, or 50 rem (0.5 Sv) shallow dose equivalent to the skin from any of the following:
    - An administration of the wrong radioactive drug containing byproduct material or the wrong radionuclide for a brachytherapy procedure;
    - An administration of a radioactive drug containing byproduct material by the wrong route of administration;
    - An administration of a dose or dosage to the wrong individual or human research subject;
    - An administration of a dose or dosage delivered by the wrong mode of treatment; or
    - A leaking sealed source.
  - A dose to the skin or an organ or tissue other than the treatment site that exceeds by:
    - 50 rem (0.5 Sv) or more the expected dose to that site from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration; and
    - 50 percent or more the expected dose from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration;
- For permanent implant brachytherapy, the administration of byproduct material or radiation from byproduct material (excluding sources that were implanted in the correct site but migrated outside the treatment site) that results in:
  - The total source strength administered differing by 20 percent or more from the total source strength documented in the postimplantation portion of the written directive;
  - The total source strength administered outside of the treatment site exceeding 20 percent of the total source strength documented in the postimplantation portion of the written directive; or
  - An administration that includes any of the following:
    - The wrong radionuclide;
    - The wrong individual or human research subject;

♦ Sealed source(s) implanted directly into a location discontiguous from the treatment site, as documented in the postimplantation portion of the written directive; or

♦ A leaking sealed source resulting in a dose that exceeds 50 rem (0.5 Sv) to an organ or tissue.

2. Resulting from intervention of a patient or human research subject in which administration of byproduct material or radiation from byproduct material results or will result in unintended permanent functional damage to an organ or a physiological system as determined by a physician.

"Medical use" means the intentional internal or external administration of radioactive material or the radiation therefrom to patients or human research subjects under the supervision of an authorized user.

"Member of the public" means any individual, except when that individual is receiving an occupational dose.

"Minor" means an individual less than 18 years of age.

"Monitoring, radiation monitoring" or *"radiation protection monitoring"* means the measurement of radiation levels, radioactive material concentrations, surface area concentrations or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

"Negative pressure respirator (tight fitting)" means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

"Nonstochastic effect" or *"deterministic event"* means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect.

"Nuclear Regulatory Commission" or *"NRC"* means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

"Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed or unlicensed and registered or unregistered sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include a dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered sources of radiation or radioactive material from voluntary participation in medical research programs, or as a member of the public.

"Online licensing portal" means the electronic system designated by the department through which applicants and credential holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

"Package" means the packaging together with its radioactive contents as presented for transport.

"Patient" means an individual or animal subjected to healing arts examination, diagnosis or treatment.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, department, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or department of the foregoing, but cannot include federal government agencies.

"PET/CT" means an imaging modality that uses positron emission tomography and computed tomography in one device to combine the structural anatomic information with functional data collected during the examination.

"Phantom" means a volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation. This requires that both the atomic number (Z) and the density of the material be similar to that of tissue.

"Physician" means a person who is currently licensed in Iowa to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.

"Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

"Positive pressure respirator" means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

"Positron emission tomography (PET) radionuclide production facility" means a facility operating a cyclotron or accelerator for the purpose of producing PET radionuclides.

"Powered air-purifying respirator" or *"PAPR"* means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

"Pressure demand respirator" means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

"Primary protective barrier" or *"barrier"* means the material, excluding filters, placed in the useful beam to reduce the radiation exposure (beyond the patient and cassette holder) for protection purposes.

"Public dose" means the dose received by a member of the public from exposure to radiation or to radioactive material released by a licensee, registrant, or other person or to any other source of radiation under the control of a licensee, registrant, or other person. It does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, or from exposure to individuals administered sources of radiation or radioactive material and released from voluntary participation in medical research programs.

"Qualified expert" means an individual registered with the department as a radiation machines service provider, whether as an individual, as part of a corporation, or any other entity included in the definition of "person" under this chapter, having the knowledge and training to measure ionizing radiation, evaluate safety techniques, and provide guidance on radiation protection.

"Qualitative fit test" or *"QLFT"* means a pass-fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

"Quality assurance" means the overall program of testing and maintaining the highest possible standards of quality in the acquisition and interpretation of radiographic images.

"Quality control" means the actual process of testing and maintaining the highest possible standards of quality in equipment performance and the acquisition and interpretation of radiographic images.

"Quality factor" or *"Q"* means the modifying factor, listed in Tables I and II of subrule 37.5(1), that is used to derive dose equivalent from absorbed dose.

"Quantitative fit test" or *"QNFT"* means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

"Quarter" means a period of time equal to one-fourth of the year observed by the licensee, approximately 13 consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

"Rad" means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 erg per gram or 0.01 joule per kilogram (0.01 gray).

"Radiation" or *"ionizing radiation"* means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. Radiation, as used in these rules, does not include nonionizing radiation, such as radiowaves or microwaves, visible, infrared, or ultraviolet light.

"Radiation area" means any area accessible to individuals in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

"Radiation detector" or *"detector"* means a device that in the presence of radiation, by either direct or indirect means, provides a signal or other indication suitable for use in measuring one or more quantities of incident radiation.

"Radiation machine" means any device capable of producing radiation, except those devices with radioactive material as the only source of radiation.

"Radiation safety officer" or *"RSO"* means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned such responsibility by the licensee or registrant.

"Radioactive material" means any solid, liquid, or gas that emits radiation spontaneously.

"Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

"Radionuclide" means a radioactive element or a radioactive isotope.

"Reference person" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base. A description of the reference person is contained in the International Commission on Radiological Protection report, ICRP Publication 23, "Report of the Task Group on Reference Man" as amended to August 1, 2025.

"Registrant" means any person who is registered with the department or is legally obligated to register with the department pursuant to these rules and Iowa Code chapter 136C.

"Registration" means registration with the department in accordance with the rules adopted by the department.

"Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR Parts 100 through 180.

"Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 sievert).

"Reportable radiation incident" means an occurrence involving the use of a radiation-producing machine that meets one or more of the criteria established in the Council of Radiation Control Program Director's (CRCPD) Suggested State Regulations, Part F.2 as amended to August 1, 2025, for medical events. This includes but is not limited to any of the following:

1. Unintended skin dose to the same area in a single procedure greater than 2 Gy (200 rad);
2. Unintended dose other than skin dose in a single procedure greater than:

- 5 times the facility's established protocol, and > 0.5 Gy (50 rad) to any organ, or
- 5 times the facility's established protocol, and > 0.05 Sv (5 rem) effective dose;

3. Wrong patient or wrong site for entire procedure when the resultant dose is:

- Dose > 0.5 Gy (50 rad) to any organ, or
- Effective dose ≥ 0.05 Sv (5 rem).

4. This definition includes radiation incidents occurring during medical diagnostic and interventional X-ray procedures, as well as any other radiation machine-related incident that meets established reporting criteria. It also encompasses any additional incident deemed reportable by the department based on potential or actual deviation from intended use, dose, or safety standards.

"Research and development" means:

1. Theoretical analysis, exploration, or experimentation; or

2. The extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

"Residual radioactivity" means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with any previous state or federal licenses, rules, or regulations.

"Respiratory protective equipment" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

"Restricted area" means an area, access to which is limited by the licensee or registrant for the purpose of protecting individuals against undue risks from exposure to sources of radiation. A restricted area cannot include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

"Roentgen" means the special unit of exposure. One roentgen (R) equals 2.58 × 10-4 coulombs/kilogram of air.

"Sanitary sewerage" means a system of public sewers for carrying off wastewater and refuse, excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

"Scattered radiation" means ionizing radiation emitted by interaction of ionizing radiation with matter, the interaction being accompanied by a change in direction of the radiation. Scattered primary radiation means the scattered radiation that has been deviated in direction only by materials irradiated by the useful beam.

"Sealed source" means radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

"Self-contained breathing apparatus" or *"SCBA"* means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

"Service provider" means an individual or company engaged in equipment services included in this chapter.

"Shallow dose equivalent" or *"Hs,"* which applies to the external exposure of the skin of the whole body or the skin of an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm^2).

"Shutter" means a device attached to the tube housing assembly that can intercept the entire cross-sectional area of the useful beam and that has a lead equivalency not less than that of the tube housing assembly.

"SI" means the abbreviation for the International System of Units.

"Sievert" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

"Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

"Source" means the focal spot of the X-ray tube.

"Source material" means:

a. Uranium or thorium, or any combination thereof, in any physical or chemical form; or

b. Ores that contain by weight one-twentieth of 1 percent (0.05 percent) or more of uranium, thorium or any combination of uranium and thorium. Source material does not include special nuclear material.

"Source material milling" means any activity that results in the production of byproduct material described in numbered paragraph "2" of the definition of "byproduct material."

"Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

"Source traceability" means the ability to show that a radioactive source has been calibrated either by the national standards laboratory of the National Institute of Standards and Technology or by a laboratory that participates in continuing measurement quality assurance programs with the National Institute of Standards and Technology or other equivalent national or international program.

"SPECT/CT" means an imaging modality that uses single photon emission computed tomography and computed tomography in one device to combine the structural anatomic information with functional data collected during the examination.

"SSD" means the distance between the source and the skin entrance plane of the patient.

"Stochastic effect" or *"probabilistic effect"* means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

"Stray radiation" means the sum of leakage and scattered radiation.

"Supplied-air respirator," "SAR" or *"airline respirator"* means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

"Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. When appropriate, such evaluation includes a physical survey of the location of radioactive material and measurements or calculations of levels of radiation or concentrations or quantities of radioactive material present.

"Target-to-skin distance" or *"TSD"* means the distance measured along the beam axis from the center of the front surface of the X-ray target or electron virtual source scattering foil to the surface of the irradiated object or patient.

"Termination of irradiation" means the stopping of irradiation in a fashion that will not permit continuance of irradiation without the resetting of operating conditions at the control panel.

"Test" means the process of verifying compliance with an applicable regulation.

"These rules" means the rules contained within 641—Chapters 37 through 44.

"Tight-fitting facepiece" means a respirator inlet covering that forms a complete seal with the face.

"Total effective dose equivalent" or *"TEDE"* means the sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

"Total organ dose equivalent" or *"TODE"* means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in rule 641—37.4(136C).

"Treatment site" means the anatomical description of the tissue intended to receive a radiation dose as described in the written directive.

"Tube housing assembly" means the tube housing with tube installed. It includes high-voltage or filament transformers, or both, and other appropriate elements when such are contained within the tube housing.

"Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A1 for special form radioactive material or A2 for normal form radioactive material as defined in 10 CFR 71.4 as amended to August 1, 2025.

"Type B quantity" means a quantity of radioactive material greater than a Type A quantity as defined in 10 CFR 71.4 as amended to August 1, 2025.

"Unrestricted area" or *"uncontrolled area"* means an area to which access is neither limited nor controlled by the licensee or registrant.

"U.S. Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the U.S. Atomic Energy Commission, its chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the administrator thereof pursuant to Sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to Section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977), all as amended to August 1, 2025.

"User seal check" or *"fit check"* means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

"Very high radiation area" means an area accessible to individuals in which radiation levels from radiation sources external to the body could result in an individual's receiving an absorbed dose in

excess of 500 rad (5 Gy) in one hour at 1 meter from a source of radiation or 1 meter from any surface that the radiation penetrates.

"Waste" means those low-level radioactive wastes containing source, special nuclear, or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as described in paragraphs "2," "3" and "4" of the definition of "byproduct material."

"Week" means seven consecutive days starting on Sunday.

"Weighting factor" or *"wT"* for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of wT are:

ORGAN DOSE WEIGHTING FACTORS	
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30[a]
Whole Body	1.00[b]

[a] 0.30 results from 0.06 for each of five "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

[b] For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, wT = 1.0, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

"Whole body" means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

"Worker" means an individual engaged in work under a license or registration issued by the department and controlled by a licensee or registrant but does not include the licensee or registrant.

"X-radiation" means penetrating electromagnetic radiation with energy greater than 0.1 kV produced by bombarding a metallic target with fast electrons in a high vacuum.

"X-ray tube" or *"tube"* means any electron tube that is designed to be used primarily for the production of X-rays.

"Year" means the period of time beginning in January used to determine compliance with the provisions of these rules. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

641—37.3(136C) General regulatory requirements.

37.3(1) *General provision.* The department may, upon application therefor or upon its own initiative, grant waivers from the requirements of the rules in 641—Chapters 37 through 42 as it determines are authorized by law and will not result in undue hazard to public health and safety or property. Waivers to administrative rules should be made in accordance with the process detailed in 441—Chapter 6.

37.3(2) *Persons using byproduct material under certain Department of Energy and Nuclear Regulatory Commission contracts.*

a. Except to the extent that NRC facilities or activities of the types subject to licensing pursuant to the Energy Reorganization Act of 1974 as amended to August 1, 2025, are involved, any prime contractor of the NRC is exempt from the license requirements of these rules and from the regulations of these rules to the extent that such contractor, under the contractor's prime contract with the NRC, manufactures, produces, transfers, receives, acquires, owns, possesses, or uses byproduct material for:

(1) The performance of work for a department at the United States government-owned or government-controlled site, including the transportation of byproduct material to or from such site and the performance of contract services during temporary interruptions of such transportation;

(2) Research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or

(3) The use or operation of nuclear reactors or other nuclear devices in a United States government-owned vehicle or vessel.

b. In addition to the foregoing exemptions and subject to the requirement for licensing of NRC facilities and activities pursuant to the requirements of the Energy Reorganization Act of 1974 as amended to August 1, 2025, any prime contractor or subcontractor of the NRC is exempt from the requirements for a license set forth in Iowa Code chapter 136C and from the regulations in these rules to the extent that such prime contractor or subcontractor manufactures, produces, transfers, receives, acquires, owns, possesses, or uses byproduct material under the contractor's or subcontractor's prime contract or subcontract when the NRC determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work can be accomplished without undue risk to the public health and safety.

c. Common and contract carriers, freight forwarders, warehouse employees, and the U.S. Postal Service are exempt from these rules to the extent that they transport or store radioactive material in the regular course of carriage for another or of storage incident thereto.

641—37.4(136C) Records. Each licensee and registrant shall maintain records showing the receipt, transfer, and disposal of all sources of radiation. Additional record requirements are specified elsewhere in these rules.

37.4(1) *Electronic records.*

a. A record or signature cannot be denied legal effect or enforceability solely because it is in electronic form.

b. A contract cannot be denied legal effect or enforceability solely because an electronic record was used in its formation.

c. If a rule requires a record to be in writing, an electronic record will satisfy the rule.

d. If a rule requires a signature, an electronic signature will satisfy the rule.

37.4(2) *Inspections.*

a. Each licensee and registrant shall afford the department at all reasonable times opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

b. Each licensee and registrant shall make available to the department for inspection, upon reasonable notice, records maintained pursuant to these rules.

37.4(3) *Tests.* Each licensee and registrant shall perform upon instructions from the department, or shall permit the department to perform, such reasonable tests as the department deems appropriate or necessary, including but not limited to tests of:

a. Sources of radiation;

b. Facilities wherein sources of radiation are used or stored;

c. Radiation detection and monitoring instruments;

d. Other equipment and devices used in connection with utilization or storage of licensed or registered sources of radiation.

641—37.5(136C) Units of exposure and dose.

37.5(1) As used in these rules, the quality factors for converting absorbed dose to dose equivalent are shown in Table I.

TABLE I

QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to a Unit Dose Equivalent[1]
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

[1.] Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 sievert.

a. If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in sievert per hour or rem per hour, as provided in Table 1 above, 1 rem (0.01 Sv) of neutron radiation of unknown energies may, for purposes of these rules, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II

MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS

	Neutron Energy (MeV)	Quality Factor[a] (Q)	Fluence per Unit Dose Equivalent[b] (neutrons cm^{-2} rem^{-1})	Fluence per Unit Dose Equivalent[b] (neutrons cm^{-2} Sv^{-1})
(thermal)	2.5E–8	2	980E+6	980E+8
	1E–7	2	980E+6	980E+8
	1E–6	2	810E+6	810E+8
	1E–5	2	810E+6	810E+8
	1E–4	2	840E+6	840E+8
	1E–3	2	980E+6	980E+8
	1E–2	2.5	1010E+6	1010E+8
	1E–1	7.5	170E+6	170E+8
	5E–1	11	39E+6	39E+8
	1	11	27E+6	27E+8
	2.5	9	29E+6	29E+8
	5	8	23E+6	23E+8
	7	7	24E+6	24E+8
	10	6.5	24E+6	24E+8
	14	7.5	17E+6	17E+8
	20	8	16E+6	16E+8

Neutron Energy (MeV)	Quality Factor[a] (Q)	Fluence per Unit Dose Equivalent[b] (neutrons cm^{-2} rem^{-1})	Fluence per Unit Dose Equivalent[b] (neutrons cm^{-2} Sv^{-1})
40	7	14E+6	14E+8
60	5.5	16E+6	16E+8
1E+2	4	20E+6	20E+8
2E+2	3.5	19E+6	19E+8
3E+2	3.5	16E+6	16E+8
4E+2	3.5	14E+6	14E+8

a. Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-centimeter diameter cylinder tissue-equivalent phantom.
b. Monoenergetic neutrons incident normally on a 30-centimeter diameter cylinder tissue-equivalent phantom.

b. The department may, by rule, regulation, or order, impose upon any licensee or registrant such requirements in addition to those established in these rules as it deems appropriate or necessary to minimize danger to public health and safety or property.

37.5(2) Reserved.

641—37.6(136C) Prohibited uses. A hand-held fluoroscopic screen cannot be used with X-ray equipment unless it has been accepted for certification by the U.S. Food and Drug Administration, Center for Devices and Radiological Health. A shoe-fitting fluoroscopic device cannot be used. Radiation from radiation-emitting machines or radioactive materials cannot be used on humans for nonmedical purposes except as approved by the department for security-related purposes.

641—37.7(136C) Communications. All communications and reports concerning these rules should be submitted electronically to radhealthinfo@hhs.iowa.gov or addressed to the department at its office located at the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319.

37.7(1) Drafts of proposed regulations released to the department from the federal government that constitute essential information needed by the department to ensure compliance with federal regulations are not available for public examination.

37.7(2) Therefore, pursuant to Iowa Code section 22.9, the department waives the provision of Iowa Code section 22.2 as it applies to these proposed draft regulations.

641—37.8(136C) Requirements for registrations.

1. Any persons applying for a permit to operate ionizing radiation producing machines or administer radioactive materials shall comply with the requirements of 641—Chapter 38.

2. Any persons applying for a radioactive materials license shall comply with the licensing requirements of 641—Chapter 39 and the requirements of this chapter.

3. All mammography facilities shall comply with the registration requirements of 641—Chapter 41 and the requirements of this chapter.

37.8(1) *Exemptions.*

a. The following are exempt from the requirements of this chapter:

(1) Electronic equipment that produces radiation incidental to its operation for other purposes, provided the dose equivalent rate averaged over an area of 10 square centimeters does not exceed 0.5 millirem (5 μSv) per hour at 5 centimeters from any accessible surface of such equipment. This exemption does not apply to the production, testing, or factory servicing of such equipment.

(2) Radiation machines while in transit or temporarily stored as part of the transit process. This exemption does not apply to the providers of radiation machines for mobile services. Facilities that have placed all radiation machines in storage, including on-site storage, and have notified the department in writing are exempt. This exemption is void if any radiation machine is energized and produces radiation.

(3) Domestic television receivers.

(4) Inoperable radiation machines. For the purposes of this chapter, "inoperable radiation machine" means a radiation machine that cannot be energized when connected to a power supply without repair or modification.

(5) Financial institutions that take possession of radiation machines as the result of foreclosure, bankruptcy, or other default of payment, to the extent that the machines are demonstrated to be operable for the sole purpose of sale, lease, or transfer.

b. Each registrant shall prohibit any person from furnishing radiation machine servicing or services as described in paragraph 37.8(3)*"c"* to the registrant's radiation machine facility until such person provides evidence that the person has been registered with the department as a provider of these services.

37.8(2) *Registration requirements for radiation machine facilities.* Each person having a radiation machine facility shall apply for registration of such facility with the department prior to the operation of a radiation machine facility.

a. Application for registration shall be submitted to the department through the online licensing portal using the application furnished by the department. The application shall:

(1) Contain complete and accurate information as required by the department;

(2) Include the appropriate fee specified in rule 641—37.9(136C).

b. The applicant shall designate on the application form the name of an individual who will be responsible for radiation protection.

(1) All radiation machine registrants shall designate an individual who has authority to make decisions and conduct assessments related to radiation protection and regulatory compliance at the facility.

(2) Healing arts. A practitioner licensed by the respective state board of examiners and responsible for directing the operation of radiation machines shall be designated on each healing arts application. The signature of the administrator, president, or chief executive officer will be accepted in lieu of a licensed practitioner's signature if the facility has more than one licensed practitioner (for example, hospitals, large clinics, or multipractitioner practices).

37.8(3) *Registration requirements for radiation machine service providers.* Each person who is engaged in the business of installing or offering to install radiation machines, or providing or offering to provide radiation machine servicing or services, within this state shall apply for registration with the department prior to installing, providing, or offering to provide such services.

a. Application. Registration shall be submitted to the department through the online licensing portal using the application furnished by the department. The application shall:

(1) Contain complete and accurate information as required by the department;

(2) Include the appropriate fee specified in rule 641—37.9(136C).

b. Contents. Each person applying for registration as a service provider shall specify:

(1) That the person has read and understands the requirements of these rules;

(2) The services for which he or she is applying for registration;

(3) The training and experience that qualify the person to discharge the services for which the person is applying for registration;

(4) The type of measurement instrument to be used, frequency of calibration, and source of calibration;

(5) The type of personnel dosimeters supplied, frequency of reading, and replacement or exchange schedule.

c. Services requiring an application. Services requiring registration include but are not limited to:

(1) Installation and servicing of radiation machines and associated radiation machine components;

(2) Calibration of radiation machines or radiation measurement instruments or devices;

(3) Radiation protection or health physics consultations or surveys;

(4) Personnel dosimetry services;

(5) Provider of equipment;
(6) Shielding design and evaluation;
(7) Processor or processor servicing, or both;
(8) Calibration and compliance surveys of external beam radiation therapy units;
(9) Qualified expert services for CT equipment;
(10) Qualified expert services for e-brachytherapy;
(11) Qualified expert services for therapeutic machines.

37.8(4) *Registration requirements for qualified experts for services.* A qualified expert may perform services after registering as a radiation machines service provider, whether as an individual, as part of a corporation, or as any other entity included in the definition of "person" in this chapter.

a. Each qualified expert must possess the necessary knowledge and training to measure ionizing radiation, evaluate safety practices, and provide guidance on radiation protection. Examples of individuals who may qualify include:

(1) Persons certified in the appropriate field by the American Board of Radiology, American Board of Medical Physics, or American Board of Health Physics or those with equivalent qualifications.

(2) For calibration of radiation therapy equipment, persons who, in addition to the qualifications above, have training and experience in the clinical applications of radiation physics to radiation therapy, including individuals certified in therapeutic radiological physics, X-ray and radium physics by the American Board of Radiology, or those with equivalent qualifications.

b. Each qualified expert or registered radiation machines service provider must maintain documentation demonstrating that the training requirements for the services provided under this chapter have been met. This documentation must be retained and made available to the department upon request.

37.8(5) *Stated notice.* No persons shall perform services that are not specifically stated on the notice of registration issued by the department.

a. A registration may be revoked for violating or causing a facility to violate any of the rules in 641—Chapters 38 through 42.

b. Radiation therapy physicists providing services for therapeutic radiation machines must provide proof that the training requirements of rule 641—42.6(136C) have been met at the time of the application and upon request by the department.

c. Mammography physicists providing services for mammography radiation machines must provide proof that the training requirements of 641—Chapter 41 have been met at the time of the application and upon request by the department.

37.8(6) *Issuance of notice of registration.*

a. Upon a determination that an applicant meets the requirements of this chapter, the department will issue a notice of registration.

b. The department may incorporate in the notice of registration at the time of issuance or thereafter by appropriate rule, regulation, or order such additional requirements and conditions with respect to the registrant's receipt, possession, use, and transfer of radiation machines as it deems appropriate or necessary.

37.8(7) *Expiration of notice of registration.* Except as provided by paragraph 37.8(8)*"b,"* each notice of registration will expire within 12 months of issuance or at the end of the last day of the month and year stated on the notice.

37.8(8) *Renewal of notice of registration.*

a. Application for renewal of registration shall be submitted in accordance with this chapter.

b. In any case in which a registrant has properly submitted an application for renewal of current registration within 90 days prior to the expiration of the existing registration, such existing registration will not expire until the application status has been finally determined by the department.

37.8(9) *Report of changes.* The registrant shall notify the department in writing before making any change that would render the information contained in the application for registration or the notice of registration no longer accurate.

37.8(10) *Approval not implied.* No person, in any advertisement, shall refer to the fact that the person or the person's facility is registered with the department pursuant to the provisions of this chapter, and no person shall state or imply that any activity under such registration has been approved by the department.

37.8(11) *Assembler and transfer obligation.*

a. Any person registered under the requirements of this chapter who sells, leases, transfers, lends, disposes of, assembles, or installs radiation machines in this state shall notify the department in writing within 15 days following the completion of the service and shall include all of the following:

(1) The name and address of persons who have received these machines;

(2) The manufacturer, model, and serial number of each radiation machine transferred;

(3) The date of transfer of each radiation machine.

b. No person shall make, sell, lease, transfer, lend, assemble, or install radiation machines or the supplies used in connection with such machines unless such supplies and equipment, when properly placed in operation and used, meet the requirements of 641—Chapters 38, 39, 40 and 41.

c. In the case of diagnostic X-ray systems that contain certified components, a copy of the assembler's report prepared in accordance with the requirements of the federal diagnostic X-ray standard (21 CFR 1020.30(d)) shall be submitted to the department within 15 days following completion of the assembly. Such report shall suffice in lieu of any other report by the assembler.

641—37.9(136C) Fees. Fees are nonrefundable and are in amounts sufficient to defray the cost of administering the rules of this chapter.

37.9(1) *Radiation machines.* Each registrant shall, at the time of registration and the anniversary date thereafter, as long as the registrant owns the radiation machine, remit the applicable fee to the department in adherence with the fee schedule below. All fees shall be paid annually by credit card or by check or money order made payable to the Iowa Department of Health and Human Services.

a. Fee schedule. The fees to be paid shall be in the amount computed by the following schedule. Fees for radiation machines not listed in the schedule below cannot be less than $120 per unit/tube.

b. Annual fee schedule.

Type of radiation machine		Fee per tube	Maximum fee
1.	Medical	$120	$3,000
2.	Medical Cabinet X-ray Machine (Nonhuman Use)	$100	—
3.	Osteopathy	$120	$3,000
4.	Chiropractic	$120	$3,000
5.	Dentistry	$60	$1,550
6.	Podiatry	$75	$2,000
7.	Veterinary Medicine	$60	—
8.	Industrial/Nonmedical Use	$100	—
9.	Food Sterilization	$500	—
10.	Accelerators and Electronic Brachytherapy Units	$275	—
11.	Electron Microscope	$40	—
12.	DXA/Bone Densitometry	$55	—

37.9(2) *Radiation machine service providers and medical physicists.*

a. Radiation machine service providers.

(1) Each person who is engaged in the business of installing or offering to install radiation machines or providing or offering to provide radiation machine servicing or services within this state shall apply for registration with the department prior to installing, providing, or offering to provide such services.

(2) Application shall be submitted through the online licensing portal on an application furnished by the department. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include an annual nonrefundable fee of $200.

b. Mammography medical physicist.

(1) Each person engaged in providing health physics services for mammography in Iowa who meets the requirements of 641—paragraph 41.3(1)*"c"* shall apply for Iowa approval with the department prior to providing such services.

(2) Application shall be submitted through the online licensing portal on an application furnished by the department. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include an annual nonrefundable fee of $100.

c. Stereotactic medical physicist.

(1) Each person engaged in providing health physics services for stereotactic breast biopsy in Iowa who meets the requirements of 641—Chapter 41 shall apply for Iowa approval with the department prior to providing such services.

(2) Application shall be submitted through the online licensing portal on an application furnished by the department. The application shall:

1. Contain complete and accurate information as required by the department;
2. Demonstrate that the requirements for Iowa approval for mammography, as specified in this chapter, have been met prior to approval for stereotactic breast biopsy;
3. Not require a fee beyond the initial annual nonrefundable fee of $100 required for Iowa approval in mammography.

d. Radiation therapy medical physicist.

(1) Each person engaged in providing health physics services for radiation therapy in Iowa who meets the requirements of 641—Chapter 42 shall apply for Iowa approval with the department prior to providing such services.

(2) Application shall be submitted through the online licensing portal on an application furnished by the department. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include the annual nonrefundable fee of $200.

37.9(3) *Inspections/interpretation fees for radiation machines.* Each registrant shall, where appropriate, pay the following special inspections/interpretation fee at the written request of the department:

a. Mammography and stereotactic breast biopsy.

(1) Mammography unit inspections fees:

1. $1,575 for the first unit and, if the facility has additional units at the address of the first unit, $375 for each additional unit; or
2. $1,575 per portable unit for each site; or
3. A dollar amount to be determined and justified by the department on a case-by-case basis for facilities that do not meet the above criteria; or
4. $675 for the second facility follow-up visit to review or determine the corrective action taken to address noncompliances; or
5. $1,575 for each stereotactic breast biopsy unit.

(2) All mammography facilities providing services in Iowa must submit a $150 annual authorization certification fee.

b. Accelerators and electronic brachytherapy.

(1) Industrial and oncology accelerator registrants and electronic brachytherapy registrants shall pay for each inspection a fee of $900 for the first unit and $225 for each additional unit.

(2) Industrial radiography X-ray units/walk-in cabinet radiography X-ray unit registrants shall pay for each inspection a fee of $450 for the first unit and $130 for each additional unit.

37.9(4) *Radioactive materials.* Fees associated with the possession and use of radioactive materials in Iowa cannot exceed those specified in 10 CFR 170.31 and 171.16.

a. The following fee schedule will apply:

	Program Code	Category	Type	New License Fee	Inspection Priority	Annual Fee
(3.L.)	01100	AAB	Academic Type A Broad	$5,400	1	$14,600
(8.A.)	03710	CD	Civil Defense	$2,500	5	$2,000
(3.E.)	03510	I1	Irradiators, Self-Shielding <10,000 Curies	$3,200	5	$2,600
(3.O.)	03320	IR1	Industrial Radiography – Temporary Job Sites	$3,100	1	$8,000
(3.P.)	03120	FG	Measuring Systems – Fixed Gauge	$3,400	5	$2,000
(3.P.)	03121	PG	Measuring Systems – Portable Gauge	$3,400	5	$2,000
(3.P.)	02410	IVL	*In-Vitro* Testing Laboratory	$3,400	5	$2,000
(7.C.)	02230	HDR	High Dose Rate Afterloader	$5,500	1	$5,100
(7.C.)	02120	M1	Medical – Diagnostic & Therapy	$5,500	3	$4,000
(7.C.)	02121	M2	Medical – Diagnostic Only	$5,500	4	$3,600
(7.C.)	02240	MET	Medical – Diagnostic, Therapeutic, Emerging Technologies	$5,500	2	$4,500
(3.S.)	03210	PET	Accelerator-Produced RAM	$7,500	1	$5,375
(3.C.)	02500	NP	Nuclear Pharmacy	$5,100	1	$7,700
(7.C.)	02231	NV1	Nuclear Medical Van	$4,140	2	$4,000
(7.C.)	22160	PMM	Pacemaker – Byproduct and/or SNM	$2,600	R	Note 6
(3.M.)	03620	RD2	Research & Development – Other	$4,375	3	$4,000
(2.C.)	11300	SM1	Source Material, Other, >150 Kilograms	$2,600	3	$4,000
(1.D.)	22120	SNM2	SNM Plutonium – Neutron Source	$2,600	5	$3,750
(3.P.)	03221	CAL	Calibration and W/L Tests	$2,275	5	$3,900
(3.P.)	03122	XRF	X-Ray Fluorescent Analyzer	$2,275	5	$1,860
(3.P.)	02400	VMT	Veterinary Medicine – Therapy	$3,250	3	$3,900
(3.B.)	03214	MD	Manufacturing/Distribution	$3,500	3	$3,980

b. Additional fees for radioactive materials not listed in the above schedule include:

(1) Annual fees that are due no later than September 1 of each year.

(2) Licensees with more than two authorized locations of use will be charged an additional 10 percent of the annual fee, per location.

(3) A 10 percent late charge will be assessed per month for late payments.

(4) Inspections are included in the annual fee.

(5) A general license registration fee of $700 is due annually on the registration anniversary.

(6) A license amendment fee for all categories is $600.

(7) A reciprocity fee of $1,800 is due annually (180 days).

(8) Inspection priorities are based on NRC Inspection Manual Chapter 2800 as amended to August 1, 2025. Priority “R’ is a remote contact and is not considered an inspection.

c. Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses with the department.

37.9(5) *Radioactive material transport fee schedule.* All shippers shall pay the following fee(s) unless the department obtains sufficient funding from another source, which may include but is not limited to a federal agency or a contract with a shipper.

a. $1,800 per highway cask for each truck shipment of spent nuclear fuel, high-level radioactive waste, transuranic waste, or highway route controlled quantity of radioactive materials or any material shipped in accordance with this chapter traversing the state or any portion thereof. Single cask truck shipments are subject to a surcharge of $20 per mile for every mile over 250 miles traveled.

b. $1,300 for the first cask and $125 for each additional cask for each rail shipment of spent nuclear fuel, high-level radioactive waste, transuranic waste, or any material shipped in accordance with this chapter traversing the state or any portion thereof.

c. $175 for each shipment by truck or by rail paid by the shipper for low-level radioactive waste shipped in or across Iowa. The department may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment. This fee applies to waste shipped to a site authorized by a government agency to receive low-level radioactive waste or shipped to a storage site to be held for future disposal.

d. All fees must be paid by the shipper prior to shipment. Shippers must request an application for a permit to ship radioactive material from the Iowa department of transportation, motor vehicle division. Assistance may be obtained by calling the department. Other methods of fee payment may be considered by the department on a case-by-case basis upon request of the shipper. A request for an alternative method of payment must be made to the department prior to shipment.

e. All fees received pursuant to subrule 37.9(5) shall be used for purposes related to transporting radioactive material, including enforcement and planning, developing, and maintaining a capability for emergency response.

37.9(6) *Additional fees.*

a. Owner-assessed expenses. In cases in which the department determines that the cost of regulating or inspecting registered radiation machine facilities or radioactive materials licensees significantly exceeds the fees charged to the facility, it may assess an additional fee to the owner or user of the source(s) of radiation to cover the actual expenses incurred by the department.

b. Environmental surveillance fee. A fee may be levied against any licensee, registrant, corporation, company, business, or individual for environmental surveillance activities that are necessary to assess the radiological impact of activities conducted by the licensee, registrant, corporation, company, business, or individual. This fee will be sufficient to defray actual costs incurred by the department, including but not limited to salaries of department employees, per diem, travel, and costs of laboratory analysis of samples when required.

c. Returned check and late fees. Persons who fail to pay required fees to the department are subject to the following penalties:

(1) $25 for each payment received by the department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the department.

(2) $25 for each month for failure to pay any fee administered by this department starting 30 days after the due date of the original notice. This fee is added to the unpaid fee.

d. Reciprocity. Fees paid for reciprocal recognition of out-of-state persons wishing to utilize radiation machines or radioactive materials in Iowa allow the out-of-state person to operate for a total of 180 days during the 365-day reciprocity period starting the date the fee is received by the department.

(1) Radiation machines. Any out-of-state person who wishes to bring an X-ray machine into the state to perform work or services shall register and pay a radiation machines fee in accordance with 641—subrule 38.8(1).

(2) Linear accelerators. Any out-of-state person who wishes to bring a linear accelerator into the state to perform work or services shall register and pay a fee of $500 in accordance with 641—subrule 38.8(1).

(3) Radioactive materials. Out-of-state persons wishing to bring sources of radioactive material into Iowa for business purposes may be subject to a reciprocity fee depending on the type of activity to be performed and the type of radioactive materials license possessed. If a reciprocity fee is applicable, it will be assessed at the rate for reciprocity specified in the radioactive materials fee schedule available through the department for each 365-day reciprocity period. Additionally, the reciprocity requirements of 641—Chapter 39 shall apply.

e. Fee waiver. Any fee may be waived in exchange for services (low-level waste disposal, radiation detection instrument calibration, instrument repair, sample analysis, etc.) provided to the department. The waiver may only occur as a result of a 28E agreement or memorandum of understanding between the parties.

641—37.10(136C) Administrative enforcement actions. This rule prescribes the procedure in cases initiated by the staff, or upon a request by any person, to impose requirements by order; to modify, suspend, or revoke a license, registration, or certificate; or to take other action as may be proper against any person subject to the jurisdiction of the department.

1. The term "regulated entity" as used in this rule refers to any facility, person, partnership, corporation or other organization that is regulated by the department by virtue of these rules, the Iowa Code, licensing documents, registrations, certificates, or other official regulatory promulgation.

2. "Authorization" means license, registration, certificate, permit, or any other document issued or received by the department that authorizes specific activities related to the possession and use of radioactive materials or radiation-producing machines in Iowa.

3. This rule also prescribes the procedures in cases initiated by the staff to impose civil penalties pursuant to Iowa Code section 136C.4.

37.10(1) *Notice of violation.*

a. In response to an alleged violation of any provision of the Iowa Code, these rules, the conditions of an authorization issued by the department or any order issued by the department, the department may serve on the regulated entity a written notice of violation; a separate notice may be omitted if an order pursuant to subrule 37.10(2) or demand for information pursuant to subrule 37.10(4) is issued that otherwise identifies the apparent violation. The notice of violation will concisely state the alleged violation(s) and will require that the regulated entity submit, within 30 days of the date of the notice or other specified time, a written explanation or statement in reply including:

(1) Corrective steps that have been taken by the regulated entity and the results achieved;

(2) Corrective action that will be taken to prevent recurrence; and

(3) The date when full compliance will be achieved.

b. The notice may require the regulated entity subject to the jurisdiction of the department to admit or deny the violation and to state the reasons for the violation, if admitted. It may provide that, if an adequate reply is not received within the time specified in the notice, the department may issue an order or a demand for information as to why the authorization should not be modified, suspended, or revoked or why such other action as may be proper should not be taken.

c. Violations are categorized according to five levels of severity, which are:

(1) Severity levels I and II: Violations are of very significant regulatory concern involving actual or high potential impact on the public health and safety.

(2) Severity level III: Violations are cause for significant concern.

(3) Severity level IV: Violations are less serious but are of more than minor concern and that, if left uncorrected, could lead to a more serious health and safety concern.

(4) Severity level V: Violations are of minor safety or environmental concern.

d. A group of violations may be evaluated in the aggregate and assigned a single higher severity level if the violations have the same underlying cause or if the violations contributed to or were unavoidable consequences of the underlying problem.

e. The severity level of a violation may be increased if the violation can be considered a repetitive violation. The term "repetitive violation" or "similar violation" means a violation that reasonably could have been prevented by a regulated entity's corrective action for a previous violation normally occurring within the past two years of the inspection at issue or the period within the last two inspections, whichever is longer.

f. The severity level of a violation may be increased if the violation involves casual disregard of requirements, deception, or other indications of willfulness. The term "willfulness" is that characteristic of violations ranging from deliberate intent to violate or falsify to intentional disregard for regulatory requirements.

37.10(2) *Enforcement orders.*

a. The department may institute a proceeding to modify, suspend, or revoke an authorization or to take other action as may be proper by serving on the regulated entity an order that will:

(1) Allege the violations with which the regulated entity is charged or the potentially hazardous conditions or other facts deemed to be sufficient grounds for the proposed action;

(2) Provide that the regulated entity may file a written answer to the order under oath or affirmation within 20 days of its date or such other time as may be specified in the order;

(3) Inform the regulated entity of its right, within 20 days of the date of the order or such other time as may be specified in the order, to demand a hearing on all or part of the order, except in a case where the regulated entity has consented in writing to the order;

(4) Specify the issues for hearing; and

(5) State the effective date of the order; if the department finds that the public health, safety, or interest so requires or that the violation or conduct causing the violation is willful, the order may provide, for stated reasons, that the proposed action be immediately effective pending further order.

b. A regulated entity who receives an order may respond to an order under subrule 37.10(2) by filing a written answer under oath or affirmation. The answer shall specifically admit or deny each allegation or charge made in the order and may set forth the matters of fact and law on which the regulated entity relies and, if the order is not consented to, the reasons as to why the order should not have been issued. Except as provided in paragraph 37.10(2)*"d,"* the answer may demand a hearing.

c. If the answer demands a hearing, the department will issue an order designating the time and place of hearing.

d. An answer or stipulation may consent to the entry of an order in substantially the form proposed in the order with respect to all or some of the actions proposed in the order. The consent, in the answer or other written document, of the regulated entity to whom the order has been issued shall constitute a waiver by the regulated entity of a hearing, findings of fact and conclusions of law, and of all right to seek department and judicial review or to contest the validity of the order in any forum as to those matters that have been consented to or agreed to or on which a hearing has not been requested. An order that has been consented to shall have the same force and effect as an order made after hearing by a presiding officer or the department and shall be effective as provided in the order.

37.10(3) *Settlement and compromise.* At any time after the issuance of an order designating the time and place of hearing in a proceeding to modify, suspend, or revoke an authorization, the staff and a regulated entity may enter into a stipulation for the settlement of the proceeding or the compromise of a civil penalty.

37.10(4) *Demand for information.*

a. The department may issue to a regulated entity a demand for information for the purpose of determining whether an order under subrule 37.10(2) should be issued, or whether other action should be taken, which demand will:

(1) Allege the violations with which the regulated entity is charged or the potentially hazardous conditions or other facts deemed to be sufficient ground for issuing the demand; and

(2) Provide that the regulated entity must file a written answer to the demand for information under oath or affirmation within 20 days of its date or such time as may be specified in the demand for information.

b. A regulated entity to whom the department has issued a demand for information under subrule 37.10(4) must respond to the demand by filing a written answer under oath or affirmation. The regulated entity's answer shall specifically admit or deny each allegation or charge made in the demand for information and shall set forth the matters of fact and law on which the licensee relies. A person other than a licensee may answer as described above, or by setting forth the reasons why the demand should not have been issued and, if the requested information is not provided, the reasons why it is not provided.

c. Upon review of the answer filed pursuant to subparagraph 37.10(4)*"a"*(2), or if no answer is filed, the department may institute a proceeding pursuant to subrule 37.10(2) to take such action as may be proper.

d. An answer may consent to the entry of an order pursuant to subrule 37.10(2) in substantially the form proposed in the demand for information. Such consent shall constitute a waiver as provided in subrule 37.10(2).

37.10(5) *Civil penalties.*

a. Before instituting any proceeding to impose a civil penalty under Iowa Code section 136C.4, the department will serve a written notice of violation upon the person charged. This notice may be included in a notice issued pursuant to subrule 37.10(2). The notice of violation will:

(1) Specify the date or dates, facts, and nature of the alleged act or omission with which the person is charged;

(2) Identify specifically the particular provision or provisions of the law, rule, regulation, license, permit, or cease and desist order involved in the alleged violation;

(3) State the amount of each proposed penalty;

(4) Advise the person charged that the civil penalty may be paid in the amount specified therein, or the proposed imposition of the civil penalty may be protested in its entirety or in part, by a written answer, either denying the violation or showing extenuating circumstances;

(5) Advise the person charged that upon failure to pay a civil penalty subsequently determined by the department, if any, unless compromised, remitted, or mitigated, the fee will be collected by civil action pursuant to Iowa Code section 136C.4.

b. Within 20 days of the date of a notice of violation or other time specified in the notice, the person charged may either pay the penalty in the amount proposed or answer the notice of violation. The answer to the notice of violation shall state any facts, explanations, and arguments denying the charges of violation or demonstrating any extenuating circumstances, error in the notice of violation, or other reason why the penalty should not be imposed and may request remission or mitigation of the penalty.

c. If the person charged with violation fails to answer within the time specified in paragraph 37.10(5)*"b,"* an order may be issued imposing the civil penalty in the amount set forth in the notice of violation described in paragraph 37.10(5)*"a."*

d. If the person charged with violation files an answer to the notice of violation, the department, upon consideration of the answer, will issue an order dismissing the proceeding or imposing, mitigating, or remitting the civil penalty. The person charged may, within 20 days of the date of the order or other time specified in the order, request a hearing.

e. If the person charged with violation requests a hearing, the department will issue an order designating the time and place of hearing.

f. If a hearing is held, an order will be issued after the hearing by the presiding officer or the department dismissing the proceeding or imposing, mitigating, or remitting the civil penalty.

g. The department may compromise any civil penalty, subject to the provisions of 641—paragraph 38.18(2)*"d."*

h. If the civil penalty is not compromised, or is not remitted by the presiding officer or the department, and if payment is not made within ten days following either the service of the order described in 641—paragraph 38.18(2)*"a"* or the expiration of the time for requesting a hearing described in 641—subparagraph 38.18(2)*"a"*(3), the department may refer the matter to the attorney general for collection.

i. Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the state, following reference of the matter to the attorney general for collection, payment of civil penalties imposed under Iowa Code section 136C.4 shall be made by check, draft, or money order payable to the Iowa Department of Health and Human Services.

37.10(6) *Requests for action under this rule.*

a. Any person may file a request to institute a proceeding pursuant to rule 641—38.18(136C) to modify, suspend, or revoke an authorization as may be proper. Such a request shall be addressed to the Chief, Bureau of Radiological Health, Iowa Department of Health and Human Services, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. The request shall specify the action requested and set forth the facts that constitute the basis for the request. The bureau chief will discuss the matter with staff to determine appropriate action.

b. Within a reasonable time after a request pursuant to 641—paragraph 38.18(2)*"b"* has been received, the bureau chief shall either institute the requested proceeding in accordance with this rule or advise the person who made the request in writing that no proceeding will be instituted, in whole or in part, with respect to the request, and the reasons for the decision.

c. The bureau chief's decisions under this rule will be filed and within 25 days after the date of the bureau chief's decision under this rule that no proceeding will be instituted or other action taken in whole or in part, the department may on its own motion review that decision, in whole or in part, to determine if the bureau chief has abused discretion. This review power does not limit in any way either the department's supervisory power over delegated staff actions or the department's power to consult with the staff on a formal or informal basis regarding institution of proceedings under this rule.

d. No petition or other request for department review of a bureau chief's decision under this rule will be entertained by the department.

37.10(7) *Impounding.*

a. The department may impound or order the impounding of radioactive material in the possession of a person who fails to observe the provisions of Iowa Code chapter 136C or any rules, license or registration conditions, or orders issued by this department.

b. If department action is necessary to protect the public health and safety, no prior notice need be given the owner or possessor. If department action is not necessary to protect the public health and safety, the department will give to either the owner or the possessor of the source of radiation written notice of the intention to impound the source of radiation.

(1) Either the owner or the possessor shall have 20 days from the date of personal service of certified mailing to request a hearing, except in the case where the regulated entity has consented in writing to the impoundment.

(2) If a hearing is requested, the department will issue an order designating the time and place of hearing.

c. At the department's direction, the impounded sources of radiation may be disposed of by any of the following:

(1) Returning the source of radiation to a properly licensed or registered owner who did not cause the emergency;

(2) Returning the source of radiation to a licensee or registrant after the emergency is over and after settlement of any compliance action;

(3) Selling, destroying, or disposing of the source of radiation in another manner within the department's discretion.

37.10(8) *Deliberate misconduct.*

a. Any licensee, registrant, applicant for a license or certificate of registration, employee of a licensee, registrant or applicant, or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any licensee or registrant or applicant for a license or certificate of registration, who knowingly provides to any licensee, applicant, registrant, contractor, or subcontractor any components, equipment, materials, or other goods or services that relate to a licensee's, registrant's or applicant's activities in this rule, shall not:

(1) Engage in deliberate misconduct that causes or would have caused, if not detected, a licensee, registrant, or applicant to be in violation of any rule, regulation, or order or any term, condition, or limitation of any license or registration issued by the department; or

(2) Deliberately submit to the department; a licensee, registrant, or applicant; or a licensee's, registrant's, or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the department.

b. A person who violates 641—subparagraphs 37.10(8)*"a"*(1) and *"a"*(2) may be subject to enforcement action in accordance with the procedures in rule 641—38.17(136C).

c. For the purposes of this chapter, deliberate misconduct by a person means an intentional act or omission that the person knows:

(1) Would cause a licensee, registrant, or applicant to be in violation of any rule, regulation, or order or any term, condition, or limitation of any license issued by the department; or

(2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, registrant, applicant, contractor, or subcontractor.

641—37.11(136C) Standards for protection against radiation. The provisions in this rule pertaining to radioactive materials are consistent with the requirements of 10 CFR Parts 19 and 20, as incorporated by reference in 641—Chapter 39. Accordingly, the provisions of 641—Chapter 39 apply to corresponding rules and subrules of this chapter. The requirements of this chapter are in addition to, and not in substitution for, any applicable provisions of 641—Chapter 39.

37.11(1) *Implementation of standards for protection against radiation.*

a. Any existing license or registration condition that is more restrictive than this chapter remains in force until there is an amendment or renewal of the license or registration.

b. If a license or registration condition exempts a licensee or registrant from a provision of this chapter in effect on or before January 1, 1994, it also exempts the licensee or registrant from the corresponding provision of this chapter.

c. If a license or registration condition cites provisions of this chapter in effect prior to January 1, 1994, that do not correspond to any provisions of this chapter, the license or registration condition remains in force until there is an amendment or renewal of the license or registration that modifies or removes this condition.

37.11(2) *Radiation protection programs.*

a. Each licensee or registrant shall develop, document, and implement a radiation protection program sufficient to ensure compliance with the provisions of this chapter. Subrule 37.12(3) contains recordkeeping requirements relating to these programs.

b. The licensee or registrant shall use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and public doses that are ALARA.

c. The licensee or registrant shall, at intervals not to exceed 12 months, review the radiation protection program content and implementation.

d. To implement the ALARA requirements of 641—paragraph 40.4(9)*"b,"* and notwithstanding the requirements in subrule 37.11(12), a constraint on air emissions of radioactive material to the environment, excluding radon-222 and its daughters, shall be established by licensees such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 10 mrem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the

exceedance as provided in subrule 37.13(4) and promptly take appropriate corrective action to ensure against recurrence.

e. The licensee or registrant shall, upon discovery of a reportable radiation incident or medical event, as described in this chapter, promptly take appropriate action in accordance with the rules within this chapter.

37.11(3) *Occupational dose limits for adults.*

a. The licensee or registrant shall control the occupational dose to individual adults, except for planned special exposures pursuant to subrule 37.11(8), to the following dose limits:

(1) An annual limit, which is the more limiting of:

1. The total effective dose equivalent being equal to 5 rem (0.05 Sv); or

2. The sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rem (0.5 Sv).

(2) The annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities that are:

1. A lens dose equivalent of 15 rem (0.15 Sv), and

2. A shallow dose equivalent of 50 rem (0.5 Sv) to the skin of the whole body or to the skin of any extremity.

b. Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime.

c. When the external exposure is determined by measurement with an external personal monitoring device, the deep dose equivalent must be used in place of the effective dose equivalent unless the effective dose equivalent is determined by a dosimetry method approved by the department. The assigned deep dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure. The deep dose equivalent, lens dose equivalent, and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits if the individual monitoring device was not in the region of highest potential exposure or the results of individual monitoring are unavailable.

d. Derived air concentration (DAC) and annual limit on intake (ALI) values are presented in Table I of 10 CFR Part 20, Appendix B, and may be used to determine the individual's dose and to demonstrate compliance with the occupational dose limits set forth in this chapter.

e. Notwithstanding the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity (footnote 3 of 10 CFR Part 20, Appendix B, contains more information).

f. The licensee or registrant shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person as set forth in this chapter.

37.11(4) *Compliance with requirements for summation of external and internal doses.*

a. Monitor. If the licensee or registrant is required to monitor pursuant to subrule 37.11(14) the licensee or registrant shall demonstrate compliance with the dose limits by summing external and internal doses. If the licensee or registrant is required to monitor only pursuant to subparagraph 37.11(14)*"a"*(1), or only pursuant to subparagraph 37.11(14)*"a"*(2), then summation is not required to demonstrate compliance with the dose limits. The licensee or registrant may demonstrate compliance with the requirements for summation of external and internal doses pursuant to subrule 37.11(4). The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation but are subject to separate limits.

b. Intake by inhalation. If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep dose equivalent divided by the total effective dose equivalent limit, and one of the following, does not exceed unity:

(1) The sum of the fractions of the inhalation ALI for each radionuclide, or

(2) The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000; or

(3) The sum of the calculated committed effective dose equivalents to all significantly irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit. For purposes of this requirement, an organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factors (wT) and the committed dose equivalent (HT,50) per unit intake is greater than 10 percent of the maximum weighted value of H50 (wTHT,50) per unit intake for any organ or tissue.

c. Intake by oral ingestion. If the occupationally exposed individual also receives an intake of radionuclides by oral ingestion greater than 10 percent of the applicable oral ALI, the licensee shall account for this intake and include it in demonstrating compliance with the limits.

d. Intake through wounds or absorption through skin. The licensee shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be evaluated or accounted for pursuant to subrule 37.11(4).

37.11(5) *Determination of external dose from airborne radioactive material.*

a. Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep dose equivalent, lens dose equivalent, and shallow dose equivalent from external exposure to the radioactive cloud (footnotes 1 and 2 of 10 CFR Part 20, Appendix B, contain more information).

b. Airborne radioactivity measurements and DAC values cannot be used as the primary means to assess the deep dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

37.11(6) *Determination of internal exposure.*

a. For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee shall, when required pursuant to subrule 37.11(14), take suitable and timely measurements of:

(1) Concentrations of radioactive materials in air in work areas; or

(2) Quantities of radionuclides in the body; or

(3) Quantities of radionuclides excreted from the body; or

(4) Combinations of these measurements.

b. Unless respiratory protective equipment is used, or the assessment of intake is based on bioassays, the licensee shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.

c. When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior of the material in an individual is known, the licensee may:

(1) Use that information to calculate the committed effective dose equivalent, and, if used, the licensee shall document that information in the individual's record; and

(2) Upon prior approval of the department, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material, for example, aerosol size distribution or density; and

(3) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a given radionuclide to the committed effective dose equivalent (10 CFR Part 20, Appendix B, contains more information).

d. If the licensee chooses to assess intakes of Class Y material, the licensee may delay the recording and reporting of the assessments for periods up to seven months unless otherwise required by 641—Chapter 39. This delay permits the licensee to make additional measurements basic to the assessments.

e. If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours shall be either:

(1) The sum of the ratios of the concentration to the appropriate DAC value, that is, D, W, or Y, from 10 CFR Part 20, Appendix B, for each radionuclide in the mixture; or

(2) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

f. If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.

g. When a mixture of radionuclides in air exists, a licensee may disregard certain radionuclides in the mixture if:

(1) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in subrule 37.11(11) and in complying with the monitoring requirements in subrule 37.11(13), and

(2) The concentration of any radionuclide disregarded is less than 10 percent of its DAC, and

(3) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.

h. When determining the committed effective dose equivalent, the following information may be considered:

(1) In order to calculate the committed effective dose equivalent, the licensee or registrant may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of 5 rem (0.05 Sv) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent.

(2) For an ALI and the associated DAC determined by the nonstochastic organ dose limit of 50 rem (0.5 Sv), the intake of radionuclides that would result in a committed effective dose equivalent of 5 rem (0.05 Sv), that is, the stochastic ALI, is listed in parentheses in Table I of 10 CFR Part 20, Appendix B. The licensee or registrant may, as a simplifying assumption, use the stochastic ALI to determine committed effective dose equivalent. However, if the licensee or registrant uses the stochastic ALI, the licensee or registrant shall also demonstrate that the limit in subparagraph 37.11(3)*"a"*(2) is met.

37.11(7) *Determination of prior occupational dose.*

a. For each individual who is likely to receive, in a year, an occupational dose requiring monitoring pursuant to this rule, the licensee or registrant shall:

(1) Determine the occupational radiation dose received during the current year; and

(2) Attempt to obtain the records of lifetime cumulative occupational radiation dose.

b. Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant shall determine:

(1) The internal and external doses from all previous planned special exposures;

(2) All doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual; and

(3) All lifetime cumulative occupational radiation dose.

c. In complying with the requirements of subrule 37.11(7), a licensee or registrant may:

(1) Accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual received during the current year;

(2) Accept, as the record of lifetime cumulative radiation dose, a form signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant; and

(3) Obtain reports of the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant, by telephone, electronic media, or letter. The licensee or registrant shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

d. The licensee or registrant shall record the exposure history as required by subrule 37.11(14).

(1) The form or record shall show each period in which the individual received occupational exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing the exposure history. For any period in which the licensee or registrant does not obtain a report, the licensee or registrant shall place a notation on the report indicating the periods of time for which data are not available.

(2) Licensees or registrants are not required to reevaluate the separate external dose equivalents and internal committed dose equivalents or intakes of radionuclides assessed pursuant to the rules in this chapter in effect on or before January 1, 1994. Further, occupational exposure histories obtained and recorded on or before January 1, 1994, would not have included effective dose equivalent but may be used in the absence of specific information on the intake of radionuclides by the individual.

e. If the licensee or registrant is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant shall assume:

(1) In establishing administrative controls pursuant to subrule 37.11(3) for the current year, that the allowable dose limit for the individual is reduced by 1.25 rem (12.5 mSv) for each quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and

(2) That the individual is not available for planned special exposures.

f. The licensee or registrant shall retain the records in subrule 37.11(6) until the department terminates each pertinent license or registration requiring this record. The licensee or registrant shall retain records used in preparing any record for subrule 37.11(7) for three years after the record is made.

37.11(8) *Planned special exposures.* A licensee or registrant may authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in subrule 37.11(8) provided that each of the following conditions is satisfied:

a. The licensee or registrant authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the dose estimated to result from the planned special exposure are unavailable or impractical.

b. The licensee or registrant, and employer if the employer is not the licensee or registrant, specifically authorizes the planned special exposure, in writing, before the exposure occurs.

c. Before a planned special exposure, the licensee or registrant ensures that each individual involved is:

(1) Informed of the purpose of the planned operation;

(2) Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and

(3) Instructed in the measures to be taken to keep the dose ALARA, considering other risks that may be present.

d. Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant ascertains prior doses as required by subrule 37.11(7) during the lifetime of the individual for each individual involved.

e. Subject to subrule 37.11(3), the licensee or registrant cannot authorize a planned special exposure that would cause an individual to receive a dose from all planned special exposures and all doses in excess of the limits to exceed:

(1) The numerical values of any of the dose limits in subrule 37.11(3) in any year; and

(2) Five times the annual dose limits in subrule 37.11(3) during the individual's lifetime.

f. The licensee or registrant maintains records of the conduct of a planned special exposure in accordance with subrule 37.12(7) and submits a written report in accordance with subrule 37.13(8).

g. The licensee or registrant records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within 30 days from the date of the planned special exposure. The dose from planned special exposures cannot be considered in controlling future occupational dose of the individual.

37.11(9) *Occupational dose limits for minors.* The annual occupational dose limits for minors are 10 percent of the annual dose limits specified for adult workers in subrule 37.11(3).

37.11(10) *Dose equivalent to an embryo or fetus.* The licensee or registrant shall ensure that the dose equivalent to an embryo or fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5 mSv). Subrule 37.12(8) contains recordkeeping requirements.

a. The licensee or registrant shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in subrule 37.12(8).

b. The dose equivalent to an embryo or fetus shall be taken as the sum of:

(1) The deep dose equivalent to the declared pregnant woman; and

(2) The dose equivalent to the embryo or fetus from radionuclides in the embryo or fetus and radionuclides in the declared pregnant woman.

c. If by the time the woman declares pregnancy to the licensee or registrant, the dose equivalent to the embryo or fetus has exceeded 0.5 rem (5 mSv), or is within 0.05 rem (0.5 mSv) of this dose, the licensee or registrant shall be deemed to be in compliance with subrule 37.11(10) if the additional dose equivalent to the embryo or fetus does not exceed 0.05 rem (0.5 mSv) during the remainder of the pregnancy.

d. The National Council on Radiation Protection and Measurements recommended in NCRP Report No. 91 "Recommendations on Limits for Exposure to Ionizing Radiation" (June 1, 1987) that no more than 0.05 rem (0.5 mSv) to the embryo or fetus be received in any one month.

37.11(11) *Radiation dose limits for individual members of the public.*

a. Each licensee or registrant shall conduct operations so that:

(1) The total effective dose equivalent to individual members of the public from the licensed or registered operation does not exceed 0.1 rem (1 millisievert) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released from voluntary participation in medical research programs, and from the licensee's or registrant's disposal of radioactive material into sanitary sewerage, and

(2) The dose in any unrestricted area from external sources, exclusive of the dose contributions from patients administered radioactive material and released, does not exceed 0.002 rem (0.02 millisievert) in any one hour.

b. If the licensee or registrant permits members of the public to have access to controlled areas, the limits for members of the public continue to apply to those individuals.

c. A licensee, a registrant, or an applicant for a license or registration may apply for prior department authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5 mSv). This application shall include the following information:

(1) Demonstration of the need for and the expected duration of operations in excess of the limit in this subrule;

(2) The licensee's or registrant's program to assess and control dose within the 0.5 rem (5 mSv) annual limit; and

(3) The procedures to be followed to maintain the dose ALARA.

d. In addition to the requirements of this chapter, a licensee or registrant subject to the provisions of the U.S. Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190 as amended to August 1, 2025, shall comply with those standards.

e. The department may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee or registrant may release in effluents in order to restrict the collective dose.

f. Notwithstanding the requirements of this subrule a licensee may permit visitors to an individual who cannot be released under 641—subrule 41.2(27) to receive a radiation dose greater than 0.1 rem (1 mSv) if:

(1) The radiation dose received does not exceed 0.5 rem (5 mSv); and

(2) The authorized user, as defined in rule 641—38.1(136C), has determined before the visit that it is appropriate.

37.11(12) *Compliance with dose limits for individual members of the public.*

a. The licensee or registrant shall make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas and radioactive materials in effluents released to unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public in subrule 37.11(11).

b. A licensee or registrant shall show compliance with the annual dose limit in subrule 37.11(11) by:

(1) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed or registered operation does not exceed the annual dose limit; or

(2) Demonstrating that:

1. The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in Table II of 10 CFR Part 20, Appendix B; and

2. If an individual were continually present in an unrestricted area, the dose from external sources would not exceed 0.002 rem (0.02 mSv) in an hour and 0.05 rem (0.5 mSv) in a year.

c. Upon approval from the department, the licensee or registrant may adjust the effluent concentration values in Table II of 10 CFR Part 20, Appendix B, for members of the public to take into account the actual physical and chemical characteristics of the effluents, such as aerosol size distribution, solubility, density, radioactive decay equilibrium, and chemical form.

37.11(13) *Surveys and monitoring—general.*

a. Each licensee or registrant shall make, or cause to be made, surveys of areas, including the subsurface, that:

(1) Are necessary for the licensee or registrant to comply with this chapter; and

(2) Are necessary under the circumstances to evaluate:

1. The magnitude and extent of radiation levels;

2. Concentrations or quantities of residual radioactivity; and

3. The potential radiological hazards of the radiation levels and residual radioactivity detected.

b. Notwithstanding subrule 37.12(4), records from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be kept with records important for decommissioning, and such records must be retained. The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements, for example, dose rate and effluent monitoring, are calibrated at intervals not to exceed 12 months for the radiation measured, except when a more frequent interval is specified in another applicable part of these rules or a license condition.

c. All personnel dosimeters, except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to any extremity, that require processing to determine the radiation dose and that are used by licensees and registrants to comply with subrule 37.11(3) with other applicable provisions of these rules or with conditions specified in a license or registration shall be processed and evaluated by a dosimetry processor:

(1) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

(2) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

d. The licensee or registrant shall ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device.

e. After replacement, each personnel dosimeter must be sent for processing as soon as possible.

37.11(14) *Conditions requiring individual monitoring of external and internal occupational dose.* Each licensee or registrant shall monitor exposures from sources of radiation at levels sufficient to demonstrate compliance with the occupational dose limits of this chapter. As a minimum:

a. Each licensee or registrant shall monitor occupational exposure to radiation and shall supply and require the use of individual monitoring devices by:

(1) Adults likely to receive, in one year from sources external to the body, a dose in excess of 10 percent of the limits in subrule 37.11(3);

(2) Minors likely to receive, in one year from sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv), a lens dose equivalent in excess of 0.15 rem (1.5 mSv), or a shallow dose equivalent to the skin or to the extremities in excess of 0.5 rem (5 mSv);

(3) Individuals entering a high or very high radiation area;

(4) Individuals working with medical fluoroscopic equipment; and

(5) Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv).

b. Each licensee or registrant shall monitor, to determine compliance with subrule 37.11(6), the occupational intake of radioactive material by and assess the committed effective dose equivalent to:

(1) Adults likely to receive, in one year, an intake in excess of 10 percent of the applicable ALI in Table I, Columns 1 and 2, of Appendix B;

(2) Minors likely to receive, in one year, a committed effective dose equivalent in excess of 0.1 rem (1 mSv); and

(3) Declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 0.1 rem (1 mSv).

c. Location of individual monitoring devices. Each licensee or registrant shall ensure that individuals who are required to monitor occupational doses in accordance with subrule 37.11(14) wear individual monitoring devices in accordance with the dosimetry vendor specifications and processed in accordance with NVLAP-approved calculation methods. Additional requirements are as follows:

(1) An individual monitoring device used for monitoring the dose to an embryo or fetus of a declared pregnant woman shall be located at the waist under any protective apron being worn by the woman;

(2) An individual monitoring device used for monitoring the eye dose equivalent, to demonstrate compliance with subrule 37.11(3) shall be located at the neck (collar), outside any protective apron being worn by the monitored individual or at an unshielded location closer to the eye;

(3) An individual monitoring device used for monitoring the dose to the extremities, to demonstrate compliance with subrule 37.11(3), shall be worn on the extremity likely to receive the highest exposure. Each individual monitoring device shall be oriented to measure the highest dose to the extremity being monitored.

37.11(15) *Control of exposure from external sources in restricted areas; control of access to high radiation areas.*

a. The licensee or registrant shall ensure that each entrance or access point to a high radiation area has one or more of the following features:

(1) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep dose equivalent of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the source of radiation from any surface that the radiation penetrates; or

(2) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or

(3) Entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.

b. In place of the controls required by subrule 37.11(15) for a high radiation area, the licensee or registrant may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.

c. The licensee or registrant may apply to the department for approval of alternative methods for controlling access to high radiation areas.

d. The licensee or registrant shall establish the controls required by paragraph 37.11(15)*"a"* in a way that does not prevent individuals from leaving a high radiation area.

e. The licensee is not required to control each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with the rules of the U.S. Department of Transportation provided that:

(1) The packages do not remain in the area longer than three days; and

(2) The dose rate at 1 meter from the external surface of any package does not exceed 0.01 rem (0.1 mSv) per hour.

f. The licensee is not required to control entrance or access to rooms or other areas in hospitals solely because of the presence of patients containing radioactive material provided that there are personnel in attendance who are taking the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the established limits in this chapter and to operate within the ALARA provisions of the licensee's radiation protection program.

g. The licensee or registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a high radiation area as described in subrule 37.11(15) if the registrant has met all the specific requirements for access and control specified in other applicable chapters.

37.11(16) *Control of exposure from external sources in restricted areas; control of access to very high radiation areas.*

a. In addition to the requirements in subrule 37.11(15), the licensee or registrant shall institute measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 500 rad (5 Gy) or more in one hour at 1 meter from a source of radiation or any surface through which the radiation penetrates. This requirement does not apply to rooms or areas in which diagnostic X-ray systems are the only source of radiation, or to non-self-shielded irradiators.

b. The registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a very high radiation area if the registrant has met all the specific requirements for access and control specified in other applicable chapters.

37.11(17) *Control of exposure from external sources in restricted areas; control of access to very high radiation areas—irradiators.*

a. This rule applies to licensees with sources of radiation in non-self-shielded irradiators. This rule does not apply to sources of radiation that are used in teletherapy, in industrial radiography, or in completely self-shielded irradiators in which the source of radiation is both stored and operated within the same shielding radiation barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create high levels of radiation in an area that is accessible to any individual.

b. Each area in which there may exist radiation levels in excess of 500 rad (5 Gy) in one hour at 1 meter from a source of radiation that is used to irradiate materials shall meet the following requirements:

(1) Each entrance or access point shall be equipped with entry control devices that:

1. Function automatically to prevent any individual from inadvertently entering a very high radiation area;

2. Permit deliberate entry into the area only after a control device is actuated that causes the radiation level within the area, from the source of radiation, to be reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

3. Prevent operation of the source of radiation if it would produce radiation levels in the area that could result in a deep dose equivalent to an individual in excess of 0.1 rem (1 mSv) in one hour.

(2) Additional control devices shall be provided so that, upon failure of the entry control devices to function as required by subrule 37.11(17):

1. The radiation level within the area, from the source of radiation, is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

2. Conspicuous visible and audible alarm signals are generated to make an individual attempting to enter the area aware of the hazard and at least one other authorized individual, who is physically present, familiar with the activity, and prepared to render or summon assistance, aware of the failure of the entry control devices.

(3) The licensee shall provide control devices so that, upon failure or removal of physical radiation barriers other than the sealed source's shielded storage container:

1. The radiation level from the source of radiation is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

2. Conspicuous visible and audible alarm signals are generated to make potentially affected individuals aware of the hazard and the licensee or at least one other individual, who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier.

(4) When the shield for stored sealed sources is a liquid, the licensee shall provide means to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding.

(5) Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of subparagraph 37.11(17)*"b"*(2).

(6) Each area shall be equipped with devices that will automatically generate conspicuous visible and audible alarm signals to alert personnel in the area before the source of radiation can be put into operation and in time for any individual in the area to operate a clearly identified control device, which must be installed in the area and which can prevent the source of radiation from being put into operation.

(7) Each area shall be controlled by use of such administrative procedures and such devices as are necessary to ensure that the area is cleared of personnel prior to each use of the source of radiation.

(8) Each area shall be checked by a radiation measurement to ensure that, prior to the first individual's entry into the area after any use of the source of radiation, the radiation level from the source of radiation in the area is below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour.

(9) The entry control devices required in subrule 37.11(17) shall be tested for proper functioning as set forth in subrule 37.12(11) for recordkeeping requirements.

1. Testing shall be conducted prior to initial operation with the source of radiation on any day unless operations were continued uninterrupted from the previous day;

2. Testing shall be conducted prior to resumption of operation of the source of radiation after any unintentional interruption; and

3. The licensee or registrant shall submit and adhere to a schedule for periodic tests of the entry control and warning systems. The licensee or registrant cannot conduct operations, other than those

necessary to place the source of radiation in safe condition or to effect repairs on controls, unless control devices are functioning properly.

4. Entry and exit portals that are used in transporting materials to and from the irradiation area, and that are not intended for use by individuals, shall be controlled by such devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by any individual through these portals. Exit portals for irradiated materials shall be equipped to detect and signal the presence of any loose radioactive material that is carried toward such an exit and to automatically prevent loose radioactive material from being carried out of the area.

c. Licensees, registrants, or applicants for licenses or registrations for sources of radiation within the purview of subrule 37.11(17) that will be used in a variety of positions or in locations, such as open fields or forests, that make it impracticable to comply with certain requirements of subrule 37.11(17) such as those for the automatic control of radiation levels, may apply to the department for approval of alternative safety measures. Alternative safety measures shall provide personnel protection at least equivalent to those specified in subrule 37.11(17). At least one of the alternative measures shall include an entry-preventing interlock control based on a measurement of the radiation that ensures the absence of high radiation levels before an individual can gain access to the area where such sources of radiation are used.

d. The entry control devices required by subrule 37.11(16) shall be established in such a way that no individual will be prevented from leaving the area.

37.11(18) *Security and control of licensed or registered sources of radiation.*

a. The licensee or registrant shall secure licensed or registered radioactive material that is stored in controlled or unrestricted areas from unauthorized removal or access.

b. The licensee or registrant shall maintain constant surveillance and use devices or administrative procedures to prevent unauthorized use of licensed or registered radioactive material that is in an unrestricted area and that is not in storage.

c. The registrant shall secure registered radiation machines from unauthorized removal.

d. The registrant shall use devices or administrative procedures to prevent unauthorized use of registered radiation machines.

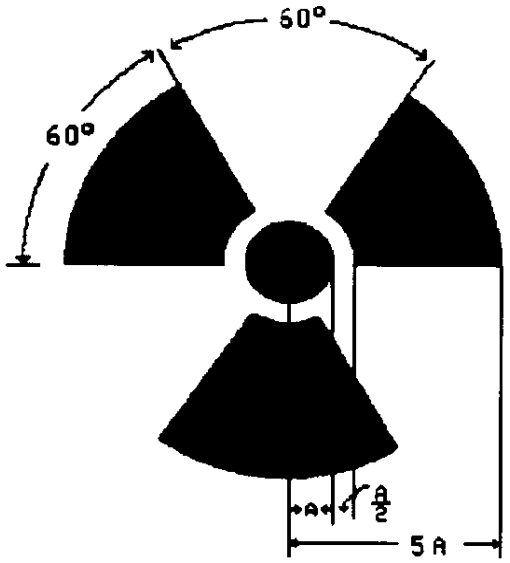
e. Each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant surveillance of the licensee.

37.11(19) *Precautionary procedures; caution signs.* Unless otherwise authorized by the department, the symbol prescribed by this rule shall use the colors magenta, purple, or black on yellow background. The symbol prescribed is the three-bladed design as follows.

a. Radiation symbol.

(1) Cross-hatched area is to be magenta, purple, or black, and

(2) The background is to be yellow.



b. Exception to color requirements for standard radiation symbol. Notwithstanding the requirements of subrule 37.11(19), licensees are authorized to label sources, source holders, or device components containing sources of radiation that are subjected to high temperatures, with conspicuously etched or stamped radiation caution symbols and without a color requirement.

c. Additional information on signs and labels. In addition to the contents of signs and labels prescribed in this chapter, the licensee or registrant shall provide, on or near the required signs and labels, additional information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the exposures.

d. Improper posting or labeling. The licensee or registrant shall ensure that adequate measures are taken to prevent improper posting or labeling.

37.11(20) *Precautionary procedures; posting requirements.*

a. Posting of radiation areas. The licensee or registrant shall post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA".

b. Posting of high radiation areas. The licensee or registrant shall post in each high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, HIGH RADIATION AREA" or "DANGER, HIGH RADIATION AREA".

c. Posting of very high radiation areas. The licensee or registrant shall post in each very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words "GRAVE DANGER, VERY HIGH RADIATION AREA".

d. Posting of airborne radioactivity areas. The licensee shall post in each airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, AIRBORNE RADIOACTIVITY AREA" or "DANGER, AIRBORNE RADIOACTIVITY AREA".

e. Posting of areas or rooms in which licensed or registered material is used or stored. The licensee shall post in each area or room in which there is used or stored an amount of licensed material exceeding ten times the quantity of such material specified in 10 CFR Part 20, Appendix C, with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)".

37.11(21) *Precautionary procedures; exceptions to posting requirements.*

a. A licensee or registrant is not required to post caution signs in areas or rooms containing sources of radiation for periods of less than eight hours if each of the following conditions is met:

(1) The sources of radiation are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to sources of radiation in excess of the limits established in this chapter; and

(2) The area or room is subject to the licensee's or registrant's control.

b. Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to subrule 37.11(21) provided that the patient could be released from licensee control.

c. A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level at 30 centimeters from the surface of the sealed source container or housing does not exceed 0.005 rem (0.05 mSv) per hour.

d. A room or area is not required to be posted with a caution sign because of the presence of radiation machines used solely for diagnosis or simulation in the healing arts.

e. Rooms in hospitals or clinics that are used for teletherapy are exempt from the requirement to post caution signs under subrule 37.11(21) if:

(1) Access to the room is controlled pursuant to subrule 37.11(17); and

(2) Personnel in attendance take necessary precautions to prevent an inadvertent exposure of workers, other patients, and members of the public to radiation in excess of the limits established in this chapter.

37.11(22) *Precautionary procedures; labeling radiation machines.* Each registrant shall ensure that each radiation machine is labeled in a conspicuous manner that cautions individuals that radiation is produced when it is energized.

641—37.12(136C) Records.

37.12(1) *General provisions of measurement units.*

a. Each licensee or registrant shall use the special units curie, rad, rem and roentgen, counts per minute (cpm), disintegrations per minute (dpm), or the SI units becquerel, gray, sievert and coulomb per kilogram, including multiples and subdivisions, and shall clearly indicate the units of all quantities on records required by this chapter.

b. The licensee or registrant shall make a clear distinction among the quantities entered on the records required by this chapter, such as total effective dose equivalent, total organ dose equivalent, shallow dose equivalent, lens dose equivalent, deep dose equivalent, or committed effective dose equivalent.

c. In the records required by this chapter, the licensee may record quantities in SI units in parentheses following each of the units specified in subrule 37.12(1). However, all quantities must be recorded as stated in subrule 37.12(1).

d. Notwithstanding the requirements of subrule 37.12(1), when recording information on shipment manifests, information must be recorded in the International System of Units (SI) or in SI and units as specified in subrule 37.12(1).

e. Notwithstanding the requirements of subrule 37.12(1), records of removable radioactive surface contamination on packages shall be recorded in disintegrations per minute (dpm).

37.12(2) *Record retention of medical images.*

a. Medical images, whether stored digitally or on film, shall be retained for 7 years for patients 18 years of age or older, and for 7 years plus the difference between the patient's age and 18 for minors.

b. Facilities currently using hard-copy film may continue to retain imaging using this method throughout the retention period.

c. Facilities using both digital storage (computer media) and hard-copy storage may continue to retain imaging using both of these methods throughout the retention period. Digital data (computer media) should be backed up, or refreshed, at appropriate intervals as defined by the facility.

d. Facilities solely utilizing digital storage to store study information for which a report is generated must ensure the storage conditions prevent deterioration throughout the retention period required. The facility must maintain either retrieval or access or both to the stored images.

e. Facilities that have identified medical images as being involved in a legal case should immediately code the images appropriately and retain them for the required retention period defined

in this paragraph or longer if required by the facility's internal policies or procedures. At the end of the retention period, the facility should follow its internal procedures and consult appropriate internal personnel for further disposition instructions as defined by the facility.

f. If records are temporarily transferred to any party, the facility should maintain appropriate information relating to location, date of release, and individual having custody of the records.

g. A facility that is ceasing operations must either transfer its medical image records to another facility or provide the records to its patients. The facility must send a certified letter as to the location, or disposition, of the records to notify the patients of the transferal.

h. Facilities performing mammography shall maintain mammography records in accordance with the requirements of 641—Chapter 41 and the requirements of this chapter. The retention period shall be the longer of the two durations specified, which is a minimum of seven years.

37.12(3) *Records of radiation protection programs.*

a. Each licensee or registrant shall maintain records of the radiation protection program, including:

(1) The provisions of the program; and

(2) Audits and other reviews of program content and implementation.

b. The licensee or registrant shall retain the records required by this rule until the department terminates each pertinent license or registration requiring the record. The licensee or registrant shall retain the records required by subrule 37.12(1) for three years after the record is made.

37.12(4) *Records of surveys.*

a. Each licensee or registrant shall maintain records showing the results of surveys and calibrations required by subrule 37.11(13). The licensee or registrant shall retain these records for three years after the record is made.

b. The licensee or registrant shall retain each of the following records until the department terminates each pertinent license or registration requiring the record:

(1) Records of the results of surveys to determine the dose from external sources of radiation used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

(2) Records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose;

(3) Records showing the results of air sampling, surveys, and bioassays; and

(4) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(4) or shall make provisions with the department for transfer to the department.

37.12(5) *Records of tests for leakage or contamination of sealed sources.* Records of tests for leakage or contamination of sealed sources shall be kept in units of microcurie or becquerel and maintained for inspection by the department for five years after the records are made.

37.12(6) *Records of prior occupational dose.*

a. The licensee or registrant shall retain the records of prior occupational dose and exposure history as specified in subrule 37.11(7) until the department terminates each pertinent license or registration requiring this record.

b. The licensee or registrant shall retain records used in preparing the record required in subrule 37.12(6) for three years after the record is made.

c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(2) or shall make provisions with the department for transfer to the department.

37.12(7) *Records of planned special exposures.*

a. For each use of the provisions of subrule 37.12(7) for planned special exposures, the licensee or registrant shall maintain records that describe:

(1) The exceptional circumstances requiring the use of a planned special exposure;

(2) The name of the management official who authorized the planned special exposure and a copy of the signed authorization;

(3) What actions were necessary;

(4) Why the actions were necessary;

(5) What precautions were taken to ensure that doses were maintained ALARA;

(6) What individual and collective doses were expected to result; and

(7) The doses actually received in the planned special exposure.

b. The records shall be retained until the department terminates each pertinent license or registration requiring these records.

c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(7) or shall make provisions with the department for transfer to the department.

37.12(8) *Records of individual monitoring results.*

a. Recordkeeping requirements. Each licensee or registrant shall maintain records of doses received by all individuals for whom monitoring was required pursuant to subrule 37.11(14) and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect on or before January 1, 1994, need not be changed. These records shall include all of the following, when applicable:

(1) The deep dose equivalent to the whole body, eye dose equivalent, shallow dose equivalent to the skin, and shallow dose equivalent to the extremities;

(2) The estimated intake of radionuclides set forth in subrule 37.11(14);

(3) The committed effective dose equivalent assigned to the intake of radionuclides;

(4) The specific information used to calculate the committed effective dose equivalent pursuant to paragraph 37.11(6)*"c"*;

(5) The total effective dose equivalent when required by subrule 37.11(4);

(6) The total of the deep dose equivalent and the committed dose to the organ receiving the highest total dose.

b. Recordkeeping frequency. The licensee or registrant shall make entries of the records specified in subrule 37.12(2) at intervals not to exceed one year.

c. Recordkeeping format. The licensee or registrant shall maintain the records specified in paragraph 37.12(8)*"a"* in clear and legible form.

d. Embryo or fetus records. The licensee or registrant shall maintain the records of dose to an embryo or fetus with the records of dose to the declared pregnant woman. The declaration of pregnancy, including the estimated date of conception, shall also be kept on file but may be maintained separately from the dose records.

e. Retention during license or registration. The licensee or registrant shall retain each required form or record until the department terminates each pertinent license or registration requiring the record.

f. Retention after termination. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in this rule or shall make provision with the department for transfer to the department.

37.12(9) *Records of dose to individual members of the public.*

a. Each licensee or registrant shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public as set forth in subrule 37.11(3).

b. The licensee or registrant shall retain the records required by this rule until the department terminates each pertinent license or registration requiring the record.

37.12(10) *Records of waste disposal.*

a. Each licensee shall maintain records of the disposal of licensed materials and disposal or burial in soil.

b. The licensee shall retain the records until the department terminates each pertinent license or registration requiring the record.

37.12(11) *Records of testing entry control devices for very high radiation areas.*

a. Each licensee or registrant shall maintain records of tests made pursuant to subrule 37.11(17) on entry control devices for very high radiation areas. These records must include the date, time, and results of each such test of function.

b. The licensee or registrant shall retain the records for three years after the record is made.

37.12(12) *Form of records.*

a. Each record required by this chapter shall be legible throughout the specified retention period. The record shall be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period, or the record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, shall include all pertinent information, such as stamps, initials, and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

b. The licensee or registrant shall retain the records required by this chapter until the department terminates each pertinent license or registration requiring the record.

641—37.13(136C) Reports.

37.13(1) *Reports; stolen, lost, or missing licensed or registered sources of radiation.*

a. Telephone reports. Each licensee or registrant shall report to the department by telephone as follows:

(1) Immediately after its occurrence becomes known to the licensee, stolen, lost, or missing licensed radioactive material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in 10 CFR Part 20, Appendix C, under such circumstances that it appears to the licensee that an exposure could result to individuals in unrestricted areas.

(2) Within 30 days after its occurrence becomes known to the licensee, lost, stolen, or missing licensed radioactive material in quantity greater than ten times the quantity specified in 10 CFR Part 20, Appendix C, that is still missing.

(3) Immediately after its occurrence becomes known to the registrant, a stolen, lost, or missing radiation machine.

b. Written reports. Each licensee or registrant required to make a report pursuant to subrule 37.13(1) shall, within 30 days after making the telephone report, make a written report to the department setting forth the following information:

(1) A description of the licensed or registered source of radiation involved, including, for radioactive material, the kind, quantity, and chemical and physical form; and for radiation machines, the manufacturer, model and serial number, type and maximum energy of radiation emitted;

(2) A description of the circumstances under which the loss or theft occurred;

(3) A statement of disposition, or probable disposition, of the licensed or registered source of radiation involved;

(4) Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;

(5) Actions that have been, or will be, taken to recover the source of radiation;

(6) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed or registered sources of radiation.

c. Additional substantive information. Subsequent to filing the written report, the licensee or registrant shall also report additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of such information.

d. Names of individuals. The licensee or registrant shall prepare any report filed with the department pursuant to subrule 37.13(1) so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

37.13(2) *Reports; notification of incidents and reporting requirements for licensees.*

a. Immediate notification. Notwithstanding other requirements for notification, each licensee or registrant shall immediately report each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

(1) An individual to receive:

1. A total effective dose equivalent of 25 rem (0.25 Sv) or more;
2. A lens dose equivalent of 75 rem (0.75 Sv) or more;
3. A shallow dose equivalent to the skin or extremities of 250 rad (2.5 Gy) or more;

(2) The release of radioactive material inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the annual limit on intake. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(3) In addition to the requirements of paragraph 37.13(2)*"a,"* each licensee shall notify the department as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits (e.g., fires, explosions, toxic gas releases, and other such events).

b. Twenty-four-hour notification. Each licensee or registrant shall, within 24 hours of discovery of an event, report to the department each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

(1) An individual to receive, in a period of 24 hours:

1. A total effective dose equivalent exceeding 5 rem (0.05 Sv);
2. A lens dose equivalent exceeding 15 rem (0.15 Sv);
3. A shallow dose equivalent to the skin or extremities exceeding 50 rem (0.5 Sv);

(2) The release of radioactive material inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(3) In addition to the requirements of paragraphs 37.13(2)*"a,"* and *"b,"* each licensee shall notify the department within 24 hours after the discovery of any of the following events involving licensed material:

1. An unplanned contamination event that:

- Requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;
- Involves a quantity of material greater than five times the lowest annual limit on intake specified in 10 CFR Part 20, Appendix B, for the material;
- Has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination.

2. An event in which equipment is disabled or fails to function as designed when:

- The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;
- The equipment is required to be available and operable when it is disabled or fails to function;
- No redundant equipment is available and operable to perform the required safety function.

3. An event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body.

4. An unplanned fire or explosion damaging any licensed material or any device, container, or equipment containing licensed material when:

- The quantity of material involved is greater than five times the lowest annual limit on intake specified in 10 CFR Part 20, Appendix B, for the material;
- The damage affects the integrity of the licensed material or its container.

37.13(3) *Reports; notifications and reporting requirements of a reportable radiation incident.*

a. The licensee or registrant shall report any radiation incident involving the administration of ionizing radiation resulted from any of the following to the department, except when the event is the result of intervention by a patient or human research subject.

(1) Therapeutic radiation machines:

1. That involves the wrong patient, wrong treatment modality, or wrong treatment site.

2. For which the weekly administered dose differs from the weekly prescribed dose by more than 30 percent.

3. For which the total administered dose differs from the total prescribed dose by more than 20 percent of the total prescribed dose.

4. For which the dose differs by 50 percent or greater for any single fraction of a multi-fraction treatment.

5. Any equipment failure, personnel error, accident, mishap or other unusual occurrence that causes or is likely to cause significant physical harm to the patient.

(2) Diagnostic radiation machine:

1. Results in an unintended skin dose to the same area in a single procedure greater than 2 Gy (200 rads).

2. Results in an unintended dose greater than five times the facility's established protocol for a procedure and exceeds any of the following:

- 0.5 Gy (50 rads) to an organ.
- 0.05 Gy (5 rads) total effective dose.

3. Involves the wrong patient or wrong site for the entire diagnostic examination (procedure/service) and exceeds any of the following:

- 0.5 Gy (50 rads) to an organ.
- 0.05 Gy (5 rads) total effective dose for the procedure.

4. Any wrong patient or wrong site imaged, regardless of dose received, shall be reported, documented, and addressed internally in accordance with the facility's established procedures.

(3) CT event investigation and reporting:

1. The cumulative CTDIvol over the course of an individual study at a particular anatomical location exceeds 60 rem (600 mGy) for a pediatric CT procedure or 150 rem (1500 mGy) for an adult CT procedure.

2. Any ionizing radiation exposure from a CT procedure results in unanticipated hair loss, erythema, or functional damage to an organ or physiological system.

3. For each event, the registrant shall conduct a root cause analysis in consultation with a qualified expert, the interpreting physician, and the operator who performed the CT procedure. The registrant shall make appropriate modifications consistent with the corrective action plan to prevent future events.

4. Involves any equipment failure, personnel error, accident, mishap or other unusual occurrence with the administration of ionizing radiation that exceeds 0.05 Gy (5 rads) total effective dose.

b. This rule applies to radiation incidents occurring during medical diagnostic and interventional X-ray procedures, as well as any other radiation machine-related incident that meets established reporting criteria. This rule also encompasses any additional incident deemed reportable by the department based on potential or actual deviation from intended use, dose, or safety standards.

c. Any event resulting from intervention of a patient or human research subject in which the administration of radioactive material or radiation from radioactive material results, or will

likely result, in unintended permanent functional damage to an organ or a physiological system, as determined by a physician, shall be reported.

d. The licensee or registrant shall notify the department by telephone no later than the next calendar day after discovery of the reportable radiation incident or medical event or sooner if required under the provisions set forth in this chapter where a more stringent reporting time frame has been established.

e. The licensee or registrant shall notify both the referring physician and the individual who is the subject of the reportable radiation incident or medical event no later than 24 hours after its discovery of the event.

(1) If the referring physician personally notifies the licensee or registrant that they will inform the individual, or determines, based on medical judgment, that informing the individual would be harmful, the licensee or registrant is not required to notify the individual directly.

(2) The licensee or registrant shall consult with the referring physician prior to notifying the individual.

(3) If the referring physician or individual cannot be reached within 24 hours, the licensee shall notify the individual as soon as possible thereafter.

(4) Notification cannot delay any appropriate medical care for the individual, including necessary remedial treatment, resulting from the reportable radiation incident or medical event.

(5) If the individual is a minor or is unable to receive notification directly, notification may be made to a responsible relative or legal guardian.

(6) If notification is provided verbally, the licensee or registrant shall inform the individual, responsible relative, or legal guardian that a written description of the reportable radiation incident or medical event can be obtained from the licensee or registrant. The licensee or registrant shall provide such written description if requested.

37.13(4) *Report by telephone or electronic media.* Licensees or registrants shall make the notification of the incident report required by subrule 37.13(2) to the department by telephone or electronic media.

a. Licensees or registrants making initial reports to the department shall to the extent that the information is available at the time of notification include:

(1) The caller's name and call-back telephone number;

(2) A description of the event, including date and time;

(3) The exact location of the event;

(4) The isotopes, quantities, and chemical and physical form of the licensed material involved; and

(5) Any personnel radiation exposure data available.

b. Each licensee or registrant who makes a notification of incident report required by subrule 37.13(2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other rules may be submitted to fulfill this requirement if the reports contain all the necessary information. These written reports must be sent to the department at Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. The reports must include the following:

(1) The licensee or registrant name and license or registration number;

(2) Name of the prescribing physician, if applicable;

(3) A description of the event, including:

1. The probable cause;

2. The manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;

(4) The exact location of the event;

(5) Date and time of the event;

(6) The isotopes, quantities, and chemical and physical form of the licensed material involved;

(7) Corrective actions taken or planned to prevent recurrence and the results of any evaluations or assessments;

(8) The extent of exposure of individuals to radiation or to radioactive materials, without identification of individuals by name, and the effect, if any, on the individual(s) who received the administration or exposure;

(9) Certification that the licensee or registrant notified the individual or the individual's responsible relative or legal guardian and the referring physician in compliance with the requirements of this chapter and if not, the reason why not.

37.13(5) *Names of individuals in detachable portion.* The licensee or registrant shall prepare each written report to be submitted to the department pursuant to subrule 37.13(2) so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

37.13(6) *Rights or duties.* Aside from the notification requirement, nothing in this rule affects any rights or duties of licensees, registrants, and physicians in relation to each other; to individuals affected by the reportable radiation incident or medical event; or to that individual's responsible relatives or legal guardians.

37.13(7) *Doses from planned special exposures.* The provisions of subrule 37.13(2) do not apply to doses that result from planned special exposures provided such doses are within the limits for planned special exposures and are reported pursuant to subrule 37.13(8).

37.13(8) *Reports of planned special exposures.* The licensee or registrant shall submit a written report to the department within 30 days following any planned special exposure conducted in accordance with subrule 37.12(7) informing the department that a planned special exposure was conducted and indicating the date of the planned special exposure and the information required by subrule 37.12(7).

37.13(9) *Notifications and reports to individuals.*

a. Requirements for notification and reports to individuals of exposure to radiation or radioactive material are specified in subrule 37.14(3).

b. When a licensee or registrant is required pursuant to subrule 37.13(8) to report to the department any exposure of an identified occupationally exposed individual, or an identified member of the public, to radiation or radioactive material, the licensee or registrant shall also provide a copy of the report submitted to the department to the individual. Such notice shall be transmitted at a time not later than the transmittal to the department and shall comply with the provisions of subrule 37.14(3).

641—37.14(136C) Notices, instructions, and reports to workers.

37.14(1) *Posting of notices to workers.*

a. Each licensee or registrant shall post current copies of the following documents:

(1) This chapter;

(2) The license, certificate of registration, conditions, or documents incorporated into the license by reference and amendments thereto;

(3) The operating procedures applicable to activities under the license or registration;

(4) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to 641—Chapter 38 and any response from the licensee or registrant.

b. If posting of a document specified in subrule 37.14(1) is not practical, the licensee or registrant may post a notice that describes the document and states where it may be examined.

c. Department form "Notice to Employees" shall be posted by each licensee or registrant.

d. Department documents posted pursuant to subrule 37.14(1) shall be posted within two working days after receipt of the documents from the department; the licensee's or registrant's response, if any, shall be posted within two working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

e. Documents, notices, or forms posted pursuant to subrule 37.14(1) shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe

them on the way to or from any particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

37.14(2) *Instructions to workers.*

a. All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv):

(1) Shall be kept informed of the storage, transfer, or use of sources of radiation;

(2) Shall be instructed in the health protection problems associated with exposure to radiation or radioactive material to the individual and potential offspring, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;

(3) Shall be instructed in, and required to observe, to the extent within the worker's control, the applicable provisions of these rules and licenses for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;

(4) Shall be instructed of their responsibility to report promptly to the licensee or registrant any condition that may constitute, lead to, or cause a violation of Iowa Code chapter 136C, these rules, and licenses or unnecessary exposure to radiation or radioactive material;

(5) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material;

(6) Shall be advised as to the radiation exposure reports that workers shall be furnished pursuant to subrule 37.13(2).

NOTE: The instruction in subparagraphs 37.14(2)*"a"*(2) through *"a"*(6) shall be conducted at least annually.

(7) Shall be commensurate with potential radiological health protection problems present in the workplace.

b. In determining those individuals subject to the requirements of subrule 37.14(2), consideration must be given to assigning activities during normal and abnormal situations involving exposure to sources of radiation that can reasonably be expected to occur during the life of the facility. The extent of these instructions must be commensurate with potential radiological health protection problems present in the workplace.

37.14(3) *Notifications and reports to individuals.*

a. Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual shall be reported to the individual as specified in rule 641—37.14(136C). The information reported shall include data and results obtained pursuant to these rules, orders, or license conditions as shown in records maintained by the licensee or registrant pursuant to subrule 37.12(8). Each notification and report shall:

(1) Be in writing;

(2) Include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, and the individual's identification number, preferably social security number;

(3) Include the individual's exposure information;

(4) Contain the following statement: "This report is furnished to you under the provisions of IAC 641 37.14. You should preserve this report for further reference."

b. Each licensee or registrant shall make dose information available to workers as shown in records maintained by the licensee or registrant under the provisions of subrule 37.12(8). The licensee or registrant shall provide to each individual monitored under subrule 37.11(14) an annual report of the dose received in that monitoring year if any of the following apply:

(1) The individual's occupational dose exceeds 100 mrem (1 mSv) TEDE or 100 mrem (1 mSv) to any individual organ or tissue,

(2) The individual requests the individual's annual dose report.

c. Each licensee or registrant shall furnish a report of the worker's exposure to sources of radiation at the request of a worker formerly engaged in activities controlled by the licensee or registrant. The report shall:

(1) Include the dose record for each year the worker was required to be monitored pursuant to subrule 37.11(14);

(2) Be furnished within 30 days from the date of the request or within 30 days after the dose of the individual has been determined by the licensee or registrant, whichever is later;

(3) Cover the period of time that the worker's activities involved exposure to sources of radiation and include the dates and locations of work under the license or registration in which the worker participated during this period.

d. When a licensee or registrant is required to report to the department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a report on the individual's exposure data included in the report to the department. Such reports shall be transmitted at a time not later than the transmittal to the department.

e. At the request of a worker who is terminating employment with the licensee or registrant in work involving exposure to radiation or radioactive material, during the current year, each licensee or registrant shall provide at termination to each such worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose shall be provided together with a clear indication that this is an estimate.

641—37.15(136C) Inspections.

37.15(1) *Presence of representatives of licensees or registrants and workers during inspection.*

a. Each licensee or registrant shall afford to the department at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to these rules.

b. During an inspection, department inspectors may consult privately with workers as specified in subrule 37.15(2). The licensee or registrant may accompany department inspectors during other phases of an inspection.

c. If, at the time of inspection, an individual has been authorized by the workers to represent them during department inspections, the licensee or registrant shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

d. Each worker's representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in subrule 37.14(2).

e. Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one worker's representative at a time may accompany the inspectors.

f. With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany department inspectors during the inspection of physical working conditions.

g. Notwithstanding the other provisions of subrule 37.15(1), department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by a department of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

37.15(2) *Consultation with workers during inspections.*

a. Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of these rules

and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

b. During the course of an inspection, any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition that the worker has reason to believe may have contributed to or caused any violation of Iowa Code chapter 136C, these rules, or license condition or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of subrule 37.15(3).

c. The provisions of paragraph 37.15(2)*"b"* cannot be interpreted as authorization to disregard instructions pursuant to rule 641—37.14(136C).

37.15(3) *Requests by workers for inspections.*

a. Any worker or representative of workers believing that a violation of Iowa Code chapter 136C, these rules, or license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the department. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant no later than at the time of inspection, except that, upon the request of the worker giving such notice, such worker's name and the name of individuals referred to therein cannot appear in such copy or on any record published, released, or made available by the department, except for good cause shown.

b. If, upon receipt of such notice, the department determines that the complaint meets the requirements set forth in subrule 37.15(4), and that there are reasonable grounds to believe that the alleged violation exists or has occurred, an inspection shall be made as soon as practicable to determine if such alleged violation exists or has occurred. Informal reviews pursuant to subrule 37.15(4) need not be limited to matters referred to in the complaint.

c. No licensee, registrant, or contractor or subcontractor of a licensee or registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under these rules or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of such worker or others of any option afforded by this chapter.

37.15(4) *Inspections not warranted—informal review.*

a. If the department determines, with respect to a complaint under this rule, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the department will notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the attorney general's office. Such department will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the attorney general's office. Such department will provide the complainant with a copy of such statement by certified mail.

b. Upon the request of the complainant, the attorney general's office may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the attorney general's office shall affirm, modify, or reverse the determination of the department and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

c. If the department determines that an inspection is not warranted because the requirements of subrule 37.15(4) have not been met, the complainant will be notified in writing of such determination. Such determination will be without prejudice to the filing of a new complaint meeting the requirements of subrule 37.15(4).

37.15(5) *Employee protection.*

a. Discrimination by a licensee or registrant, an applicant for a license or registration, or a contractor or subcontractor of a licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in 641 Chapters—38 through 44 and in general are related to the administration or enforcement of requirements imposed under 641—Chapters 38 through 44.

(1) The protected activities include but are not limited to:

1. Providing the department or the individual's employer information about alleged violations of either of the statutes named in this rule or possible violations of requirements imposed under either of those statutes;

2. Refusing to engage in any practice made unlawful under either of the statutes named in this rule or under these requirements if the employee has identified the alleged illegality to the employer;

3. Requesting that the department institute action against the individual's employer for the administration or enforcement of these requirements;

4. Testifying in any department proceeding, or before Congress, or at any federal or state proceeding regarding any provision (or proposed provision) of federal statutes or these rules;

5. Assisting or participating in, or about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee's assistance or participation.

(3) This rule has no application to any employee alleging discrimination prohibited by this rule who, acting without direction from the individual's employer (or the employer's agent), deliberately causes a violation of any requirement of 641—Chapters 38 through 44.

b. Any employee who believes that the employee has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph 37.15(5)*"a"* may seek a remedy for the discharge or discrimination through an administrative proceeding in the U.S. Department of Labor. The administration proceeding must be initiated within 180 days after an alleged violation occurs. The employee may file for the administrative proceeding by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

c. A violation of subrule 37.15(5) by a licensee or registrant, an applicant for a license or registration, or a contractor or subcontractor of a licensee or applicant may be grounds for:

(1) Denial, revocation, or suspension of the license or registration;

(2) Imposition of a civil penalty on the licensee, registrant, or applicant;

(3) Other enforcement action.

d. Actions taken by an employer or others that adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render the employee immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

e. No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to 641—Chapters 37 through 44, may contain any provision that would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in subrule 37.15(5), including but not limited to providing information to the department or to the individual's employer on potential violations or other matters within the department's regulatory responsibilities.

These rules are intended to implement Iowa Code chapter 136C.

Appendix A
ANNUAL LIMITS ON INTAKE (ALI) AND DERIVED AIR CONCENTRATIONS (DAC) OF RADIONUCLIDES FOR OCCUPATIONAL EXPOSURE; EFFLUENT CONCENTRATIONS; CONCENTRATIONS FOR RELEASE TO SANITARY SEWERAGE

The provisions of 10 CFR Part 20, Appendix B are hereby adopted by reference, as incorporated in 641—Chapter 39. Compliance with these federal standards shall be deemed in compliance with the corresponding state requirements.

Appendix B
QUANTITIES OF LICENSED OR REGISTERED MATERIAL REQUIRING LABELING

The provisions of 10 CFR Part 20, Appendix C are hereby adopted by reference, as incorporated in 641—Chapter 39. Compliance with these federal standards shall be deemed in compliance with the corresponding state requirements.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 38
"Permits to Operate Ionizing Radiation Producing Machines or Administer Radioactive Materials for Medical Imaging"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 136C.3, 136C.4, 136C.5, 136C.10, and 136C.14

State or federal law(s) implemented by the rulemaking: Iowa Code sections 136C.3, 136C.4, 136C.5, 136C.10, and 136C.14 and 10 CFR 20

Public Hearing

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

November 4, 2025 10 a.m.	Microsoft Teams Meeting ID: 256 572 060 444 0 Passcode: SG2Vc96j

Public Comment

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

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

Purpose and Summary

This proposed chapter is one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed chapter and the seven others underwent a fulsome review as a 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 reflect current policies and procedures. This proposed chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the Department. Unless otherwise exempted, the provisions of this proposed chapter apply to and provide regulatory guidance to all persons who receive, possess, use, transfer, own, or acquire any source of radiation.

Analysis of Impact

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

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

Organizations and individuals applying for licenses or permits under this proposed chapter may incur application fees as outlined in the chapter, although no new fee categories were added.

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

Persons or organizations who operate radiation machines or handle radioactive materials will benefit from the streamlined rules within this proposed chapter.

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

- **Quantitative description of impact:**

Not applicable.

- **Qualitative description of impact:**

Not applicable.

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 enforcement of this proposed chapter.

- **Anticipated effect on State revenues:**

This 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:**

The regulation of radiation machines is required by Iowa Code chapter 136.

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 have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 38 and adopt the following **new** chapter in lieu thereof:

CHAPTER 38
PERMITS TO OPERATE IONIZING RADIATION PRODUCING MACHINES OR ADMINISTER RADIOACTIVE MATERIALS FOR MEDICAL IMAGING

641—38.1(136C) Definitions.

"ARRT" means the American Registry of Radiologic Technologists.

"Attenuation correction" means the use of X-rays from a CT scan to construct an attenuation map of density differences throughout the body that can then be used to correct for the absorption of the photons emitted from Fludeoxyglucose (^{18}F) decay during a PET/CT scan.

"Authorized user" means an Iowa-licensed physician identified on a specific radioactive materials license or a license of broad scope pursuant to 641—Chapter 39.

"Category" defines specific duties allowed in the limited radiologic technologist permit classification.

"Classification" means a specific class of permit that allows the permit holder to perform the duties specified for that permit class.

"Continuing education activity" means a learning activity that is recognized as continuing education by the ARRT or NMTCB.

"Diagnostic computed tomography" means the use of computed tomography to create cross-sectional images of the human body to be used for diagnosis.

"Expiration date" means 11:59 p.m. on the stated date.

"Formal education" means a course of classroom and clinical instruction that meets the training standards set by the department.

"NMTCB" means Nuclear Medicine Technology Certification Board.

"Nuclear medicine diagnostic computed tomography endorsement" means a qualification that allows a nuclear medicine technologist to perform diagnostic computed tomography of the human body as ordered by an individual authorized by Iowa law to order radiography.

"Nuclear medicine procedure" means any procedure utilizing radiopharmaceuticals for diagnosis or treatment of disease in human beings and any duties performed by the technologist during sealed source procedures and includes but is not limited to:

1. Administration of any radiopharmaceutical to human beings for diagnostic purposes.
2. Administration of radioactive material to human beings for therapeutic purposes.
3. Use of radioactive material for diagnostic purposes involving transmission or excitation.
4. Quality control and quality assurance.

"Nuclear medicine technologist" means an individual who performs nuclear medicine procedures while under the supervision of an authorized user. The classifications are as follows:

1. "General nuclear medicine technologist" performs any nuclear medicine procedures and may perform computed tomography for attenuation correction during PET/CT or SPECT/CT only.

2. "Limited nuclear medicine technologist" performs nuclear medicine procedures only as approved by the department at the time the initial permit was issued.

"Permit" means the document issued to an individual by the department when the individual has met the requirements of this chapter. This document authorizes the individual to perform the duties allowed for the classification of permit issued.

"Radiation therapist" means an individual who performs radiation therapy under the supervision of a radiation oncologist licensed in Iowa.

"Radiation therapy" means the science and art of performing simulation radiography or applying ionizing radiation emitted from X-ray machines, particle accelerators, or radioactive materials in the form of sealed sources to human beings for therapeutic purposes.

"Radiography" means a technique for generating and recording an X-ray pattern for the purpose of providing the user with an image(s) during or after termination of the exposure.

"Radiologic technologist" means an individual, excluding X-ray equipment operators, who performs radiography of the human body as ordered by an individual authorized by Iowa law to order radiography. The classifications are as follows:

1. "General radiologic technologist" performs radiography and computed tomography of any part of the human body.

2. "Limited radiologic technologist" performs radiography for the chest, spine, extremities, shoulder or pediatrics, excluding computed tomography and fluoroscopy.

3. "Limited in-hospital radiologic technologist" performs radiography of any part of the human body as approved by the department at the time the initial permit was issued.

"Radiologist assistant" means an advanced-level radiologic technologist who has completed the necessary requirements in order to perform procedures as outlined in ARRT guidance while under supervision of a radiologist.

"Student" means an individual enrolled in and participating in formal education.

"Therapeutic" means a medical treatment using radiation for therapy purposes.

"X-ray equipment operator" means an individual performing radiography of the human body using dedicated equipment as ordered by an individual authorized by Iowa law to order radiography. These individuals do not qualify for a permit in any other classification. The classifications are as follows:

1. "Podiatric X-ray equipment operator" performs radiography of only the foot and ankle using dedicated podiatric equipment. Studies using computed tomography, fluoroscopy, or nondedicated equipment are prohibited.

2. "Bone densitometry equipment operator" performs bone densitometry using only dual energy X-ray absorptiometry equipment. Studies using computed tomography, fluoroscopy, or nondedicated equipment are prohibited.

641—38.2(136C) Exemptions.

38.2(1) The following are exempt from obtaining a permit for the operation of radiation machines only as required by this chapter in accordance with Iowa Code chapter 136C.

a. A licensed physician.

b. A licensed physician assistant.

c. A licensed chiropractor.

d. A licensed dentist.

e. A licensed dental hygienist.

f. A licensed podiatrist.

g. An individual certified by the dental board in dental radiography.

h. A student as a part of the student's formal education.

38.2(2) The department may, upon application or upon its own initiative, grant such exemptions from the requirements of this chapter as it determines are authorized by law and will not result in undue hazard to public health and safety. Application for exemptions should be made in accordance with 441—Chapter 6.

641—38.3(136C) Permit application and renewal. An individual cannot operate ionizing radiation producing machines or administer radioactive materials for diagnostic or therapeutic purposes unless the individual possesses a current Iowa permit in the individual's classification of practice.

641—38.4(136C) Permit to practice—general radiologic technologist, nuclear medicine technologist, radiation therapist.

38.4(1) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

b. Submit the appropriate completed application.

c. Submit a nonrefundable $100 application fee.

d. Submit proof of a passing score on the ARRT general radiography examination, the NMTCB nuclear medicine examination, or the ARRT radiation therapist examination.

38.4(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

b. Report 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

38.4(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of applying for an initial license.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.5(136C) Permit to practice as a general nuclear medicine technologist. An individual applying for a nuclear medicine diagnostic computed tomography endorsement shall:

38.5(1) Maintain an active permit to practice as a general nuclear medicine technologist. Endorsements shall not be held without an active permit.

38.5(2) Submit proof of a passing score on the ARRT or NMTCB computed tomography examination.

641—38.6(136C) Permit to practice as a radiologist assistant.

38.6(1) An individual applying for an initial permit shall:

a. Submit the appropriate completed application.

b. Submit a nonrefundable $100 application fee.

c. Submit proof of completion of formal education for a radiologist assistant.

d. Submit proof of one year of experience as a general radiologic technologist.

e. Submit proof of a passing score on the ARRT radiologist assistant examination or another examination that is recognized by the department.

38.6(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

b. Report 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit. Radiologist assistant permit holders must obtain at least one-half of the required continuing education in subject areas specific to radiography. The remainder may be earned as physician credit hours.

38.6(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of applying for an initial permit.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 50.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.7(136C) Permit to practice as a limited radiologic technologist with categories of chest, spine, extremities, shoulder, pediatric. An individual with a limited radiologic technologist permit can perform radiography only within the scope of the category(ies) in which the permit is issued. Limited radiologic technologists may use portable/mobile radiography equipment. The facility must maintain proof of the completion of training on specific portable/mobile equipment as part of the facility's radiation protection program.

38.7(1) The scope of each category is defined as follows:

a. "Chest" allows the permit holder to perform radiography of the lung fields, including the cardiac shadow, as taught in the limited radiography formal education standards. Chest radiograph techniques cannot be manipulated for the evaluation of the shoulder, clavicle, scapula, ribs, thoracic

spine and sternum. Limited radiologic technologists who have completed the appropriate formal education after January 1, 2009, may perform lateral decubitus chest views.

b. "Extremities" allows the permit holder to perform radiography for body parts from:

(1) The distal phalanges of the foot to the head of the femur, including its articulation with the pelvic girdle. True hip radiographs are prohibited.

(2) The distal phalanges of the hand to the head of the humerus. These projections may include the acromioclavicular or glenoid-humeral areas. The radiograph shall not include any of the views in the shoulder category unless the individual holds a limited radiologic technologist permit that includes the shoulder category.

c. "Spine" allows the permit holder to perform radiography of the spine in the approved areas only. Approved areas and limitations are described as:

(1) Cervical vertebrae.

(2) Thoracic (dorsal) vertebrae.

(3) Lumbar vertebrae to include the articulations with the sacrum and coccyx and the sacral articulation with the pelvic girdle. True pelvis radiographs or other projections performed with the image receptor positioned perpendicular to the long axis of the torso are prohibited under this category.

(4) All projections shall be performed as taught in the limited radiologic technologist formal education standards.

d. "Shoulder" allows the permit holder to perform radiography of the shoulder in the approved projections only. Approved projections and limitations are described as:

(1) AP internal and external rotation.

(2) AP neutral.

(3) Transthoracic lateral views.

(4) Scapular "Y" lateral.

(5) The image cannot include the proximal end of the clavicle on any AP projection. All other shoulder views are prohibited. The permit holder must hold a limited radiologic technologist permit with a category of either chest or extremity in order to be granted the shoulder category.

e. "Pediatric" allows the permit holder to perform radiography of either chest or extremities or both as defined in this chapter for patients aged 36 months and under. The permit holder must hold a limited radiologic technologist permit with the minimum categories of chest or extremities or both in order to qualify for pediatric radiography. This designation allows permit holders to perform pediatric radiography within the permit classifications listed on their permit only. All other projections on pediatric patients by limited radiologic technologists are prohibited.

38.7(2) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

b. Submit the appropriate completed application.

c. Submit a nonrefundable $100 application fee.

d. Submit proof of completion of formal education in all limited diagnostic radiography categories for which the individual is applying. In order to apply for the shoulder category, the individual needs to also apply for the chest or extremity category. In order to apply for the pediatric category, the individual must also apply for the chest or extremity category. Each individual making application to attend a formal education course provided by the department to fulfill these requirements must submit an application and nonrefundable fee of $200 to the department each time the individual attends a course.

e. Submit proof of completion of testing as applicable for each permit category for which the individual is applying on the limited radiologic technologist permit. No examination is required for the categories of shoulder or pediatric.

(1) The following are passing scores:

1. A score of at least 70 percent on the ARRT limited scope of practice in radiography examination core section and at least 70 percent on each category;

2. A score of at least 70 percent on the American Chiropractic Registry of Radiologic Technologists limited radiography examination; or

3. A score of at least 70 percent on a department-approved examination.

(2) Three failed attempts on the examination will require the individual to repeat the formal education or complete a department-approved review program.

(3) Each individual making application to take an examination as a limited radiologic technologist in must submit an application to the department each time the individual takes the examination. The individual must also submit the examination fee directly to the ARRT each time the individual takes the examination.

f. Submit proof of completion of formal education and examination in the category to be added and a nonrefundable $40 amendment fee to add chest, extremity, or spine category to an existing limited radiologic technologist permit. A score of at least 70 percent on each category is required.

g. Submit proof of completion of formal education and a nonrefundable $40 amendment fee to add shoulder or pediatric category to an existing limited radiologic technologist permit. No examination is required.

38.7(3) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

b. Report 12.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

38.7(4) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all the requirements of obtaining an initial permit.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 12.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.8(136C) Permit to practice as an X-ray equipment operator in podiatric radiography or bone densitometry (dual energy X-ray absorptiometry or DEXA). After January 1, 2015, all individuals performing only bone densitometry or other examinations using DEXA machines must hold a bone densitometry permit.

38.8(1) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

b. Submit the completed application.

c. Submit a nonrefundable $40 application fee.

d. Submit proof of completion of formal education that meets the department minimum training standards. Each individual applying to attend an X-ray equipment operator formal education course provided by the department must submit an application and nonrefundable fee of $150 to the department each time the individual attends the course.

e. Submit proof of at least a 70 percent score on a department-approved examination.

(1) Three failed attempts on the examination will cause the individual to repeat the formal education or complete a department-approved review program.

(2) Each individual applying to take an examination as an X-ray equipment operator must submit an application and nonrefundable fee of $100 to the department each time the individual takes the examination.

38.8(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $40 renewal fee.

b. Report four hours of continuing education obtained within the biennium indicated on the individual's permit.

38.8(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $75 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of applying for an initial permit.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, four hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.9(136C) Closed classification or category permits.

38.9(1) The following classifications or categories are closed to new applicants. Permits in the following classifications or categories that are expired for more than six months are not eligible to be reinstated, and individuals shall maintain current permits as outlined below:

a. Limited nuclear medicine technologist shall:

(1) Perform nuclear medicine procedures for which the individual is qualified and has been authorized by the department.

(2) Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

(3) Report 12.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

b. Limited radiologic technologist paranasal sinus shall:

(1) Perform diagnostic radiography procedures, excluding CT and fluoroscopy, specific to paranasal sinus.

(2) Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

(3) Report six hours of continuing education obtained within the biennium indicated on the individual's permit.

38.9(2) An individual renewing a permit expired less than six months shall submit the following:

a. Application to reinstate and nonrefundable $150 application fee.

b. Any continuing education hours due at time of renewal.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.10(136C) Combining permits for an individual qualifying for permits in more than one classification.

38.10(1) An individual applying for an initial permit in more than one classification at the same time shall combine classifications on one permit by:

a. Indicating each classification on the appropriate completed application;

b. Submitting the required documentation for each classification as outlined in each classification section; and

c. Submitting a nonrefundable $150 application fee.

38.10(2) Permit holders can add a classification to an existing permit by:

a. Completing the appropriate application;

b. Submitting the required documentation as outlined in the rule specific to the classification to be added; and

c. Submitting a nonrefundable $40 fee.

38.10(3) An individual renewing a combined classification permit must submit the appropriately completed renewal application and submit a nonrefundable $110 renewal fee.

38.10(4) An individual shall submit a total of 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit. If the permit includes the radiologist assistant classification, then the individual must submit a total of 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

38.10(5) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and a nonrefundable $150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of submitting an initial application.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted. If the permit includes the radiologist assistant classification, then the individual must submit a total of 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.11(136C) Submission of proof of completion of continuing education by permit holder to meet continuing education requirements to renew or reinstate a permit.

38.11(1) A permit holder who has a current ARRT or NMTCB registration that has been renewed within 60 days prior to the submission of the permit renewal application required by these rules shall be credited the number of hours recognized by the ARRT or NMTCB registration or must submit proof of completion of continuing education activities recognized by ARRT or NMTCB.

a. Acceptable proof of completion is documentation signed and dated by the continuing education provider that includes the participant's name, title of the activity, approval number for the activity, dates of attendance, number of contact hours for the activity, name of the approving organization, and signature of the sponsor or instructor or authorized representative of the sponsor or instructor.

b. Continuing education activities cannot be repeated for credit in the same biennium but may be repeated across different biennia.

38.11(2) Podiatric X-ray equipment operator permit holders may submit activities as described in this chapter or may submit activities sponsored by the American Podiatric Medical Association or the Iowa Podiatric Medical Society.

a. Acceptable proof of completion must be documentation signed and dated by the continuing education provider that includes the participant's name, title of the activity, approval number for the activity, dates of attendance, and number of contact hours for the activity; the name of the approving organization; and the signature of the sponsor or instructor or authorized representative of the sponsor or instructor.

b. Continuing education activities that are lecture presentations cannot be repeated for credit in the same biennium.

c. All continuing education activities that are not lecture presentations cannot be repeated for credit in the same or any subsequent biennium.

641—38.12(136C) Requirements for formal education. Formal education has to meet the following minimum requirements:

38.12(1) General radiologic technology formal education must be recognized by the ARRT to allow students to qualify for the general radiography examination.

38.12(2) Nuclear medicine technology formal education must be recognized by the ARRT or NMTCB to allow students to qualify for the nuclear medicine technology examination.

38.12(3) Radiation therapy formal education must be recognized by the ARRT to allow students to qualify for the radiation therapy examination.

38.12(4) Radiologist assistant formal education must provide training to allow students to qualify for a department-approved radiologist assistant examination.

38.12(5) Limited radiologic technologist formal education must meet the minimum standards specified in this chapter.

38.12(6) X-ray equipment operator formal education must meet the minimum standards as outlined in this chapter.

641—38.13(136C) Standards for formal education for limited radiologic technologists.

38.13(1) The formal education may be a single offering that meets all standards of all categories, or it may be offered individually specific to the category the provider wishes to offer.

38.13(2) The following are the minimum standards:

a. A principal instructor shall:

(1) Be an Iowa-licensed chiropractor teaching spine and extremities categories only;

(2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography; or

(3) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

b. A clinical instructor shall:

(1) Be an Iowa-licensed chiropractor teaching spine and extremities categories only;

(2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography;

(3) Be an Iowa-permitted limited radiologic technologist in the category of instruction and have at least two years of current experience in radiography; or

(4) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor may also act as clinical instructor, if applicable.

e. Classroom and clinical standards are listed below:

Category	Classroom Hours	Clinical Practice Projections	Clinical Competency Projections
Core: completed by all trainees	60		
Chest	20	30 PA or LAT	5 PA, 5 LAT
Upper extremity	20	30 (any projections)	10 (only 2 of any projection allowed)
Lower extremity	20	30 (any projections)	10 (only 2 of any projection allowed)
Shoulder	20	20 (any projections)	6 (only 2 of any projection allowed)
Spine	20	30 (any projections)	10 (only 2 of any projection allowed)
Pediatric: add on to chest	8 of initial pediatrics	20 (any projections)	2 PA, 2 LAT
Pediatric: add on to upper extremity	8 of initial pediatrics	20 (any projections)	10 (only 2 of any projection allowed)
Pediatric: add on to lower extremity	8 of initial pediatrics	20 (any projections)	10 (only 2 of any projection allowed)

(1) All competency testing for limited radiography shall be directly supervised by the principal or clinical instructor, can only begin after the classroom hours in a category have been completed, and cannot begin until after the clinical site has been approved by the department using the Initial Clinical Site Form.

(2) Clinical instructors shall directly supervise all students before a student's competency for a specific projection is documented and indirectly supervise after the student's competency for a specific projection is documented.

(3) Current permit holders completing formal education to add a category do not need to repeat the core curriculum.

38.13(3) Department approval is required before implementing any formal education or making any changes to a formal education offering.

38.13(4) Administrative items for all formal education. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

641—38.14(136C) Standards for formal education for X-ray equipment operators in podiatric radiography.

38.14(1) The following are the minimum standards:

a. A principal instructor shall:

(1) Be an Iowa-licensed podiatrist;

(2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography; or

(3) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

b. A clinical instructor shall:

(1) Be an Iowa-licensed podiatrist; or

(2) Be an Iowa-permitted limited radiologic technologist in the category of extremities and have at least two years of current experience in radiography;

(3) Be an Iowa-permitted X-ray equipment operator in podiatry and have at least two years of current experience in radiography;

(4) Be an Iowa-permitted general radiologic technologist and have at last two years of current experience in radiography; or

(5) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor may also act as clinical instructor, if applicable.

e. The following are classroom and clinical standards:

(1) A minimum of eight hours of classroom instruction to include radiation safety, equipment operation, patient care, and anatomy.

(2) Clinical instruction to include positioning and a minimum of 20 projections excluding the competency projections.

(3) Clinical competency projections to include ten projections with only two of any single projection allowed to count toward the competency projections.

(4) All competency testing to be directly supervised by the principal or clinical instructor.

(5) Clinical instructors to directly supervise all students before a student's competency for the specific projection is documented and indirectly supervise after the student's competency for the specific projection is documented.

38.14(2) Department approval is required before implementing any formal education or making any changes to a formal education offering.

38.14(3) Administrative items for all formal education:

a. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

b. The department may at any time request further documentation.

641—38.15(136C) Standards for formal education for X-ray equipment operators in bone densitometry.

38.15(1) The following are the minimum standards:

a. A principal instructor shall have at least two years of current experience in radiography and bone densitometry and:

(1) Be an Iowa-permitted general radiologic technologist; or

(2) Hold a current ARRT registration if the clinical site is located outside of Iowa.

b. A clinical instructor shall have at least two years of current experience in radiography and bone densitometry and shall:

(1) Be an Iowa-permitted limited radiologic technologist;

(2) Be an Iowa-permitted X-ray equipment operator in bone densitometry;

(3) Be an Iowa-permitted general radiologic technologist; or

(4) Hold a current ARRT registration if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor shall also act as clinical instructor, if applicable.

e. The following are classroom and clinical standards:

(1) A minimum of eight hours of classroom instruction to include radiation safety, equipment operation, quality control, patient care, and anatomy.

(2) Clinical instruction to include positioning and a minimum of ten projections excluding the competency projections.

(3) Clinical competency projections to include five projections.

(4) All competency testing to be directly supervised by the principal or clinical instructor.

(5) Clinical instructors to directly supervise all students before a student's competency for the specific projection is documented and indirectly supervise after the student's competency for the specific projection is documented.

38.15(2) Department approval is required before implementing any formal education or making any changes to a formal education offering.

38.15(3) Administrative items for all formal education:

a. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

b. The department may at any time request further documentation.

38.15(4) Application to reinstate and nonrefundable $150 application fee.

a. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 38.5(1).

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 50.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.16(136C) Administrative items and grounds for disciplinary action.

38.16(1) A nonrefundable $25 fee will be assessed for each check returned for any reason. All fees for returned checks plus original fees must be paid by certified bank check or money order.

38.16(2) A permit is valid from the date of issuance until the expiration date unless otherwise revoked or suspended.

38.16(3) The department may at any time request further documentation to ensure compliance with these rules.

38.16(4) The permit holder shall make the permit available at the individual's place of employment. If the permit holder works at more than one facility, a duplicate of the permit shall be kept at each facility.

38.16(5) The permit holder must maintain proof of continuing education for at least three years.

38.16(6) Continuing education obtained to satisfy disciplinary or enforcement action or as part of a corrective action plan cannot be reported to meet continuing education requirements.

38.16(7) All permit holders are subject to a department audit at any time.

641—38.17(136C) Rules of conduct, self-reporting requirements, and enforcement actions for all permit holders or applicants.

38.17(1) *Rules of conduct.* These are mandatory standards of minimally acceptable professional conduct intended to promote the protection, safety, and comfort of patients. Any individual who fails to meet or allows any other individual to fail to meet the following standards may be subject to enforcement actions as outlined in this chapter. The following are grounds for disciplinary action:

a. Failing to perform with reasonable skill and safety all procedures accepted under this chapter's educational guidelines and allowed under the individual's permit.

b. Operating as a permitted individual without meeting the applicable requirements of this chapter. This includes performing procedures not allowed under the individual's current permit.

c. Failing to report immediately to the department any individual who may be operating as a permit holder and who does not meet the requirements of this chapter.

d. Engaging in any practice that results in unnecessary danger to a patient's life, health, or safety. This includes delegating or accepting the delegation of any function when the delegation or acceptance could cause unnecessary danger.

e. Engaging in any action that the department determines may jeopardize the health and safety of the public, other staff, or the permit holder. These actions can include but are not limited to:

(1) A misdemeanor or felony that may impair or limit the individual's ability to perform the duties authorized by the individual's permit.

(2) Any disciplinary action brought against the individual in connection with a certificate or license issued from a certifying or licensing entity.

(3) Being found guilty of incompetence or negligence during the individual's performance as a permit holder.

f. Failing to conform to applicable state and federal statutes and rules. This includes any action that might place a facility in noncompliance with Iowa statutes and rules.

g. Practicing when there is an actual or potential inability to perform with reasonable skill and safety due to illness; due to use of alcohol, drugs, chemicals, or any other material; or as the result of any mental or physical condition.

h. Engaging in any unethical conduct or conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient.

i. Revealing privileged communication from or relating to former or current patients, except as permitted by law.

j. Improperly managing patient records, including failing to maintain adequate records; failing to furnish records; or making, causing, or allowing anyone to make a false, deceptive, or misleading entry into a patient record.

k. Providing false or misleading information that is directly related to the care of a former or current patient.

l. Interpreting or rendering a diagnosis for a physician based on a diagnostic image or prescribing medications or therapies.

m. Failing to immediately report to a supervisor information concerning an error made in connection with imaging, treating, or caring for a patient. This includes any departure from the normal standard of care and any behavior that is negligent.

n. Employing fraud or deceit to obtain, attempt to obtain or renew a permit under this chapter or in connection with a certification or license issued from a certifying or licensing entity. This includes altering documents, failing to provide complete and accurate responses or information, indicating falsely in writing that a permit is valid when that is not the case, or any form of examination subversion.

o. Failing to provide truthful, accurate, unaltered, or nondeceptive information related to continuing education activities to the department or a recordkeeper.

p. Assisting others to provide false, inaccurate, altered, or deceptive information related to continuing education to this department or a recordkeeper. This includes sharing answers, providing

or using false certificates of participation, or verifying continuing education hours that have not been earned.

q. Failing to pay all fees or costs to meet the requirements of this chapter. Penalties for working without a current permit will be considered on a case-by-case basis.

r. Failing to respond to an audit request or failing to provide proper documentation.

s. Submitting false information to a facility that might place the facility in noncompliance with any federal or state statutes or laws.

t. Engaging in any conduct that subverts or attempts to subvert a department investigation.

u. Failing to comply with a subpoena issued by the department or failure to cooperate with an investigation by the department.

v. Failing to comply with the terms of a department order or the terms of a settlement agreement or consent order.

w. Sexual harassment of a patient, student, or supervisee. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal and physical conduct of a sexual nature.

x. Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.

y. Having a permit, license, or certification related to the classification of the permit issued to the individual suspended or revoked or having other disciplinary action taken by a licensing or certifying authority of this state or another state, territory, or country. A copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

z. Failing to respond within 30 days of receipt of communication from the department.

38.17(2) *Self-reporting.* Each permit holder shall:

a. Submit a report to the department within five days of the final disposition of all criminal proceedings, convictions, or military court-martials involving alcohol or illegal drug use while operating as a permit holder; sex-related infractions; or patient-related infractions in any state, territory, or country.

b. Submit a written report to the department within five days of the initial charge and within five days of the final disposition of any disciplinary action brought against the individual in connection with a certificate or license issued from a certifying or licensing entity, or any disciplinary action brought against the individual by an employer or patient.

c. Report potential ethics violations (including state licensing issues and criminal charges and convictions) within 30 days of the occurrence or during the permit holder's annual renewal process, whichever comes first.

38.17(3) *Enforcement actions.* Enforcement actions may include but are not limited to denial, probation, suspension or revocation of a permit, directed corrective action, and civil penalty.

641—38.18(136C) Procedures for demand for information, notice of proposed action, and orders for penalties, suspensions, revocations, and civil penalties for all individuals under this chapter. These actions may be imposed on any permit holder who violates any rule in this chapter.

38.18(1) *Demand for information.*

a. The department may issue a demand for information for the purpose of determining whether any further action will be taken. The demand will state the alleged violations and allow the individual 20 days from the date of the letter to file a written answer with the department.

b. The individual must file a written answer to the department. The answer shall specifically admit or deny each allegation or charge made in the demand for information and provide fact and law on which the answer relies; set forth reasons why the demand should not have been issued; and if the requested information is not provided, the reasons why it is not provided.

c. Upon review of the answer, the department may institute the next level of proceeding or consider the matter closed. If no answer is filed, the department will institute the notice of proposed action.

38.18(2) *Procedures for enforcement actions.*

a. Notice of proposed action.

(1) In response to an alleged violation of any provision of the Iowa Code, these rules, or any order issued by the department, the department may issue a written notice of proposed action. The notice of proposed action will concisely state the alleged violation(s), the action the department is proposing, the time period in which a written response must be received, and the process for requesting a hearing.

(2) A written response has to state any facts, explanations, or arguments denying the violations or demonstrate any extenuating circumstances, error in the notice, or other reason why the proposed action should not be imposed. Responses may also request remission or mitigation of any penalty.

(3) If a request for a hearing is received within the allotted time period, the proposed action is to be suspended pending the outcome of the hearing. Prior to or at the hearing, the department may rescind the notice of proposed action upon satisfaction that the reason for the proposed action has been resolved.

(4) If no answer is filed, the department will institute the order.

b. Order. An order may be issued upon response to the notice of proposed action or if no answer to the notice has been filed. The order may institute a proceeding to impose a penalty or suspend, revoke, or place on probation the individual's permit or issue a civil penalty. An order will concisely state the violation(s), the action the department has imposed, the effective date of the order, the time period for written response to be received by the department, and the process for requesting a hearing. If there has been consent in writing to the notice of proposed action, no written response to the order is necessary.

(1) If a request for a hearing is received within the allotted time period, the proposed action of the order is suspended pending the outcome of the hearing. Prior to or at the hearing, the department may rescind the order upon satisfaction that the reason for the proposed action has been resolved.

(2) If no answer is filed, the department will institute the order. A consent to the order constitutes a waiver to a hearing, findings of fact and conclusions of law, and of all right to seek department and judicial review or to contest the validity of the order in any form as to those matters that have been consented to or agreed to or on which a hearing has not been requested. An order that has been consented to has the same force and effect as an order made after hearing by a presiding officer or the department and is effective as provided in the order. Failure to comply with an order either consented to or validated by a hearing officer will result in further enforcement action.

c. Civil penalty. Before instituting any proceeding to impose a civil penalty, the department will serve written notice of violation upon the individual charged. This notice will be included in the notice of proposed action or order issued. The notice of proposed action or order specifies the amount of each proposed penalty for each alleged violation. The notice or order will state that the amount charged may be paid as specified or protested in its entirety or in part. Upon final action of a civil penalty, payment must be made within the specified time stated in the order or the department may refer the matter to the attorney general for collection.

d. Settlement and compromise. At any time after the issuance of a notice or order designating the time and place of hearing in response to an order, the department and the regulated individual may enter into a stipulation for a settlement or compromise of the notice or order. The stipulation of compromise shall be subject to approval by the designated presiding officer or, if none has been designated, by the chief administrative law judge. The presiding officer or chief administrative law judge may order such adjudication of the issued notice or order as deemed to be in the public interest to dispose of the proceeding. If approved, the terms of the settlement or compromise shall be embodied in a decision or order settling and discontinuing the proceeding.

These rules are intended to implement Iowa Code sections 136C.3, 136C.4, 136C.5, 136C.10, and 136C.14.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 39
"Registration and Safety Requirements for Radioactive Materials"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 136C
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 136C

Public Hearing

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

November 4, 2025 10 a.m.	Microsoft Teams Meeting ID: 256 572 060 444 0 Passcode: SG2Vc96j

Public Comment

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

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

Purpose and Summary

This proposed chapter is one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed chapter and the seven others underwent a fulsome review as a 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. This chapter sets forth regulations regarding radiation producing machines, radioactive materials, and the transportation of radioactive materials.

Analysis of Impact

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

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

There are not any expected costs for this rulemaking.

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

Professionals and organizations who work with or around radiation producing sources will benefit from clear and coherent 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:**

Not applicable.

- **Qualitative description of impact:**

Professionals and organizations who work with or around radiation producing sources will benefit from clear and coherent rules.

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 enforcement of this proposed chapter.

- **Anticipated effect on State revenues:**

This 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:**

The regulation of radioactive materials and radiation producing machines is required by Iowa Code chapter 136C.

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 641—Chapter 39 and adopt the following **new** chapter in lieu thereof:

CHAPTER 39
REGISTRATION AND SAFETY REQUIREMENTS FOR RADIOACTIVE MATERIALS

641—39.1(136C) General provisions. This rule establishes the requirements for licensee or registrants regarding the possession, use, storage, and transfer of radioactive materials in Iowa as an agreement state. The provisions of this chapter are in addition to, and not in substitution for, any other applicable portions of 641—Chapters 37, 38, 40, and 42.

641—39.2(136C) Definitions. The definitions contained in 10 CFR 19, 20, 30, 32, 33, 34, 35, 36, 37, 39, 40, 70, 71, as amended to August 1, 2025, and adopted by reference, apply to the provisions of this chapter. The definitions provided in 641—Chapters 37, 38, 40, and 42 may also apply. Additionally, the definitions set forth below are specific to this chapter.

"Agreement state" means any state with which the U.S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under Subsection 274b of the Atomic Energy Act of 1954 as amended to August 1, 2025 (73 Stat. 689). The state of Iowa is an agreement state as of January 1, 1986.

"ANSI" means the American National Standards Institute.

"Cabinet X-ray system" means an X-ray system with the X-ray tube installed in an enclosure independent of existing architectural structures, except the floor upon which it may be placed. The cabinet X- ray system is intended to:

1. Contain at least that portion of a material being irradiated;
2. Provide radiation attenuation; and
3. Exclude personnel from its interior during generation of radiation. Included are all X-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals and in similar facilities. An X-ray tube used within a shielded part of a building, or X-ray equipment that may temporarily or occasionally incorporate portable shielding, is not considered a cabinet X-ray system.

"Certifiable cabinet X-ray system" means an existing uncertified X-ray system that has been modified to meet certification requirements specified in 21 CFR 1020.40.

"Certified cabinet X-ray system" means an X-ray system that has been certified in accordance with 21 CFR 1010.2 as being manufactured and assembled pursuant to the provisions of 21 CFR 1020.40.

"Certifying entity" means an independent certifying organization meeting the requirements of Appendix A in 10 CFR Part 34 or an agreement state meeting the requirements in Appendix A, Parts II and III, of 10 CFR Part 34.

"Collimator" means a small radiation shield of lead or other heavy metal that is placed on the end of a guide tube or directly onto a radiographic exposure device to restrict the size of the radiation beam when the sealed source is cranked into position to make a radiographic exposure.

"Commission" or *"NRC"* means the Nuclear Regulatory Commission or its duly authorized representatives.

"Diagnostic clinical procedures manual" means a collection of written procedures that describes each method (and other instructions and precautions) by which the licensee performs diagnostic clinical procedures; describes where each diagnostic clinical procedure has been approved by the authorized user; and includes the radiopharmaceutical, dosage, and route of administration.

"Enclosed radiography" means industrial radiography conducted in an enclosed cabinet or room and includes cabinet radiography and shielded-room radiography.

"Field station" means a facility where registered radiation machines may be stored or used and from which equipment is dispatched.

"GED" means general educational development.

"Iowa HHS" means the Iowa department of health and human services. For purposes of this chapter, this definition applies unless otherwise specified. For any CFR provisions incorporated by reference in this chapter that use the term "department," the definition provided in 10 CFR 50.2 applies.

"Major processor" means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material, or exceeding four times Type B quantities as sealed sources, but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs.

"Minimal threat" means that during the operations of electronic devices capable of generating or emitting fields of radiation:

1. No deliberate exposure of an individual occurs;
2. The radiation is not emitted in an open beam configuration; and
3. No known physical injury to an individual has occurred.

"Permanent radiographic installation" means an enclosed shielded room, cell, or vault, not located at a temporary job site, in which radiography is performed.

"Radiation safety officer" means an individual named by the registrant who has a knowledge of, responsibility for, and authority to enforce appropriate radiation protection rules, standards, and practices on behalf of the licensee or registrant and who meets the requirements of 641—subparagraph 39.10(2)*"g"*(5).

"Radiographer" means any individual who has successfully completed the training, testing, and documentation requirements of subparagraph 39.10(2)*"g"*(2), who performs or personally supervises industrial radiographic operations, and who is responsible to the registrant for ensuring compliance with the requirement of these rules and all license and certificate of registration conditions.

"Radiographer certification" means written approval received from a certifying entity stating that an individual has satisfactorily met certain established radiation safety, testing, and experience criteria.

"Radiographer's assistant" means any individual who has successfully completed the training, testing, and documentation requirements of 641—subparagraph 39.10(2)*"g"*(1) and who uses sources of radiation and related handling tools or radiation survey instruments under the direct supervision of a radiographer trainer.

"Radiographer trainer" or *"instructor"* means any individual who instructs and supervises radiographer's assistants during on-the-job training and who meets the requirements of subparagraph 39.10(2)*"g"*(3).

"Radiographic personnel" means any radiographer or radiographer's assistant.

"RAM" means radioactive materials.

"Residential location" means any area where structures in which people lodge or live are located, and the grounds on which such structures are located, including but not limited to houses, apartments, condominiums, and garages.

"Shielded-room radiography" means industrial radiography conducted in a room shielded so that radiation levels at every location on the exterior meet the limitations specified in 641—subrule 37.11(11).

"Temporary job site" means any location where radiographic operations are conducted and may be stored other than the location(s) listed in a certificate of registration.

641—39.3(136C) General regulatory requirements for incorporating CFR by reference.

39.3(1) Congress authorized the NRC in Section 274b of the Atomic Energy Act to enter into agreements that allow states to assume, and the NRC to discontinue, regulatory authority over byproduct, source, and small quantities of special nuclear material. The state can then regulate byproduct, source, and small quantities of special nuclear materials that are covered in the agreement, using its own legislation, regulations, or other legally binding provisions.

39.3(2) The Commission will enter into an agreement if the Commission finds the state program adequate to protect public health and safety and compatible with the NRC's regulatory program. The NRC ensures that an agreement state program remains adequate and compatible through periodic review and assessment under the Integrated Materials Performance Evaluation Program (IMPEP) as amended to August 1, 2025. The state of Iowa is an agreement state as of January 1, 1986.

39.3(3) As an agreement state, the requirements of 10 CFR Parts 19, 20, 30, 32, 33, 34, 35, 36, 37, 39, 40, 70, and 71 as amended to August 1, 2025, are hereby adopted by reference, as specified in the corresponding subrules of this chapter, unless specifically exempted. Where Iowa HHS forms are required, as specified in this chapter, such forms shall be submitted to Iowa HHS. A copy of 10 CFR is available at no charge from the NRC website.

39.3(4) All Iowa RAM facilities and personnel shall comply with the applicable provisions of this chapter; the related portions of 641—Chapters 37, 38, 40 and 42; and the referenced 10 CFR

parts. All CFR references in this chapter are as amended to August 1, 2025. Where differences exist, compliance with the most stringent applicable standard, whether CFR regulations or Iowa Administrative Code, shall apply.

641—39.4(136C) Notices, instructions and reports to workers: inspection and investigations.

39.4(1) In addition to the rules of this chapter, RAM facilities as defined in rule 641—37.2(136C) shall comply with the requirements of 10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspection and Investigations," except where specific exemptions apply.

39.4(2) The provisions of 10 CFR Part 19 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 19.1, 19.2(a)(2) through (4), 19.2(b), 19.4, 19.5, 19.8, 19.11(b)(e), 19.14(a), 19.17, 19.18, 19.20, 19.30, 19.32, and 19.40.

b. Where the word "NRC" appears in 10 CFR 19.3, 19.11(f), and 19.14, substitute the words "Iowa HHS."

c. Where the word "Commission" appears in 10 CFR 19.3 (definition of "worker"), 19.11(g), 19.12, 19.13, 19.14, 19.15, and 19.16, substitute the words "Iowa HHS."

d. Where the words "Nuclear Regulatory Commission" appear in 10 CFR 19.13(a), substitute the words "Iowa HHS."

e. Where the words "Administrator of the appropriate Commission Regional Office" appear in 10 CFR 19.16(a), substitute the words "Iowa HHS."

f. Where the words "Regional Office Administrator" appear in 10 CFR 19.16(a) and (b), substitute the words "Iowa HHS."

g. Where the sentence "Regulated activities means any activity carried on that is under the jurisdiction of the NRC under the Atomic Energy Act of 1954, as amended, or any title of the Energy Reorganization Act of 1972, as amended" appears in 10 CFR 19.3, substitute the sentence "Regulated activities means any activity carried on which is under the jurisdiction of the Iowa HHS under Iowa Code chapter 136C."

h. Where the sentence "Regulated entities means any individual, person, organization, or corporation that is subject to the regulatory jurisdiction of the NRC, including (but not limited to) an applicant for or holder of a standard design approval under subpart E of part 52 of this chapter or a standard design certification under subpart B of part 52 of this chapter" appears in 10 CFR 19.3, substitute the sentence "Regulated entities means any individual, person, organization, or corporation that is subject to the regulatory jurisdiction of Iowa HHS under Iowa Code chapter 136C."

i. In 10 CFR 19.11(a), the phrase "(except for a holder of an early site permit under subpart A of part 52 of this chapter, or a holder of a manufacturing license under subpart F of part 52 of this chapter)" is deleted and does not apply.

j. Where the sentence "Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to subpart B of part 2 of this chapter, and any response from the licensee" appears in 10 CFR Part 19.11(a)(4), substitute the sentence "Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued by Iowa HHS, and any response from the licensee."

k. Where the words "the Act" appear in 10 CFR 19.16, substitute the words "Iowa Code chapter 136C."

l. Where the sentence "All persons who receive, possess, use, or transfer material licensed by the NRC under the regulations in parts 30 through 36, 39, 40, 60, 61, 63, 70, or 72 of this chapter, including persons licensed to operate a production or utilization facility under parts 50 or 52 of this chapter, persons licensed to possess power reactor spent fuel in an independent spent fuel storage installation (ISFSI) under part 72 of this chapter, and in accordance with 10 CFR 76.60 to persons required to obtain a certificate of compliance or an approved compliance plan under part 76 of this chapter" appears in 10 CFR Part 19.2(a)(1), substitute the sentence "All persons who receive, possess,

use, or transfer material licensed by Iowa HHS under the regulations in parts 30 through 36, 39, 40, or 70 of this chapter."

m. The Iowa form "Notice to Employees and Notice to Employees – Spanish" shall be posted in place of NRC Form 3 as specified in 10 CFR Part 19.

641—39.5(136C) Standards for protection against radiation. In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 20, "Standards for Protections Against Radiation," unless specific exemptions apply.

39.5(1) The provisions of 10 CFR Part 20 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR Part 20.1006, 20.1007, 20.1008, 20.1009, 20.1401(b), 20.1406(b), 20.1905(g), 20.2004(b)(1), 20.2201(a)(2)(i) and (b)(2)(i), 20.2202(d)(1), 20.2203(d), 20.2401, 20.2402, and Appendix D to Part 20.

b. Where the word "Commission" appears in 10 CFR 20.1002, 20.1003, 20.1204(c)(2), 20.1301(f), 20.1302(c), 20.1403(d) and (d)(1), 20.1404(a) and (a)(4), 20.1405, 20.1601(c), 20.1704, 20.1705, 20.1901(a), 20.2002, 20.2004(a)(3), 20.2102(b), 20.2103(b), 20.2104(f), 20.2105(b), 20.2106(f), 20.2107(b), 20.2108(b), 20.2201(e), 20.2202(c), 20.2204, 20.2205, 20.2301, 20.2302, and Appendix A to Part 20 (footnote c), substitute the words "Iowa HHS."

c. Where the words "under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended" appear in 10 CFR Part 20.1001(a), substitute the words "under Iowa Code chapter 136C."

d. Where the words "Nuclear Regulatory Commission" appear in 10 CFR 20.1001(a), substitute the words "Iowa HHS."

e. Where the words "NRC Headquarters Operations Center by telephone at the numbers specified in appendix A to part 73 of this chapter" appear in 10 CFR 20.1906(d), substitute the words "Iowa HHS."

f. Where the words "Administrator of the appropriate NRC Regional Office listed in appendix D to part 20" appear in 10 CFR 20.2204, substitute the words "Iowa HHS."

g. Where the sentences "The criteria in this subpart apply to the decommissioning of facilities licensed under parts 30, 40, 50, 52, 60, 61, 63, 70, and 72 of this chapter, and release of part of a facility or site for unrestricted use in accordance with § 50.83 of this chapter, as well as other facilities subject to the Commission's jurisdiction under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended. For high-level and low-level waste disposal facilities (10 CFR parts 60, 61, and 63), the criteria apply only to ancillary surface facilities that support radioactive waste disposal activities. The criteria do not apply to uranium and thorium recovery facilities already subject to appendix A to 10 CFR part 40 or the uranium solution extraction facilities" appear in 10 CFR Part 20.1401(a), substitute with the sentences "The criteria in this subpart apply to the decommissioning of facilities licensed under parts 30, 40, 61, and 70 of this chapter, as well as other facilities subject to Iowa HHS's jurisdiction under Iowa Code chapter 136C. For high-level and low-level waste disposal facilities (10 CFR parts 61), the criteria apply only to ancillary surface facilities that support radioactive waste disposal activities. The criteria do not apply to uranium and thorium recovery facilities already subject to appendix A to 10 CFR part 40 or the uranium solution extraction facilities."

h. The following are excluded from adoption by reference of 10 CFR Part 20:

(1) 10 CFR 20.1401(c): the phrase "or after part of a facility or site has been released for unrestricted use in accordance with § 50.83 of this chapter and in accordance with the criteria in this subpart";

(2) 10 CFR 20.1403(d) and 20.1404(a)(4): references to "50.82(a) and (b)" and "72.54";

(3) 10 CFR 20.1501(b): references to "50.75(g)" and "72.30(d)";

(4) 10 CFR 20.2106(d): the phrase "These records are protected by most State privacy laws and, when transferred to the NRC, are protected by the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, and the Commission's regulations in 10 CFR part 9."

i. Reports required in 10 CFR 20.2201, 20.2202, 20.2203, 20.2204, 20.2205, and 20.2207 shall be submitted to Iowa HHS.

39.5(2) The following conditions apply to 10 CFR Part 20, Appendix G:

a. Where the words "Commission or Agreement State license" appear in 10 CFR Part 20 Appendix G Section I, substitute the words "Iowa HHS, U.S. Nuclear Regulatory Commission, or Agreement State license."

b. Where the word "Commission" appears in 10 CFR Part 20, Appendix G, Section II and Section III.D.2, substitute the words "Iowa HHS."

c. Where the words "Administrator of the nearest Commission Regional Office listed in appendix D of this part" appear in 10 CFR Part 20 Appendix G, Section III.B.8, Section III.C.11, and Section III.D.3, substitute the words "Iowa HHS."

d. Where the words "nearest Commission Regional Office listed in appendix D of this part" appear in 10 CFR Part 20 Appendix G Section III.E.2, substitute the words "Iowa HHS."

e. Where the words "appropriate NRC Regional Office" appear in 10 CFR Part 20 Appendix G Section III.E.2, substitute the words "Iowa HHS."

f. Where the sentence "Licensees are not required by NRC to comply with the manifesting requirements of this part when they ship" appears in 10 CFR Part 20 Appendix G Section I, substitute the sentence "Licensees are not required by Iowa HHS to comply with the manifesting requirements of this part when they ship."

641—39.6(136C) Rules of general applicability to licensing of byproduct material. In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," unless specific exemptions apply.

39.6(1) *Adoption by reference—conditions.* The provisions of 10 CFR Part 30 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 30.3(b), (c), (d), 30.4 (definition of commencement of construction – paragraph 2), 30.4 (definition of "construction" – paragraph 9ii), 30.8, 30.11(c), 30.19, 30.21(c), 30.32(f), 30.33(a)(5), 30.34(d), (e)(1), (e)(3), (k), 30.41(b)(6), 30.55, 30.63, 30.64.

b. Where the word "NRC" appears in 10 CFR 30.10(a)(2), 30.35(a)(2),(b)(2),(h), 30.36(d)(4), (e)(2),(f), 30.50(a),(b), Appendix A, Appendix C, Appendix D, and Appendix E, substitute the words "Iowa HHS."

c. Where the word "Commission" appears in 10 CFR 30.5, 30.7(a), 30.7(a)(1)(i) and (iii) through (iv); 30.7(c) and (e)(2); 30.9; 30.10(a)(1); 30.10(c)(1); 30.31; 30.32; 30.34(a), (b)(1), (c), (e), and (f); 30.35(f)(2)(i) through (iii) and (g); 30.36(a) through (c), (f), (g)(1), (g)(2), (g)(5), and (k); 30.39 (where the word is the title); 30.41(b)(5), (7), and (c); 30.51(b) and (c)(1) through (2); 30.52(a) through (b); 30.53; 30.61(b); 30.62; and Appendices A, C, D, and E, substitute the words "Iowa HHS."

d. Where the words "General Counsel" appear in 10 CFR 30.5, substitute the words "Iowa HHS."

e. Where the words "NRC Regional Office specified in § 30.6" appear in 10 CFR 30.34(f), 30.51(d) through (f), substitute the words "Iowa HHS."

f. Where the words "NRC Regional Administrator" appear in 10 CFR 30.34(h)(1), substitute the words "Iowa HHS."

g. Where the words "appropriate NRC Regional Office" appear in 10 CFR 30.51(d) and (f), substitute the words "Iowa HHS."

h. For the purpose of this chapter, where 10 CFR Part 30.32 requires "NRC Form 313," licensees shall use "Iowa HHS Form 313."

i. For the purpose of this chapter, where 10 CFR Part 30.36(j)(1) requires "NRC Form 314," licensees shall use "Iowa HHS Form 314."

j. The Iowa HHS form "Notice to Employees and Notice to Employees – Spanish" shall be posted in place of NRC Form 3 as specified in 10 CFR 30.7(e).

k. In 10 CFR 30.3(a), the phrase "as provided in paragraphs (b)(2), (b)(3), (c)(2), and (c)(3) of this section" is deleted and does not apply.

l. In 10 CFR 30.7(e)(3), the phrase "writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in appendix D to part 20 of this chapter, via email to *Forms.Resource@nrc.gov*, or by" is deleted and does not apply.

m. Where the words "Administrator of the appropriate Regional Office" appears in 10 CFR 30.9(b), substitute the words "Iowa HHS."

n. Where the sentence "Upon a determination that an application meets the requirements of the Act, and the regulations of the Commission, the Commission will issue a specific license authorizing the possession and use of byproduct material" appears in 10 CFR 30.33(b), substitute the sentence "Upon a determination that an application meets the requirements of Iowa Code 136C and the regulations of Iowa HHS, Iowa HHS will issue a specific license authorizing the possession and use of byproduct material."

o. Where the words "NRC operations center" appear in 10 CFR 30.32(i)(3)(viii), substitute the words "Iowa HHS."

p. Where the words "NRC Headquarters Operations Center at the numbers specified in appendix A to part 73 of this chapter" appear in 10 CFR 30.50(c)(1) and the words "NRC using an appropriate method listed in § 30.6(a)" appear in 10 CFR 30.50(c)(2), substitute the words "Iowa HHS."

q. In 10 CFR 30.50(c)(2), the phrase "and a copy must be sent to the appropriate NRC Regional office listed in appendix D to part 20 of this chapter" is deleted and does not apply.

r. Where the words "Commission under § 32.210 of this chapter, with an Agreement State" appear in 10 CFR 30.32(g), substitute in the words "Iowa HHS, the U.S. Nuclear Regulatory Commission under § 10 CFR 32.210 of this chapter, or with an Agreement State."

s. Where the words "Director, Office of Nuclear Material Safety and Safeguards" appear in 10 CFR 30.35(h)(3), substitute the word "Iowa HHS."

t. In 10 CFR 30.36(d), the phrase "consistent with the administrative directions" is deleted and does not apply.

u. Where the words "Atomic Energy Commission, the Commission, or an Agreement State" appear in 10 CFR 30.41(b)(5), substitute the words "Iowa HHS, the U.S. Nuclear Regulatory Commission, or with an Agreement State."

v. Where the words "Commission or an Agreement State" and "Commission or with an Agreement State" appear in 10 CFR 30.41(c), substitute the words "Iowa HHS, the U.S. Nuclear Regulatory Commission, or an Agreement State."

w. Where the words "Commission or the licensing department of an Agreement State" appears in 10 CFR 30.41(d)(4) and (d)(5), substitute the words "Iowa HHS, the U.S. Nuclear Regulatory Commission, or the licensing department of an Agreement State,"

x. Where the words "section 81 of the Act" appear in 10 CFR 30.13, 30.14, 30.15, 30.18, 30.19, 30.20, 30.21, and 30.22, substitute the words "Iowa Code chapter 136C."

y. Where the word "Act" appears in 10 CFR 30.32(d), 30.33(a)(1), 30.34(a), 30.34(b)(1), 30.34(e)(4), and 30.41(b)(2) and (b)(3), substitute the words "Iowa Code chapter 136C."

z. Where the words "section 183b.- d., inclusive, of the Act" appear in 10 CFR 30.34(d), substitute the words "Iowa Code chapter 136C."

aa. Where 10 CFR Part 30 references fees listed in 10 CFR parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

39.6(2) *Reciprocity—out-of-state radiation machines.*

a. Whenever any radiation machine is to be brought into the state for temporary use, the person proposing to bring such machine into the state shall:

(1) Use Iowa HHS Form 241;

(2) Submit the form to Iowa HHS at least three working days before such machine is to be used; and

(3) Submit the appropriate fee as specified in 641—subrule 37.9(4).

b. The form shall contain complete and accurate information and shall include all of the following:

(1) The type of radiation machine;

(2) The nature, duration, and scope of use;

(3) The exact location(s) where the radiation machine is to be used; and

(4) States in which the machine is registered.

c. If, for a specific case, the three-working-day period would impose an undue hardship on the person, upon application to the department, approval to proceed sooner may be granted.

d. Persons seeking to bring an out of state radiation machine into the state shall:

(1) Comply with all applicable rules of the department;

(2) Supply the department with information as the department may reasonably request; and

(3) Not operate within the state on a temporary basis in excess of 180 calendar days in a 365-day period. The 365-day period starts on the day the department receives the appropriate fee, as specified in 641—subrule 37.9(4), and ends at the conclusion of those 365 days. It is the registrant's responsibility to ensure the 180-day limit is not exceeded and to ensure that the reciprocal recognition is renewed 30 days prior to the expiration of the 365-day reciprocity period.

39.6(3) *Reciprocal recognition of licenses.*

a. Licenses of byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass.

(1) Subject to the provisions set forth in this chapter, any person who holds a specific license from the Commission or an agreement state, and having jurisdiction in where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is granted a general license to conduct the activities authorized in the licensing document issued by the department having jurisdiction within Iowa.

1. This general license shall be for a period not in excess of 180 days in a 365-day period. The one-year period starts on the day the licensee's reciprocity fee, as specified in 641—subrule 37.9(4) is received by the department and ends exactly 365 days later.

2. Licensees are responsible for ensuring they do not exceed the 180-day limit within the 365-day period and must apply for renewal 30 days prior to the expiration date of the 365-day reciprocal recognition period.

3. Out-of-state persons wishing to operate in the state in excess of 180 calendar days must obtain a full Iowa radioactive materials license.

(2) The licensing document issued by the department having jurisdiction, as referenced in subparagraph 39.6(3)*"a"*(1), cannot limit the activity authorized by the document to specified installations or locations.

(3) The out-of-state licensee shall notify the department in writing at least three working days prior to engaging in activities in the state.

1. The initial notification shall include all of the following:

A. The location of use;

B. The period of time for use;

C. The type of proposed possession and use within the state; and

D. A copy of the pertinent licensing document.

2. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the department, obtain permission to proceed with use sooner.

3. The department may waive the requirement for filing additional written notifications during the remainder of the 365-day reciprocity period following the receipt of the initial notification from a person wishing to engage in activities under the general license granted by subparagraph 39.6(3)*"a"*(1).

(4) The out-of-state licensee shall comply with all applicable rules of the department and with all the terms and conditions of the licensing document, with the exception of any terms and conditions that may be inconsistent with the applicable rules of this chapter.

(5) The out-of-state licensee shall supply other information upon the request of the department.

(6) The out-of-state licensee cannot transfer or dispose of radioactive material possessed or used under the general license granted by subrule 39.6(3), except by transfer to a person specifically licensed by the department, another agreement state, or the Commission to receive such material.

(7) Notwithstanding the provisions of this chapter, any person who holds a specific license issued by the Commission or an agreement state authorizing the holder to manufacture, transfer, install, or service a device described in 641—subrule 37.8(3) within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate, or service such a device in this state provided that all of the following requirements are met:

1. Such person shall file a report with the department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

2. The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the Commission or an agreement state;

3. Such person shall ensure that any labels required to be affixed to the device, under regulations of the authority that licensed manufacture of the device, bear a statement that "Removal of this label is prohibited";

4. The holder of the specific license shall furnish a copy of the general license contained in rule 641—37.8(136C), or in equivalent regulations of the department having jurisdiction over the manufacture and distribution of the device, to each general licensee to whom the holder transfers such device to or on whose premises the holder installs such device.

(8) The department may withdraw, limit, or qualify its acceptance of any specific license, equivalent licensing document issued by the Commission or an agreement state, or any product distributed pursuant to such licensing document upon determining that such action is necessary in order to prevent undue hazard to public health and safety or to property.

(9) Enforcement and revocation of industrial radiographer ID cards.

1. Any industrial radiographer who violates these rules shall be subject to formal enforcement action. The department may require the radiographer to appear at a formal hearing to show cause why the ID card should not be suspended or revoked.

2. When the department issues an order directing an industrial radiographer to cease and desist from the use of radioactive material, or suspending or revoking an ID card, the radiographer shall immediately surrender the ID card to the department. The ID card shall not be reissued until the order has been modified or rescinded or the period of suspension has expired.

3. An inspector of the department is authorized, with prior approval of the department, to confiscate an industrial radiographer's ID card during an inspection or investigation if the inspector determines that the radiographer's activities constitute a severity level of I, II, or III, as specified in rule 641—37.10(136C). Upon confiscation, the department shall transmit the ID card(s) to the issuing entity and notify the U.S. Nuclear Regulatory Commission and all applicable agreement states.

b. Licenses of naturally occurring or accelerator-produced radioactive material.

(1) Any person who holds a specific license from the Commission or an agreement state, and issued by the department for directing the licensed activity and at which radiation safety records are

normally maintained, is granted a general license to conduct the activities authorized in the licensing document issued by the department having jurisdiction within Iowa.

1. This general license shall be for a period not in excess of 180 days in a 365-day period. The one-year period starts on the day the licensee's reciprocity fee, as specified in 641—subrule 37.9(4), is received by the department and ends exactly 365 days later.

2. Licensees are responsible for ensuring they do not exceed the 180-day limit within the 365-day period and must apply for renewal 30 days prior to the expiration date of the 365-day reciprocal recognition period.

3. Out-of-state persons wishing to operate in the state in excess of 180 calendar days must obtain an Iowa radioactive materials license, which requires that the person have a permanent office in Iowa where records pertaining to licensed activities are maintained and where material can be stored. This office must have at least one full time employee and a telephone.

(2) The licensing document issued by the department having jurisdiction, as referenced in subparagraph 39.6(3)*"a"*(1), cannot limit the activity authorized by the document to specified installations or locations.

(3) The out-of-state licensee shall notify the department in writing at least three days prior to engaging in activities in the state.

1. The notification shall include all of the following:

A. The location of use;

B. The period of time for use;

C. The type of proposed possession and use within the state;

D. A copy of the pertinent licensing document;

2. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the department, obtain permission to proceed with use sooner.

3. The department may waive the requirement for filing additional written notifications during the remainder of the 365-day reciprocity period following the receipt of the initial notification from a person wishing to engage in activities under the general license granted by subparagraph 39.6(3)*"b"*(1).

(4) The out-of-state licensee shall comply with all applicable rules of the department and with all the terms and conditions of the licensing document, with the exception of any terms and conditions that may be inconsistent with the applicable rules of this chapter.

(5) The out-of-state licensee shall supply other information upon the request of at the department.

(6) The out-of-state licensee cannot transfer or dispose of radioactive material possessed or used under the general license granted by paragraph 39.6(3)*"b,"* except by transfer to a person who meets either of the following criteria:

1. The person is specifically licensed by the department, another agreement state, or the Commission to receive such material; or

2. The person is exempt from the requirements for a license for such material under Appendix E of this chapter.

(7) Notwithstanding the provisions of this chapter, any person who holds a specific license issued by the Commission or an agreement state authorizing the holder to manufacture, transfer, install, or service a device described in 10 CFR 31.5 within areas subject to the jurisdiction of the licensing body is granted a general license to install, transfer, demonstrate, or service such a device in this state provided that all of the following requirements are met:

1. Such person shall file a report with the department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

2. The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or an agreement state;

3. Such person shall ensure that any labels required to be affixed to the device, under regulations of the authority that licensed manufacture of the device, bear a statement that "Removal of this label is prohibited";

4. The holder of the specific license shall furnish a copy of the general license contained in subparagraph 39.6(3)*"b"*(1), or in equivalent regulations of the department having jurisdiction over the manufacture and distribution of the device, to each general licensee to whom the holder transfers such device or on whose premises the holder installs such device.

(8) The department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by the Commission or an agreement state, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or to property.

(9) The department may revoke or suspend an out-of-state radiographer's ID card issued by the Commission, a licensing state, or another agreement state in accordance with the provisions of 10 CFR 30.61.

641—39.7(136C) General domestic licenses for byproduct material.

39.7(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 31, "General Domestic Licenses for Byproduct Material," unless specific exemptions apply.

39.7(2) The provisions of 10 CFR Part 31 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 31.4, 31.22, and 31.23.

b. Where the word "NRC" appears in 10 CFR 31.5(c)(8)(iii), (c)(13)(ii), and (c)(13)(iv) and in 31.12(a)(5), (c)(1), (c)(2), (c)(4), and (c)(5), substitute the words "Iowa HHS."

c. Where the words "Nuclear Regulatory Commission" appear in 10 CFR 31.5(c)(11), substitute the words "Iowa HHS."

d. Where the word "Commission" appears in 10 CFR 31.5(c)(5)(first and third mention), (c)(13)(ii)(both mentions), (c)(13)(iii), and (c)(13)(iv); 10 CFR 31.8(c)(2) (second mention), 31.11(b)(1), and (d)(2)(second mention); and 10 CFR 31.21, substitute the words "Iowa HHS."

e. Where the words "Office of Nuclear Material Safety and Safeguards" appear in 10 CFR 31.5(c)(5), 31.5(c)(14), and 31.12(c)(1), substitute the words "Iowa HHS at 321 E. 12th Street Des Moines, IA 50319."

f. For the purpose of this chapter, where 10 CFR Part 31.11(b)(1) requires "NRC Form 483," licensees shall use "Iowa HHS Form 483."

641—39.8(136C) Specific domestic licenses to manufacture or transfer certain items containing byproduct material.

39.8(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 32, "Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material," unless specific exemptions apply.

39.8(2) The provisions of 10 CFR Part 32 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 32.1(c)(1), 32.2, 32.8, 32.11, 32.12, 32.13, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, 32.21a, 32.22, 32.23, 32.25, 32.26, 32.27, 32.28, 32.29, 32.30, 32.31, 32.32, 32.74(c), 32.211, 32.301, and 32.303.

b. Where the word "NRC" appears in 10 CFR 32.51a(a)(5) and (b)(1) and 32.210(a) and (d)(all mentions), substitute the words "Iowa HHS."

c. Where the words "Agreement State" appear in 10 CFR 32.51(c), 32.51a(b), 32.51a(b)(1), 32.55(d), 32.56(b), 32.59, and 32.62(e), substitute the words "U.S. NRC or an Agreement State."

d. Where the words "to the NRC and to any appropriate Agreement State" appear in 10 CFR 32.51(c), 32.51a(b), 32.51a(b)(1), 32.55(d), 32.56(b), 32.59, and 32.62(e), substitute the words "to Iowa HHS, the NRC and to any appropriate Agreement State."

e. Where the words "U.S. NRC or an Agreement State" appear in 10 CFR 32.54(b)(2)(iv), substitute the words "HHS, NRC, or an Agreement State."

f. Where the words "Director, Office of Nuclear Material Safety and Safeguards, ATTN: GLTS, by an appropriate method listed in § 30.6(a) of this chapter" appear in 10 CFR 32.52(a) and 32.56(a), substitute the words "Iowa HHS."

g. Where the words "NRC's Office of Nuclear Material Safety and Safeguards, ATTN: SSDR by an appropriate method listed in § 30.6(a) of this chapter" appear in 10 CFR 32.210(b), substitute the words "Iowa HHS."

h. Where the words "US Nuclear Regulatory Commission" appear in 10 CFR 32.74(a)(3), substitute the words "Iowa HHS."

i. Where the words "Commission or an Agreement State" appear in 10 CFR 32.72(b)(5)(i) and (b)(5)(ii), substitute the words "Iowa HHS, Commission, or an Agreement State."

j. Where the word "Commission" appears in 10 CFR 32.3, 32.6(c)(1) and (e), 32.51(a)(3) and (b), 32.51a(c), 32.53(b)(6) and (d), 32.54(a) and (b) and (b)(2)(v), 32.57(b)(7) and (d), 32.61(b)(8) and (e), 32.72(b)(5), 32.74(b)(2), 32.210(e) and (h)(all mentions), substitute the words "Iowa HHS."

k. For the purpose of this chapter, where 10 CFR 32.11 requires "NRC Form 313," licensees shall use "Iowa HHS Form 313."

l. For the purpose of this chapter, where 10 CFR 32.52(a) requires "NRC Form 653," licensees shall use "Iowa HHS Form 653."

m. Where 10 CFR Part 30 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

641—39.9(136C) Specific domestic licenses of broad scope for byproduct material.

39.9(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 33, "Specific Domestic Licenses of Broad Scope for Byproduct Material," unless specific exemptions apply.

39.9(2) The provisions of 10 CFR Part 33 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 33.8, 33.21, and 33.23.

b. Where the word "Commission" appears in 10 CFR 33.16 and 33.17(a)(3), substitute the words "Iowa HHS."

c. For the purpose of this chapter, where 10 CFR 33.8 and 33.12 require "NRC Form 313," licensees shall use "Iowa HHS Form 313."

d. Where 10 CFR Part 30 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

641—39.10(136C) Licenses for industrial radiography and radiation safety requirements for industrial radiographic operations. In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 34, "Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations," unless specific exemptions apply.

39.10(1) *Adoption by reference—conditions.* The provisions of 10 CFR Part 34 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 34.5, 34.8, 34.11, 34.41(b), 34.41(c), and 34.121.

b. Where the word "NRC" appears in 10 CFR 34.42(c)(1), 34.42(d), 34.43(b)(1)(both mentions) and (c)(1)(both mentions), and 34.89(b)(2), substitute the words "Iowa HHS."

c. Where the words "NRC or an Agreement State" appear in 10 CFR 34.27(a), substitute the words "Iowa HHS, NRC, or an Agreement State."

d. Where the words "Director, Office of Nuclear Material Safety and Safeguards by appropriate methods listed in 30.6(a) of this chapter" appear in 10 CFR 34.27(d) and 34.43(a)(1), substitute the words "Iowa HHS."

e. In 10 CFR 34.27(d), the sentence "A copy of the report must be sent to the Administrator of the appropriate Nuclear Regulatory Commission's Regional Office listed in appendix D of 10 CFR part 20 of this chapter "Standards for Protection Against Radiation"" is deleted and does not apply.

f. Where the word "Commission" appears in 10 CFR 34.3, 34.20(a)(2), 34.27(d), 34.41(b), 34.42(b), 34.43(a)(2) and (e) and (e)(3), 34.61(both mentions), 34.81, 34.83(c) and (d), 34.111, and Appendix A, substitute the words "Iowa HHS."

g. Where the words "Commission or an Agreement State" appear in 10 CFR 34.27(b) and (c)(both mentions) and (e) and 34.41(c), substitute the words "Iowa HHS, NRC, or an Agreement State."

h. Where the words "NRC's office of Nuclear Material Safety and Safeguards" and "NRC regional office" appear in 10 CFR 34.101, substitute the words "Iowa Health and Human Services – Bureau of Radiological Health, 321 E 12th Street, Des Moines, Iowa 50319."

i. Where the words "When operating under reciprocity pursuant to 150.20 of this chapter, a copy of the Agreement State license authorizing the use of licensed materials" appears in 10 CFR 34.89(b)(12), substitute the words "When operating under reciprocity pursuant to 150.20 of this chapter, a copy of the NRC or Agreement State license authorizing the use of licensed materials."

j. For the purpose of this chapter, where 10 CFR 34.8 and 34.11 require "NRC Form 313," licensees shall use "Iowa HHS Form 313."

k. Where 10 CFR Part 30 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

39.10(2) *General requirements for use of radiation machines in industrial radiography.* The requirements of this subrule are in addition to, and not in substitution for, other applicable requirements of 10 CFR 34, 641—Chapter 37, and this chapter. These rules apply to all licensees or registrants who use radiation for industrial or nonhuman purposes.

a. Exemptions.

(1) Uses of certified and certifiable cabinet X-ray systems designed to exclude individuals are exempt from the requirements of this chapter, except for the requirements of subparagraphs 39.10(2)*"e"*(2) and *"f"*(3).

(2) Radiation machines determined by the agency to constitute a minimal threat to human health and safety in accordance with 641—subrule 37.3(1) are exempt from the rules in this chapter, except for the requirements of this subrule.

b. Receipt, transfer, and disposal of sources of radiation. Each registrant shall maintain records showing the receipt, transfer, and disposal of machine-produced sources of radiation.

(1) These records shall include all of the following:

1. The date;
2. The name of the individual making the record; and
3. The make, model, and serial number of each source of radiation and device, as appropriate.

(2) Records shall be maintained for three years after they are made.

c. Radiation survey instruments.

(1) The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments at each location where sources of radiation are present to make physical radiation surveys as required by this chapter and 641—subrule 37.11(13). Instrumentation required by this subrule shall have a range such that two millirems (0.02 millisievert) per hour through one rem (0.01 sievert) per hour can be measured.

(2) Notwithstanding the requirements of 641—paragraph 37.11(13)*"c,"* each radiation survey instrument shall be calibrated:

1. At energies appropriate for use and at intervals not to exceed six months and after each instrument servicing;

2. Such that accuracy within plus or minus 20 percent of the calibration source can be demonstrated at each point checked;

3. At 2 points located approximately 1/3 and 2/3 of full-scale on each scale for linear scale instruments; at midrange of each decade, and at 2 points of at least 1 decade for logarithmic scale instruments; and at 3 points between 2 and 1,000 mrem per hour for digital instruments; and

4. By a person licensed or registered by the agency, another agreement state, or the Commission to perform such service.

(3) Records of these calibrations shall be maintained for three years after the calibration date for inspection by the agency.

(4) Each radiation survey instrument shall be checked with a radiation source at the beginning of each day of use and at the beginning of each work shift to ensure it is operating properly.

d. Utilization logs.

(1) Each registrant shall maintain current logs of the use of each source of radiation. The logs shall include all of the following:

1. A unique identification, which includes the make, model and serial number of each source of radiation;

2. The identity of the radiographer using the source of radiation;

3. The date(s) each source of radiation is energized or used and the number of exposures made.

(2) Utilization logs must be kept on clear, legible records containing all the information required by this chapter. Copies of utilization logs shall be maintained for agency inspection for three years from the date of the recorded event. The records shall be kept at the location specified by the license or certificate of registration.

e. Inspection and maintenance.

(1) Each registrant shall perform visual and operability checks on survey meters, radiation machines and associated equipment before use on each day that the components are to be used to ensure that the components are in good working condition and that required labeling is present. Survey instrument operability must be performed using check sources or other appropriate means.

(2) Each registrant shall have written procedures and conduct a program at intervals not to exceed three months, or prior to the first use thereafter, of inspection and maintenance of radiation machines, survey instruments, and associated equipment to ensure proper functioning of components important to safety.

1. All appropriate parts shall be maintained in accordance with manufacturer's specifications.

2. Replacement components shall meet design specifications.

3. This program shall cover, as a minimum, the items in Appendix F of this chapter.

(3) If equipment defects or issues are found, the equipment must be removed from service until repaired.

(4) A record of equipment defects or issues and of any maintenance performed under the requirements of this chapter must be retained for three years after the record is made. The record must include all of the following:

1. The date of check or inspection;

2. The name of the inspector;

3. The specific equipment involved;

4. Any problems found; and

5. What repair or maintenance was performed, if any.

f. Permanent radiographic installations. Permanent radiographic installations having high radiation area entrance controls of the type described in 641—subparagraphs 37.11(15)*"a"*(2) and *"a"*(3) shall also meet all of the following requirements:

(1) Each entrance that is used for personnel access to the high radiation area shall have both visible and audible warning signals to warn of the presence of radiation.

1. The visible signal shall be activated by radiation.

2. The audible signal shall be activated when an attempt is made to enter the installation while the source is exposed.

(2) The control device or alarm system shall be tested for proper operation at the beginning of each day of equipment use.

1. If a control device or alarm system is operating improperly, it shall be immediately labeled as defective and repaired before industrial radiographic operations are resumed.

2. Records of these tests shall be maintained for inspection by the agency for three years from the date of the event.

g. Training and testing for radiographic personnel.

(1) Radiographer's assistant requirements. No registrant shall permit any individual to act as a radiographer's assistant, as defined in this chapter, until it has been documented on the appropriate agency form or equivalent that such individual has received copies of, and has demonstrated an understanding of, the following:

1. The subjects outlined in Appendix A;

2. The rules contained in this chapter and the applicable sections of 641—Chapter 37.

3. The appropriate conditions of certificate(s) of registration;

4. The registrant's operating and emergency procedures;

5. A developed competence to use, under the personal supervision of the radiographer, the registrant's radiation machine and radiation survey instruments that the assistant will use;

(2) Radiographer requirements. No registrant shall permit any individual to act as a radiographer until it has been documented to the agency that such individual has:

1. Completed the requirements of numbered paragraph 39.10(2)*"g"*(4);

2. Completed on-the-job training as a radiographic trainee supervised by one or more radiographic trainers. The on-the-job training shall be documented on the appropriate agency form or equivalent and shall include a minimum of one month (160 hours) of active participation in the performance of industrial radiography utilizing radiation machines. Active participation does not include safety meetings or classroom training;

3. Demonstrated competence in the use of radiation machines and radiation survey instruments that may be employed in industrial radiographic assignments by successful completion of a practical examination covering this material;

4. Completed, within the last five years, an appropriate examination and possesses a current ID card.

(3) Radiographer trainer. No individual shall act as a radiographer trainer unless such individual:

1. Has met the requirements of subparagraph 39.10(2)*"g"*(1) and numbered paragraph 39.10(2)*"g"*(2)"2";

2. Has one year of documented experience as an industrial radiographer and possesses a current ID card issued at least one year prior to acting as a trainer; and

3. Is named on the certificate of registration issued by the agency and under which an individual is acting as a radiographer trainer.

(4) Radiation safety officer (RSO). The RSO, as defined in rule 641—37.2(136C), shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the registrant's program.

1. An RSO shall be designated for every certificate of registration issued by the agency.

2. The RSO's qualifications shall include the following:

A. Possession of a high school diploma or a certificate of high school equivalency based on the GED tests;

B. Completion of the training and testing requirements of subparagraphs 39.10(2)*"g"*(1), *"g"*(3), and *"g"*(4).

C. Formal training in the establishment and maintenance of a radiation protection program.

D. The agency will consider alternatives when the RSO has either appropriate training or experience, or both, in the field of ionizing radiation and, in addition, has adequate formal training with respect to the establishment and maintenance of a radiation safety protection program.

3. The specific duties of the RSO include but are not limited to the following:

A. To establish and oversee operating, emergency, and ALARA procedures and to review them regularly to ensure that the procedures are current and conform with these rules;

B. To oversee and approve all phases of the training program for radiographic personnel so that appropriate and effective radiation protection practices are taught;

C. To ensure that required radiation surveys are performed and documented in accordance with these rules, including any corrective measures when levels of radiation exceed established limits;

D. To ensure that personnel monitoring devices are calibrated and used properly by occupationally exposed personnel, that records are kept of the monitoring results, and that timely notifications are made as required by rule 641—37.11(136C);

E. To ensure that any required interlock switches and warning signals are functioning and that radiation signs, ropes, and barriers are properly posted and positioned;

F. To investigate and report to the agency each known or suspected case of radiation exposure to an individual or radiation level detected in excess of limits established by these rules, and each theft or loss of source(s) of radiation, to determine the cause, and to take steps to prevent its recurrence;

G. To have a thorough knowledge of management policies and administrative procedures of the registrant;

H. To assume control and have the authority to institute corrective actions, including shutdown of operations when necessary in emergency situations or unsafe conditions;

I. To maintain records as required by these rules (Appendix C contains more information);

J. To ensure the proper storing, labeling, transport, and use of sources of radiation;

K. To ensure that quarterly inventory and inspection and maintenance programs are performed in accordance with the requirements of this chapter;

L. To ensure that personnel are complying with these rules, the conditions of the registration, and the operating and emergency procedures of the registrant; and

M. To ensure that annual refresher safety training has been provided for each radiographer and radiographer's assistant at intervals not to exceed 12 months.

(5) Training and testing records. Each registrant shall maintain, for agency inspection, training and testing records that demonstrate that the applicable requirements of subparagraphs 39.10(2)*"g"*(1) and *"g"*(2) are met.

1. Records of training for all industrial radiographic personnel must include all of the following:

A. Personnel certification documents and verification of certification status;

B. Copies of written tests;

C. Dates of oral and practical examinations; and

D. The names of individuals conducting and receiving the oral and practical examinations.

2. Records of annual refresher training and semiannual inspection of job performance for all industrial radiographic personnel must include all of the following:

A. The topics discussed during the refresher safety training;

B. The dates the annual refresher safety training was conducted; and

C. The names of the instructors and attendees.

3. For inspections of job performance, the records must also include a list showing the items checked and any noncompliance observed by the RSO.

4. Records shall be maintained until disposal is authorized by the agency. The agency cannot release records for disposal unless the records have been maintained at least three years.

(6) Reciprocity.

1. Reciprocal recognition by the agency of an individual radiographer certification will be granted provided that all of the following conditions are met:

A. The individual holds a valid certification in the appropriate category and class issued by a certifying entity as defined in this chapter;

B. The requirements and procedures of the certifying entity issuing the certification require the same or comparable certification standards as those required by subparagraphs 39.10(2)*"g"*(1) through *"g"*(5); and

C. The individual submits a legible copy of the certification to the agency prior to entry into Iowa.

2. Enforcement actions with the agency, another agreement state, or the Commission or any sanctions by an independent certifying entity may be considered when reviewing a request for reciprocal recognition from a licensee, registrant, or certified radiographer.

3. Certified radiographers who are granted reciprocity by the agency shall maintain the certification upon which the reciprocal recognition was granted or, prior to the expiration of such certification, shall meet the requirements of subparagraph 39.10(2)*"g"*(2).

h. Internal audits.

(1) The RSO or designee shall conduct an inspection program of the job performance of each radiographer and radiographer's assistant to ensure that these rules and the registrant's operating and emergency procedures are followed. The inspection program must:

1. Include observation of the performance of each radiographer and radiographer's assistant during an actual industrial radiographic operation, at intervals not to exceed six months; and

2. Provide that, if a radiographer or radiographer's assistant has not participated in an industrial radiographic operation for more than six months since the last audit, the radiographer or radiographer's assistant must demonstrate understanding of the subjects contained in Appendix A of this chapter by a practical examination before the individual can participate in a radiographic operation.

(2) When a single individual serves as both radiographer and RSO and performs all radiography operations, an inspection program is not required. Alternatives shall be submitted and approved by the department in these situations.

(3) Records of audits shall be maintained by the licensee or registrant for agency inspection for three years from the date of the audit.

i. Personnel monitoring control.

(1) The personnel monitoring program shall meet the applicable requirements of rule 641—37.11(136C).

(2) Records of pocket dosimeter readings of personnel exposures and yearly operability checks required in 10 CFR 34.47(c) shall be maintained for three years by the licensee or registrant for agency inspection.

1. If the dosimeter readings were used to determine external radiation dose (i.e., no TLD or film badge exposure records exist), the records shall be maintained for three years after they are recorded.

2. Records of estimates of exposures as a result of off-scale personal direct reading dosimeters, or lost or damaged film badges, OSLs, or TLDs, shall be maintained until the agency terminates the license.

(3) Reports received from the film badge, OSL device or TLD processor shall be kept for inspection by the agency until the agency terminates the license.

j. Access control. During each industrial radiographic operation, a radiographer or radiographer's assistant shall maintain continuous, direct visual surveillance of the operation to protect against unauthorized entry into a restricted area, radiation area, or high radiation area, except at permanent radiographic installations where all entryways are locked to protect against unauthorized or accidental entry and the requirements of paragraph 39.10(2)*"f"* are met.

k. Posting.

(1) Notwithstanding any provisions in 641—subrule 37.11(21), areas in which radiography is being performed shall be conspicuously posted as required by 641—paragraphs 37.11(20)*"a"* and *"b."*

(2) Whenever practicable, ropes or barriers shall be used in addition to appropriate signs to designate areas in accordance with 641—subrule 37.11(20) and to help prevent unauthorized entry.

(3) Notwithstanding the requirements of subparagraph 39.10(2)*"k"*(1), a restricted area may be established in accordance with 641—subrule 37.11(20) and may be posted in accordance with 641—paragraphs 37.11(20)*"a"* and *"b,"* i.e., both signs may be posted at the same location at the boundary of the restricted area.

l. Temporary job site requirements. Each registrant conducting industrial radiography at a temporary job site shall have the following records available at that site for inspection by the department:

(1) Appropriate certificate of registration or equivalent document;

(2) The appropriate operating and emergency procedures;

(3) The applicable agency rules; and

(4) Survey records required pursuant to subparagraph 39.10(3)*"e"*(4) for the period of operation at the site.

m. Notifications.

(1) The agency shall be notified of thefts or losses of sources of radiation, overexposures, and excessive levels in accordance with 641—subrule 37.13(1) and 10 CFR 20.2203.

(2) Each registrant shall submit a written report within 30 days to the department whenever one of the following events occurs:

1. An indicator on a radiation-producing machine fails to show that radiation is being produced; and

2. An exposure switch fails to terminate production of radiation when turned to the off position.

(3) The licensee or registrant shall include the following information in each report submitted in accordance with 10 CFR 34.101 and 641—subrule 37.13(4):

1. The licensee or registrant name and license or registration number;

2. The name of the prescribing physician, if applicable;

3. A description of the event, including:

A. The probable cause;

B. The manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;

4. The exact location of the event;

5. The date and time of the event;

6. The isotopes, quantities, and chemical and physical form of the licensed material involved;

7. Corrective actions taken or planned to prevent recurrence and the results of any evaluations or assessments;

8. The extent of exposure of individuals to radiation or to radioactive materials, without identification of individuals by name, and the effect, if any, on the individual(s) who received the administration or exposure; and

9. Certification that the licensee or registrant notified the individual or the individual's responsible relative or legal guardian and the referring physician in compliance with the requirements of this chapter and, if not, why not.

n. Copies of operating and emergency procedures. Each registrant shall maintain a copy of current operating and emergency procedures until the agency terminates the license. Superseded material must be retained for three years.

39.10(3) *Radiation safety requirements for the use of radiation machines in industrial radiography.* The requirements of this subrule are in addition to, and not in substitution for, other applicable requirements of 10 CFR 34, 641—Chapter 37, and this chapter. These rules apply to all licensees or registrants who use radiation for industrial or nonhuman purposes.

a. Locking of sources of radiation. The control panel of each radiation machine shall be equipped with a locking device that will prevent the unauthorized use of an X-ray system or the

accidental production of radiation. The radiation machine shall be kept locked and the key removed at all times, except when under the direct visual surveillance of a radiographer.

b. Permanent storage precautions. Radiation machines shall be secured while in storage to prevent tampering or removal by unauthorized individuals.

c. Requirements for radiation machines used in industrial radiographic operations.

(1) Equipment used in industrial radiographic operations involving radiation machines manufactured after January 1, 1992, shall be certified at the time of manufacture to meet the criteria set forth by ANSI N537-1976.

(2) The registrant's name and city or town where the main business office is located shall be prominently displayed with a durable, clearly visible label(s) on all vehicles used to transport radiation machines for temporary job site use.

d. Operating and emergency procedures.

(1) The registrant's operating and emergency procedures shall include instructions in, at a minimum, the following:

1. Operation and safety instruction on the radiation machine(s) to be used;
2. Methods and occasions for conducting radiation surveys;
3. Methods for controlling access to radiographic areas;
4. Methods and occasions for locking and securing sources of radiation;
5. Personnel monitoring and the use of personnel monitoring equipment, including steps that must be taken immediately by radiography personnel in the event a pocket dosimeter is found to be off-scale;
6. Minimizing exposure of individuals in the event of an accident;
7. The procedure for notifying proper personnel in the event of an accident;
8. Maintenance of records; and
9. Inspection and maintenance of radiation machines.

(2) Each registrant shall provide, as a minimum, two radiographic personnel when radiation machines are used for any industrial radiography conducted other than at a permanent radiographic installation (shielded room, bay, or bunker). If one of the personnel is a radiographer's assistant, the other shall be a radiographer trainer authorized by the certificate of registration.

(3) No individual other than a radiographer or a radiographer's assistant who is under the direct supervision of a radiographer trainer shall manipulate controls or operate equipment used in industrial radiographic operations.

e. Radiation surveys and survey records.

(1) No radiographic operation shall be conducted unless calibrated and operable radiation survey instrumentation, as described in paragraph 39.10(2)*"c,"* is available and used at each site where radiographic exposures are made.

(2) A physical radiation survey shall be made after each radiographic exposure using radiation machines to determine that the machine is off.

(3) All potential radiation areas where industrial radiographic operations are to be performed shall be posted in accordance with paragraph 39.10(2)*"c,"* based on calculated dose rates, before industrial radiographic operations begin. An area survey shall be performed during the first radiographic exposure to confirm that paragraph 39.10(2)*"c"* requirements have been met and that unrestricted areas do not have radiation levels in excess of the limits specified in 641—subparagraph 37.11(11)*"a"*(1).

(4) Records shall be kept of the surveys required by subparagraphs 39.10(3)*"e"*(1) and *"e"*(2). Such records shall be maintained for inspection by the agency for three years after completion of the survey. If the survey was used to determine an individual's exposure, however, the records of the survey shall be maintained until the agency authorizes their disposition.

f. Special requirements and exemptions for enclosed radiography.

(1) Systems for enclosed radiography, including shielded-room radiography and cabinet radiography, designed to allow admittance of individuals shall:

1. Comply with all applicable requirements of this chapter and 641—subparagraph 37.11(11) *"a"*(1). If such a system is a certified cabinet X-ray system, it shall comply with all applicable requirements of this chapter and 21 CFR 1020.40.

2. Be evaluated at intervals not to exceed one year to ensure compliance with the applicable requirements as specified in 641—subparagraph 37.11(11)*"a"*(1). Records of these evaluations shall be maintained for inspection by the agency for a period of three years after the evaluation.

(2) Certified and certifiable cabinet X-ray systems are exempt from the requirements of this chapter, except for the following:

1. Operating personnel must be provided with individual monitoring devices in accordance with the appropriate provisions of 641—subrule 37.11(14);

2. No registrant shall permit any individual to operate a cabinet X-ray system until such individual has received a copy of, and instruction in, the operating procedures for the unit and has demonstrated competence in its use. Records that demonstrate compliance with this subparagraph shall be maintained for inspection by the agency until disposition is authorized by the agency.

3. Tests for proper operation of interlocks used to control entry to the high radiation area or alarm systems, where applicable, shall be conducted and recorded every three months. Records of these tests shall be maintained for agency inspection until disposal is authorized by the agency.

4. The registrant shall perform an evaluation, at intervals not to exceed one year, to determine conformance with 641—subparagraph 37.11(11)*"a"*(1).

A. If such a system is a certified cabinet X-ray system, it shall be evaluated at intervals not to exceed one year to determine conformance with 21 CFR 1020.40.

B. Records of these evaluations shall be maintained for inspection by the agency for a period of three years after the evaluation.

(3) Certified cabinet X-ray systems shall be maintained in compliance with 21 CFR 1020.40 unless prior approval has been granted by the agency pursuant to 641—subrule 37.3(1).

g. Registration for industrial radiographic operations.

(1) No person shall receive, possess, use, transfer, own, or acquire an analytical X-ray device, except as authorized by a registration issued in accordance with rule 641—37.8(136C).

(2) Each industrial radiography device shall be registered in accordance with the requirements of 641—subrule 37.8(2).

(3) In addition to the registration requirements of 641—subrule 37.8(2), an application for a certificate of registration shall include all of the following information:

1. A schedule or description of the program for training radiographic personnel that specifies:

A. Initial training,

B. Periodic training,

C. On-the-job training, and

D. Methods to be used by the registrant to determine the knowledge, understanding, and ability of radiographic personnel to comply with agency rules, registration requirements, and the operating and emergency procedures of the applicant.

2. Written operating and emergency procedures, including all items listed in Appendix B.

3. A description of the internal inspection system or other management control to ensure that radiographic personnel follow registration provisions, rules of the agency, and the applicant's operating and emergency procedures.

4. A list of permanent radiographic installations and descriptions of permanent storage and use locations.

5. A description of the organization of the industrial radiographic program, including delegations of authority and responsibility for operation of the radiation safety program.

(4) A certificate of registration will be issued if the requirements of rule 641—37.8(136C) and this subrule are met.

641—39.11(136C) Medical use of byproduct material.

39.11(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 35, "Medical Use of Byproduct Material," unless specific exemptions apply.

39.11(2) The provisions of 10 CFR Part 35 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 35.8, 35.10, 35.11(c)(1), 35.11(c)(2), 35.13(a)(1), 35.13(a)(2), 35.13(b)(5), 35.4001, and 35.4002.

b. Where the word "NRC" appears in 10 CFR 35.6(c), 35.13(b)(4)(i), 35.57(c), 35.3045(g), 35.3047(f)(1), and 35.3204(a), substitute the words "Iowa HHS."

c. Where the words "NRC Operations Center" appear in 10 CFR 35.3045(c), 35.3047(c), and 35.3204(a), substitute the words "Iowa HHS."

d. Where the words "The commercial telephone number of the NRC Operations Center is (301) 816–5100" appear in the footnote of 10 CFR 35.3045, substitute the words "The 24-hour emergency phone number of Iowa HHS is 515-725-4160."

e. Where the words "appropriate NRC Regional Office listed in § 30.6 of this chapter" appear in 10 CFR 35.3045(d), 35.3047(d), 35.3067, and 35.3204(b), substitute the words "Iowa HHS."

f. In 10 CFR 35.3067, the phrase "with a copy to the Director, Office of Nuclear Material Safety and Safeguards" is deleted and does not apply.

g. Where the word "Commission" appears in 10 CFR 35.5, 35.12(d)(4), 35.14(a) and (b), 35.18, 35.19, 35.24, 35.26, and 35.1000, substitute the words "Iowa HHS."

h. Where the words "Commission or an Agreement State" appears in 10 CFR 35.2, 35.11, 35.13, 35.14, 35.50, 35.51, 35.55, 35.57, 35.67, 35.190, 35.290, 35.390, 35.392, 35.394, 35.396, 35.433, 35.490, 35.590, 35.605, 35.655, and 35.690, substitute the words "Iowa HHS, NRC, or an Agreement State."

i. For the purpose of this chapter, where 10 CFR 35.8 requires "NRC Form 313, including NRC Form 313A" licensees shall use "Iowa HHS Form 313, including Iowa HHS Form 313A."

j. For the purpose of this chapter, where 10 CFR 35.12(b)(1), 35.12(c)(1)(i), 35.12(c)(1)(ii), and 35.18(a)(1) require "NRC Form 313," licensees shall use "Iowa HHS Form 313A."

k. Where 10 CFR Part 35 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

641—39.12(136C) Licenses and radiation safety requirements for irradiators.

39.12(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 36, "Licenses and Radiation Safety Requirements for Irradiators," unless specific exemptions apply.

39.12(2) The provisions of 10 CFR Part 36 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 36.2, paragraph (2) of the definition of commencement of construction, along with 10 CFR 36.5, 36.8, 36.91, and 36.93.

b. Where the sentence "The application and one copy must be sent to the appropriate NRC Regional Office listed in appendix D to part 20 of this chapter" appears in 10 CFR 36.11, substitute the phrase "Application must be sent to Iowa HHS."

c. Where the word "NRC" appears in 10 CFR 36.15, 36.51(a)(1) and (a)(2), and 36.83(a)(both mentions), substitute the words "Iowa HHS."

d. Where the words "Any activities undertaken prior to the issuance of a license are entirely at the risk of the applicant and have no bearing on the issuance of a license with respect to the requirements of the Atomic Energy Act of 1954 (Act), as amended, and rules, regulations, and orders issued under the Act" appear in 10 CFR 36.15, substitute the words "Any activities undertaken prior to the issuance are entirely at the risk of the applicant and have no bearing on the issuance of a license by Iowa HHS."

e. Where the words "NRC or an Agreement State" appear in 10 CFR 36.59(c), substitute the words "Iowa HHS, NRC, or an Agreement State."

f. Where the word "Commission" appears in 10 CFR 36.13, 36.13(b)(4) and (f), 36.17(a) and (b), 36.19(a)(both mentions) and (b)(both mentions), 36.53(c), 36.69(a) and (b), and 36.81(a) and (d) and (e), substitute the words "Iowa HHS."

g. Where the words "Commission or an Agreement State" appear in 10 CFR 36.13(g) and 10 CFR 36.59(a)(both mentions), substitute the words "Iowa HHS, NRC, or an Agreement State."

h. For the purpose of this chapter, where 10 CFR 36.8(c)(1) and 36.11 requires "NRC Form 313," licensees shall use "Iowa HHS Form 313."

i. Where 10 CFR Part 36 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

641—39.13(136C) Physical protection of category 1 and category 2 quantities of radioactive material.

39.13(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," unless specific exemptions apply.

39.13(2) The provisions of 10 CFR Part 37 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 37.7, 37.9, 37.11(b), 37.13, 37.107, and 37.109.

b. Where the word "NRC" appears in 10 CFR 37.31(d), 37.43(c)(3)(iii), 37.57(a), 37.57(c), 37.77(except "the NRC's Web site" in 37.77(a)(1)), substitute the words "Iowa HHS."

c. Where the word "Commission" appears in 10 CFR 37.5(definition of "person"), 37.11(a), 37.43(a)(3), 37.43(c)(1)(ii), 37.101, 37.103, and 37.105, substitute the words "Iowa HHS."

d. Where the words "Commission or an Agreement State" appear in 10 CFR 37.71 and 10 CFR 37.77(f), substitute the words "Iowa HHS, NRC, or an Agreement State."

e. Where the words "Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Source Management and Protection Branch" appear in 10 CFR 37.23(b)(2), substitute the words "Iowa HHS."

f. Where the words "NRC regional office" appear in 10 CFR 37.41(a)(3) and 37.81, substitute the words "Iowa HHS."

g. Where the words "appropriate NRC regional office listed in § 30.6(a)(2) of this chapter" appear in 10 CFR 37.45(b), substitute the words "Iowa HHS."

h. Where the words "NRC's Operational Center (301-816-5100)" appear in 10 CFR 37.57(a), 37.57(b), and 37.81, substitute the words "Bureau of Radiological Health and Human Services (515-725-4160)."

i. Where the words "NRC's Director, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001. The notification to the NRC may be made by email to RAMQC_SHIPMENTS@nrc.gov or by fax to 301-816-5151" appear in 10 CFR 37.77(a)(1), substitute the words "Iowa HHS."

j. Where the words "NRC's Director, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001" appear in 10 CFR 37.77(c)(1), 37.77(c)(2), and 37.77(d), substitute the words "Iowa HHS."

k. Where the words "NRC by an appropriate method listed in 10 CFR § 37.7" appear in 10 CFR 37.81(g), substitute the words "Iowa HHS."

641—39.14(136C) Licenses and radiation safety requirements for well logging.

39.14(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 39, "Licenses and Radiation Safety Requirements for Well Logging," unless specific exemptions apply.

39.14(2) The provisions of 10 CFR Part 39 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 39.5, 39.8, 39.91, 39.101, and 39.103.

b. Where the words "NRC or an Agreement State" appear in 10 CFR 39.35(d), substitute the words "Iowa HHS, NRC, or an Agreement State."

c. Where the words "Commission or an Agreement State" appear in 10 CFR 39.35(b) and 10 CFR 39.43(d) and (e), substitute the words "Iowa HHS, NRC, or an Agreement State."

d. Where the word "Commission" appears in 10 CFR 39.2, 39.13, 39.15, 39.17, 39.33, 39.35(a), 39.37, 39.39, 39.45, 39.65, 35.67, 39.77 and 39.91, substitute the words "Iowa HHS."

e. Where the word "NRC" appears in 10 CFR 39.61, 39.73 and 39.77, substitute the words "Iowa HHS."

f. Where the words "NRC Regional Office listed in appendix D of part 20 of this chapter" appear in 10 CFR 39.11 and 10 CFR 39.35, substitute the words "Iowa HHS."

g. Where the words "NRC Regional Office" appear in 10 CFR 39.61, 39.73 and 39.77, substitute the words "Iowa HHS."

h. Where the words "Commission under 10 CFR § 32.210 of this chapter or with an Agreement State" appear in 10 CFR 39.41(f), substitute the words "Iowa HHS, NRC, or an Agreement State."

i. Where the words "Commission pursuant to 10 CFR § 39.13(c) or by an Agreement State" appear in 10 CFR 39.43(c) and 10 CFR 39.51, substitute the words "Iowa HHS, NRC, or an Agreement State."

j. For the purpose of this chapter, where 10 CFR Part 39.11 requires "NRC Form 313," licensees shall use "Iowa HHS Form 313."

k. Where 10 CFR Part 39 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

641—39.15(136C) Domestic licensing of source material.

39.15(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 40 unless specific exemptions apply.

39.15(2) The provisions of 10 CFR Part 40 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 40.2a; 40.4(definitions of "commencement of construction," "construction," "foreign obligations," "reconciliation," and residual radioactive material"); 40.5; 40.6; 40.7; 40.8; 40.10(b); 40.20(b) and (c); 40.12(b); 40.13(c)(5)(iv); 40.23; 40.27; 40.28; 40.31(c), (e), (f), (g), (j), (k), (l), and (m); 40.32(d), (e), and (g); 40.33; 40.38; 40.41(d), (e)(1), (e)(3), (g), and (h); 40.51(b)(6); 40.52; 40.53; 40.56; 40.64; 40.66; 40.67; 40.71; 40.81; 40.82, Appendix A (criteria 11 and 12).

b. Where the word "NRC" appears in 10 CFR 40.2, 40.7(e)(1) and (e)(2), 40.7(f)(both mentions), 40.10(a)(2)(both mentions), 40.22(b)(1) and (4), 40.22(c), 40.36(b)(2)(both mentions), 40.36(g), 40.42(c)(2) and (d)(both mentions) and (d)(4), 40.60(a) and (b), and Appendix A (criteria 4 and 6), substitute the words "Iowa HHS."

c. Where the words "U.S. NRC or an Agreement State" appear in 10 CFR 40.35(b), substitute the words "Iowa HHS, NRC, or an Agreement State."

d. Where the words "Director, Office of Nuclear Material Safety and Safeguards, by an appropriate method listed in 10 CFR § 40.5, with a copy to the appropriate NRC Regional Administrator" appear in 10 CFR 40.25(c)(1), substitute the words "Iowa HHS."

e. Where the words "NRC Headquarters Operations Center at the numbers specified in appendix A of this chapter" appear in 10 CFR 40.60(c)(1), substitute the words "Iowa HHS."

f. Where the words "NRC Document Controls Desk by an appropriate method listed in § 40.5, with a copy to the appropriate NRC regional office listed in appendix D to part 20 of this chapter" appear in 10 CFR 40.60(c)(2), substitute the words "Iowa HHS."

g. Where the words "appropriate NRC regional office" appear in 10 CFR 40.61(d) and (f), and Appendix A (criterion 8), substitute the words "Iowa HHS."

h. Where the words "Director, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in § 40.5, with a copy to the appropriate NRC Regional Office shown in appendix D to part 20 of this chapter" appear in 10 CFR 40.65(a)(1), substitute the words "Iowa HHS."

i. Where the words "appropriate NRC Regional Administrator" appear in 10 CFR 40.41(f)(1), substitute the words "Iowa HHS."

j. Where the word "Commission" appears in 10 CFR 40.1(a), 40.3, 40.9(a) and (b)(all mentions), 40.10(a)(1) and (c)(1), 40.11(all mentions), 40.13(i), 40.14(a), 40.20(a), 40.22(a)(1)(both mentions) and (e), 40.26(b)(both mentions), 40.26(c)(2) 40.31(a) and (b)(both mentions) and (c) and (d) and (f) and (g) and (g)(1), 40.34(b) and (c), 40.35(e) and (f)(all mentions), 40.36(e)(1) and (e)(2)(i) (both mentions) and (e)(2)(ii) and (e)(2)(iii) and (f), 40.41(a) and (c), 40.42(a) and (b)(all mentions) and (c) and (e)(2) and (f)(all mentions) and (g)(1) and (g)(2)(both mentions) and (g)(5) and (i)(both mentions) and (i)(5) and (k), 40.45, 40.46(a), 40.51(b)(2) and (b)(7) and (d)(4) and (d)(5), 40.54(b), 40.55(d)(3) and (e), 40.61(a)(2) and (a)(3) and (c)(1) and (c)(2)(all mentions), 40.62(a) and (b), 40.63(both mentions), 40.65 (a)(1)(all mentions), and Appendix A, substitute the words "Iowa HHS."

k. Where the words "Director, Office of Nuclear Material Safety and Safeguards, with a copy to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in appendix D of part 20 of this chapter" appear in 10 CFR 40.25(c)(2) and (d)(4), substitute the words "Iowa HHS."

l. Where the words "appropriate NRC regional office as indicated in appendix D to part 20 of this chapter, or the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555" appear in 10 CFR 40.26(c)(2), substitute the words "Iowa HHS."

m. Where the words "Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555" appear in 10 CFR 40.55(d)(1), substitute the words "Iowa HHS."

n. Where the words "Commission or an Agreement State" appear in 10 CFR 40.51(b)(5) and (c)(both mentions), substitute the words "Iowa HHS, NRC, or an Agreement State."

o. Where the words "Act", "Atomic Energy Act of 1954, as amended (68 Stat. 919)", "section 62 of the Act", and "section 182 of the Act" appear in 10 CFR 40.12, 40.13, 40.31(d), 40.32(a), 40.41(a), (b), and (e)(4), 40.46, and 40.51(b)(2), (b)(3), substitute the words "Iowa Code chapter 136C."

p. Where the words "Administrator of the appropriate Regional Office" appear in 10 CFR 40.9(b), substitute the words "Iowa HHS."

q. Where the words "Director of the Office of Nuclear Material Safety and Safeguards by an appropriate method listed in 40.5" appear in 10 CFR 40.22(b)(4) and (c), and where the words "Director, Office of Nuclear Materials Safety and Safeguards, by an appropriate method listed in 40.5" appear in 10 CFR 40.35(e)(1) and (f), substitute the words "Iowa HHS."

r. Where the words "Director, Office of Nuclear Material Safety and Safeguards" appear in 10 CFR 40.36(g)(3), substitute the words "Iowa HHS."

s. Where the words "Agreement State agency" and "Agreement State" appear in 10 CFR 40.55, substitute the words "Agreement State or the NRC."

t. Where the words "appropriate NRC regional office as indicated in appendix D to 10 CFR part 20 of this chapter, or the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001" appear in Appendix A (criterion 8A), substitute the words "Iowa HHS."

u. For the purpose of this chapter, where 10 CFR 40.42 requires "NRC Form 314," licensees shall use "Iowa HHS Form 314."

v. For the purpose of this chapter, where 10 CFR 40.25 and 10 CFR 40.35 requires "NRC Form 244," licensees shall use "Iowa HHS Form 244."

w. Where 10 CFR Part 40 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

641—39.16(136C) Domestic licensing of special nuclear material.

39.16(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," unless specific exemptions apply.

39.16(2) The provisions of 10 CFR Part 70 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 70.1(c), (d), and (e), Construction Paragraph 9ii; 70.4; 70.5; 70.6; 70.7; 70.8; 70.10(b); 70.13; 70.14; 70.17(c) and (d); 70.20a; 70.20b; 70.21 (a)(1), (a)(2), (a)(3), (b), (c), (d), and (e), (f), (g), (h); 70.22(b), (c), (f), (g), (h), (i), (j), (k), (l), (m), and (n); 70.23(a)(1), (a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), (a)(12), and (b); 70.23a; 70.24; 70.25(a)(1); 70.31(c), (d), and (e); 70.32 (a)(1), (a)(4), (a)(5), (a)(6), (a)(7), (b)(1), (b)(3), (b)(4), (c), (d), (e), (f), (g), (h), (i), (j), and (k); 70.34; 70.37; 70.40; 70.42(b)(6); 70.44; 70.50(c)(2)(iv) and (d); 70.52; 70.55(c); 70.59; 70.60; 70.61; 70.62; 70.64; 70.65; 70.66; 70.72; 70.73; 70.74; 70.76; 70.81; 70.82; 70.91; 70.92, and Appendix A.

b. Where the word "NRC" appears in 10 CFR 70.2, 70.10(a)(2)(both mentions), 70.25(b)(2) (both mentions) and (h), 70.38(c)(2) and (d)(both mentions) and (d)(4), and 70.50(a) and (b), substitute the words "Iowa HHS."

c. Where the words "NRC Headquarters Operations Center at the number specified in appendix A to part 73 of this chapter" appear in 10 CFR 70.50(c)(1), substitute the words "Iowa HHS."

d. Where the words "appropriate NRC Regional Administrator" appear in 10 CFR 70.32(a)(9)(i), substitute the words "Iowa HHS."

e. Where the words "appropriate NRC Regional Office" appear in 10 CFR 70.51(a), substitute the words "Iowa HHS."

f. Where the word "Commission" appears in 10 CFR 70.1(a), 70.3, 70.9(a)(both mentions) and (b)(both mentions), 70.10(a)(1) and (c)(1), 70.17(a), 70.18, 70.22(a)(8) and (d)(both mentions), 70.23(a) and (a)(5), 70.25(f)(1) and (f)(2)(i)(both mentions) and (f)(2)(ii) and (f)(2)(iii) and (g), 70.31(a)(both mentions), 70.32(a)(8) and (b), 70.33, 70.35, 70.36(a), 70.38(a) and (b)(all mentions) and (c) and (e)(2) and (f)(all mentions) and (g)(1) and (g)(2)(both mentions) and (g)(5) and (i)(5) and (k), 70.39(a)(4), 70.42(b)(7), 70.51(c)(1) and (c)(2)(all mentions), 70.55(a) and (b) and (c)(1) and (c)(2), 70.56(both mentions), substitute the words "Iowa HHS."

g. Where the words "Commission or an Agreement State" and "Commission or with an Agreement State" appear in 70.42(c)(both mentions), substitute the words "Iowa HHS, NRC or an Agreement State."

h. Where the words "Commission or the licensing agency of an Agreement State" appear in 10 CFR 70.42(d)(4) and (d)(5), substitute the words "Iowa HHS, the U.S. Regulatory Commission, or the licensing agency of an Agreement State."

i. For the purpose of this chapter, where 10 CFR Part 70.38(j)(1) requires "NRC Form 314," licensees shall use "Iowa HHS Form 314."

j. Where the words "the Atomic Energy Act of 1954, as amended (68 Stat. 919) and Title II of the Energy Reorganization Act of 1974 (88 Stat. 1242)" appear in 10 CFR 70.1(b), substitute the words "Iowa Code chapter 136C."

k. Where the word "Act" appears in 10 CFR 70.21(b), 70.32(a)(3), and 70.36(a), substitute the words "Iowa Code chapter 136C."

l. Where the words "Administrator of the appropriate Regional Office" appear in 10 CFR 70.9(b), substitute the words "Iowa HHS."

m. Where the words "Any person in a non-agreement State who holds a specific license issued by the Commission or the Atomic Energy Commission" appear in 10 CFR 70.19(a)(1), substitute the words "Any person who holds a specific license issued by Iowa HHS."

n. Where the words "Any Government agency, as defined in 10 CFR § 70.4 of this chapter, which holds a specific license issued under this chapter" appear in 10 CFR 70.19(a)(2), substitute the words "Any person who holds a specific license issued by the NRC."

o. Where the words "Director, Office of Nuclear Material Safety and Safeguards" appear in 10 CFR 70.25(h)(3), substitute the words "Iowa HHS."

p. In 10 CFR 70.25(a), "(a)(1) and" is deleted and does not apply.

q. In 10 CFR 70.38(d), the phrase "consistent with the administrative directions in 10 CFR § 70.5" is deleted and does not apply.

r. In 10 CFR 70.50(c)(1), the phrase "and by § 70.74 and appendix A of this part, if applicable" is deleted and does not apply.

s. Where 10 CFR Part 70 references fees listed in 10 CFR Parts 170 and 171, licensees shall comply with the fee requirements specified in rule 641—37.9(136C).

641—39.17(136C) Packaging and transportation of radioactive material.

39.17(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material," unless specific exemptions apply.

39.17(2) The provisions of 10 CFR Part 71 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 71.1, 71.2, 71.6, 71.9, 71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a) through (c), 71.91(b), 71.99, 71.100, 71.101(c)(2) and (d) and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.

b. Where the word "NRC" appears in 10 CFR 71.0(a) and (c) and (d)(both mentions) and (g), 71.5(a), 71.8(b)(2)(both mentions), 71.10, 71.93(c), 71.95(a)(1) and (a)(2) and (c), 71.101(f), and 71.106(a)(all mentions) and (a)(1) and (b)(all mentions) and (b)(1), substitute the words "Iowa HHS."

c. Where the word "Commission" appears in 10 CFR 71.0(c), 71.3, 71.4, 71.7(a)(both mentions) and (b)(all mentions), 71.8(b)(1) and (d)(1), 71.10, 71.11, 71.12, 71.17(a) and (b), 71.21(a) and (b), 71.22(a) and (b), 71.23(a) and (b), 71.91(c), and 71.101(c) and (c)(2) and (f)(all mentions), substitute the words "Iowa HHS."

d. Where the words "the Director, Office of Nuclear Materials Safety and Safeguards, US Nuclear Regulatory Commission, Washington, DC 20555-0001" appear in 10 CFR 71.5(b), substitute the words "Iowa HHS."

e. Where the words "Notification must be provided to the Administrator of the appropriate Regional Office within 2 working days of identifying the information" appear in 10 CFR 71.7(b), substitute the words "Notification must be provided to Iowa HHS within 2 working days of identifying the information."

f. Where the words "the Director, Office of Nuclear Materials Safety and Safeguards, US Nuclear Regulatory Commission, Washington, DC 20555-0001" appear in 10 CFR 71.5(b), substitute the words "Iowa HHS."

g. Where the section "*Approval of program.* (1) Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall obtain Commission approval of its quality assurance program. Using an appropriate method listed in § 71.1(a), each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards," appears in 10 CFR 71.101(c), substitute with "*Approval of program.* (1) Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall

obtain Iowa HHS's approval of its quality assurance program. Each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, with Iowa HHS."

641—39.18(136C) Reciprocal recognition of licenses.

39.18(1) In addition to the rules of this chapter, RAM facilities shall comply with the requirements of 10 CFR Part 150, "Packaging and Transportation of Radioactive Material," unless specific exemptions apply.

39.18(2) The provisions of 10 CFR Part 150 are hereby adopted by reference and are subject to the following conditions:

a. Not adopted by reference are 10 CFR 150.3 definition of "foreign obligations," 150.4, 150.5, 150.7, 150.8, 150.10, 150.14, 150.15, 150.15a, 150.16, 150.17, 150.17a, 150.19, 150.21, 150.30, and 150.33.

b. Where the words "Recognition of Agreement State licenses" appear in the title of 10 CFR Part 150.20, substitute the words "Recognition of U.S. Nuclear Regulatory Commission or Agreement State licenses."

c. Where the sentence "Provided that the provisions of paragraph (b) of this section have been met, any person who holds a specific license from an Agreement State, where the licensee maintains an office for directing the licensed activity and retaining radiation safety records, is granted a general license to conduct the same activity in" appears in 10 CFR 150.20(a)(1), substitute the sentence "Provided that the provisions of paragraph (b) of this section have been met, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State, where the licensee maintains an office for directing the licensed activity and retaining radiation safety records, is granted a general license to conduct the same activity in Iowa."

d. Where the words "specific Agreement State license" appear in 10 CFR 150.20(a)(2), substitute the words "specific U.S. Nuclear Regulatory Commission or Agreement State license."

e. Where 10 CFR 150.20(b) states "Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person engaging in activities in a non-Agreement State, in an area of exclusive Federal jurisdiction within an Agreement State, or in offshore waters under the general licenses provided in this section, the general licenses provided in this section are subject to all the provisions of the Act, now or hereafter in effect, and to all applicable rules, regulations, and orders of the Commission including the provisions of §§ 30.7(a) through (f), 30.9, 30.10, 30.34, 30.41, and 30.51 through 30.63 of this chapter; §§ 40.7(a) through (f), 40.9, 40.10, 40.41, 40.51, 40.61 through 40.63, 40.71, and 40.81 of this chapter; §§ 70.7(a) through (f), 70.9, 70.10, 70.32, 70.42, 70.52, 70.55, 70.56, 70.60 through 70.62 of this chapter; §§ 74.11, 74.15, and 74.19 of this chapter; and to the provisions of 10 CFR parts 19, 20 and 71 and subparts C through H of part 34, §§ 39.15 and 39.31 through 39.77 of this chapter. In addition, any person engaging in activities in non-Agreement States, in areas of exclusive Federal jurisdiction within Agreement States, or in offshore waters under the general licenses provided in this section," substitute with the sentences "Notwithstanding any provision to the contrary in any specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State to a person engaging in activities in Iowa under the general licenses provided in this section, the general licenses provided in this section are subject to all the provisions of Iowa Code chapter 136C, now or hereafter in effect, and to all applicable rules, regulations, and orders of Iowa HHS including the provisions of 10 CFR §§ 30.9, 10 CFR 30.10, 10 CFR 30.34, 10 CFR 30.41, and 10 CFR 30.51 through 10 CFR 30.62 of this chapter; 10 CFR §§ 40.9, 10 CFR 40.10(a), 10 CFR 40.41, 10 CFR 40.51, 10 CFR 40.61 through 10 CFR 40.63 of this chapter; 10 CFR §§ 70.9, 10 CFR 70.10(a), 10 CFR 70.32, 10 CFR 70.42, 10 CFR 70.55, 10 CFR 70.56 of this chapter; 10 CFR §§ 74.11, 10 CFR 74.15, and 10 CFR 74.19 of this chapter; and to the provisions of 10 CFR parts 19, 20 and 71 and subparts C through F of part 34, 10 CFR §§ 39.15 and 10 CFR 39.31 through 39.77 of this chapter. In addition, any person engaging in activities in Iowa under the general licenses provided in this section."

f. Where the words "file a submittal containing an NRC Form 241, 'Report of Proposed Activities in Non-Agreement States' a copy of its Agreement State specific license, and the appropriate fee as prescribed in § 170.31 of this chapter with the Regional Administrator of the U.S. Nuclear Regulatory Commission Regional Office listed on the NRC Form 241 and in appendix D to part 20 of this chapter for the Region in which the Agreement State that issued the license is located" appear in 10 CFR 150.20(b)(1), substitute the words "file a copy of its U.S. Nuclear Regulatory Commission or Agreement State specific license, with Iowa HHS."

g. For the purpose of this chapter, where 10 CFR 150.20(b)(1)(i), (b)(1)(iii), and (b)(2) require "NRC Form 241," licensees shall use "Iowa HHS Form 241."

h. Where the word "Region" appears in 10 CFR 150.20(b)(1)(i) and (b)(1)(ii), substitute the words "Iowa HHS."

i. Where the words "Regional Administrator" appear in 10 CFR 150.20(b)(1) and (b)(2), substitute the words "Iowa HHS."

j. Where the words "a copy of the Agreement State license, and the fee payment" appear in 10 CFR 150.20(b)(iii), substitute the words "a copy of the U.S. Nuclear Regulatory Commission or Agreement State license."

k. Where the sentence "Shall not, in any non-Agreement State, in an area of exclusive Federal jurisdiction within an Agreement State, or in offshore waters, transfer or dispose of radioactive material possessed or used under the general licenses provided in this section, except by transfer to a person who is specifically licensed by the Commission to receive this material." appears in 10 CFR 150.20(b)(3), substitute the sentence "Shall not, in Iowa, transfer or dispose of radioactive material possessed or used under the general licenses provided in this section, except by transfer to a person who is specifically licensed by Iowa HHS to receive this material."

l. Where the sentence "Shall not, under the general license concerning activities in non-Agreement States or in areas of exclusive Federal jurisdiction within Agreement States, possess or use radioactive materials, or engage in the activities authorized in paragraph (a) of this section, for more than 180 days in any calendar year, except that the general license in paragraph (a) of this section concerning activities in offshore waters authorizes that person to possess or use radioactive materials, or engage in the activities authorized, for an unlimited period of time" appears in 10 CFR 150.20(b)(4), substitute the sentence "Shall not, under the general license concerning activities in Iowa, possess or use radioactive materials, or engage in the activities authorized in paragraph (a) of this section, for more than 180 days in any calendar year."

m. Where the words "specific license issued by an Agreement State" appear in 10 CFR 150.20(b)(5), substitute the words "specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State."

These rules are intended to implement Iowa Code chapter 136C.

CHAPTER 39—APPENDIX A

SUBJECTS FOR INSTRUCTION OF RADIOGRAPHER'S ASSISTANTS

Training provided to qualify individuals as radiographer's assistants in compliance with paragraph 39.10(2)*"g"* shall be presented on a formal basis. The training shall include the following subjects:

I. Fundamentals of radiation safety
- A. Characteristics of radiation
- B. Units of radiation dose and quantity of radioactivity
- C. Significance of radiation dose
  1. Radiation protection standards
  2. Biological effects of radiation
  3. Case histories of radiography accidents
- D. Levels of radiation from sources of radiation
- E. Methods of controlling radiation dose
  1. Working time
  2. Working distances
  3. Shielding

II. Radiation detection instrumentation to be used
- A. Use of radiation survey instruments
  1. Operation
  2. Calibration
  3. Limitations
- B. Survey techniques
- C. Use of personnel monitoring equipment
  1. Film badges
  2. Thermoluminescent dosimeters (TLDs)
  3. Pocket dosimeters
  4. OSL devices

III. The requirements of pertinent federal and state regulations

IV. The registrant's written operating and emergency procedures

V. Radiographic equipment to be used for operation and control of X-ray equipment

CHAPTER 39—APPENDIX B

OPERATING AND EMERGENCY PROCEDURES

The licensee's or registrant's operating and emergency procedures shall include instructions in at least the following:

A. Handling and use of sources of radiation for industrial radiography such that no individual is likely to be exposed to radiation doses that exceed the limits established in 641—Chapter 37;

B. Methods and occasions for conducting radiation surveys, including lock-out survey requirements;

C. Methods for controlling access to industrial radiography areas;

D. Methods and occasions for locking and securing sources or radiation;

E. Personnel monitoring and the use of personnel monitoring equipment, including steps to be taken immediately by industrial radiographic personnel in the event a pocket dosimeter is found to be off-scale;

F. Methods of transporting equipment to field locations, including packing of sources of radiation in the vehicles, placarding of vehicles, and controlling of sources of radiation during transportation (including applicable U.S. Department of Transportation requirements);

G. Methods or procedures for minimizing exposure of individuals in the event of an accident, including procedures for a disconnect accident, a transportation accident, and loss of a sealed source;

H. Procedures for notifying proper personnel in the event of an accident;

I. Specific posting requirements;

J. Maintenance of records (Appendix C); and

K. Inspection and maintenance of radiographic exposure devices, source changers, storage containers, transport containers, source guide tubes, crank-out devices, and radiation machines.

CHAPTER 39—APPENDIX C

TIME REQUIREMENTS FOR RECORDKEEPING

Specific Section	Name of Record	Time Interval Required for Recordkeeping
39.10(2)*"b"*	Receipt, transfer and disposal.	3 years.
39.10(2)*"c"*(2)	Survey instrument calibrations.	3 years.
39.10(2)*"g"*(4)"3"(K)	Quarterly inventory.	3 years.
39.10(2)*"d"*	Utilization logs.	3 years.
39.10(2)*"e"*	Quarterly inspection and maintenance.	3 years.
39.10(2)*"j"*	High radiation area control devices or alarm systems.	Until disposal is authorized by the department.
39.10(2)*"g"*	Training and testing records.	3 years.
39.10(2)*"i"*	Pocket dosimeter readings.	3 years.
	Pocket dosimeter calibrations.	3 years.
	Film badge, OSL device, or TLD reports.	Until the agency terminates the license.
	Alarming ratemeter calibrations.	3 years.
	Alarming ratemeter functions.	3 years.
	Estimates of overexposures.	Until the agency terminates the license.
39.10(2)	Current operating and emergency procedures.	Until the license is terminated.
	Superseded material.	3 years after change.
39.10(2)*"h"*	Internal audit program.	3 years.
39.10(2)*"h"*	Radiographer audits.	3 years.
39.10(3)*"e"*	Radiation surveys.	2 years or until disposal is authorized by the agency if a survey was used to determine an individual's exposure.
39.10(2)*"l"*	Records at temporary job sites.	During temporary job site operations.
39.10(3)*"f"*	Annual evaluation of enclosed X-ray systems.	2 years.
10 CFR 34.67	Leak tests.	3 years or until the source in storage is removed.
39.10(3)*"f"*	Evaluation of certified cabinet X-ray systems.	2 years.

CHAPTER 39—APPENDIX D

EXEMPT CONCENTRATIONS

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml 1/	Column II Liquid and solid concentration μCi/ml 2/
Antimony (51)	Sb-122		3×10^{-4}
	Sb-124		2×10^{-4}
	Sb-125		1×10^{-3}
Argon (18)	Ar-37	1×10^{-3}	
	Ar-41	4×10^{-7}	
Arsenic (33)	As-73		5×10^{-3}
	As-74		5×10^{-4}
	As-76		2×10^{-4}
	As-77		8×10^{-4}
Barium (56)	Ba-131		2×10^{-3}
	Ba-140		3×10^{-4}
Beryllium (4)	Be-7		2×10^{-2}
Bismuth (83)	Bi-206		4×10^{-4}
Bromine (35)	Br-82	4×10^{-7}	3×10^{-3}
Cadmium (48)	Cd-109		2×10^{-3}
	Cd-115m		3×10^{-4}
	Cd-115		3×10^{-4}
Calcium (20)	Ca-45		9×10^{-5}
	Ca-47		5×10^{-4}
Carbon (6)	C-14	1×10^{-6}	8×10^{-3}
Cerium (58)	Ce-141		9×10^{-4}
	Ce-143		4×10^{-4}
	Ce-144		1×10^{-4}
Cesium (55)	Cs-131		2×10^{-2}
	Cs-134m		6×10^{-2}
	Cs-134		9×10^{-5}
Chlorine (17)	Cl-38	9×10^{-7}	4×10^{-3}
Chromium (24)	Cr-51		2×10^{-2}
Cobalt (27)	Co-57		5×10^{-3}
	Co-58		1×10^{-3}
	Co-60		5×10^{-4}
Copper (29)	Cu-64		3×10^{-3}
Dysprosium (66)	Dy-165		4×10^{-3}
	Dy-166		4×10^{-4}
Erbium (68)	Er-169		9×10^{-4}
	Er-171		1×10^{-3}

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml 1/	Column II Liquid and solid concentration μCi/ml 2/
Europium (63)	Eu-152(9.2 h)		6×10^{-4}
	Eu-155		2×10^{-3}
Fluorine (9)	F-18	2×10^{-6}	8×10^{-3}
Gadolinium (64)	Gd-153		2×10^{-3}
	Gd-159		8×10^{-4}
Gallium (31)	Ga-72		4×10^{-4}
Germanium (32)	Ge-71		2×10^{-2}
Gold (79)	Au-196		2×10^{-3}
	Au-198		5×10^{-4}
	Au-199		2×10^{-3}
Hafnium (72)	Hf-181		7×10^{-4}
Hydrogen (1)	H-3	5×10^{-6}	3×10^{-2}
Indium (49)	In-113m		1×10^{-2}
	In-114m		2×10^{-4}
Iodine (53)	I-126	3×10^{-9}	2×10^{-5}
	I-131	3×10^{-9}	2×10^{-5}
	I-132	8×10^{-8}	6×10^{-4}
	I-133	1×10^{-8}	7×10^{-5}
	I-134	2×10^{-7}	1×10^{-3}
Iridium (77)	Ir-190		2×10^{-3}
	Ir-192		4×10^{-4}
	Ir-194		3×10^{-4}
Iron (26)	Fe-55		8×10^{-3}
	Fe-59		6×10^{-4}
Krypton (36)	Kr-85m	1×10^{-6}	
	Kr-85	3×10^{-6}	
Lanthanum (57)	La-140		2×10^{-4}
Lead (82)	Pb-203		4×10^{-3}
Lutetium (71)	Lu-177		1×10^{-3}
Manganese (25)	Mn-52		3×10^{-4}
	Mn-54		1×10^{-3}
	Mn-56		1×10^{-3}
Mercury (80)	Hg-197m		2×10^{-3}
	Hg-197		3×10^{-3}
	Hg-203		2×10^{-4}
Molybdenum (42)	Mo-99		2×10^{-3}
Neodymium (60)	Nd-147		6×10^{-4}
	Nd-149		3×10^{-3}

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml 1/	Column II Liquid and solid concentration μCi/ml 2/
Nickel (28)	Ni-65		1×10^{-3}
Niobium (Columbium) (41)	Nb-95		1×10^{-3}
	Nb-97		9×10^{-3}
Osmium (76)	Os-185		7×10^{-4}
	Os-191m		3×10^{-2}
	Os-191		2×10^{-3}
	Os-193		6×10^{-4}
Palladium (46)	Pd-103		3×10^{-3}
	Pd-109		9×10^{-4}
Phosphorus (15)	P-32		2×10^{-4}
Platinum (78)	Pt-191		1×10^{-3}
	Pt-193m		1×10^{-2}
	Pt-197m		1×10^{-2}
	Pt-197		1×10^{-3}
Potassium (19)	K-42		3×10^{-3}
Praseodymium (59)	Pr-142		3×10^{-4}
	Pr-143		5×10^{-4}
Promethium (61)	Pm-147		2×10^{-3}
	Pm-149		4×10^{-4}
Rhenium (75)	Re-183		6×10^{-3}
	Re-186		9×10^{-4}
	Re-188		6×10^{-4}
Rhodium (45)	Rh-103m		1×10^{-1}
	Rh-105		1×10^{-3}
Rubidium (37)	Rb-86		7×10^{-4}
Ruthenium (44)	Ru-97		4×10^{-3}
	Ru-103		8×10^{-4}
	Ru-105		1×10^{-3}
	Ru-106		1×10^{-4}
Samarium (62)	Sm-153		8×10^{-4}
Scandium (21)	Sc-46		4×10^{-4}
	Sc-47		9×10^{-4}
	Sc-48		3×10^{-4}
Selenium (34)	Se-75		3×10^{-3}
Silicon (14)	Si-31		9×10^{-3}
Silver (47)	Ag-105		1×10^{-3}
	Ag-110m		3×10^{-4}
	Ag-111		4×10^{-4}

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml 1/	Column II Liquid and solid concentration μCi/ml 2/
Sodium (11)	Na-24		2×10^{-3}
Strontium (38)	Sr-85		1×10^{-3}
	Sr-89		1×10^{-4}
	Sr-91		7×10^{-4}
	Sr-92		7×10^{-4}
Sulfur (16)	S-35	9×10^{-8}	6×10^{-4}
Tantalum (73)	Ta-182		4×10^{-4}
Technetium (43)	Tc-96m		1×10^{-1}
	Tc-96		1×10^{-3}
Tellurium (52)	Te-125m		2×10^{-3}
	Te-127m		6×10^{-4}
	Te-127		3×10^{-3}
	Te-129m		3×10^{-4}
	Te-131m		6×10^{-4}
	Te-132		3×10^{-4}
Terbium (65)	Tb-160		4×10^{-4}
Thallium (81)	Tl-200		4×10^{-3}
	Tl-201		3×10^{-3}
	Tl-202		1×10^{-3}
	Tl-204		1×10^{-3}
Thulium (69)	Tm-170		5×10^{-4}
	Tm-171		5×10^{-3}
Tin (50)	Sn-113		9×10^{-4}
	Sn-125		2×10^{-4}
Tungsten (Wolfram) (74)	W-181		4×10^{-3}
	W-187		7×10^{-4}
Vanadium (23)	V-48		3×10^{-4}
Xenon (54)	Xe-131m	4×10^{-6}	
	Xe-133	3×10^{-6}	
	Xe-135	1×10^{-6}	
Ytterbium (70)	Yb-175		1×10^{-3}
Yttrium (39)	Y-90		2×10^{-4}
	Y-91m		3×10^{-2}
	Y-91		3×10^{-4}
	Y-92		6×10^{-4}
	Y-93		3×10^{-4}
Zinc (30)	Zn-65		1×10^{-3}
	Zn-69m		7×10^{-4}

Element (atomic number)	Radionuclide	Column I Gas concentration μCi/ml 1/	Column II Liquid and solid concentration μCi/ml 2/
	Zn-69		2×10^{-2}
Zirconium (40)	Zr-95		6×10^{-4}
	Zr-97		2×10^{-4}
Beta- and/or gamma-emitting radioactive material not listed above with half-life of less than 3 years.		1×10^{-10}	1×10^{-6}

1/ Values are given in Column I only for those materials normally used as gases.

2/ μCi/g for solids.

NOTE 1: Many radionuclides transform into other radionuclides. In expressing the concentrations in Appendix A, the activity stated is that of the parent radionuclide and takes into account the radioactive decay products.

NOTE 2: For purposes of rule 641—39.6(136C) where there is involved a combination of radionuclides, the limit for the combination should be derived as follows: Determine for each radionuclide in the product the ratio between the radioactivity concentration present in the product and the exempt radioactivity concentration established in Appendix A for the specific radionuclide when not in combination. The sum of such ratios may not exceed "1."

EXAMPLE: Concentration of Radionuclide A in Product

+ Exempt concentration of Radionuclide A

Concentration of Radionuclide B in Product

≤1 Exempt concentration of Radionuclide B

NOTE 3: To convert μCi/ml to SI units of megabecquerels per liter multiply the above values by 37.

EXAMPLE: Zirconium (40) Zr-97 (2×10^{-4} μCi/ml multiplied by 37 is equivalent to 74×10^{-4} MBq/l)

CHAPTER 39—APPENDIX E
EXEMPT QUANTITIES

Radioactive Material	**Microcuries**
Antimony-122 (Sb 122)	100
Antimony-124 (Sb 124)	10
Antimony-125 (Sb 125)	10
Arsenic-73 (As 73)	100
Arsenic-74 (As 74)	10
Arsenic-76 (As 76)	10
Arsenic-77 (As 77)	100
Barium-131 (Ba 131)	10
Barium-133 (Ba 133)	10
Barium-140 (Ba 140)	10
Bismuth-210 (Bi 210)	1
Bromine-82 (Br 82)	10
Cadmium-109 (Cd 109)	10
Cadmium-115m (Cd 115m)	10
Cadmium-115 (Cd 115)	100
Calcium-45 (Ca 45)	10
Calcium-47 (Ca 47)	10
Carbon-14 (C 14)	100
Cerium-141 (Ce 141)	100
Cerium-143 (Ce 143)	100
Cerium-144 (Ce 144)	1
Cesium-129 (Cs 129)	100
Cesium-131 (Cs 131)	1,000
Cesium-134m (Cs 134m)	100
Cesium-134 (Cs 134)	1
Cesium-135 (Cs 135)	10
Cesium-136 (Cs 136)	10
Cesium-137 (Cs 137)	10
Chlorine-36 (Cl 36)	10
Chlorine-38 (Cl 38)	10
Chromium-51 (Cr 51)	1,000
Cobalt-57 (Co 57)	100
Cobalt-58m (Co 58m)	10
Cobalt-58 (Co 58)	10
Cobalt-60 (Co 60)	1
Copper-64 (Cu 64)	100
Dysprosium-165 (Dy 165)	10
Dysprosium-166 (Dy 166)	100
Erbium-169 (Er 169)	100
Erbium-171 (Er 171)	100
Europium-152 (Eu 152)9.2h	100
Europium-152 (Eu 152)13 yr	1

Radioactive Material	Microcuries
Europium-154 (Eu 154)	1
Europium-155 (Eu 155)	10
Fluorine-18 (F 18)	1,000
Gadolinium-153 (Gd 153)	10
Gadolinium-159 (Gd 159)	100
Gallium-67 (Ga 67)	100
Gallium-72 (Ga 72)	10
Germanium-68 (Ge 68)	10
Germanium-71 (Ge 71)	100
Gold-195 (Au 195)	10
Gold-198 (Au 198)	100
Gold-199 (Au 199)	100
Hafnium-181 (Hf 181)	10
Holmium-166 (Ho 166)	100
Hydrogen-3 (H 3)	1,000
Indium-111 (In 111)	100
Indium-113m (In 113m)	100
Indium-114m (In 114m)	10
Indium-115m (In 115m)	100
Indium-115 (In 115)	10
Iodine-123 (I 123)	100
Iodine-125 (I 125)	1
Iodine-126 (I 126)	1
Iodine-129 (I 129)	0.1
Iodine-131 (I 131)	1
Iodine-132 (I 132)	10
Iodine-133 (I 133)	1
Iodine-134 (I 134)	10
Iodine-135 (I 135)	10
Iridium-192 (Ir 192)	10
Iridium-194 (Ir 194)	100
Iron-52 (Fe 52)	10
Iron-55 (Fe 55)	100
Iron-59 (Fe 59)	10
Krypton-85 (Kr 85)	100
Krypton-87 (Kr 87)	10
Lanthanum-140 (La 140)	10
Lutetium-177 (Lu 177)	100
Manganese-52 (Mn 52)	10
Manganese-54 (Mn 54)	10
Manganese-56 (Mn 56)	10
Mercury-197m (Hg 197m)	100
Mercury-197 (Hg 197)	100
Mercury-203 (Hg 203)	10
Molybdenum-99 (Mo 99)	100

Radioactive Material	Microcuries
Neodymium-147 (Nd 147)	100
Neodymium-149 (Nd 149)	100
Nickel-59 (Ni 59)	100
Nickel-63 (Ni 63)	10
Nickel-65 (Ni 65)	100
Niobium-93m (Nb 93m)	10
Niobium-95 (Nb 95)	10
Niobium-97 (Nb 97)	10
Osmium-185 (Os 185)	10
Osmium-191m (Os 191m)	100
Osmium-191 (Os 191)	100
Osmium-193 (Os 193)	100
Palladium-103 (Pd 103)	100
Palladium-109 (Pd 109)	100
Phosphorus-32 (P 32)	10
Platinum-191 (Pt 191)	100
Platinum-193m (Pt 193m)	100
Platinum-193 (Pt 193)	100
Platinum-197m (Pt 197m)	100
Platinum-197 (Pt 197)	100
Polonium-210 (Po 210)	0.1
Potassium-42 (K 42)	10
Potassium-43 (K 43)	10
Praseodymium-142 (Pr 142)	100
Praseodymium-143 (Pr 143)	100
Promethium-147 (Pm 147)	10
Promethium-149 (Pm 149)	10
Rhenium-186 (Re 186)	100
Rhenium-188 (Re 188)	100
Rhodium-105 (Rh 105)	100
Rubidium-81 (Rb 81)	10
Rubidium-86 (Rb 86)	10
Rubidium-87 (Rb 87)	10
Ruthenium-97 (Ru 97)	100
Ruthenium-103 (Ru 103)	10
Ruthenium-105 (Ru 105)	10
Ruthenium-106 (Ru 106)	1
Samarium-151 (Sm 151)	10
Samarium-153 (Sm 153)	100
Scandium-46 (Sc 46)	10
Scandium-47 (Sc 47)	100
Scandium-48 (Sc 48)	10
Selenium-75 (Se 75)	10
Silicon-31 (Si 31)	100
Silver-105 (Ag 105)	10

Radioactive Material	Microcuries
Silver-110m (Ag 110m)	1
Silver-111 (Ag 111)	100
Sodium-22 (Na 22)	10
Sodium-24 (Na 24)	10
Strontium-85 (Sr 85)	10
Strontium-89 (Sr 89)	1
Strontium-90 (Sr 90)	0.1
Strontium-91 (Sr 91)	10
Strontium-92 (Sr 92)	10
Sulphur-35 (S 35)	100
Tantalum-182 (Ta 182)	10
Technetium-96 (Tc 96)	10
Technetium-97m (Tc 97m)	100
Technetium-97 (Tc 97)	100
Technetium-99m (Tc 99m)	100
Technetium-99 (Tc 99)	10
Tellurium-125m (Te 125m)	10
Tellurium-127m (Te 127m)	10
Tellurium-127 (Te 127)	100
Tellurium-129m (Te 129m)	10
Tellurium-129 (Te 129)	100
Tellurium-131m (Te 131m)	10
Tellurium-132 (Te 132)	10
Terbium-160 (Tb 160)	10
Thallium-200 (Tl 200)	100
Thallium-201 (Tl 201)	100
Thallium-202 (Tl 202)	100
Thallium-204 (Tl 204)	10
Thulium-170 (Tm 170)	10
Thulium-171 (Tm 171)	10
Tin-113 (Sn 113)	10
Tin-125 (Sn 125)	10
Tungsten-181 (W 181)	10
Tungsten-185 (W 185)	10
Tungsten-187 (W 187)	100
Vanadium-48 (V 48)	10
Xenon-131m (Xe 131m)	1,000
Xenon-133 (Xe 133)	100
Xenon-135 (Xe 135)	100
Ytterbium-175 (Yb 175)	100
Yttrium-87 (Y 87)	10
Yttrium-88 (Y 88)	10
Yttrium-90 (Y 90)	10
Yttrium-91 (Y 91)	10
Yttrium-92 (Y 92)	100

Radioactive Material	Microcuries
Yttrium-93 (Y 93)	100
Zinc-65 (Zn 65)	10
Zinc-69m (Zn 69m)	100
Zinc-69 (Zn 69)	1,000
Zirconium-93 (Zr 93)	10
Zirconium-95 (Zr 95)	10
Zirconium-97 (Zr 97)	10
Any radioactive material not listed above other than alpha-emitting radioactive material	0.1

NOTE 1: For purposes of rule 641—39.6(136C) where there is involved a combination of radionuclides, the limit for the combination should be derived as follows:

Determine the amount of each radionuclide possessed and 1,000 times the amount in Appendix B for each of those radionuclides when not in combination. The sum of the ratios of those quantities may not exceed 1.

EXAMPLE:

$$\frac{\text{Amt. of Radionuclide A possessed}}{1000 \times \text{Appendix B quantity for Radionuclide A}} + \frac{\text{Amt. of Radionuclide B possessed}}{1000 \times \text{Appendix B quantity for Radionuclide B}} \mu\ 1$$

NOTE 2: To convert microcuries (μCi) to SI units of kilobecquerels (kBq), multiply the above values by 37.

EXAMPLE: Zirconium-97 (10 μCi multiplied by 37 is equivalent to 370 kBq).

CHAPTER 39—APPENDIX F

GENERAL REQUIREMENTS FOR INSPECTION OF INDUSTRIAL RADIOGRAPHIC EQUIPMENT

I. Panoramic devices (devices in which the sealed source is physically removed from the shielded container during exposure) shall be inspected for:

A. Radiographic exposure unit:

1. Abnormal surface radiation levels anywhere on camera, collimator, or guide tube;
2. Condition of safety plugs;
3. Proper operation of locking mechanism;
4. Condition of pigtail connector;
5. Condition of carrying device (straps, handle, etc.);
6. Proper labeling.

B. Source tube:

1. Rust, dirt, or sludge buildup inside the source tube;
2. Condition of source tube connector;
3. Condition of source stop;
4. Kinks or damage that could prevent proper operation;
5. Presence of radioactive contamination.

C. Control cables and drive mechanism:

1. Proper drive mechanism with camera, as appropriate;
2. Changes in general operating characteristics;
3. Condition of connector on drive cable;
4. Drive cable flexibility, wear, and rust;
5. Excessive wear or damage to crank assembly parts;
6. Damage to drive cable conduit that could prevent the cable from moving easily;
7. Connection of the control cable connector with the pigtail connector for proper mating;
8. Proper operation of source position indicator, if applicable;
9. Presence of radioactive contamination.

II. Directional beam devices shall be inspected for:

A. Abnormal surface radiation;
B. Changes in the general operating characteristics of the unit;
C. Proper operation of shutter mechanism;
D. Chafing or binding of shutter mechanism;
E. Damage to the device that might impair its operation;
F. Proper operation of locking mechanism;
G. Proper drive mechanism with camera, as appropriate;
H. Condition of carrying device (strap, handle, etc.);
I. Proper labeling.

III. X-ray equipment shall be inspected for:

A. Change in the general operating characteristics of the unit;
B. Wear of electrical cables and connectors;
C. Proper labeling of console;
D. Proper console with machine, as appropriate;
E. Proper operation of locking mechanism;
F. Timer run-down cutoff;

G. Damage to tube head housing that might result in excessive radiation levels.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 40
"Registration and Safety Requirements for Radiation Emitting Machines in the Healing Arts—Medicine, Podiatry, Dental, Chiropractic, and Veterinary Medicine"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 136C
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 136C

Public Hearing

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

November 4, 2025 10 a.m.	Microsoft Teams Meeting ID: 256 572 060 444 0 Passcode: SG2Vc96j

Public Comment

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

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

Purpose and Summary

This proposed chapter is one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed chapter and the seven others underwent a fulsome review as a 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. This proposed chapter establishes the requirements of registrants or people seeking to be certified in the use of dental, medical, diagnostic, interventional, and veterinary radiation machines.

Analysis of Impact

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

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

There are not any expected costs for this rulemaking beyond administrative costs for the Department.

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

Those seeking certification in the use of dental, medical, diagnostic, interventional, and veterinary radiation machines will benefit from clarified and updated 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:**

Not applicable.

- **Qualitative description of impact:**

Those seeking certification in the use of dental, medical, diagnostic, interventional, and veterinary radiation machines will benefit from clarified and updated rules.

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 enforcement of this proposed chapter.

- **Anticipated effect on State revenues:**

This 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:**

The regulation of radiation machines is required by Iowa Code chapter 136C.

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 have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 40 and adopt the following **new** chapter in lieu thereof:

CHAPTER 40
REGISTRATION AND SAFETY REQUIREMENTS FOR RADIATION EMITTING MACHINES IN THE HEALING ARTS—MEDICINE, PODIATRY, DENTAL, CHIROPRACTIC, AND VETERINARY MEDICINE

641—40.1(136C) General provisions. This rule establishes the requirements of a registrant for the use of diagnostic X-ray equipment and imaging systems. Such equipment shall be used only by, or under the supervision of, an individual who is authorized to operate the equipment and is licensed in

accordance with state statutes to practice in the healing arts, including medicine, podiatry, dentistry, chiropractic, or veterinary medicine.

40.1(1) The provisions of Chapter 40 are in addition to, and not in substitution for, any other applicable portions of 641—Chapters 37 through 42.

40.1(2) All references to any Code of Federal Regulations (CFR) in this chapter are those as amended to August 1, 2025.

641—40.2(136C) Definitions. The definitions provided in 641—Chapter 37 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this chapter.

"Accessible surface" means the external surface of the enclosure or housing of the radiation producing machine as provided by the manufacturer.

"Attenuation block" means a block or stack having dimensions 20 centimeters by 20 centimeters by 3.8 centimeters of type 1100 aluminum alloy or other materials having equivalent attenuation.

"Automatic exposure control" or *"AEC"* (see also "phototimer") means a device that automatically controls one or more technique factors in order to obtain at a preselected location(s) a required quantity of radiation (includes devices such as phototimers and ion chambers).

"C-arm fluoroscope" means a fluoroscopic X-ray system in which the image receptor and the X-ray tube housing assembly are connected or coordinated to maintain a spatial relationship. Such a system allows a change in the direction of the beam axis with respect to the patient without moving the patient.

"Computed radiography" or *"CR"* (see also "DR") means a digital X-ray imaging method in which a photo-stimulable phosphor is used to capture and store a latent image. The latent image is read out by stimulating the phosphor with a laser. Computed radiography systems may use cassettes to house the phosphor, or it may be integrated into a digital radiography system.

"Computed tomography dose index" or *"CTDI"* means the integral from –7T to +7T of the dose profile along a line perpendicular to the tomographic plane divided by the product of the nominal tomographic section thickness and the number of tomograms produced in a single scan, that is:

$$\overline{\mathrm{CTDI}} = \frac{1}{nT}\int_{-7T}^{+7T} D(z)\,dz$$

where:

z = Position along a line perpendicular to the tomographic plane.
D(z)= Dose at position z.
T = Nominal tomographic section thickness.
n = Number of tomograms produced in a single scan.

This definition assumes that:

1. The dose profile is centered around z = 0; and
2. For a multiple tomogram system, the scan increment between adjacent scans is nT.

"Cone beam computed tomography" or *"CBCT"* is a volumetric imaging modality. Volumetric data are acquired using two dimensional digital detector arrays and a cone-shaped (instead of fan-shaped) X-ray beam that rotates around the patient. Reconstruction algorithms can be used to generate images of any desired plane.

"CT conditions of operation" means all selectable parameters governing the operation of a CT X-ray system, including but not limited to nominal tomographic section thickness, filtration, and the technique factors as defined in this chapter.

"CT gantry" means the tube housing assemblies, beam-limiting devices, detectors, and the supporting structures, frames, and covers that hold and enclose these components within a computed tomography system.

"Cumulative air kerma" means the total air kerma accrued from the beginning of an examination or procedure and includes all contributions from fluoroscopic and radiographic irradiation.

"Diagnostic source assembly" means the tube housing assembly with a beam-limiting device attached.

"Digital radiography" or *"DR"* means an X-ray imaging method (or radiography) that produces a digital rather than analog image. "DR" includes both computed radiography (CR) and direct digital radiography (DDR).

"Direct digital radiography" or *"DDR"* (see also "CR" and "DR") means an X-ray imaging method in which a digital sensor, usually incorporating a thin-film transistor, is used to capture an X-ray image. Some DDR systems use a scintillator to convert X-rays to light and a photodiode array to convert light to charge, while others use a photoconductor to convert X-rays directly to charge, which is stored on the thin-film transistor.

"Dose area product," "DAP," "kerma-area product," or *"KAP"* mean the product of the air kerma and the area of the irradiated field and are typically expressed in Gy-cm^2, so do not change with distance from the X-ray tube.

"Dose profile" means the dose as a function of position along a line.

"Entrance exposure rate" means the exposure free in air per unit time at the point where the center of the useful beam enters the patient.

"Field emission equipment" means equipment that uses an X-ray tube in which electron emission from the cathode is due solely to the action of an electric field.

"Filter" means material placed in the useful beam to preferentially absorb selected radiations.

"Fluoroscopically guided interventional," "FGI" or *"special procedures"* means an interventional diagnostic or therapeutic procedure performed via percutaneous or other access routes, usually with local anesthesia or intravenous sedation, that uses external ionizing radiation in the form of fluoroscopy to localize or characterize a lesion, diagnostic site, or treatment site; to monitor the procedure; and to control and document therapy. These procedures could result in extended fluoroscopy examination times and higher doses than typical imaging procedures.

"Fluoroscopic imaging assembly" means a subsystem in which X-ray photons produce a visual image. It includes the image receptor(s) such as the image intensifier and spot-film device; electrical interlocks, if any; and structural material providing linkage between the image receptor and diagnostic source assembly.

"Focal spot (actual)" means the area projected on the anode of the X-ray tube bombarded by the electrons accelerated from the cathode and from which the useful beam originates.

"Focal spot size" means the area of the target or anode that is bombarded by electrons from the cathode of the X-ray tube to produce X-rays. The smaller the focal spot, the better the limited spatial resolution of the X-ray system, especially in magnification mammography.

"Healing arts screening" means the testing of human beings using X-ray machines for the detection or evaluation of health indications for which the individual is considered at high risk when such tests are not specifically and individually ordered by:

1. An individual authorized under subrule 40.4(10), or
2. An individual licensed as a physician in Iowa.

"Image intensifier" means a device, installed in its housing, that instantaneously converts an X-ray pattern into a corresponding light image of higher energy intensity.

"Image receptor" means any device, such as a fluorescent screen, radiographic film, X-ray image intensifier tube, solid-state detector, or gaseous detector that transforms incident X-ray photons either into a visible image or into another form that can be made into a visible image by further transformations. In those cases where means are provided to preselect a portion of the image receptor, "image receptor" means the preselected portion of the device.

"Last-image hold (LIH) radiograph" means an image obtained either by retaining one or more fluoroscopic images, which may be temporarily integrated, at the end of a fluoroscopic exposure or by initiating a separate and distinct radiographic exposure automatically and immediately in conjunction with termination of the fluoroscopic exposure.

"Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

"mA" means milliampere.

"mAs" means milliampere second.

"Multiple tomogram system" means a computed tomography X-ray system that obtains X-ray transmission data simultaneously during a single scan to produce more than one tomogram.

"Nominal tomographic section thickness" means the full width at half-maximum of the sensitivity profile taken at the center of the cross-sectional volume over which X-ray transmission data are collected.

"Peak tube potential," "Kilovolts peak" or *"kVp"* means the maximum value of the potential difference across the X-ray tube during an exposure.

"Phototimer" (see also "automatic exposure control") means a method for controlling radiation exposures to image receptors by the amount of radiation that reaches a radiation-monitoring device(s). The radiation-monitoring device(s) is part of an electronic circuit that controls the duration of time the tube is activated.

"Position indicating device" or *"PID"* means a device on dental X-ray equipment used to indicate the beam position and to establish a definite source-surface (skin) distance. It may or may not incorporate or serve as a beam-limiting device.

"Protective apron" means an apron made of radiation-absorbing materials used to reduce radiation exposure.

"Protective glove" means a glove made of radiation-absorbing materials used to reduce radiation exposure.

"Radiation detector" means a device that in the presence of radiation provides a signal or other indication suitable for use in measuring one or more quantities of incident radiation.

"Radiation therapy simulation system" means a radiographic or fluoroscopic X-ray system intended for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

"Radiograph" means an image receptor on which the image is created directly or indirectly by an X-ray pattern and results in a permanent record.

"Radiography" means a technique for generating and recording an X-ray pattern for the purpose of providing the user with an image(s) after termination of the exposure.

"Recording" means producing a retrievable form of an image resulting from X-ray photons.

"Scan" means the complete process of collecting X-ray transmission data for the production of a tomogram. Data can be collected simultaneously during a single scan for the production of one or more tomograms.

"Scan increment" means the amount of relative displacement of the patient with respect to the CT X-ray system between successive scans measured along the direction of such displacement.

"Scan sequence" means a preselected set of two or more scans performed consecutively under preselected CT conditions of operation.

"Scan time" means the period of time between the beginning and end of X-ray transmission data accumulation for a single scan.

"Sensitivity profile" means the relative response of the CT X-ray system as a function of position along a line perpendicular to the tomographic plane.

"Source" means the focal spot of the X-ray tube.

"Source-image receptor distance" or *"SID"* means the distance from the source to the center of the input surface of the image receptor.

"Spot film" means a radiograph that is made during a fluoroscopic examination to permanently record conditions that exist during that fluoroscopic procedure.

"Technique factors" means the following conditions of operation:

1. For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs;

2. For field emission equipment rated for pulsed operation, peak tube potential in kV, and number of X-ray pulses;

3. For CT X-ray systems designed for pulsed operation, peak tube potential in kV, scan time in seconds, and either:

A. Tube current in mA, X-ray pulse width in seconds, and the number of X-ray pulses per scan, or

B. The product of tube current, X-ray pulse width, and the number of X-ray pulses in mAs;

4. For CT X-ray systems not designed for pulsed operation, peak tube potential in kV, and either tube current in mA and scan time in seconds or the product of tube current and exposure time in mAs and the scan time when the scan time and exposure time are equivalent; and

5. For all other equipment, peak tube potential in kV and either tube current in mA and exposure time in seconds or the product of tube current and exposure time in mAs.

"Tomogram" means the depiction of the X-ray attenuation properties of a section through the body.

"Tomographic plane" means that geometric plane that is identified as corresponding to the output tomogram.

"Tomographic section" means the volume of an object whose X-ray attenuation properties are imaged in a tomogram.

"Useful beam" means the radiation emanating from the tube housing port or the radiation head and passing through the aperture of the beam-limiting device when the exposure controls are in a mode to cause the system to produce radiation.

"Visible area" means that portion of the input surface of the image receptor over which incident X-ray photons are producing a visible image.

"X-ray control" or *"control panel"* means a device that controls input power to the X-ray high-voltage generator and the X-ray tube, including equipment such as timers, phototimers, automatic brightness stabilizers, and similar devices that control the technique factors of an X-ray exposure.

"X-ray equipment" or *"equipment"* means an X-ray system, subsystem, or component thereof. Types of X-ray equipment are as follows:

1. "Mobile X-ray equipment" means X-ray equipment mounted on a permanent base with wheels or casters for moving while completely assembled.

2. "Portable X-ray equipment" means X-ray equipment designed to be hand-carried but used with a tripod or other stabilization mechanism so the operator is not holding the equipment during exposure.

3. "Stationary X-ray equipment" means X-ray equipment that is installed in a fixed location.

4. "Handheld X-ray equipment" means X-ray equipment designed by the manufacturer to be handheld by the operator during the exposure. X-ray equipment designed without a back-scatter shield is prohibited.

"X-ray exposure control" means a device, a switch, a button, or similar means by which an operator initiates or terminates the radiation exposure. The X-ray exposure control may include such associated equipment as timers and backup timers.

"X-ray field" means that area of the intersection of the useful beam and any one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the exposure rate is one-fourth of the maximum in the intersection.

"X-ray high-voltage generator" means a device that transforms electrical energy from the potential supplied by the X-ray control to the tube operating potential. The device may also include

means for transforming alternating current to direct current, filament transformers for the X-ray tube(s), high-voltage switches, electrical protective devices, and other appropriate elements.

"X-ray system" means an assemblage of components for the controlled production of X-rays. It includes minimally an X-ray high-voltage generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components that function with the system are considered integral parts of the system.

"X-ray table" means a patient support device with its patient support structure (tabletop) interposed between the patient and the image receptor during radiography or fluoroscopy. This includes but is not limited to any stretcher equipped with a radiolucent panel and any table equipped with a cassette tray (or bucky), cassette tunnel, image intensifier, or spot-film device beneath the tabletop.

641—40.3(136C) General regulatory requirements.

40.3(1) The registrant shall be responsible for directing the operation of the X-ray system(s) under the registrant's administrative control and shall ensure that the requirements of these regulations are met in the operation of the X-ray system(s).

40.3(2) In addition to the rules of this chapter, registrants shall also comply with the requirements of the rules in 641—Chapter 37, including but not limited to:

a. Requirements for registration in rule 641—37.8(136C);

b. Fees in rule 641—37.9(136C);

c. Administrative enforcement actions in rule 641—37.10(136C);

d. Standards for protection against radiation in rule 641—37.11(136C);

e. Record requirements in rule 641—37.12(136C);

f. Notifications and reporting requirements of a reportable radiation incident in 641—subrule 37.13(3);

g. Notices, instructions, and reports to workers in rule 641—37.14(136C).

641—40.4(136C) Administrative controls.

40.4(1) *Registrant.* The registrant shall be responsible for:

a. Maintaining and directing the operation of the X-ray system(s) under the registrant's administrative control for ensuring that the requirements of these rules are met in the operation of the X-ray system(s).

b. Ensuring the X-ray equipment is maintained and tested by a registered service provider, and qualified expert when applicable, through an equipment performance evaluation based on manufacturer recommendations or according to the following minimum tests and schedule, whichever is more frequent. Veterinary systems are exempt from the equipment performance evaluation requirements of paragraph 40.4(2)*"b."*

40.4(2) *Equipment performance evaluation (EPE).*

a. EPE following installation or modifications. For X-ray, fluoroscopic, and CT systems, an EPE shall be performed under the following conditions:

(1) Within 30 days after initial installation of new machines;

(2) Within 30 days after reinstallation of a machine; or

(3) Within 30 days after repair of a machine component that would affect the radiation output that includes but is not limited to the timer, tube, and power supply.

b. EPE frequency. For X-ray, fluoroscopic, and CT systems, excluding veterinary, an EPE shall be performed at the frequency and by the appropriately trained service provider or qualified expert as required in the following table:

Type of Machine	Frequency	Performed By
CT	Annually	Qualified expert
Fluoroscopy	Annually	Qualified expert

Type of Machine	Frequency	Performed By
Dental (intraoral and panoramic/cephalometric)	4 years	Service provider
CBCT	2 years	Qualified expert
All other X-ray equipment (medical/chiropractic/podiatric)	2 years	Service provider

c. *Records of EPE results.* Records of the test results shall:

(1) Include measurements and numerical readings;

(2) Indicate a pass or fail for each test; and

(3) Be reviewed and signed by a registered service provider or qualified expert.

d. *Correction of EPE results.* Any items not meeting the specifications of the EPE shall be corrected or repaired.

(1) The correction or repair shall begin within 30 days following the EPE and shall be performed according to a plan designated by the registrant.

(2) Correction or repair shall be completed no longer than 90 days from discovery unless authorized by the department.

(3) The registrant shall maintain records of corrections or repairs in accordance with this chapter.

(4) These records must be retained and made available to the department upon request.

40.4(3) *EPEs for service and installation.* All EPEs for service and installation shall be performed by a person registered as a radiation machines service provider or qualified expert under 641—subrules 37.8(3) and 37.8(4).

40.4(4) *Compliance prior to operation.* The registrant or the registrant's agent shall ensure that the requirements of these rules are met prior to the operation of the X-ray system(s).

40.4(5) *Compliance or prior approval by department.* An X-ray system that does not meet the provisions of these rules cannot be operated for diagnostic purposes without prior approval by the department. To ensure compliance, the following provisions must be met:

a. All position locking, holding, and centering devices on X-ray system components and systems shall function as intended.

b. All X-ray systems shall be maintained in good mechanical repair and comply with all state and local electrical code requirements.

c. The registrant cannot operate an X-ray machine for diagnostic or therapeutic purposes when the X-ray machine:

(1) Does not meet the provisions of this chapter; or

(2) Is malfunctioning and threatens the health or safety of the patient, operator, or general public.

40.4(6) *Operator competency and training.* Individuals who will be operating the X-ray systems shall be adequately instructed in safe operating procedures and be competent in the safe use of the equipment. In addition:

a. Operators shall meet the requirements of 641—Chapter 38, as applicable, and shall make the permit available at the individual's place of employment.

b. If the permit holder works at more than one facility, a duplicate of the permit shall be kept at each facility.

c. Operators of diagnostic X-ray systems for clinical purposes should receive training specific to the equipment, procedures, and examination protocols specific to the facility's operations.

40.4(7) *Protocol—no operational anatomic programming.* For general radiographic systems not equipped with an operational anatomic programming option, protocols shall be documented and readily available to the operator. At a minimum, these protocols shall include the following:

a. Patient's body part and anatomical size (adult and pediatric, if appropriate);

b. Technique factors;

c. Type of image receptor used;

d. Source to image receptor distance used (except for dental intraoral radiography); and

e. Type of grid, if any.

40.4(8) *Written safety procedures.* Written safety procedures, as outlined in 641—Chapter 37, shall be established and provided to each individual operating X-ray equipment. The procedures shall include:

a. Patient holding requirements and any restrictions on operating technique necessary for the safe operation of the specific X-ray system.

b. Procedures with which the operator shall be able to demonstrate familiarity, including:

(1) Except for patients who cannot be moved out of the room, only staff and ancillary personnel required for the medical procedure or training shall be present in the room during the radiographic exposure.

(2) Other than the patient being examined, all individuals shall be positioned so that no part of the body is struck by the useful beam unless protected by 0.5 millimeter lead equivalent.

(3) The X-ray operator, other staff, ancillary personnel, and any other persons required for the medical procedure, with the exception of handheld dental operators, shall be protected from scattered primary radiation by protective aprons or whole body protective barriers of not less than 0.25 millimeter lead equivalent. This requirement does not apply to the use of dental handheld X-ray units, provided the device's backscatter shield is in place and used as intended by the manufacturer and as specified in subrule 40.7(5).

(4) Human patients who cannot be removed from the room shall be protected from the direct scatter radiation by whole body protective barriers of 0.25 millimeter lead equivalent or shall be positioned so the nearest portion of the body is at least two meters from both the tube head and the nearest edge of the image receptor.

40.4(9) *Protective apparel.* A sufficient number of protective apparel (e.g., aprons, gloves, collars) and shields shall be available to provide the necessary radiation protection for all patients and personnel who are involved with X-ray operations.

a. All protective apparel and auxiliary shields shall be evaluated annually for integrity and clearly labeled with lead equivalent.

b. Registrants shall maintain a patient shielding policy consistent with ALARA principles. The use of shielding shall be determined in accordance with the radiation machine facility's established policy in alignment with national guidance. The policy should include procedures for addressing patient requests for shielding.

40.4(10) *Exposure to the useful beam.*

a. Individuals cannot be exposed to the useful beam unless:

(1) The radiation exposure occurs in the context of a previously established professional relationship between a licensed practitioner of the healing arts or a licensed registered nurse who is registered as an advanced registered nurse practitioner (ARNP) pursuant to Iowa Code chapter 152 and a patient, which includes a physical examination by the practitioner of the patient unless such examination is not clinically indicated; and

(2) Such practitioner issues a written order for the radiation exposure. The written order shall be issued prior to the exposure unless the exposure results from care provided in an emergency or surgery setting. A verbal order may be issued provided the licensed practitioner is supervising the procedure and the order is documented in the patient's record after the procedure is completed.

b. This provision specifically prohibits deliberate exposure for the following purposes:

(1) Exposure of an individual for training, demonstration, or other non-healing arts purposes; and

(2) Exposure of an individual for the purpose of healing arts screening except as authorized by subrule 40.4(14).

40.4(11) *Auxiliary support.* When a patient or image receptor must be provided with auxiliary support during a radiation exposure:

a. Mechanical holding devices shall be used when the technique permits. The written safety procedures, required by subrule 40.4(8), shall list individual projections where holding devices cannot be utilized;

b. Written safety procedures, as required by subrule 40.4(8), shall indicate the requirements for selecting a holder and the procedure the holder shall follow;

c. A human holder shall be instructed in personal radiation safety and protected as required by subrule 40.4(8);

d. No individual shall be used routinely to hold image receptors or patients; and

e. Each facility shall have lead aprons and gloves available in sufficient numbers to provide protection to all personnel who are involved with X-ray operations and who are otherwise not shielded.

40.4(12) *Procedures and auxiliary equipment.* Facilities shall use procedures and auxiliary equipment that reduce radiation exposure to patients and staff, as much as reasonably possible, while still obtaining the necessary diagnostic information.

a. Radiation exposure to the patient shall be limited to the minimum exposure required to produce images of good diagnostic quality.

b. Portable or mobile X-ray equipment shall be used only for examinations, excluding intraoral dental imaging, where it is impractical to transfer the patient(s) to a stationary X-ray installation.

c. Handheld mobile X-ray equipment may be used for routine intraoral dental imaging in place of stationary equipment, provided the device's backscatter shield is in place and used as intended by the manufacturer as specified in subrule 40.7(5).

d. X-ray systems subject to 641—Chapter 40 shall not be used in procedures where the source to human patient distance is less than 30 centimeters.

e. If grids are used between the patient and the image receptor to decrease scatter and improve contrast, the grid shall:

(1) Be positioned properly, including the tube side facing the correct direction, and the grid centered to the central ray; and

(2) For focused type grids, be at the proper focal distance for the SIDs being used.

40.4(13) *Personnel monitoring devices.* All individuals who are associated with the operation of an X-ray system are subject to the requirements of rule 641—37.11(136C) for standards for protection against radiation. In addition:

a. When protective clothing or devices are worn on portions of the body and a personnel monitoring device(s) is present, the device(s) shall be worn in accordance with the recommendations found in Chapter 4 of the National Council of Radiation Protection and Measurements Report No. 57 as amended to August 1, 2025.

b. Exposure of a personnel monitoring device to deceptively indicate a dose delivered to an individual is prohibited.

40.4(14) *Healing arts screening program.* The registrant shall not initiate a healing arts screening program in which an individual is exposed to the useful beam without an order as specified in subrule 40.4(10) without prior written approval from the department.

a. An application for approval shall be submitted to the department in accordance with requirements specified in Appendix A of this chapter.

b. The department cannot approve a healing arts screening program unless the applicant submits data supporting the efficacy of the screening test in diagnosing the disease or condition being screened.

c. If any information submitted to the department becomes invalid or outdated, the applicant shall notify the department in writing within five calendar days.

40.4(15) *Maintenance of records.*

a. The registrant shall maintain all of the following records for each X-ray system until the X-ray system is removed from the facility, or as otherwise specified, and shall make such records available for inspection by the department:

(1) Model and serial numbers of all major components, and user's manuals for those components, including software;

(2) Records of surveys, calibrations, maintenance, and modifications (e.g., major software and hardware upgrades) performed on the X-ray system(s);

(3) A copy of all correspondence with the department regarding each X-ray system;

(4) Medical and imaging records as specified in 641—subrule 37.12(2);

(5) Personnel and dosimetry records as specified in 641—subrule 37.12(8);

b. X-ray utilization records shall be kept until the facility is inspected by this department or until all images listed on the utilization record log have been purged as specified in 641—subrule 37.12(2).

40.4(16) *X-ray utilization records.* Each facility, excluding veterinary, shall maintain a written or electronic utilization log that shall be made available to the department, upon request, for a date range specified by the department. The utilization record shall include but is not limited to all of the following:

a. The patient's name;

b. The type of examination(s);

c. The date the examinations were performed;

d. Dose information, when available from the imaging equipment or associated software.

40.4(17) *Quality assurance (QA).* The registrant shall establish and maintain a QA program, including but not limited to the following;

a. Maintain personnel qualifications as specified in 641—Chapter 38.

b. Establish and maintain written QA and quality control (QC) procedures, which shall be reviewed annually.

c. Conduct image evaluations at established intervals to identify operator training needs or imaging system deficiencies.

d. Retain QA/QC records of evaluations and reviews as specified in subrule 40.4(15).

40.4(18) *Shielding plan review.* Unless otherwise specified by the department, registrants shall ensure the following conditions related to shielding for X-ray machines are met:

a. Prior to construction of all new installations, modifications of existing installations, or installation of equipment into existing facilities where the X-ray machine is fixed in one location or otherwise routinely used in a specific location, the floor plans and equipment arrangements shall be submitted to the department for review and verification that national standards have been met. Required submission details are outlined in Appendix B of this chapter.

b. The department may require the applicant to utilize the services of a qualified expert to determine the shielding requirements prior to the plan review and approval.

c. The approval of such plans cannot preclude the requirement of additional modifications should a subsequent analysis of operating conditions indicate the possibility of an individual receiving a dose in excess of the limits prescribed in 641—Chapter 37.

40.4(19) *Design requirements for an operator's booth.*

a. Space requirements.

(1) The operator shall be allotted not less than 7.5 square feet (0.697 m) of unobstructed floor space in the booth.

(2) The operator's booth may be any geometric configuration with no dimension of less than two feet (0.61 m).

(3) The space shall be allotted excluding any encumbrance by the X-ray control panel, such as overhang, cables, or other similar encroachments.

(4) The booth shall be located or constructed such that unattenuated direct scatter radiation originating on the examination table or at the wall cassette will not reach the operator's station in the booth.

b. Structural requirements.

(1) The booth walls shall be permanently fixed barriers of at least seven feet (2.13 m) high.

(2) When a door or movable panel is used as an integral part of the booth structure, it must have an interlock that will prevent an exposure when the door or panel is not closed.

(3) Shielding shall be provided to meet the requirements of 641—Chapter 40.

c. Radiation exposure control panel. The radiation exposure control for the system shall be fixed within the booth and shall:

(1) Be at least 40 inches (1.0m) from any point subject to direct scatter, leakage, or primary beam radiation.

(2) Allow the operator to use the majority of the available viewing windows or mirrors.

d. Viewing system requirements. Each booth shall have at least one viewing device that will:

(1) Be placed so that the operator can view the patient during any exposure.

(2) Be placed so that the operator can have full view of any occupant in the room and be able to view any entry into the room.

e. Warning devices. If any door that allows access to the room cannot be seen from the booth, there shall be an "x-ray on" warning sign outside that door that will be lighted anytime the rotor of the X-ray tube is activated.

f. Alternative to warning devices. A door as specified in paragraph 40.4(10)*"e"* must have an interlock controlling the exposure that will prevent the exposure if the door is not closed.

g. Additional requirements when the viewing system is a window. When the viewing system is a window, the following requirements also apply:

(1) The viewing area shall be at least one square foot (0.09 m^2);

(2) Regardless of size or shape, at least one square foot (0.09 m^2) of window area shall be centered no less than two feet (0.6 m) from the open edge of the booth and no less than five feet (1.5 m) from the floor;

(3) The window shall have the same lead equivalence as that required in the booth's wall on which it is mounted.

h. Additional requirements when the viewing system is by mirrors. The mirrors shall be located to meet the general requirements as specified in paragraph 40.4(19)*"d."*

i. Additional requirements when the viewing system is electronic. The camera shall be located as to accomplish the general requirements as specified in paragraph 40.4(19)*"d."*

j. An alternate viewing system shall be provided as a backup to the primary electronic system.

40.4(20) *Federal performance standards for equipment.* All X-ray equipment shall comply with the applicable performance standards of 21 CFR 1020.30 through 1020.40 that were in effect at the time the unit was manufactured. Persons registered to possess the affected radiation-emitting equipment in Iowa shall be responsible for maintaining the equipment in compliance with the appropriate federal performance standards.

40.4(21) *Modification of certified diagnostic X-ray components and systems.* Diagnostic X-ray components and systems certified in accordance with 21 CFR Part 1020 cannot be modified such that the component or system fails to comply with any applicable provision of this chapter.

a. The owner of a diagnostic X-ray system who uses the system in a professional or commercial capacity may modify the system, provided the modification does not result in the failure of the system or component to comply with the applicable requirements of this chapter.

b. The owner who causes such modification need not submit the reports required by this rule, provided the owner records the date and the details of the modification in the system records and maintains this information and provided the modification of the X-ray system does not result in a failure to comply with this chapter.

40.4(22) *X-ray film processing.* A registrant using analog image receptors (e.g., radiographic film) shall maintain equipment suitable for handling and processing radiographic film in accordance with manufacturer recommendations and appropriate nationally recognized standards for image processing and maintaining image quality. Facilities shall establish and follow an image quality control program in accordance with the recommendations of a qualified expert, the system manufacturer, or a nationally recognized organization.

40.4(23) *X-ray digital image processing facilities using CR or DDR.* When exposure indicators are available, the facility shall establish and document an acceptable range for the exposure values for examinations routinely performed at the facility.

a. The indicated exposure values for each image shall be compared to the established range. Consistent deviations from established ranges shall be investigated, corrective actions taken as necessary, and results documented.

b. Facilities shall establish and follow an image quality control program in accord with the recommendations of a qualified expert, the system manufacturer, or a nationally recognized organization.

c. CR facilities shall perform erasure of all CR cassettes at least on a weekly basis.

641—40.5(136C) General requirements for all diagnostic X-ray systems. In addition to the applicable requirements of this chapter, all diagnostic X-ray systems shall meet the requirements for manufacture as specified in 21 CFR 1020.30 and 1020.31.

40.5(1) *Warning label.* Diagnostic registrants shall comply with the warning label requirements of 21 CFR 1020.30(j).

40.5(2) *Leakage radiation from the diagnostic source assembly.* Diagnostic registrants shall comply with the leakage radiation from the diagnostic source assembly requirements of 21 CFR 1020.30(k).

40.5(3) *Radiation from components other than the diagnostic source assembly.* Diagnostic registrants shall comply with the radiation from components other than the diagnostic source assembly requirements of 21 CFR 1020.30(l).

40.5(4) *Beam quality.* Diagnostic registrants shall comply with the beam quality requirements of 21 CFR 1020.30(m).

40.5(5) *Battery charge indicator.* Diagnostic registrants shall comply with battery charge indicator requirements of 21 CFR 1020.30(o).

40.5(6) *Multiple tubes.* Diagnostic registrants shall comply with multiple tube requirements of 21 CFR 1020.31(k).

40.5(7) *Technique indicators.* Diagnostic registrants shall comply with technique indicator requirements of 21 CFR 1020.31(a).

40.5(8) *Beam-on indicators.* Diagnostic registrants shall comply with beam-on indicator requirements of 21 CFR 1020.31(j).

40.5(9) *Maintaining compliance.* Diagnostic registrants shall comply with the performance standards for ionizing radiation emitting product requirements of 21 CFR 1020.

40.5(10) *Systems designed for mammography.* All systems designed for mammography shall comply with the Mammography Quality Standards Act of 1998 and the provisions of 641—Chapter 41.

40.5(11) *Invasive breast localization X-ray machines.* All systems designed for invasive breast localization X-ray machines shall comply with the provisions of 641—Chapter 41.

40.5(12) *Medical cabinet X-ray machine for nonhuman use.* All systems designed for tissue specimen imaging shall comply with provisions of rules 641—37.8(136C) and 641—37.9(136C).

641—40.6(136C) General requirements for all fluoroscopy and interventional X-ray systems. In addition to the applicable requirements of this chapter, all fluoroscopic and interventional X-ray systems shall meet the requirements for manufacture as specified in 21 CFR 1020.32 to include all of the following minimum requirements.

40.6(1) *Fluoroscopic equipment.* Only image-intensified or direct-digital receptor fluoroscopic equipment shall be used for fluoroscopy. Non-image intensified fluoroscopic equipment cannot be used.

40.6(2) *Primary protective barrier.* Fluoroscopic and interventional X-ray registrants shall comply with primary protective barrier requirements of 21 CFR 1020.32(a).

40.6(3) *Field limitation.* Fluoroscopic and interventional X-ray registrants shall comply with field limitation requirements of 21 CFR 1020.32(b).

40.6(4) *Activation of tube.* Fluoroscopic and interventional X-ray registrants shall comply with activation of tube requirements of 21 CFR 1020.32(c).

40.6(5) *Air kerma rates.* Fluoroscopic and interventional X-ray registrants shall comply with air kerma rate requirements of 21 CFR 1020.32(d).

40.6(6) *Measuring compliance of equipment parameters.* Compliance with fluoroscopy equipment parameters required in this chapter shall be conducted by a qualified expert and according to manufacturer or nationally recognized standards at intervals not to exceed 12 months.

40.6(7) *Indication of potential and current.* Fluoroscopic and interventional X-ray registrants shall comply with indication of potential and current requirements of 21 CFR 1020.32(f).

40.6(8) *Source-skin distance.* Fluoroscopic and interventional X-ray registrants shall comply with source-skin distance requirements of 21 CFR 1020.32(g).

40.6(9) *Fluoroscopic irradiation time, display, and signal.* Fluoroscopic and interventional X-ray registrants shall comply with fluoroscopic irradiation time, display, and signal requirements of 21 CFR 1020.32(h).

40.6(10) *Display of last-image-hold (LIH).* Fluoroscopic and interventional X-ray registrants shall comply with display of LIH requirements of 21 CFR 1020.32(j).

40.6(11) *Displays of values of AKR and cumulative air kerma.* Fluoroscopic and interventional X-ray registrants shall comply with displays of values of AKR and cumulative air kerma requirements of 21 CFR 1020.32(k).

40.6(12) *Protection from scatter radiation.*

a. For stationary fluoroscopic systems, ancillary shielding, such as drapes, self-supporting curtains, or viewing shields, shall be available and used as supplemental protection for all individuals other than the patient in the room during a fluoroscopy procedure.

b. Where sterile fields or special procedures prohibit the use of normal protective barriers or drapes, all of the following conditions shall be met:

(1) Shielding required under paragraph 40.6(2)*"a"* shall be maintained to the degree possible under the clinical conditions;

(2) All persons, except the patient, in the room where fluoroscopy is performed shall wear protective aprons that provide a lead equivalent shielding of at least 0.25 mm;

(3) The fluoroscopic field size shall be reduced to the minimum required for the procedure being performed (area of clinical interest);

(4) Operating and safety procedures shall reflect the above conditions, and operators shall exhibit awareness of situations requiring the use and nonuse of the protective drapes.

40.6(13) *Equipment operation.* All imaging formed by the use of fluoroscopic X-ray systems shall be directly viewed and interpreted by a licensed practitioner of the healing arts.

a. Overhead fluoroscopy cannot be used as a positioning tool for general purpose radiographic examinations.

b. Facilities that use fluoroscopic X-ray systems shall maintain a record of cumulative fluoroscopic exposure time used and the number of spot films for each examination. This record shall include all of the following:

(1) Patient identification;

(2) Type of examination;

(3) Date of examination;

(4) Operator's name.

c. The operation of a fluoroscopy X-ray system for clinical purposes is limited to those individuals permitted to operate radiation machines as specified in 641—Chapter 38 and persons who have received additional training provided by a qualified expert specific to:

(1) Radiation protection methods for patients and staff;

(2) Units of measurement and dose, including DAP (dose-area product) values and air kerma;

(3) Factors affecting fluoroscopic outputs;

(4) High level control options;

(5) Dose management, including dose reduction techniques, monitoring, and recording;

(6) Principles and operation of the specific fluoroscopic X-ray system(s) to be used;

(7) Fluoroscopic and fluorographic outputs of each mode of operation on the system(s) to be used clinically;

(8) Applicable requirements of these regulations.

d. Operators shall be competent in the standard operating procedures of the unit in use, including the use of available dose-saving features, and the relative radiation output rates of the various modes of operation.

e. Procedure planning for fluoroscopic procedures on pregnant patients shall include feasible modifications to minimize the dose to the conceptus.

f. Procedure planning for fluoroscopic procedures on pediatric patients shall include feasible modifications to minimize dose.

g. The registrant monitor dose during a fluoroscopic procedure.

h. The facility shall establish a written policy regarding patient dose management in fluoroscopically guided procedures in conformance with the ACR-AAPM Technical Standard for Management of the Use of Radiation in Fluoroscopic Procedures (ACR Resolution 44 – 2013), NCRP Report 168, or equivalent.

40.6(14) *Additional requirements for stationary fluoroscopic systems used for fluoroscopically-guided interventional or special procedures.* Protective barriers shall be available for use by individuals whose presence is required in the room during activation of the X-ray tube(s).

a. If a protective barrier includes or consists of a transparent viewing panel, the viewing panel shall afford protection of not less than 0.5 millimeter of lead equivalent.

b. Protective aprons of not less than 0.25 millimeter of lead equivalent shall be worn in the fluoroscopy room by all individuals (except the patient).

c. Any individual required to be in the room for short periods of time may not be required to wear a protective apron if exposure levels below minimum as seen on film badge reports can be verified.

d. Individuals not using protective aprons should follow ALARA by using time and distance to reduce exposure. Any declared pregnant individual must meet the requirements of 641—subrule 37.11(14).

40.6(15) *Supervision of fluoroscopy.* The use of fluoroscopy by radiologic technologists and radiologic students shall be performed under the direct supervision of a licensed practitioner, a radiologist assistant or an ARNP, pursuant to 481—subrule 621.4(5), for the purpose of localization or to obtain images for diagnostic or therapeutic purposes.

40.6(16) *Dose-area-product monitor requirements.* All fluoroscopic equipment used for interventional or special procedures shall be equipped with a dose-area-product monitor capable of recording the total radiation dose received by a patient when the fluoroscopic tube is used.

a. Each facility using fluoroscopic equipment for special procedures shall include in the patient's chart and in a log for department review the patient radiation exposure received per procedure.

b. The registrant shall maintain the records required by this subrule and shall make them available to the department upon request.

641—40.7(136C) General requirements for dental intra-oral, panoramic, cephalometric, and volumetric dental imaging equipment.

1. In addition to the applicable requirements of this chapter, all dental intra-oral, panoramic, cephalometric, and volumetric imaging X-ray systems shall meet the requirements for manufacture as specified in 21 CFR 1020.31, as well as the requirements of this chapter, unless otherwise specifically authorized by the department.

2. Dental facilities using CBCT technology shall follow applicable provisions of this chapter.

40.7(1) *X-ray systems used for dental imaging.* In addition to the applicable requirements of rule 641—40.5(136C), X-ray systems used for dental imaging must meet all of the following:

a. Intraoral dental units. X-ray systems designed for use with an intraoral image receptor shall be provided with means to limit the source-to-skin distance (SSD) to not less than 18 cm.

(1) The X-ray field at the minimum SSD shall be containable in a circle having a diameter of no more than 7 cm.

(2) Intraoral dental X-ray machines cannot be operated at less than a measured 51 kVp.

b. Extraoral, panoramic, and cephalometric units. X-ray systems designed for use with extraoral image receptors, and when used with an extraoral image receptor, shall:

(1) Be provided with means to limit the X-ray field in the plane of the image receptor so that such field does not exceed each dimension of the image receptor by more than 2 percent of the SID when the axis of the X-ray beam is perpendicular to the plane of the image receptor;

(2) Be provided to align the center of the X-ray field with the center of the image receptor to within 2 percent of the SID, or means shall be provided to both size and alignment the X-ray field such that the X-ray field at the plane of the image receptor does not extend beyond any edge of the image receptor. These requirements may be met with:

1. An assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Each such device shall have clear and permanent markings to indicate the image receptor size and SID for which it is designed; or

2. A beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Permanent, clearly legible markings shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use.

40.7(2) *Operators of dental X-ray systems.* Operators of dental X-ray machines must meet the requirements of rule 481—575.3(153) and be trained in the appropriate use of the radiation machines in operation at the registered dental facility.

40.7(3) *Exposure control location and operator protection.* Except for units designed to be handheld, the exposure control shall allow the operator to be:

a. Behind a protective barrier at least 6.5 feet (two meters) tall; or

b. At least 6.5 feet (two meters) from the tube housing assembly, outside the path of the useful beam, while making exposures.

40.7(4) *Administrative controls.* Patient and image receptor holding devices shall be used when the techniques permit.

a. Except for units designed to be handheld and allowed by these rules, the tube housing and position indicating device (PID) cannot be handheld during an exposure.

b. Dental fluoroscopy without image intensification cannot be used.

40.7(5) *Handheld intraoral equipment.* Only equipment specifically designed by the manufacturer to be held by the operator for intraoral dental X-ray exposures is allowed to be operated. In addition to the applicable requirements in this chapter, the following apply specifically to handheld devices:

a. The handheld X-ray system shall be equipped with a backscatter shield of not less than 0.25 mm lead equivalent and six inches (15.2 cm) in diameter that is positioned as close as practicable to the distal end of the position indication device.

b. The facility shall maintain documentation that each operator has completed training as specified by the manufacturer. Records of training shall be kept at the facility until the operator is no longer an employee or until the equipment is removed from the facility.

c. The facility shall adopt and follow protocols provided by the manufacturer regarding the safe operation of the device.

d. Protective aprons of not less than 0.25 millimeter lead equivalent shall be available for operators to wear while operating a handheld intraoral dental radiographic unit at the discretion of the facility's policy and procedures.

e. If the operator has difficulty in holding the device stationary during the exposure, the operator shall use a stand to immobilize the device.

f. The equipment cannot be operated in hallways, waiting rooms, or other areas where access for individuals of the general public cannot be controlled.

g. When not in use, the equipment shall be stored in a manner that would prevent inadvertent exposures or use by unauthorized individuals.

641—40.8(136C) Computed tomography X-ray systems. In addition to the applicable requirements of this chapter, all computed tomography X-ray systems, except CT used exclusively for radiation therapy, shall meet the requirements for manufacture as specified in 21 CFR 1020.33 and the requirements set forth in this chapter at the time of installation and at all times when in use.

40.8(1) *Requirements for equipment.*

a. Conditions of operation. Computed tomography X-ray registrants shall comply with control and indication of conditions of operation as specified in 21 CFR 1020.33(f).

b. Visual indication. CT X-ray systems shall meet the requirements as specified in 21 CFR 1020.33(f)(1).

c. Timers. CT X-ray systems shall meet the requirements as specified in 21 CFR 1020.33(f)(2).

d. Tomographic plane indication and alignment. CT X-ray registrants shall comply with tomographic plane indication and alignment as specified in 21 CFR 1020.33(g).

e. Beam-on and shutter status indicators and control switches. CT X-ray registrants shall comply with beam-on and shutter status indicators as specified in 21 CFR 1020.33(h).

(1) The CT X-ray control and gantry shall provide visual indication whenever X-rays are produced and, if applicable, whether the shutter is open or closed as specified in 21 CFR 1020.33(h)(1).

(2) Each emergency button or switch shall be clearly labeled as to its function.

f. Information to be provided for users. CT X-ray registrants shall comply with information to be provided for users as specified in 21 CFR 1020.33(c).

g. Conditions of operation. CT X-ray registrants shall comply with conditions of operations as specified in 21 CFR 1020.33(c)(1).

h. Dose information. CT X-ray registrants shall comply with dose information as specified in 21 CFR 1020.33(c)(2).

i. Imaging performance information. CT X-ray registrants shall comply with imaging performance information as specified in 21 CFR 1020.33(c)(3).

j. Additional requirements applicable to CT X-ray systems containing a gantry manufactured after September 3, 1985.

(1) The total error in the indicated location of the tomographic plane or reference plane cannot exceed five millimeters as specified in 21 CFR 1020.33(g)(3).

(2) If the X-ray production period is less than one-half second, the indication of X-ray production shall be actuated for at least one-half second. Indicators at or near the gantry shall be discernible from any point external to the patient opening where insertion of any part of the human body into the primary beam is possible as specified in 21 CFR 1020.33(h)(1).

(3) The deviation of indicated scan increment versus actual increment shall not exceed plus or minus one millimeter with any mass from 0 to 100 kilograms resting on the support device as specified in 21 CFR 1020.33(i).

(4) The patient support device shall be incremented from a typical starting position to the maximum incremented distance or 30 centimeters, whichever is less, and then returned to the starting position as specified in 21 CFR 1020.33(i).

(5) Measurement of actual versus indicated scan increment may be taken anywhere along this travel as specified in 21 CFR 1020.33(i).

(6) Premature termination of the X-ray exposure by the operator shall necessitate resetting of the CT conditions of operation prior to the initiation of another scan as specified in 21 CFR 1020.33(f)(2)(ii).

40.8(2) *Facility design requirements.* The location of a mobile and fixed CT X-ray system must be designed and constructed as follows:

a. Aural communication. Provision shall be made for two-way aural communication between the patient and the operator at the control panel.

b. Viewing systems.

(1) Windows, mirrors, closed-circuit television, or an equivalent shall be provided to permit continuous observation of the patient during irradiation and shall be so located that the operator can observe the patient from the control panel.

(2) When the primary viewing system is by electronic means, an alternate viewing system (which may be electronic) shall be available for use in the event of failure of the primary viewing system.

c. Within 30 days of first use of a mobile or fixed stationary CT X-ray system, the registrant shall complete and keep on file a radiation protection shielding survey of the room and surrounding areas consistent with the National Council on Radiation Protection and Measurements Report #147 (2004) and subrule 40.8(3).

40.8(3) *CT shielding requirements for mobile and stationary fixed CT X-ray systems.* The operator's booth and surrounding occupied areas must be designed and constructed in accordance with the National Council on Radiation Protection and Measurements Report #147 (2004) or other nationally accepted standard.

a. Protective barriers must be provided in the ceiling, floor, and walls of the CT X-ray system enclosure to ensure exposure does not exceed acceptable dose limits established in 641—subrule 37.11(7).

b. The control panel must be shielded by a protective position between the operator and the radiation source during CT X-ray system operation.

c. The registrant shall submit a revised radiation shielding plan for department review in accordance with this rule after replacement of a mobile or fixed stationary CT X-ray system or any change in the CT X-ray system room's construction or surrounding rooms construction.

d. Rooms in which a mobile CT X-ray system is used are exempt from the requirements of paragraphs 40.8(3)*"a," "b,"* and *"c."* However, the operator must be protected to ensure exposure does not exceed dose limits established in 641—Chapter 37 for dose limits to members of the public.

40.8(4) *Surveys, calibrations, and routine QC.*

a. All CT X-ray systems shall have a survey made by, or under the direction of, a qualified expert within 30 days of installation.

b. Existing systems not previously surveyed shall have a survey made by, or under the direct supervision of, a qualified expert within 12 months of the effective date.

c. Such surveys shall be done after any change in the facility or equipment that might cause a significant increase in radiation hazard.

d. The registrant shall obtain a written survey report from the qualified expert. A copy of the report shall be retained and made available to the department upon request for the duration of use and registration of the CT X-ray system.

40.8(5) *System performance evaluation.* The calibration of the radiation output of the CT X-ray system shall be performed by, or under the direction of, a qualified expert who is physically present at the facility during such calibration.

a. The calibration of a CT X-ray system shall be performed annually as specified in paragraph 40.4(2)*"b"* by a qualified expert and after any change or replacement of components which, in the opinion of the qualified expert, could cause a change in the radiation output.

b. The calibration of the radiation output of a CT x-ray system shall be performed with a calibrated dosimetry system.

(1) The calibration of such system shall be traceable to a national standard.

(2) The dosimetry system shall have been calibrated within the preceding two years.

c. The use of a water equivalent CT phantom shall be incorporated. At a minimum, noise, CT number, and artifacts shall be evaluated.

40.8(6) *Calibration.* Calibration shall meet the following requirements:

a. The dose profile along the center axis of the CT dosimetry phantom for the minimum, maximum, and midrange values of the nominal tomographic section thickness used by the registrant shall be measurable.

b. Where less than three nominal tomographic thicknesses can be selected, the dose profile determination shall be performed for each available nominal tomographic section thickness, the CTDI3 along the two axes specified in paragraph 40.8(5)*"c"* shall be measured for the purpose of determining the CTDI, and the manufacturer's statement as to the nominal tomographic section thickness for that particular system may be utilized.

c. The CT dosimetry phantom shall be oriented so that the measurement point one centimeter from the outer surface and within the phantom is in the same angular position within the gantry as the point of maximum surface CTDI identified.

d. The CT conditions of operation shall correspond to typical values used by the registrant, and the spot checks specified in subrule 40.8(7) shall be made as specified in 21 CFR 1020.33(c)(2)(iv).

40.8(7) *Routine QC (spot checks).* Spot check procedures shall be in writing and shall have been verified by a qualified expert.

a. The spot check procedures shall incorporate the use of a CT dosimetry phantom that has a capability of providing an indication of contrast scale, noise, nominal tomographic section thickness, the resolution capability of the system for low and high contrast objects, and measuring the mean CTN for water or other reference material as specified in 21 CFR 1020.33(d)(1).

b. All spot checks shall be included in the calibration required by subrules 40.8(5) and 40.8(6) and at time intervals and under system conditions specified by a qualified expert.

c. Spot checks shall include acquisition of images obtained with the CT dosimetry phantom(s) using the same processing mode and CT conditions of operation as are used to perform calibrations required by subrules 40.8(5) and 40.8(6).

d. The images shall be retained until a new calibration is performed and retained in two forms:

(1) Photographic copies of the images obtained from the image display device; and

(2) Images stored in digital form on a storage medium compatible with the CT X-ray system.

e. Written records of the spot checks performed shall be retained and made available to the department upon request as specified in subrule 40.4(15).

40.8(8) *CT operating procedures.* The CT X-ray system cannot be operated except by a licensed practitioner or an individual who has been specifically trained in its operation and holds a current permit to practice as a general radiologic technologist as defined under the provisions of 641—Chapter 38. The following information shall be readily available to the CT operator:

a. Instructions on performing routine QC;

b. Scanning protocols for operators;

c. A record of radiation output information, maintained by the registrant, so the radiation dose may be estimated in accordance with established protocols in accordance with the utilization log requirements of this chapter.

40.8(9) *CT systems used for radiation therapy including PET CT, SPECT CT and CT simulation systems.*

a. PET CT and SPECT CT systems solely used to calculate attenuation coefficients in nuclear medicine studies shall meet the requirements of this chapter.

b. Operators must meet the requirements of 641—Chapter 38 and be specifically trained in the operation of the PET CT or SPECT CT system.

c. CT systems used exclusively for radiation therapy simulation treatment planning shall be subject to the requirements of this chapter.

40.8(10) *Remote CT scanning requirements.*

a. Operator requirements. Each person who seeks to operate CT X-ray systems in Iowa from a remote location outside of Iowa must possess a current Iowa permit to practice in accordance with 641—Chapter 38 before engaging in remote CT procedures.

b. Facility requirements. Facilities utilizing remote CT scanning shall ensure qualified operators meet the following requirements:

(1) The facility shall maintain documentation demonstrating that each remote operator of a CT system meets the qualification requirements specified in 641—Chapter 38, applicable to the location of the CT system.

(2) The facility shall verify that each operator meets the qualifications outlined in 641—Chapter 38, including operators located out of state, to ensure compliance with Iowa requirements.

c. On-site personnel. Each on-site personnel shall receive training specific to the personnel's assigned responsibilities in the operation of the remote CT system. Training shall include, at a minimum, both of the following:

(1) Patient positioning;

(2) Administration of contrast.

d. Procedures. Procedure review to ensure safe operation and compliance with state regulations will include, at a minimum, all of the following:

(1) Patient ID procedures;

(2) Protocol management procedures;

(3) Emergency procedures.

e. Radiation safety program elements for remote CT. The facility shall ensure all of the following are met. In addition, records should be maintained and made available upon request to the department.

(1) Use only remote CT systems and components that can adequately protect patient information and to establish policies and procedures for ensuring patient information is protected at the imaging facility, remote imaging locations, and locations where other members of the medical team will view or access patient information.

(2) Maintain a list of the remote operating locations and associated imaging sites. The list must contain the name of the facility, location, and a contact person.

(3) Define the roles and responsibilities and develop procedures for the remote CT technologist and the on-site personnel.

(4) Ensure the on-site personnel completes annual radiation safety training related to the personnel's CT responsibilities.

(5) Ensure the on-site personnel maintains constant surveillance of the patient throughout the CT imaging procedure and performs only one CT imaging procedure at a time.

(6) Ensure remote CT will not be performed if communications (verbal and virtual) or connectivity between the remote site and the imaging facility are not functioning properly or are otherwise unreliable.

(7) Perform checks of the communication system (verbal and visual) and the functionality and connectivity between the remote location and the imaging facility prior to initiating each CT imaging procedure.

(8) Develop procedures for responding to emergencies and situations where there may be a loss of connectivity between the remote site and the imaging facility.

(9) Ensure the remote CT technologist maintains constant surveillance via vocal and visual communications throughout a CT imaging procedure and performs only one CT imaging procedure at a time.

(10) Develop policies and procedures to ensure adequate management oversight of remote operations, including all of the following:

1. Audits to evaluate the effectiveness and safety of the remote CT operations;
2. Reportable radiation incidents;
3. Observations of work being performed at both the imaging facility and the remote location;
4. Processes to identify, track, investigate, and implement corrective actions for incidents where CT examinations are incomplete or repeated.

40.8(11) *Cone-beam CT (CBCT) X-ray systems; equipment requirements.* The CBCT X-ray system must meet the applicable requirements of this chapter.

a. The X-ray field in the plane of the image receptor may not exceed beyond the edge of the image receptor by more than 2 percent of the SID, when the axis of the X-ray beam is perpendicular to the plane of the image receptor.

b. The registrant shall document and follow QC recommendations in accordance with manufacturer recommendations or as established by a qualified expert in accordance with nationally recognized guidelines.

c. The registrant shall document and implement imaging protocols and a policy addressing deviations from established protocols.

d. The CBCT X-ray system shall only be operated by an individual who meets the requirements of 641—Chapter 38 or rule 481—575.4(153) and who has been specifically trained in the operation of the CBCT X-ray system.

e. The registrant shall maintain documentation of the established protocols, policies, and QC testing until the X-ray system is removed from the facility for inspection by the department.

f. The CBCT operator shall have instructions on all of the following:

(1) Instructions on performing routine QC;

(2) Scanning protocols for operators;

(3) CT systems, including CBCT systems, solely used in nonhuman imaging refer to rule 641—40.10(136C).

641—40.9(136C) Dual-energy X-ray absorptiometry (DXA). DXA systems shall be registered in accordance with 641—subrule 37.8(2) and maintained and operated, at a minimum, in accordance with the manufacturer's specifications.

40.9(1) *Shielding.* No additional shielding for the room is required.

40.9(2) *Operator requirements.* Operators shall meet the requirements of 641—Chapter 38 and be trained in the safe and effective operation of the specific equipment used at the facility.

a. Specific operating procedures must be prepared and made available to the operator.

b. DXA imaging on human patients shall be conducted only under a prescription of a licensed physician, a licensed physician assistant as defined in Iowa Code section 148C.1(7), or a licensed registered nurse who is registered as a qualified ARNP.

40.9(3) *Operation of the DXA system.*

a. The operator, ancillary personnel, and members of the general public shall be positioned at least one meter from the patient and DXA system during the examination.

b. The operator shall advise the patient that the DXA examination is a type of X-ray procedure.

641—40.10(136C) Veterinary medicine X-ray systems. Veterinary registrants shall be registered in accordance with 641—subrule 37.8(2) and maintained and operated, at a minimum, in accordance with the manufacturer's specifications.

40.10(1) *Equipment.* All veterinary equipment shall follow the general requirements as specified in rule 641—40.5(136C).

40.10(2) *Operator and ancillary personnel protection for veterinary systems.* All wall, ceiling, and floor areas shall be equivalent to or provided with applicable protective barriers to ensure compliance with the provisions of this chapter.

a. All stationary, mobile, or portable X-ray systems used for veterinary work shall be provided with either a 6.5 feet (two meters) high protective barrier for operator protection during exposures or shall be provided with means to allow the operator to be at least 6.5 feet (two meters) from the tube housing assembly during exposures.

b. Otherwise, in cases where animals are held, the operator and ancillary personnel shall be protected by a minimum of 0.25 mm lead equivalent from scatter radiation and 0.5 mm from the useful beam.

40.10(3) *Operating procedures.* Veterinary medicine radiographic registrants are exempt from the requirements of this chapter, except for the provisions of rules 641—40.4(136C), 40.5(136C), and 641—40.10(136C).

a. No individual other than the operator shall be in the X-ray room while exposures are being made unless such individual's assistance is required.

b. The operator shall stand behind the protective barrier of nine feet from the useful beam and the animal during radiographic exposures.

c. When an animal must be held in position during radiography, mechanical supporting or restraining devices should be used.

d. If the animal must be held by an individual, that individual shall be protected with appropriate shielding devices, such as protective gloves and apron, and shall be so positioned that no part of the holder's body will be struck by the useful beam. The exposure of any individual used for this purpose shall be monitored.

40.10(4) *Tube stands for portable X-ray systems.* Except during veterinary field operations where it is impractical to do so, a tube stand or other mechanical support shall be used for portable X-ray systems so that the X-ray tube housing assembly need not be handheld during an exposure.

40.10(5) *Veterinary handheld equipment.* Handheld intraoral dental X-ray units used in veterinary practice shall meet the requirements of subrule 40.7(5).

40.10(6) *Veterinary CT systems.* CT systems, including CBCT systems, solely used in nonhuman imaging shall meet the requirements of paragraph 40.4(2)*"a"* but are otherwise exempt from the standards of paragraph 40.4(2)*"b."*

These rules are intended to implement Iowa Code chapter 136C.

Appendix A—Healing Arts Screening Program

INFORMATION TO BE SUBMITTED BY PERSONS PROPOSING TO CONDUCT HEALING ARTS SCREENING PROGRAM

For the purposes of this program, healing arts screening refers to testing human subjects with X-ray machines to detect or evaluate health indications in individuals considered at high risk, when such tests are not specifically and individually ordered by:

a. An individual authorized under subrule 40.4(10); or

b. An individual licensed as a physician in Iowa.

Persons requesting that the department approve a healing arts screening program shall submit the following information and evaluation:

1. Name and address of the applicant and, where applicable, the names and addresses of agents within this state.

2. Diseases or conditions for which the X-ray examinations are to be used in diagnoses.

3. A detailed description of the X-ray examinations proposed in the screening program.

4. Description of the population to be examined in the screening program, e.g., age, sex, physical condition, and other appropriate information. Any person conducting a screening program for cardiac scoring shall conduct screening only on either women over the age of 45 or men over the age of 50 who meet any two of the following criteria: family history, smoker, high blood pressure, high cholesterol, obesity (at least 20 pounds overweight), diabetes.

5. An evaluation of any known alternate methods not involving ionizing radiation that could achieve the goals of the screening program and why these methods are not used instead of the X-ray examinations.

6. An evaluation by a qualified expert of the X-ray system(s) to be used in the screening program. The evaluation by the qualified expert shall show that such system(s) does satisfy all requirements of these regulations. The evaluation shall include a measurement of patient exposures from the X-ray examinations to be performed.

7. A description of the registrant's applicable quality control program.

8. A copy of the technique chart for the X-ray examination procedures to be used.

9. The qualifications of each individual who will be operating the X-ray system(s).

10. The qualifications of the individual who will be supervising the operators of the X-ray system(s). The extent of supervision and the method of work performance evaluation shall be specified.

11. The name and address of the physician who will interpret the images and a copy of the physician's license to practice in Iowa.

12. A description of the procedures to be used in advising the individuals screened and their private practitioners of the healing arts of the results of the screening procedure and any further medical needs indicated.

13. A description of the procedures for the retention of images and other records pertaining to the X-ray examinations.

14. An indication of the frequency of screening and the duration of the entire screening program.

15. Documentation justifying the reason for the screening. The applicant must submit data that supports the efficacy of the screening test in diagnosing the disease or condition being screened. Data that will be acceptable to the department includes but is not limited to the following:

(1) The recommendation of a nationally recognized certifying medical or government body;

(2) The recommendation of one of the following national organizations: American Cancer Association, American Lung Association, American Heart Association; or

(3) Medical literature from peer-reviewed journals supporting the screening.

16. The procedures for preventing pregnant individuals from participating in the screening or justification for allowing pregnant individuals to participate.

17. The dates of the screening to include beginning and ending dates.

18. A copy of the Institutional Research Board approval for a research project or information justifying the research project.

Appendix B

INFORMATION ON RADIATION SHIELDING
REQUIRED FOR PLAN REVIEWS

In order for the department to provide an evaluation and verification that national standards have been met on shielding requirements for a radiation installation, the following information shall be submitted.

1. The plans should show, as a minimum, the following:

(a) The normal location of the X-ray system's radiation port; the port's travel and traverse limits; general direction(s) of the useful beam; locations of any windows and doors; the location of the operator's booth; and the location of the X-ray control panel.

(b) The structural composition and thickness or lead equivalent of all walls, doors, partitions, floor, and ceiling of the room(s) concerned.

(c) The dimensions of the room(s) concerned.

(d) The type of occupancy of all adjacent areas inclusive of space above and below the room(s) concerned. If there is an exterior wall, show distance to the closest area(s) where it is likely that individuals may be present.

(e) The make and model of the X-ray equipment, the energy waveform (single phase, three phase, etc.), and the maximum technique factors.

(f) The type of examination(s) or treatment(s) that will be performed with the equipment.

2. Information on the anticipated workload of the X-ray system(s) in mA-minutes per week.

3. If the services of a qualified expert have been utilized to determine the shielding requirements, a report, including all basic assumptions used, shall be submitted with the plans.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 41
"Registration and Safety Requirements for Mammography and Stereotactic Breast Biopsy"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 136C and 21 CFR Part 900
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 136C

Public Hearing

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

November 4, 2025 10 a.m.	Microsoft Teams Meeting ID: 256 572 060 444 0 Passcode: SG2Vc96j

Public Comment

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

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

Purpose and Summary

This proposed chapter is one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed chapter and the seven others underwent a fulsome review as a 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. This proposed chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the Department. Unless otherwise exempted, the provisions of this proposed chapter apply to and provide regulatory guidance to all persons who receive, possess, use, transfer, own, or acquire any source of radiation.

Analysis of Impact

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

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

Individuals and health care facilities seeking registration and credentialing for mammography and stereotactic breast biopsy must pay the fees laid out in this proposed chapter.

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

This proposed rulemaking will benefit those seeking professional services from certified mammography and stereotactic breast biopsy professionals.

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:**

No quantitative impact is expected and no changes to applicable fees have been made.

- **Qualitative description of impact:**

This proposed chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the Department.

3. **Costs to the State:**

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

Enforcement costs are offset by the fees collected from those seeking credentialing as a certified mammography and stereotactic breast biopsy professional.

- **Anticipated effect on State revenues:**

This 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:**

Registration and safety requirements for mammography and stereotactic breast biopsy is required by Iowa Code chapter 136C.

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 an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 41 and adopt the following **new** chapter in lieu thereof:

CHAPTER 41
REGISTRATION AND SAFETY REQUIREMENTS FOR MAMMOGRAPHY AND STEREOTACTIC BREAST BIOPSY

641—41.1(136C) Registration and safety requirements for mammography and stereotactic breast biopsy. The following provisions of 21 CFR 900 as amended to August 1, 2025, for mammography are hereby adopted by reference:

41.1(1) 21 CFR 900.2 Definitions.

41.1(2) 21 CFR 900 Subpart B—Quality Standards and Certification.

641—41.2(136C) Definitions. The definitions contained in 21 CFR 900.2, as adopted by reference, apply to the mammography provisions of this chapter. The definitions provided in 641—Chapters 37 and 40 may also apply. Additionally, the definitions set forth below are specific to this chapter.

"Annually" means within 10 to 14 months of previous occurrence.

"Authorization" means the same as defined in 641—Chapter 37.

"Collaborative setting" means a setting in which a qualified radiologist and surgeon are working together in consultation and in performing stereotactically guided breast biopsies with a common goal of the patient's benefit.

"EQUIP" means Enhancing Quality Using the Inspection Program and uses inspection questions related to the image quality regulations of MQSA to emphasize the significance of continuous clinical image quality.

"Full field digital mammography" or *"FFDM"* means radiographic imaging of the breast using a digital image receptor with minimum dimensions of 18×23 cm to allow imaging the average size breast in a single exposure.

"Grids" means a set of thin lead strips spaced close to one another, interspaced by carbon fiber for mammographic grids. The grid is placed between the breast and the screen-film image receptor to reduce scattered radiation reaching the image receptor.

"Iowa-approved" means recognized or accepted by the department as meeting the training and experience requirements established by MQSA and any additional criteria set forth in this chapter. This may include but is not limited to formal approval by the department based on documentation of education, training, certification, and clinical experience.

"Phantom" means an artificial test object used to simulate radiographic characteristics of compressed breast tissue and containing components that radiographically model aspects of breast disease and cancer.

"Procedure" means a stereotactically guided breast biopsy performed on a patient for diagnostic purposes.

"Qualified training physician" means a physician who is qualified under the rules of this chapter to perform stereotactically guided breast biopsies and who has performed at least 24 procedures.

"Radiologic technologist" means the same as defined in 21 CFR 900.2 and also includes the definition of "general radiologic technologist" as set forth in 641—Chapter 38.

"Radiologist continuing experience" means the number of mammograms interpreted by a radiologist in the past 24-month period. For the purpose of counting, a radiologist may count the current mammographic examination and one prior mammographic examination, provided the radiologist was not the interpreter of the prior mammographic examination. A separate tally shall be kept for the prior examinations.

"Reinstatement" means the process of recertification of a facility that has lost or voluntarily given up previous accreditation/certification.

"Review workstation" or *"RWS"* means soft copy display device intended for use in mammography interpretations.

"Screening mammography" means X-ray breast examination of asymptomatic individuals in an attempt to detect breast cancer when it is small, nonpalpable, and confined to the breast.

"Stereotactic training phantom" means a training or practice tool or medium used for stereotactically guided breast biopsy procedures.

"Stereotactically guided breast biopsy" means a breast biopsy procedure performed with the utilization of a dedicated system that emits ionizing radiation and is designed specifically for that procedure.

"Supervising physician" means the physician designated by the facility/owner to:

1. Evaluate the equipment, personnel, procedures, and records annually; and
2. Establish and conduct the quality assurance program.

641—41.3(136C) General provisions for mammography. All Iowa mammography facilities and personnel shall comply with the applicable regulations of 21 CFR 900 as adopted in rule 641—41.1(136C). In addition, compliance with the requirements of 641—Chapters 37 and 40 and the rules contained herein are required. Where differences exist, compliance with the most stringent applicable standard, whether CFR regulations or the Iowa Administrative Code, applies.

641—41.4(136C) Mammography registration, certification, and general requirements. In addition to the rules of this chapter, mammography facilities shall comply with the requirements of 21 CFR 900.11.

41.4(1) *Registration and certificates.* Each radiation machine used to perform mammography shall be registered according to 641—subrule 37.8(2).

a. A certificate issued by the FDA or this department is required for lawful operation of all mammography facilities subject to the provisions of this subrule. To obtain a certificate from the FDA or this department, facilities are required to meet the quality standards of this chapter and to be accredited and approved by an approved accreditation body.

b. Each facility wishing to perform mammography shall apply for authorization by providing or verifying the following information for each mammography machine:

(1) The mammography unit meets the criteria for department-approved mammography accreditation bodies.

(2) The mammography equipment and facility meet the general requirements of these rules for radiation machines.

(3) The radiation machine is specifically designed to perform mammography.

(4) The radiation machine is used according to these rules on patient radiation exposure and radiation dose levels.

(5) The radiation machine is operated by individuals meeting the requirements of this subrule.

(6) The entire mammography system is evaluated at least annually (within 10 to 14 months of previous occurrence) by a medical physicist.

(7) The equipment, personnel, procedures, and records are evaluated annually by a physician consultant.

41.4(2) *Inspections.* After initial mammography certification, the department will conduct an inspection of each radiation machine no later than every 14 months thereafter.

a. An application for authorization shall be submitted to the department and processed for department approval. A mammography authorization is effective for three years.

b. A phantom image taken with the authorized unit(s) will be reviewed at the time of annual inspection by the department.

41.4(3) *Review workstation (RWS) requirements.* RWS used for final interpretation of mammogram images shall meet the following criteria:

a. Have 5 megapixel resolution; or

b. Be approved by the United States Food and Drug Administration 510K process and be intended for digital mammography use.

c. The workstation shall have a quality control program substantially the same as that outlined by the mammography unit manufacturer's quality control manual, that outlined by the RWS monitor manufacturer's quality control manual, or the quality control program outlined by an FDA-approved accrediting body.

641—41.5(136C) Mammography personnel. In addition to the rules of this chapter, mammography personnel shall comply with the requirements of 21 CFR 900.12. The following requirements apply to all personnel involved in any aspect of mammography, including the production, processing, and interpretation of mammograms and related quality assurance activities.

41.5(1) *Interpreting physicians.* All radiologists interpreting mammograms shall comply with the requirements of 21 CFR 900.12(a)(1) and meet the following qualifications before beginning to interpret mammography independently, unless the exemptions in 21 CFR 900.12(a)(1)(iii)(A) apply.

a. A current state of Iowa medical license shall be in effect whenever mammography interpretations are performed by the physician.

b. Mammography personnel who fail to meet continuing education or experience requirements may requalify once without providing proof of extenuating circumstances. The department will assess any submitted proof and make a determination after reviewing all relevant information. If requalification is denied, individuals may reapply after a 90-day waiting period following the date of expiration.

41.5(2) *Radiologic technologists.* All general radiographers performing mammographic examinations shall comply with the requirements of 21 CFR 900.12(a)(2) and meet the following requirements:

a. A current state of Iowa permit to practice as a general radiologic technologist shall be in effect whenever all mammographic examinations are performed by the radiologic technologist.

b. Mammography personnel who fail to meet continuing education or experience requirements may requalify once without providing proof of extenuating circumstances. The department will assess any submitted proof and make a determination after reviewing all relevant information. If requalification is denied, individuals may reapply after a 90-day waiting period following the date of expiration.

41.5(3) *Medical physicists.* All medical physicists providing any of the following mammography services shall comply with the requirements of 21 CFR 900.12(a)(3).

a. Health physics consultations or surveys of mammography equipment.

b. Health physics consultations or surveys of mammography reading workstations.

c. Oversight of the mammography facility's quality assurance program.

d. Additional mammography services as deemed appropriate by the department.

e. All medical physicists providing mammography surveys as outlined in this chapter must, at the time of the survey(s), be Iowa-approved as defined in this chapter.

f. Medical physicists that are Iowa-approved for mammography may perform only the mammography services outlined in this chapter.

g. Medical physicists wishing to perform services other than those outlined in this chapter must be registered with the department, under the provisions of 641—Chapter 37, as a radiation machine service provider, whether as an individual, as part of a corporation, or any other entity included in the definition of "person" in 641—Chapter 37.

h. A medical physicist cannot perform any services, including those related to mammography modalities, unless such services are specifically listed on the Iowa approval notice or radiation machine service provider notice issued by the department.

641—41.6(136C) Retention of personnel records for mammography. Mammography facilities shall comply with the retention of personnel records requirements of 21 CFR 900.12(a)(4).

641—41.7(136C) Equipment and safety requirements for mammography. Mammography facilities shall comply with the equipment requirements of 21 CFR 900.12(b).

641—41.8(136C) Medical records and reports for mammography. Mammography facilities shall comply with the requirements for medical records and mammography reports of 21 CFR 900.12(c) and of this chapter.

641—41.9(136C) Contents and terminology for mammography. Mammography facilities shall comply with the contents and terminology requirements of 21 CFR 900.12(c)(1) and this chapter.

41.9(1) A separate and distinct section entitled "Assessment" with the appropriate assessment term or an approved equivalent shall be included.

41.9(2) The breast density information as designated in the report pursuant to this chapter shall be included in the patient lay letter with a reference to a department-accepted site or document where the patient can obtain more information about breast density.

41.9(3) Mammography facilities shall comply with the requirements for the communication of mammography results to patients found in 21 CFR 900.12(c)(2).

41.9(4) Mammography facilities shall comply with the requirements for the communication of mammography results to health care providers found in 21 CFR 900.12(c)(3).

41.9(5) Mammography facilities shall comply with the recordkeeping requirements of 21 CFR 900.12(c)(4) and 641—subrule 37.12(2). Facilities performing mammography shall maintain mammography records for a minimum of seven years.

41.9(6) Mammography facilities shall comply with the mammographic image identification requirements of 21 CFR 900.12(c)(5).

641—41.10(136C) Quality assurance for mammography. Mammography facilities shall comply with the quality assurance requirements of 21 CFR 900.12(d), 21 CFR 900.12(e), 21 CFR 900.12(f) and the requirements of this chapter.

41.10(1) Mammography facilities shall comply with the general quality assurance requirements of 21 CFR 900.12(d).

a. Mammography facilities shall comply with the requirements of responsible individuals found in 21 CFR 900.12(d)(1).

b. Mammography facilities shall comply with the quality assurance records requirements of 21 CFR 900.12(d)(2).

c. Mammography facilities shall comply with the equipment quality assurance requirements of 21 CFR 900.12(e).

d. Mammography facilities shall comply with the quality control test requirements of 21 CFR 900.12(e)(1) through 21 CFR 900.12(e)(6).

e. Mammography facilities shall comply with the mobile unit requirements of 21 CFR 900.12(e)(7).

f. Mammography facilities shall comply with the use of test results requirements of 21 CFR 900.12(e)(8).

g. Mammography facilities shall comply with the survey requirements of 21 CFR 900.12(e)(9).

h. Mammography facilities shall comply with the mammography equipment evaluation requirements of 21 CFR 900.12(e)(10).

i. Mammography facilities shall comply with the facility cleanliness requirements of 21 CFR 900.12(e)(11).

j. Mammography facilities shall comply with the calibration of air kerma measuring instrument requirements of 21 CFR 900.12(e)(12).

k. Mammography facilities shall comply with the infection control requirements of 21 CFR 900.12(e)(13).

l. Mammography facilities shall comply with the mammography medical outcomes audit quality assurance requirements of 21 CFR 900.12(f).

m. Mammography facilities shall comply with the mammographic procedure and techniques for mammography of patients with breast implant requirements of 21 CFR 900.12(g).

n. Mammography facilities shall comply with the consumer compliant mechanism requirements of 21 CFR 900.12(h).

o. Mammography facilities shall comply with the clinical image quality requirements of 21 CFR 900.12(i).

p. Mammography facilities shall comply with the mammography review and patient and referring provider notification requirements of 21 CFR 900.12(j).

41.10(2) Reserved.

641—41.11(136C) Revocation, suspension, reinstatement and appeals for mammography.

41.11(1) *Revocation of accreditation and revocation of accreditation body approval.* Mammography facilities shall comply with the revocation of accreditation and revocation of accreditation body approval requirements of 21 CFR 900.13.

41.11(2) *Suspension or revocation of certificates.* Mammography facilities shall comply with the suspension or revocation of certificate requirements of 21 CFR 900.14.

a. If certification is revoked, the radiation machine cannot be used for mammography until reinstated.

b. If suspension or revocation of a certificate is initiated, the administrative enforcement actions specified in rule 641—37.10(136C) shall apply.

41.11(3) *Reinstatement of mammography certification or authorization after revocation.*

a. An application for reinstatement shall be submitted and processed as an initial application. Appropriate corrective actions shall be submitted with the application.

b. A full certificate shall be issued only after the department has determined the radiation machine meets the requirements of these rules.

41.11(4) *Appeals.*

a. Mammography facilities shall comply with the appeals of adverse accreditation or reaccreditation decisions that preclude certification or recertification requirements of 21 CFR 900.15.

b. Mammography facilities shall comply with the appeals of denials of certification requirements of 21 CFR 900.16 and rule 641—37.10(136C).

641—41.12(136C) Alternative requirements for quality standards for mammography. Mammography facilities may also comply with the alternative quality standard requirements of 21 CFR 900.12 and 21 CFR 900.18.

641—41.13(136C) General provisions for stereotactic breast biopsy. All Iowa facilities and persons certified to perform stereotactic breast biopsies shall comply with the applicable requirements of this chapter and the applicable provisions in 641—Chapters 37 and 40.

641—41.14(136C) Registration and application standards and requirements for stereotactic breast biopsy. Each radiation machine used to perform stereotactically guided breast biopsies shall be registered according to the requirements set forth in 641—subrule 37.8(2).

41.14(1) Each facility wishing to perform stereotactically guided breast biopsies shall apply to the department for authorization by providing or verifying the following information for each machine:

a. The stereotactically guided breast biopsy equipment and facility meet the general requirements of the rules for radiation machines.

b. The radiation machine is specifically designed to perform stereotactically guided breast biopsies.

c. The radiation machine is used according to these rules on patient radiation exposure and radiation dose levels.

d. The radiation machine is operated by individuals meeting the requirements of this rule.

e. The entire stereotactically guided breast biopsy system is evaluated annually by a medical physicist who meets the requirements of this rule.

f. The equipment, personnel, procedures and records are evaluated annually by the supervising physician.

41.14(2) The department will conduct an inspection of each radiation machine no later than 14 months after initial authorization and at least annually thereafter.

641—41.15(136C) Requirements for physicians performing stereotactic breast biopsy. Physicians shall be qualified according to the setting and their role in performing stereotactically guided breast biopsies.

41.15(1) *Requirements for stereotactic breast biopsies for radiologists in collaborative settings.*

a. Initial training and qualifications for radiologists in collaborative settings.

(1) Radiologists shall be qualified according to the rules of this chapter.

(2) Radiologists shall have performed at least 12 stereotactically guided breast biopsies prior to July 1, 1998, or at least 3 hands-on stereotactically guided breast biopsies under a physician who is qualified under the conditions laid out in this chapter and has performed at least 24 stereotactically guided breast biopsies.

(3) Radiologists shall have at least three hours of Category 1 continuing medical education (CME) or three hours of training approved by the department in stereotactically guided breast biopsy.

(4) Radiologists shall be responsible for mammographic interpretation and be experienced in the specific recommendations for each biopsy and lesion identification at time of each biopsy performed by that physician.

(5) Radiologists shall be responsible for the supervision of the radiologic technologist during the procedure.

b. Maintenance of continuing experience and CME requirements for radiologists performing stereotactic breast biopsy in collaborative settings.

(1) Following the first anniversary in which the requirements of this subrule were met, completion of a total of 12 breast biopsy procedures shall be met for each calendar year with at least 6 being stereotactic breast biopsies. The remaining six procedures must be clearly documented and can be any combination of the following:

1. Stereotactic breast biopsy procedures.
2. Stereotactic breast biopsy of a stereotactic training phantom with documentation of steps taken or a written report.
3. Stereotactic breast biopsy case review, which shall be documented to include a review of pre-biopsy mammographic examination, scout and stereotactic positioning, biopsy needle pre-fire and post-fire positioning and targeting, specimen radiograph images, post-biopsy images and review of post-biopsy pathology results.
4. Image guided breast biopsy or localization procedures utilizing mammography, stereotactic, ultrasound, MRI guidance, or any other department-approved image guided technique.
5. If experience is not maintained, the physician shall requalify by performing three procedures under direct supervision of a qualified training physician or a department-approved manufacturer applications specialist before resuming unsupervised procedures.

(2) Following the first anniversary in which the requirements of this subrule were met, obtain at least three hours of Category 1 CME or three hours of training approved by the department in stereotactic-guided breast biopsy during the 36 months immediately preceding the date of the facility's annual stereotactic breast biopsy inspection, or during the 36-month period ending on the last day of the calendar quarter preceding the inspection. If education is not maintained, the physician shall requalify by obtaining additional CME credits to reach 3 CME credits in the prior 36 months before resuming unsupervised procedures. These CMEs cannot be obtained by the performance of supervised procedures.

(3) A current state of Iowa medical license shall be in effect whenever procedures are performed independently by the physician.

41.15(2) *Physician requirements for stereotactic breast biopsy in a collaborative setting (nonradiologists).*

a. Initial training and qualifications for physicians in a collaborative setting (nonradiologists):

(1) Physicians shall be licensed to practice medicine in Iowa.

(2) Physicians shall have at least three hours of Category 1 CME or three hours of training approved by the department in stereotactically guided breast biopsy.

(3) Physicians shall have performed at least 12 stereotactically guided breast biopsies prior to May 9, 2001, or at least 3 hands-on stereotactically guided breast biopsy procedures under a physician who is both qualified to perform stereotactic breast biopsy procedures according to the rules of this chapter and has performed at least 24 stereotactically guided breast biopsies.

(4) Physicians shall be responsible for post-biopsy management of the patient.

(5) Physicians shall be responsible for supervision of the radiologic technologist during the procedure.

b. Maintenance of continuing experience and CME requirements for physicians performing stereotactic breast biopsy in collaborative settings (nonradiologists):

(1) Following the first anniversary in which the requirements of this subrule were met, completion of a total of 12 breast biopsy procedures shall be met for each calendar year, with at least 6 being stereotactic breast biopsies. The remaining six procedures must be clearly documented and can be any combination of the following:

1. Stereotactic breast biopsy procedures.
2. Stereotactic breast biopsy of a stereotactic training phantom with documentation of steps taken or a written report.
3. Stereotactic breast biopsy case review, that shall be documented to include a review of pre-biopsy mammographic examination, scout and stereotactic positioning, biopsy needle pre-fire and post-fire positioning and targeting, specimen radiograph images, post-biopsy images and review of post-biopsy pathology results.
4. Image guided breast biopsy or localization procedures utilizing mammography, stereotactic, ultrasound, MRI guidance, or any other department-approved image guided technique.
5. If experience is not maintained, the physician shall requalify by performing three procedures under direct supervision of a qualified training physician or a department–approved manufacturer applications specialist before resuming unsupervised procedures.

(2) Following the first anniversary in which the requirements of this subrule were met, obtain at least three hours of Category 1 CME immediately preceding the date of the facility's annual stereotactic breast biopsy inspection, or during the 36-month period ending on the last day of the calendar quarter preceding the inspection. If education is not maintained, the physician shall requalify by obtaining additional CME credits to reach 3 CME credits in the prior 36 months before resuming unsupervised procedures. These CMEs cannot be obtained by the performance of supervised procedures.

(3) A current state of Iowa medical license shall be in effect whenever unsupervised procedures are performed by the physician.

41.15(3) *Requirements for stereotactic breast biopsy for radiologists in an independent setting.*

a. Initial training and requirements for radiologists in an independent setting.

(1) Radiologists shall be qualified according to the rules of this chapter.

(2) Radiologists shall have at least three hours of Category 1 CME or three hours of training approved by the department in stereotactically guided breast biopsy.

(3) Radiologists shall obtain at least 15 hours of CME in breast imaging including benign and malignant breast diseases.

(4) Radiologists shall have performed at least 12 stereotactically guided breast biopsies prior to July 1, 1998, or at least 3 hands-on stereotactically guided breast biopsy procedures under a physician who is both qualified according to the rules of this chapter, and has performed at least 24 stereotactically guided breast biopsies.

(5) Radiologists shall be responsible for mammographic interpretation.

(6) Radiologists shall be responsible for patient selection.

(7) Radiologists shall be responsible for the supervision of the radiologic technologist during the procedure.

(8) Radiologists shall be responsible for post-biopsy management of the patient, which may include referral to a surgeon for a follow-up on certain lesions.

b. Maintenance of continuing experience and CME requirements for radiologists performing stereotactic breast biopsy in an independent setting.

(1) Following the first anniversary in which the requirements of this subrule were met, completion of a total of 12 breast biopsy procedures in each calendar year, with at least 6 being stereotactic breast biopsies. The remaining six procedures must be clearly documented and can be any combination of the following:

1. Stereotactic breast biopsy procedures.
2. Stereotactic breast biopsy of a stereotactic training phantom with documentation of steps taken or a written report.
3. Stereotactic breast biopsy case review, that shall be documented to include a review of pre-biopsy mammographic examination, scout and stereotactic positioning, biopsy needle pre-fire and post-fire positioning and targeting, specimen radiograph images, post-biopsy images and review of post-biopsy pathology results.
4. Image-guided breast biopsy or localization procedures utilizing mammography, stereotactic, ultrasound, MRI guidance, or any other department-approved image guided technique.
5. If experience is not maintained, the physician shall requalify by performing three procedures under direct supervision of a qualified training physician or a department-approved manufacturer applications specialist before resuming unsupervised procedures.

(2) Following the first anniversary in which the requirements of this subrule were met, obtain at least three hours of Category 1 CME immediately preceding the date of the facility's annual stereotactic breast biopsy inspection, or during the 36-month period ending on the last day of the calendar quarter preceding the inspection, which includes post-biopsy management of the patient. If education is not maintained, the physician shall requalify by obtaining additional CME credits to reach 3 CME credits in the prior 36 months before resuming unsupervised procedures. These CMEs cannot be obtained by the performance of supervised procedures.

(3) A current state of Iowa medical license shall be in effect whenever unsupervised procedures are performed by the physician.

41.15(4) *Physician requirements for performing stereotactic breast biopsy in an independent setting (nonradiologist).*

a. Initial training and requirements for physicians performing stereotactic breast biopsy in an independent setting (nonradiologist).

(1) Physicians shall have evaluated at least 480 mammograms in the prior 24 months in consultation with a qualified physician.

(2) Physicians shall have at least 15 hours of Category 1 CME or 15 hours of training approved by the department in stereotactically guided breast imaging and biopsy or three years' experience having performed at least 36 stereotactically guided breast biopsies.

(3) Physicians shall have four hours of Category 1 CME in medical radiation physics.

(4) Physicians shall have performed at least 12 stereotactically guided breast biopsies prior to May 9, 2001, or at least 3 hands-on stereotactically guided breast biopsy procedures under a physician who is both qualified according to this chapter, and has performed at least 24 stereotactically guided breast biopsies.

(5) Physicians shall be responsible for patient selection.

(6) Physicians shall be responsible for the supervision of the radiologic technologist during the procedure.

(7) Shall be responsible for post-biopsy management of the patient.

b. Maintenance of continuing experience and CME requirements for physicians performing stereotactic breast biopsy in an independent setting.

(1) Physicians shall continue to evaluate at least 480 mammograms every 24 months in consultation with a qualified physician.

(2) Physicians shall complete a total of 12 breast biopsy procedures in each calendar year with at least 6 being stereotactic breast biopsies. The remaining six procedures must be clearly documented and can be any combination of the following:

1. Stereotactic breast biopsy procedures.
2. Stereotactic breast biopsy of a stereotactic training phantom with documentation of steps taken or a written report.
3. Stereotactic breast biopsy case review, that shall be documented to include a review of pre-biopsy mammographic examination, scout and stereotactic positioning, biopsy needle pre-fire and post-fire positioning and targeting, specimen radiograph images, post-biopsy images and review of post-biopsy pathology results.
4. Image-guided breast biopsy or localization procedures utilizing mammography, stereotactic, ultrasound, MRI guidance, or any other department-approved image guided technique.
5. If experience is not maintained, the physician shall requalify by performing three procedures under direct supervision of a qualified training physician or a department-approved manufacturer applications specialist before resuming unsupervised procedures.

(3) Following the first anniversary in which the requirements of this subrule were met, obtain at least three hours of Category 1 CME immediately preceding the date of the facility's annual stereotactic breast biopsy inspection, or during the 36-month period ending on the last day of the calendar quarter preceding the inspection. If education is not maintained, the physician shall requalify by obtaining additional CME credits to reach 3 CME credits in the prior 36 months before resuming unsupervised procedures. The CME credits for requalification cannot be obtained by performing procedures.

(4) A current state of Iowa medical license shall be in effect whenever unsupervised procedures are performed by the physician.

641—41.16(136C) Requirements for radiologic technologists performing stereotactic breast biopsy.

41.16(1) Radiologic technologists shall be qualified according to the rules of this chapter.

41.16(2) An Iowa permit to practice radiography as a general radiologic technologist shall be in effect whenever stereotactic procedures are performed by the radiologic technologist and shall meet the following initial requirements:

a. Five hands-on stereotactically guided breast biopsy procedures on patients under the supervision of a qualified physician or technologist.

b. Three contact hours in stereotactically guided breast biopsy.

41.16(3) Maintenance of continuing experience and continuing education and experience requirements for stereotactic breast biopsy.

a. Following the first anniversary in which the requirements of this subrule were met, a total of 12 breast biopsy procedures shall be met for each calendar year with at least 6 being stereotactic breast biopsies. The remaining six must be clearly documented and can be any combination of the following:

(1) Stereotactic breast biopsy procedures.

(2) Stereotactic breast biopsy of a stereotactic training phantom with documentation of steps taken or a written report.

(3) Stereotactic breast biopsy case review, that shall be documented to include a review of pre-biopsy mammographic examination, scout and stereotactic positioning, biopsy needle pre-fire and post-fire positioning and targeting, specimen radiograph images, post-biopsy images and review of post-biopsy pathology results.

(4) Image-guided breast biopsy or localization procedures utilizing mammography, stereotactic, ultrasound, MRI guidance, or any other department-approved image guided technique.

(5) If experience is not maintained, the radiologic technologist shall requalify by performing three stereotactically guided breast biopsies under the supervision of a qualified physician or radiologic technologist.

b. Following the third anniversary in which the requirements of this subrule were met, obtain at least three hours of continuing education in stereotactically guided breast biopsy during the 36 months immediately preceding the date of the facility's annual stereotactic breast biopsy inspection, or during the 36-month period ending on the last day of the calendar quarter preceding the inspection, or requalify by obtaining additional CME credits to reach three CME credits in the prior 36 months. The CMEs cannot be obtained by the performance of supervised procedures.

641—41.17(136C) Requirements for medical physicists performing surveys of stereotactic breast biopsy systems.

41.17(1) Qualified medical physicists, as outlined in this chapter, shall have performed three hands-on stereotactically guided breast biopsy system physics surveys prior to July 1, 1998; or one hands-on stereotactically guided breast biopsy system physics survey under the guidance of a qualified medical physicist.

41.17(2) Each person engaged in providing health physics services for stereotactic breast biopsy in Iowa who meets the requirements of this chapter shall apply for Iowa approval with the department prior to providing such services in accordance with 641—subrule 37.9(2).

41.17(3) Maintenance of proficiency and continuing education requirements for medical physicists performing surveys of stereotactic breast biopsy systems. Qualified medical physicists shall meet the following requirements:

a. Have performed at least one stereotactically guided breast biopsy system physics survey per year after the initial qualifications are met or requalify by performing one survey supervised by a qualified medical physicist.

b. Following the third anniversary in which the requirements of this subrule were met, have obtained at least three hours of continuing education in stereotactically guided breast biopsy system physics during the previous 36 months or requalify by obtaining additional CME credits to reach three CME credits in the prior 36 months.

641—41.18(136C) Obtaining and preserving records for stereotactic breast biopsy. Records must be retained for a minimum of ten years. The facility shall make, for each procedure, a record of the services provided, including all of the following:

41.18(1) The date of the procedure;

41.18(2) The name of the patient and one additional patient identifier;

41.18(3) The names of the physicians performing the procedure;

41.18(4) The names of the radiologic technologists performing the procedure or any other department-approved documentation;

41.18(5) A description of the service provided;

41.18(6) The name of the referring physician, if any.

641—41.19(136C) Quality assurance program for stereotactic breast biopsy. The facility shall have an equipment quality assurance program specific to stereotactically guided breast biopsy systems to ensure high-quality images with minimum patient exposure.

41.19(1) The facility shall name a supervising stereotactic breast biopsy physician who shall be responsible for all of the following:

a. Quality assurance activities including the medical audit;

b. Oversight and review of the quality control program at least annually;

c. Supervision of the radiologic technologist(s) and the medical physicist.

41.19(2) Under the direction of the supervising physician, the medical physicist shall have the responsibility for establishing and conducting the equipment quality assurance program.

a. The program shall include equipment performance monitoring conducted at installation and at least annually thereafter. Performance monitoring shall include the following:

(1) Evaluation of biopsy unit assembly. Any failed items shall be corrected within 30 days of the survey unless the medical physicist deems that the failure poses a serious injury risk to the patient, at which time the failure needs to be corrected before further procedures are performed.

(2) Collimation.

1. X-ray field cannot extend beyond the image receptor by more than 5 mm on any side.
2. Any failures shall be corrected within 30 days of the survey.

(3) Evaluation of focal spot. Focal spot cannot degrade from initial measurement. If reduction in lp/mm is found, focal spot shall be corrected within 30 days of survey.

(4) kVp accuracy/reproducibility. kVp accuracy/reproducibility shall be accurate to within +/- 5 percent of nominal kVp setting. Failures shall be corrected before further procedures are performed.

(5) Half-value layer measurement. HVL shall be greater than kVp/100 (in units of mm Al). Failures shall be corrected before further procedures are performed.

(6) Automatic Exposure Control System Assessment.

(7) Digital receptor uniformity. The SNR in each corner shall be within +/- 15 percent of the SNR in the center. Failures shall be corrected within 30 days of the survey.

(8) Breast entrance exposure, average glandular dose and exposure reproducibility. Exposure shall be reproducible to within +/- 15 percent of mean exposure. Average glandular dose shall be less than 300 millirad (3 milliGray) per exposure of a 50 percent glandular/50 percent adipose 4.2 centimeter breast. Failures shall be corrected before further procedures are performed.

(9) Image quality evaluation. Phantom image shall meet the criteria of 5 fibers, 4 speck groups and 3 masses for the ACR accreditation phantom or 3 fibers, 3 speck groups and 2.5 masses for the mini phantom unless otherwise stated by the phantom manufacturer. Failures shall be corrected before further procedures are performed.

(10) Artifact evaluation. Any significant black or white artifacts seen in the image detector field shall be corrected within 30 days of the survey.

(11) Localization simulation (gelatin phantom) test. Localization accuracy shall be within 1 mm of target, and the test shall include a portion of the test "lesion" in the sample chamber. Failures shall be corrected before further procedures are performed.

b. Analyzing the performance monitoring results to determine if there are any problems requiring correction.

c. Ensuring that the facility has procedures in place for carrying out or arranging for the necessary corrective actions as well as for the calibrations and other preventative maintenance.

41.19(3) Additional medical physicist evaluations of stereotactic units shall be conducted whenever a new unit is installed, a unit is disassembled and reassembled at the same or a new location, or major components of a stereotactic unit are changed or repaired.

41.19(4) The supervising physician shall have the responsibility for establishing and conducting the quality control program in a facility with a fixed unit. In the case of a mobile stereotactic unit, the owner or designee shall assume the responsibility for establishing and conducting the quality assurance program. The program shall include:

a. Localization accuracy (daily before use and before using the localization unit after it is adjusted). Each coordinate shall be within manufacturer specifications for the intended target value. Failures shall be corrected before further procedures are performed.

b. Visual checklist (monthly). Any failed items shall be corrected within 30 days.

c. Phantom image (weekly). Phantom image shall meet the criteria of 5 fibers, 4 speck groups and 3 masses for the ACR accreditation phantom or 3 fibers, 3 speck groups and 2.5 masses for the mini phantom unless otherwise stated by the phantom manufacturer. Failures shall be corrected before further procedures are performed.

d. Compression (semiannually). The maximum auto drive compression force cannot exceed 45 pounds. Failures shall be corrected within 30 days.

e. Any additional quality control testing indicated by the stereotactic breast biopsy unit manufacturer shall be completed as outlined in the quality control manual applicable to the unit.

41.19(5) Medical audit program. Each facility shall establish a medical audit program to ensure the accuracy and appropriateness of the procedures performed. This program shall include all of the following:

a. An imaging-pathology correlation for each biopsy performed;

b. An ongoing analysis of biopsy results and periodic review of the utilization of the procedure;

c. The number of biopsies performed;

d. The number of cancers found;

e. The number of benign lesions found;

f. The number of biopsies repeated.

641—41.20(136C) Equipment and safety standards for stereotactic breast biopsy. Equipment must be specifically designed for stereotactically guided breast biopsy.

41.20(1) Stereotactic facilities shall comply with the requirements of 641—Chapters 37 and 40.

41.20(2) Annual inspections shall be conducted by an inspector from the department to ensure compliance with these rules. Identified hazards shall be promptly corrected.

641—41.21(136C) Suspension, revocation, denial, and reinstatement of authorization for stereotactic breast biopsy.

41.21(1) *Suspension, revocation, or denial of authorization.* Authorization may be suspended or revoked with cause if any machine does not meet one or more of the standards of these rules.

a. Stereotactic facilities shall comply with the administrative enforcement action requirements of rule 641—37.10(136C).

b. If authorization is revoked, the radiation machine cannot be used until reinstated.

c. If suspension, revocation, or denial of authorization is initiated, the administrative enforcement actions in rule 641—37.10(136C) will apply.

41.21(2) *Reinstatement of authorization.*

a. An application for reinstatement shall be submitted and processed as an initial application. Appropriate corrective actions shall be submitted as required by the department.

b. A full reinstatement will be issued only after the department has determined the radiation machine and facility meet the requirements of these rules.

These rules are intended to implement Iowa Code chapter 136C.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 42
"Registration and Safety Requirements for Therapeutic Use of Radiation Machines, Particle Accelerators for Nonhuman Use, and Analytical X-Ray Equipment"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 136C.3, 136C.4, 136C.5, 136C.10, and 136C.14

State or federal law(s) implemented by the rulemaking: Iowa Code sections 136C.3, 136C.4, 136C.5, 136C.10, and 136C.14

Public Hearing

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

November 4, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 256 572 060 444 0 Passcode: SG2Vc96j

Public Comment

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

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

Purpose and Summary

This proposed chapter is one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed chapter and the seven others underwent a fulsome review as a 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 reflect current policies and procedures. This proposed chapter establishes the requirements of registrants, or people seeking to be certified, for the use of therapeutic radiation machines.

Analysis of Impact

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

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

There are not any expected costs for this proposed rulemaking beyond administrative costs for the Department.

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

Those seeking to be certified to use therapeutic radiation machines will benefit from 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:**

No quantitative impact is expected.

- **Qualitative description of impact:**

Persons seeking to be certified for use of therapeutic radiation machines will benefit from clarified and updated rules.

3. **Costs to the State:**

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

Enforcement costs are incurred by the Department as a part of its administrative purview as required by the Iowa Code.

- **Anticipated effect on State revenues:**

This 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:**

Certification for the use of therapeutic radiation machines is required by Iowa Code chapter 136.

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 an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 42 and adopt the following **new** chapter in lieu thereof:

CHAPTER 42
REGISTRATION AND SAFETY REQUIREMENTS FOR THERAPEUTIC USE OF RADIATION MACHINES, PARTICLE ACCELERATORS FOR NONHUMAN USE, AND ANALYTICAL X-RAY EQUIPMENT

641—42.1(136C) General provisions. The provisions of this chapter establish the requirements of a registrant for the use of therapeutic radiation machines.

42.1(1) The use of therapeutic radiation machines shall be by, or under the supervision of, a physician who meets the training and experience criteria established by rule 641—42.5(136C).

42.1(2) Unless otherwise specified in rule 641—41.3(136C), all registrants are subject to the applicable requirements of 641—Chapters 37 through 40.

641—42.2(136C) Definitions. The definitions provided in 641—Chapters 37 and 40 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this chapter.

"Accessible surface" means surface of equipment or of an equipment part that can be easily or accidentally touched by persons without the use of a tool.

"Added filtration" means any filtration that is in addition to the inherent filtration.

"Analytical X-ray equipment" means equipment used for X-ray diffraction or fluorescence analysis.

"Analytical X-ray system" means a group of components utilizing X-rays or gamma rays to determine the elemental composition or to examine the microstructure of materials.

"Beam-limiting device" means a field defining collimator, integral to the therapeutic radiation machine, that provides a means to restrict the dimensions of the useful beam.

"Beam-scattering foil" means a thin piece of material (usually metallic) placed in the beam to scatter a beam of electrons in order to provide a more uniform electron distribution in the useful beam.

"Bent beam linear accelerator" means a linear accelerator geometry in which the accelerated electron beam must change direction by passing through a bending magnet.

"Cold pasteurization" means the process of using radiation for destroying disease-causing microorganisms in commercial products.

"Contact therapy system" means a therapeutic radiation machine with a short target-to-skin distance (TSD), usually less than five centimeters.

"Dose monitor unit" or *"DMU"* means a unit response from the beam monitoring system from which the absorbed dose can be calculated.

"External beam radiation therapy" means therapeutic irradiation in which the source of radiation is at a distance from the body.

"Fail-safe characteristics" means a design feature that causes beam port shutters to close, or otherwise prevents emergence of the primary beam, upon the failure of a safety or warning device.

"Field flattening filter" means a filter used to homogenize the absorbed dose rate over the radiation field.

"Filter" means material placed in the useful beam to change beam quality or its intensity profile in therapeutic radiation machines.

"Gantry" means that part of a radiation therapy system supporting and allowing movements of the radiation head around a center of rotation.

"Interruption of irradiation" means the stopping of irradiation with the possibility of continuing irradiation without resetting of operating conditions at the control panel.

"Iowa approved" means recognized or accepted by the department as meeting the training and experience requirements established by the Mammography Quality Standards Act as amended to August 1, 2025, CFR, or any additional criteria set forth by the department. This may include but is not limited to formal approval by the department based on documentation of education, training, certification, and clinical experience.

"Isocenter" means the center of the sphere through which the useful beam axis passes while the gantry moves through its full range of motions.

"Local components" means part of an analytical X-ray system and includes X-ray areas that are struck by X-rays, such as radiation source housings, port and shutter assemblies, collimators,

sample holders, cameras, goniometers, detectors, and shielding, but does not include power supplies, transformers, amplifiers, readout devices, and control panels.

"Megavolt (MV)" or *"mega electron volt (MeV)"* means the energy equal to that acquired by a particle with one electron charge in passing through a potential difference of one million volts in a vacuum. (Note: Current convention is to use MV for photons and MeV for electrons.)

"Monitor unit" or *"MU"* means the same as "dose monitor unit."

"Moving beam radiation therapy" means radiation therapy with continuous displacement of one or more mechanical axes relative to the patient during irradiation. It includes arc therapy, skip therapy, conformal therapy, intensity modulation, and rotational therapy.

"Nominal treatment distance" means:

1. For electron irradiation, the distance from the scattering foil, virtual source, or exit window of the electron beam to the entrance surface of the irradiated object along the central axis of the useful beam.

2. For X-ray irradiation, the virtual source or target to isocenter distance along the central axis of the useful beam. For nonisocentric equipment, this distance shall be that specified by the manufacturer.

"Normal operating procedures" means step-by-step instructions necessary to accomplish the analysis. These procedures shall include sample insertion and manipulation, equipment alignment, routine maintenance by the registrant or licensee, and data recording procedures, which are related to radiation safety.

"Open-beam configuration" means an analytical X-ray system in which an individual could accidentally place some part of the individual's body in the primary beam path during normal operation.

"Periodic quality assurance check" means a procedure that is performed to ensure that a previous calibration continues to be valid.

"Practical range of electrons" corresponds to classical electron range where the only remaining contribution to dose is from bremsstrahlung X-rays. A further explanation may be found in "Clinical Electron Beam Dosimetry: Report of AAPM Radiation Therapy Committee Task Group 25" (Medical Physics 18(1): 73-109, Jan/Feb 1991) and ICRU Report 35, "Radiation Dosimetry: Electron Beams with Energies Between 1 and 50 MeV," International Agency on Radiation Units and Measurements, September 15, 1984.

"Primary beam" means radiation that passes through an aperture of the source housing by a direct path from the X-ray tube or a radioactive source located in the radiation source housing.

"Radiation field" means the same as "useful beam."

"Radiation head" means the structure from which the useful beam emerges.

"Radiation therapy physicist" means an individual qualified in accordance with 641—subrule 41.5(3).

"Redundant beam monitoring system" means a combination of two dose monitoring systems in which each system is designed to terminate irradiation in accordance with a preselected number of dose monitor units.

"Self-shielded particle accelerator" means a particle accelerator with the accelerator installed in an enclosure independent of the existing architectural structures, except the floor on which it may be placed. The enclosure must have been evaluated by a qualified expert and that evaluation approved by an appropriate regulatory authority through a device evaluation. The self-shielded accelerator is intended to contain at least that portion of material being irradiated, provide radiation attenuation, and exclude personnel from its interior during generation of radiation. A particle accelerator used within a shielded part of a building, or which may temporarily or occasionally incorporate portable shielding, is not a self-shielded particle accelerator.

"Shadow tray" means a device attached to the radiation head to support auxiliary beam blocking material.

"Shielded facility" means an accelerator facility where shielding is required to be constructed on site in order to ensure compliance with the requirements of 641—Chapter 40 or where shielding supplied with the accelerator has been evaluated by qualified experts and that evaluation approved by an appropriate regulatory authority through a device evaluation.

"Stationary beam radiation therapy" means radiation therapy without displacement of one or more mechanical axes relative to the patient during irradiation.

"Target" means that part of an X-ray tube or accelerator onto which is directed a beam of accelerated particles to produce ionizing radiation or other particles.

"Tenth-value layer" or *"TVL"* means the thickness of a specified material that attenuates X-radiation or gamma radiation to an extent such that the air kerma rate, exposure rate, or absorbed dose rate is reduced to one-tenth of the value measured without the material at the same point.

"Therapeutic radiation machine" means X-ray or electron-producing equipment designed and used for external beam radiation therapy.

"Virtual source" means a point from which radiation appears to originate.

641—42.3(136C) Registration or license requirements. No person shall receive, possess, use, transfer, own, or acquire therapeutic radiation machines, except as authorized by a registration issued in accordance with rule 641—37.8(136C). Each therapeutic radiation machine shall be registered in accordance with the requirements of 641—subrule 37.8(2).

641—42.4(136C) General administrative requirements for facilities using therapeutic radiation machines.

42.4(1) Administrative controls.

a. The registrant shall be responsible for directing the operation of the therapeutic radiation machines that have been registered with the department.

b. The registrant or the registrant's agent shall ensure that the requirements of this chapter are met in the operation of the therapeutic radiation machine(s).

42.4(2) A therapeutic radiation machine that does not meet the provisions of these regulations cannot be used for irradiation of patients unless authorized by the department.

641—42.5(136C) Training for external beam radiation therapy authorized users.

42.5(1) The registrant for any therapeutic radiation machine subject to rules 641—42.15(136C) and 641—42.16(136C) shall require the authorized user to be a physician who:

a. Is certified in:

(1) Radiology or therapeutic radiology by the American Board of Radiology;

(2) Radiation oncology by the American Osteopathic Board of Radiology;

(3) Radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology";

(4) Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or

b. Is in the active practice of therapeutic radiology and has completed all of the following:

(1) 200 hours of instruction in basic radiation techniques applicable to the use of an external beam radiation therapy unit;

(2) 500 hours of supervised work experience;

(3) A minimum of three years of supervised clinical experience.

42.5(2) To satisfy the requirement for instruction in paragraphs 42.5(1)*"a"* and *"b,"* the classroom and laboratory training shall include all of the following:

a. Radiation physics and instrumentation;

b. Radiation protection;

c. Mathematics pertaining to the use and measurement of ionization radiation; and

d. Radiation biology.

42.5(3) To satisfy the requirement for supervised work experience in subparagraph 42.5(1)*"b"*(2), training shall be under the supervision of an authorized user and shall include all of the following:

a. Reviewing the full calibration measurements and periodic quality assurance checks;

b. Evaluating prepared treatment plans and calculation of treatment times/patient treatment settings;

c. Using administrative controls to prevent a reportable radiation incident as described in 641—subrule 37.13(3);

d. Implementing emergency procedures to be followed in the event of the abnormal operation of an external beam radiation therapy unit or console;

e. Checking and using radiation survey meters.

42.5(4) To satisfy the requirement for a period of supervised clinical experience, training shall include all of the following:

a. One year in a formal training program approved by the Residency Review Committee for Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association;

b. An additional two years of clinical experience in therapeutic radiology under the supervision of an authorized user. The supervised clinical experience shall include:

(1) Examining individuals and reviewing their case histories to determine their suitability for external beam radiation therapy treatment and any limitations/contraindications;

(2) Selecting proper dose and how it is to be administered;

(3) Calculating the external beam radiation therapy doses and collaborating with the authorized user in the review of patients' progress as well as consideration of the need to modify originally prescribed doses or treatment plans as warranted by patients' reaction to radiation;

(4) Postadministration follow-up and review of case histories.

42.5(5) Notwithstanding the requirements of this rule, the registrant for any therapeutic radiation machine subject to rules 641—42.15(136C) and 641—42.16(136C) may also submit the training of the prospective authorized user physician for department review.

42.5(6) A physician cannot act as an authorized user for any therapeutic radiation machine until such time as said physician's training has been reviewed and approved by the registrant.

641—42.6(136C) Training for radiation therapy physicist. The registrant for any therapeutic radiation machine subject to rules 641—42.15(136C) and 641—42.16(136C) shall require the radiation therapy physicist to:

42.6(1) Be Iowa approved as defined in this chapter.

a. Medical physicists that are Iowa approved for radiation therapy may perform only radiation therapy services in the area of calibration and compliance surveys of external beam radiation therapy units or additional radiation therapy services as deemed appropriate by the department;

b. Medical physicists wishing to perform services other than those outlined in rule 641—42.3(136C) must be registered with the department under the provisions of rule 641—37.8(136C) as a radiation machine service provider, whether as an individual, as part of a corporation, or as any other entity included in the definition of "person" under 641—Chapter 37.

c. A medical physicist cannot perform any services unless such services are specifically listed on the Iowa approval or radiation machine provider notice issued by the department.

42.6(2) Be certified by the American Board of Radiology in, at a minimum, one of the following:

a. Therapeutic radiological physics;

b. Roentgen-ray and gamma-ray physics;

c. X-ray and radium physics;

d. Radiological physics; or

e. Therapeutic medical physics.

42.6(3) Be certified by the American Board of Medical Physics in radiation oncology physics; or

42.6(4) Be certified by the Canadian College of Physicists in Medicine; or

42.6(5) Hold a master's or doctor's degree in physics, biophysics, radiological physics, or health physics and have completed one year of:

a. Full-time training in therapeutic radiological physics;

b. Full-time work experience under the supervision of a radiation therapy physicist at a medical institution. To meet this requirement, the individual shall have performed the tasks listed in rule 641—42.14(136C) under the supervision of a radiation therapy physicist during the year of work experience.

641—42.7(136C) Qualifications of operators. Individuals who will be operating a therapeutic radiation machine for medical use shall be adequately instructed in the safe operating procedures and hold a current permit to practice in radiation therapy as a radiation therapist under the provisions of 641—Chapter 38.

42.7(1) The permit holder shall make the permit available at the individual's place of employment.

42.7(2) If the permit holder works at more than one facility, a duplicate of the permit shall be kept at each facility.

641—42.8(136C) Written safety procedures and rules. Written safety procedures and rules shall be developed by a radiation therapy physicist and shall be available in the control area of a therapeutic radiation machine, including any restrictions required for the safe operation of the particular therapeutic radiation machine.

42.8(1) The operator shall be able to demonstrate familiarity with these rules.

42.8(2) All individuals associated with the operation of a therapeutic radiation machine shall be instructed in and shall comply with procedures for maintaining written directives.

641—42.9(136C) Exposure to the useful beam. Individuals cannot be exposed to the useful beam, except for medical therapy purposes and unless such exposure has been ordered in writing by a physician. This provision specifically prohibits deliberate exposure of an individual for training, demonstration, or other non-healing arts purposes.

641—42.10(136C) Records of visiting authorized users. Notwithstanding the provisions of rule 641—42.5(136C), a registrant may permit any physician to act as a visiting authorized user for up to 60 days per calendar year under all of the following conditions:

42.10(1) The visiting authorized user has the prior written permission of the registrant's management and, if the use occurs on behalf of an institution, the institution's radiation safety committee;

42.10(2) The visiting authorized user meets the requirements of rule 641—42.5(136C);

42.10(3) The registrant maintains copies of all records for five years from the date of the last visit.

641—42.11(136C) Information and maintenance record and associated information. The registrant shall maintain all the following information in a separate file or package for each therapeutic radiation machine for inspection by the department:

42.11(1) Report of acceptance testing.

42.11(2) Records of all surveys, calibrations, and periodic quality assurance checks of the therapeutic radiation machine required by rule 641—37.12(136C), as well as the name(s) of person(s) who performed such activities.

42.11(3) Records of maintenance or modifications, or both, performed on the therapeutic radiation machine after July 9, 1997, as well as the name(s) of person(s) who performed such services.

42.11(4) Signature of person authorizing the return of therapeutic radiation machine to clinical use after service, repair, or upgrade.

42.11(5) Records of training specified in rule 641—42.5(136C).

641—42.12(136C) Record retention. All records required by rule 641—42.5(136C) shall be retained until disposal is authorized by the department unless another retention period is specifically authorized.

42.12(1) All required records shall be retained in an active file from at least the time of generation until the next department inspection.

42.12(2) Any required record generated before the last department inspection may be microfilmed or otherwise archived as long as a complete copy can be retrieved until such time the department authorizes final disposal.

641—42.13(136C) Written directives. Each registrant shall meet all of the following.

42.13(1) *Written directive.* A written directive must be dated and signed by an authorized user prior to the administration of radiation.

a. If, because of the patient's condition, a delay in the order to provide a written revision to an existing directive would jeopardize the patient's health, an oral revision to an existing written directive will be acceptable, provided that the oral revision is documented as soon as possible in writing in the patient's record and a revised written directive is signed by an authorized user within 48 hours of the oral revision.

b. The written directive must contain the patient or human research subject's name, the type and energy of the beam, the total dose, dose per fraction, treatment site, and number of fractions.

c. A written revision to an existing written directive may be made provided that the revision is dated and signed by an authorized user prior to the administration of the external beam dose or the next fractional dose.

d. The registrant shall retain a copy of the written directive for three years.

42.13(2) *Procedures for administration.* The registrant shall have written procedures that provide all of the following information:

a. Prior to the administration of each course of radiation treatment, the patient's or human research subject's identity is verified by more than one method as the individual named in the written directive;

b. Each administration is in accordance with the written directive;

c. External beam radiation therapy final plans of treatment and related calculations are in accordance with the respective written directives by completing all of the following:

(1) Checking both manual and computer-generated dose calculations to verify that they are correct and in accordance with the written directive;

(2) Verifying that any computer-generated calculations are correctly transferred into the consoles of authorized therapeutic medical units;

d. Any unintended deviation from the written directive is identified and evaluated and appropriate action is taken;

e. The registrant retains a copy of the procedures for administrations for the duration of the registration.

641—42.14(136C) General technical requirements for facilities using therapeutic radiation machines.

42.14(1) *Protection surveys.*

a. The registrant shall ensure that radiation protection surveys of all new facilities, and existing facilities not previously surveyed, are performed with an operable radiation measurement survey instrument calibrated within the past 12 months.

b. The radiation protection survey shall be performed by, or under the direction of, a radiation therapy physicist or a certified health physicist.

c. The survey shall be performed with the therapeutic radiation machine in a "BEAM-ON" condition using the largest clinically available treatment field and with a scattering phantom in the useful beam of radiation. The survey must verify all of the following:

(1) Radiation levels in restricted areas are not likely to cause personnel exposures in excess of the limits specified in 641—subrule 37.11(3);

(2) Radiation levels in unrestricted areas do not exceed the limits specified in 641—subrule 37.11(11). In addition to the requirements of subrule 42.14(1), a radiation protection survey shall also be performed prior to any subsequent medical use and at the following frequencies:

1. After making any change in the treatment room shielding;

2. After making any change in the location of the therapeutic radiation machine within the treatment room;

3. After relocating the therapeutic radiation machine;

4. Before using the therapeutic radiation machine in a manner that could result in increased radiation levels in areas outside the external beam radiation therapy treatment room.

d. The survey record shall indicate all instances where the facility, in the opinion of the radiation therapy physicist or a certified health physicist, is in violation of applicable regulations.

e. The survey record shall also include all of the following:

(1) The date of the measurements;

(2) The reason the survey is required;

(3) The manufacturer's name, model number, and serial number of the therapeutic radiation machine;

(4) The instrument(s) used to measure radiation levels;

(5) A plan of the areas surrounding the treatment room that were surveyed;

(6) The measured dose rate at several points in each area, expressed in microsieverts or millirems per hour;

(7) The calculated maximum level of radiation over a period of one week for each restricted and unrestricted area;

(8) The signature of the individual responsible for conducting the survey.

f. If the results of the surveys required by subrule 42.14(1) indicate any radiation levels in excess of the respective limit specified in 641—subrule 37.11(3), the registrant shall lock the control in the "OFF" position and not use the unit, except under either of the following conditions:

(1) If operation is necessary to repair, replace, or test the therapeutic radiation machine, the therapeutic radiation machine shielding, or the treatment room shielding;

(2) Until the registrant has received a specific exemption in writing from the department.

42.14(2) *Modification of radiation therapy unit or room before beginning a treatment program.*

a. Survey radiation levels. If the survey required by subrule 42.14(1) indicates that an individual in an unrestricted area may be exposed to levels of radiation greater than those permitted by 641—subrule 37.11(11) before beginning the treatment program the registrant shall:

(1) Either equip the unit with beam direction interlocks or add additional radiation shielding to ensure compliance with 641—subrule 37.11(11);

(2) Perform the survey required by 641—paragraph 37.11(12)*"a"* again; and

(3) Include in the report the results of the initial survey a description of the modifications made and the results of the second survey; or

(4) Request and receive written authorization from the department that authorizes radiation levels in unrestricted areas greater than those permitted by 641—subrule 37.11(11).

b. Dosimetry equipment. The registrant shall have a calibrated dosimetry system available for use.

(1) The system shall have been calibrated by the National Institute for Standards and Technology (NIST) or by an American Association of Physicists in Medicine (AAPM) Accredited Dosimetry Calibration Laboratory (ADCL).

(2) The calibration shall have been performed within the previous 24 months and after any servicing that may have affected system calibration.

c. Calibration. For beams with energies greater than 1 MV (1 MeV), the dosimetry system shall have been calibrated for Cobalt-60.

(1) For beams with energies equal to or less than 1 MV (1 MeV), the dosimetry system shall have been calibrated at an energy (energy range) appropriate for the radiation being measured.

(2) The registrant shall have available for use a dosimetry system for quality assurance check measurements.

1. To meet this requirement, the system may be compared with a system that has been calibrated in accordance with paragraph 42.14(2)*"b."*

2. This comparison shall have been performed within the previous 12 months and after each servicing that may have affected system calibration.

3. The quality assurance check system may be the same system used to meet the requirement in paragraph 42.14(2)*"b."*

(3) The registrant shall maintain a record of each dosimetry system calibration, intercomparison, and comparison for the duration of the license or registration. For each calibration, intercomparison, or comparison, the record shall include the following:

1. The date;

2. The model numbers and serial numbers of the instruments that were calibrated, intercompared, or compared as required by paragraph 42.14(2)*"b"*;

3. The correction factors that were determined;

4. The names of the individuals who performed the calibration, intercomparison, or comparison and evidence that the intercomparison was performed by, or under the direct supervision and in the physical presence of, a radiation therapy physicist.

d. Reports of external beam radiation therapy surveys and measurements. The registrant for any therapeutic radiation machine subject to rule 641—42.3(136C) shall furnish a copy of the records required in subrules 42.11(1) and 42.11(2) to the department within 30 days following completion of the action that initiated the record requirement.

641—42.15(136C) Therapeutic radiation machines of less than 500 kV.

42.15(1) *Equipment requirements.*

a. Leakage radiation. When the X-ray tube is operated at its maximum rated tube current for the maximum kV, the leakage air kerma rate cannot exceed the value specified at the distance specified for that classification of therapeutic radiation machine:

(1) 5-50 kV systems. The leakage air kerma rate measured at any position five centimeters from the tube housing assembly cannot exceed 100 mrad (one mGy) in any one hour.

(2) >50 and <500 kV systems. The leakage air kerma rate measured at a distance of one meter from the target in any direction cannot exceed one rad (one cGy) in any one hour.

1. This air kerma rate measurement may be averaged over areas no larger than 100 square centimeters.

2. In addition, the air kerma rate at a distance of five centimeters from the surface of the tube housing assembly cannot exceed 30 rad (30 cGy) per hour.

(3) For each therapeutic machine, the registrant shall determine, or obtain from the manufacturer, the leakage radiation existing at positions specified in subrule 42.15(1) for the specified operating conditions. Records on leakage radiation measurements shall be maintained at the facility and made available for inspection by the department.

b. Permanent beam-limiting devices. Permanent diaphragms or cones used for limiting the useful beam shall provide at least the same degree of attenuation as required for the tube housing assembly.

c. Adjustable or removable beam-limiting devices. All adjustable or removable beam-limiting devices, diaphragms, cones, or blocks cannot transmit more than 5 percent of the useful beam for the most penetrating beam used. When adjustable beam-limiting devices are used, the position and shape of the radiation field shall be indicated by a light beam.

d. Filter system. The filter system shall be so designed to meet all of the following:

(1) Filters cannot be accidentally displaced at any possible tube orientation;

(2) For equipment installed after July 9, 1997, an interlock system prevents irradiation if the proper filter is not in place;

(3) The air kerma rate escaping from the filter slot cannot exceed one rad (one cGy) per hour at one meter under any operating conditions; and

(4) Each filter shall be marked as to its material of construction and its thickness.

e. Tube immobilization.

(1) The X-ray tube shall be mounted in a manner that it cannot accidentally turn or slide with respect to the housing aperture.

(2) The tube housing assembly shall be capable of being immobilized for stationary portal treatments.

f. Source marking. The tube housing assembly shall be marked in a manner that it is possible to determine the location of the source to within five millimeters, and such marking shall be readily accessible for use during calibration procedures.

g. Beam block. Contact therapy tube housing assemblies shall have a removable shield of material, equivalent in attenuation to 0.5 millimeters of lead at 100 kV, that can be positioned over the entire useful beam exit port during periods when the beam is not in use.

h. Timer. A suitable irradiation control device shall be provided to terminate the irradiation after a preset time interval.

(1) A timer that has a display shall be provided at the treatment control panel. The timer shall have a preset time selector and an elapsed time or time remaining indicator;

(2) The timer shall be a cumulative timer that activates with an indication of "BEAM-ON" and retains its reading after irradiation is interrupted or terminated. After irradiation is terminated and before irradiation can be reinitiated, it shall be necessary to reset the elapsed time indicator;

(3) The timer shall terminate irradiation when a preselected time has elapsed if any dose monitoring system present has not previously terminated irradiation;

(4) The timer shall permit accurate presetting and determination of exposure times as short as one second;

(5) The timer cannot permit an exposure if set at zero;

(6) The timer cannot activate until the shutter is opened when irradiation is controlled by a shutter mechanism unless calibration includes a timer error correction to compensate for mechanical lag;

(7) Timer shall be accurate to within 1 percent of the selected value or one second, whichever is greater.

i. Control panel functions. The control panel, in addition to the displays required by other provisions in paragraph 42.15(2)*"i,"* shall have:

(1) An indication of whether electrical power is available at the control panel and if activation of the X-ray tube is possible;

(2) An indication of whether X-rays are being produced;

(3) Means for indicating X-ray tube potential and current;

(4) The means for terminating an exposure at any time;

(5) A locking device that will prevent unauthorized use of the therapeutic radiation machine; and

(6) For therapeutic radiation machines manufactured after July 9, 1997, a positive display of specific filter(s) in the beam.

j. Multiple tubes. When a control panel may energize more than one X-ray tube:

(1) It shall be possible to activate only one X-ray tube at any time;

(2) There shall be an indication at the control panel identifying which X-ray tube is activated;

(3) There shall be an indication at the tube housing assembly when that tube is energized.

k. Target-to-skin distance (TSD). There shall be a means of determining the central axis TSD to within one centimeter and of reproducing this measurement to within two millimeters thereafter.

l. Shutters. Unless it is possible to bring the X-ray output to the prescribed exposure parameters within five seconds after the X-ray "ON" switch is energized, the beam shall be attenuated by a shutter(s) having a lead equivalency not less than that of the tube housing assembly.

(1) In addition, after the unit is at operating parameters, the shutter(s) shall be controlled by the operator from the control panel.

(2) An indication of shutter position shall appear at the control panel.

m. Low filtration X-ray tubes. Each therapeutic radiation machine equipped with a beryllium or other low-filtration window shall be clearly labeled as such upon the tube housing assembly and shall be provided with a permanent warning device on the control panel that is activated when no additional filtration is present to indicate that the dose rate is very high.

42.15(2) *Facility design requirements for therapeutic radiation machines capable of operating in the range 50 kV to 500 kV.* In addition to shielding adequate to meet requirements of rule 641—42.17(136C), the treatment room shall meet the following design requirements.

a. Aural communication. Provision shall be made for continuous two-way aural communication between the patient and the operator at the control panel.

b. Viewing systems. Provision shall be made to permit continuous observation of the patient during irradiation, and the viewing system shall be so located that the operator can observe the patient from the control panel. The therapeutic radiation machine cannot be used for patient irradiation unless at least one viewing system is operational.

c. Additional requirements. Treatment rooms that contain a therapeutic radiation machine capable of operating above 150 kV shall meet the following additional requirements:

(1) All protective barriers shall be fixed, except for entrance doors or beam interceptors;

(2) The control panel shall be located outside the treatment room or in a totally enclosed booth, which has a ceiling, inside the room;

(3) Interlocks shall be provided such that all entrance doors, including doors to any interior booths, shall be closed before treatment can be initiated or continued. If the radiation beam is interrupted by any door opening, it cannot be possible to restore the machine to operation without closing the door and reinitiating irradiation by manual action at the control panel;

(4) When any door referred to in subparagraph 42.15(2)*"c"*(3) is opened while the radiation machine is activated, the air kerma rate at a distance of one meter from the source shall be reduced to less than one mGy (100 mrad) per hour.

d. Full calibration measurements. Full calibration of a therapeutic radiation machine subject to subrule 42.15(2) shall be performed by, or under the direct supervision of, a radiation therapy physicist.

e. Initial use. The first medical use following installation or reinstallation of the therapeutic radiation machine must be:

(1) At intervals not exceeding one year; and

(2) Before medical use under the following conditions:

1. Whenever quality assurance check measurements indicate that the radiation output differs by more than 5 percent from the value obtained at the last full calibration and the difference cannot be reconciled;

2. Following any component replacement, major repair, or modification of components that could significantly affect the characteristics of the radiation beam.

f. Calibration. Notwithstanding the requirements of paragraph 42.15(2)*"d"*:

(1) Full calibration of therapeutic radiation machines with multienergy capabilities is required only for those modes or energies that are not within their acceptable range; and

(2) If the repair, replacement or modification does not affect all energies, full calibration shall be performed on the affected energy that is in most frequent clinical use at the facility. The remaining energies may be validated with quality assurance check procedures against the criteria in paragraph 42.15(2)*"c."*

(3) To satisfy the requirements of paragraph 42.15(2)*"d,"* full calibration shall include all measurements recommended for annual calibration by NCRP Report 69, "Dosimetry of X-ray and Gamma Ray Beams for Radiation Therapy in the Energy Range 10 keV to 50 MeV" (1981).

(4) The registrant shall maintain a record of each calibration for the duration of the registration. The record shall include all of the following:

1. The date of the calibration;
2. The manufacturer's name, model number, and serial number for both the therapeutic radiation machine and the X-ray tube;
3. The model numbers and serial numbers of the instruments used to calibrate the therapeutic radiation machine; and
4. The signature of the radiation therapy physicist responsible for performing the calibration.

g. Periodic quality assurance checks. Periodic quality assurance checks shall be performed on therapeutic radiation machines, subject to this rule, that are capable of operation at greater than or equal to 50 kV.

(1) To satisfy the requirement of paragraph 42.15(2)*"g,"* quality assurance checks shall meet all of the following requirements:

1. The quality assurance checks shall be performed by the registrant in accordance with written procedures established by the radiation therapy physicist;
2. The quality assurance check procedures shall specify the frequency at which tests or measurements are to be performed.
3. The quality assurance check procedures shall specify that the quality assurance check shall be performed during the calibration specified in subparagraph 42.15(2)*"f"*(1).
4. The acceptable tolerance for each parameter measured in the quality assurance check, when compared to the value for that parameter determined in the calibration specified in subparagraph 42.15(2)*"f"*(1), shall be stated.

(2) The cause for a parameter exceeding a tolerance set by the radiation therapy physicist shall be investigated and corrected before the system is used for patient or human research subject irradiation;

1. Whenever a quality assurance check indicates a significant change in the operating characteristics of a system, as specified in the radiation therapy physicist's quality assurance check procedures, the system shall be recalibrated as required in subparagraph 42.15(2)*"f"*(1);
2. The registrant shall use the dosimetry system described in subparagraph 42.14(2)*"c"*(2) to make the quality assurance check required in paragraph 42.15(2)*"g"*;
3. The registrant shall have the radiation therapy physicist review and sign the results of each radiation output quality assurance check within one month of test completion;
4. The registrant shall ensure that safety quality assurance checks of therapeutic radiation machines subject to this rule are performed at intervals not to exceed one month;
5. Notwithstanding the requirements of numbered paragraphs 42.15(2)*"g"*(2)"3" and "4," the registrant shall ensure that no therapeutic radiation machine is used to administer radiation to humans unless the quality assurance checks required have been performed within the 30 days prior to administration.

(3) To satisfy the requirement of numbered paragraph 42.15(2)*"g"*(2)"4," safety quality assurance checks shall ensure proper operation of the following:

1. Electrical interlocks at each external beam radiation therapy room entrance;
2. The "BEAM-ON" and termination switches;

3. Beam condition indicator lights on the access door(s), on the control console, and in the radiation therapy room;

4. Viewing systems;

5. If applicable, electrically operated treatment room doors from inside and outside the treatment room.

(4) The registrant shall maintain a record of each quality assurance check for three years. The record shall include all of the following:

1. The date of the quality assurance check;

2. The manufacturer's name, model number, and serial number for the therapeutic radiation machine;

3. The manufacturer's name, model number, and serial number of the instrument(s) used to measure the radiation output of the therapeutic radiation machine;

4. The signature of the individual who performed the periodic quality assurance check.

h. Operating procedures.

(1) Therapeutic radiation machines cannot be left unattended unless secured by means identified in paragraph 42.15(1)*"i"*;

(2) When a patient must be held in position for radiation therapy, mechanical supporting or restraining devices shall be used;

(3) The tube housing assembly cannot be held by an individual during operation unless the assembly is designed to require such holding and the peak tube potential of the system does not exceed 50 kV. In such cases, the holder shall wear protective gloves and apron of not less than 0.5 millimeters lead equivalency at 100 kV;

(4) A copy of the current operating and emergency procedures shall be maintained at the therapeutic radiation machine control console;

(5) No individual other than the patient shall be in the treatment room during exposures from therapeutic radiation machines operating above 150 kV. At energies less than or equal to 150 kV, any individual, other than the patient, in the treatment room shall be protected by a barrier sufficient to meet the requirements of 641—subrule 37.11(11).

(6) The therapeutic radiation machine cannot be used for irradiation of patients unless the requirements of paragraph 42.15(2)*"d"* have been met.

i. Possession of survey instrument(s).

(1) Each facility location authorized to use a therapeutic radiation machine in accordance with rule this rule shall have at its disposal appropriately calibrated portable monitoring equipment.

(2) As a minimum, such equipment shall include a portable radiation measurement survey instrument capable of measuring dose rates over the range 1 mrem (10 μSv) per hour to 1,000 mrem (10 mSv) per hour.

(3) The survey instrument(s) shall be operable and calibrated at intervals not to exceed 12 months for the radiation measured.

641—42.16(136C) Therapeutic radiation machines—photon therapy systems (500 kV and above) and electron therapy systems (500 keV and above).

42.16(1) *Equipment requirements;*

a. The absorbed dose due to leakage radiation (excluding neutrons) at any point outside the maximum-sized useful beam, but within a circular plane of radius two meters that is perpendicular to and centered on the central axis of the useful beam at the nominal treatment distance (i.e., patient plane), cannot exceed a maximum of 0.2 percent and an average of 0.1 percent of the absorbed dose on the central axis of the beam at the nominal treatment distance. Measurements shall be averaged over an area not exceeding 100 square centimeters at a minimum of 16 points uniformly distributed in the plane.

b. Except for the area defined in paragraph 42.16(1)*"a"* the absorbed dose due to leakage radiation (excluding neutrons) at one meter from the electron path between the electron source and the

target or electron window cannot exceed 0.5 percent of the absorbed dose on the central axis of the beam at the nominal treatment distance.

c. Measurements shall be averaged over an area not exceeding 100 square centimeters.

d. For equipment manufactured after July 9, 1997, the neutron absorbed dose outside the useful beam shall be in compliance with International Electrotechnical Agency (IEC) Document 601-2-1 as amended to August 1, 2025.

e. For each therapeutic radiation machine, the registrant shall determine, or obtain from the manufacturer, the leakage radiation existing at the positions specified in paragraph 42.16(1)*"a"* for the specified operating conditions. Records of leakage radiation measurements shall be maintained and made available for inspection by the department.

42.16(2) *Leakage radiation through beam-limiting devices.*

a. Photon radiation. All adjustable or interchangeable beam-limiting devices shall attenuate the useful beam such that at the nominal treatment distance, the maximum absorbed dose anywhere in the area shielded by the beam-limiting device(s) cannot exceed 2 percent of the maximum absorbed dose on the central axis of the useful beam measured in a ten-centimeter by ten-centimeter radiation field;

b. Electron radiation. All adjustable or interchangeable electron applicators shall attenuate the radiation including but not limited to photon radiation generated by electrons incident on the beam-limiting device and electron applicator and other parts of the radiation head, such that the absorbed dose in a plane perpendicular to the central axis of the useful beam at the nominal treatment distance cannot exceed:

(1) A maximum of 2 percent and average of 0.5 percent of the absorbed dose on the central axis of the useful beam at the nominal treatment distance. This limit shall apply beyond a line seven centimeters outside the periphery of the useful beam; and

(2) A maximum of 10 percent of the absorbed dose on the central axis of the useful beam at the nominal treatment distance. This limit shall apply beyond a line two centimeters outside the periphery of the useful beam.

42.16(3) *Measurement of leakage radiation.*

a. Photon radiation. Measurements of leakage radiation through the beam-limiting devices shall be made with the beam-limiting devices closed and any residual aperture blocked by at least two-tenth value layers of suitable absorbing material.

(1) In the case of overlapping beam-limiting devices, the leakage radiation through each set shall be measured independently at the depth of maximum dose.

(2) Measurements shall be made using a radiation detector with an area not exceeding ten square centimeters.

b. Electron radiation. Measurements of leakage radiation through the electron applicators shall be made:

(1) With the electron beam directed into the air and using a radiation detector that has an area up to but not exceeding one square centimeter and that is suitably protected against radiation that has been scattered from material beyond the radiation detector.

(2) Using one centimeter of water equivalent buildup material.

c. Filters/wedges. Each wedge filter that is removable from the system shall be clearly marked with an identification number.

(1) For removable wedge filters, the nominal wedge angle shall appear on the wedge or wedge tray (if permanently mounted to the tray).

(2) If the wedge or wedge tray is significantly damaged, the wedge transmission factor shall be redetermined.

(3) If the absorbed dose rate information required by paragraph 42.16(3)*"h"* relates exclusively to operation with a field-flattening filter or beam-scattering foil in place, such filter or foil shall be removable only by the use of tools.

(4) For equipment manufactured after July 9, 1997, that utilizes a system of wedge filters, interchangeable field-flattening filters, or interchangeable beam-scattering foils:

1. Irradiation cannot be possible until a selection of a filter or a positive selection to use "no filter" has been made at the treatment control panel, either manually or automatically;

2. An interlock system shall be provided to prevent irradiation if the filter selected is not in the correct position;

3. A display shall be provided at the treatment control panel showing the wedge filter(s), interchangeable field-flattening filter(s), and interchangeable beam-scattering foil(s) in use;

4. An interlock shall be provided to prevent irradiation if any filter or beam-scattering foil selection operation carried out in the treatment room does not agree with the filter or beam-scattering foil selection operation carried out at the treatment control panel.

d. Stray radiation in the useful beam. For equipment manufactured after July 9, 1997, the registrant shall determine during acceptance testing, or obtain from the manufacturer, data sufficient to ensure that X-ray stray radiation in the useful electron beam, absorbed dose at the surface during X-ray irradiation and stray neutron radiation in the useful X-ray beam are in compliance with International Electrotechnical Agency (IEC) Document 601-2-1 as amended to August 1, 2025.

e. Beam monitors. All therapeutic radiation machines subject to this rule shall be provided with redundant beam monitoring systems. The sensors for these systems shall be fixed in the useful beam during treatment to indicate the dose monitor unit rate.

(1) Equipment manufactured after July 9, 1997, shall be provided with at least two independently powered integrating dose meters. Alternatively, common elements may be used if the production of radiation is terminated upon failure of any common element.

(2) Equipment manufactured on or before July 9, 1997, shall be provided with at least one radiation detector. This detector shall be incorporated into a useful beam monitoring system.

(3) The detector and the system into which that detector is incorporated shall meet the following requirements:

1. Each detector shall be removable only with tools and, if movable, shall be interlocked to prevent incorrect positioning;

2. Each detector shall form part of a beam monitoring system from whose readings in dose monitor units the absorbed dose at a reference point can be calculated;

3. Each beam monitoring system shall be capable of independently monitoring, interrupting, and terminating irradiation.

(4) For equipment manufactured after July 9, 1997, the design of the beam monitoring systems shall ensure that:

1. The malfunctioning of one system cannot affect the correct functioning of the other system(s); and

2. The failure of any element common to both systems that could affect the correct function of both systems shall terminate irradiation or prevent the initiation of radiation.

(5) Each beam monitoring system shall have a legible display at the treatment control panel. For equipment manufactured after July 9, 1997, each display shall:

1. Maintain a reading until intentionally reset;

2. Have only one scale and no electrical or mechanical scale multiplying factors;

3. Utilize a design such that increasing dose is displayed by increasing numbers;

4. In the event of power failure, the beam monitoring information at the time of failure required in this paragraph is retrievable in at least one system for a 20-minute period of time.

f. Beam symmetry.

(1) Bent-beam linear accelerators with beam-flattening filter(s) subject to subrule 42.16(1) shall be provided with auxiliary device(s) to monitor beam symmetry;

(2) The device(s) referenced in paragraph 42.16(3)*"f"* shall be able to detect field asymmetry greater than 10 percent and shall be configured to terminate irradiation if field asymmetry cannot be maintained at 10 percent or less.

g. Selection and display of dose monitor units. The preselected number of dose monitor units shall be displayed at the treatment control panel until reset manually;

(1) After termination of irradiation, it shall be necessary to reset the dosimeter display before subsequent treatment can be initiated; and

(2) For equipment manufactured after July 9, 1997, after termination of irradiation, it shall be necessary for the operator to reset the preselected dose monitor units before irradiation can be initiated.

(3) Irradiation cannot be possible until a new selection of a number of dose monitor units has been made at the treatment control panel.

h. Air kerma rate/absorbed dose rate. For equipment manufactured after July 9, 1997, a system shall be provided from whose readings the air kerma rate or absorbed dose rate at a reference point can be calculated. (The radiation detectors specified in paragraph 42.16(3)*"e"* may form part of this system.) In addition:

(1) The dose monitor unit rate shall be displayed at the treatment control panel;

(2) If the equipment can deliver under any conditions an air kerma rate or absorbed dose rate at the nominal treatment distance more than twice the maximum value specified by the manufacturer, a device shall be provided that terminates irradiation when the air kerma rate or absorbed dose rate exceeds a value twice the specified maximum. The dose rate at which the irradiation will be terminated shall be a record maintained by the registrant;

(3) If the equipment can deliver under any fault condition(s) an air kerma rate or absorbed dose rate at the nominal treatment distance more than ten times the maximum value specified by the manufacturer, a device shall be provided to prevent the air kerma rate or absorbed dose rate anywhere in the radiation field from exceeding twice the specified maximum value and to terminate irradiation if the excess absorbed dose at the nominal treatment distance exceeds 400 rad (four Gy); and

(4) For each therapeutic radiation machine, the registrant shall determine, or obtain from the manufacturer, the maximum value(s) specified in paragraph 42.16(3)*"g"* for the specified operating conditions. Records of these maximum value(s) shall be maintained at the installation for inspection by the department.

i. Termination of irradiation by the beam monitoring system or systems during stationary beam radiation therapy. Each primary system shall terminate irradiation when the preselected number of dose monitor units has been detected by the system;

(1) If the original design of the equipment included a secondary dose monitoring system, that system shall be capable of terminating irradiation when not more than 15 percent or 40 dose monitor units above the preselected number of dose monitor units set at the control panel have been detected by the secondary dose monitoring system;

(2) For equipment manufactured after July 9, 1997, an indicator on the control panel shall show which monitoring system has terminated irradiation.

j. Termination switches. It shall be possible to terminate irradiation and equipment movement or go from an interruption condition to termination condition at any time from the operator's position at the treatment control panel.

k. Interruption switches. If a therapeutic radiation machine has an interrupt mode, it shall be possible to interrupt irradiation and equipment movements at any time from the treatment control panel.

(1) Following an interruption, it shall be possible to restart irradiation by operator action without any reselection of operating conditions.

(2) If any change of a preselected value is made during an interruption, irradiation and equipment movements shall be automatically terminated.

l. Timer. A suitable irradiation control device shall be provided to terminate the irradiation after a preset time interval.

(1) A timer shall be provided that has a display at the treatment control panel. The timer shall have a preset time selector and an elapsed time indicator;

(2) The timer shall be a cumulative timer that activates with an indication of "BEAM-ON" and retains its reading after irradiation is interrupted or terminated. After irradiation is terminated and before irradiation can be reinitiated, it shall be necessary to reset the elapsed time indicator;

(3) The timer shall terminate irradiation when a preselected time has elapsed if the dose monitoring systems have not previously terminated irradiation.

m. Selection of radiation type. Equipment capable of both X-ray therapy and electron therapy shall meet the following additional requirements:

(1) Irradiation cannot be possible until a selection of radiation type (X-rays or electrons) has been made at the treatment control panel;

(2) The radiation type selected shall be displayed at the treatment control panel before and during irradiation;

(3) An interlock system shall be provided to ensure that the equipment can principally emit only the radiation type that has been selected;

(4) An interlock system shall be provided to prevent irradiation with X-rays, except to obtain a verification image, when electron applicators are fitted;

(5) An interlock system shall be provided to prevent irradiation with electrons when accessories specific for X-ray therapy are fitted; and

(6) An interlock system shall be provided to prevent irradiation if any selected operations carried out in the treatment room do not agree with the selected operations carried out at the treatment control panel.

n. Selection of energy. Equipment capable of generating radiation beams of different energies shall meet the following requirements:

(1) Irradiation cannot be possible until a selection of energy has been made at the treatment control panel;

(2) The nominal energy value selected shall be displayed at the treatment control panel until reset manually for the next irradiation. After termination of irradiation, it shall be necessary to reset the nominal energy value selected before subsequent treatment can be initiated;

(3) Irradiation cannot be possible until the appropriate flattening filter or scattering foil for the selected energy is in its proper location.

(4) For equipment manufactured after July 9, 1997, the selection of energy shall be in compliance with International Electrotechnical Commission (IEC) Document 60601-2-1 as amended to August 1, 2025.

o. Selection of stationary beam radiation therapy or moving beam radiation therapy. Therapeutic radiation machines capable of both stationary beam radiation therapy and moving beam radiation therapy shall meet the following requirements:

(1) Irradiation cannot be possible until a selection of stationary beam radiation therapy or moving beam radiation therapy has been made at the treatment control panel;

(2) The mode of operation shall be displayed at the treatment control panel;

(3) An interlock system shall be provided to ensure that the equipment can operate only in the mode that has been selected;

(4) An interlock system shall be provided to prevent irradiation if any selected parameter in the treatment room does not agree with the selected parameter at the treatment control panel;

(5) Moving beam radiation therapy shall be controlled to obtain the selected relationships between incremental dose monitor units and incremental movement. For equipment manufactured after July 9, 1997:

1. An interlock system shall be provided to terminate irradiation if the number of dose monitor units delivered in any ten degrees of rotation or one centimeter of linear motion differs by more than 20 percent from the selected value.

2. Where angle terminates the irradiation in moving beam radiation therapy, the dose monitor units delivered shall differ by less than 5 percent from the dose monitor unit value selected.

3. An interlock shall be provided to prevent motion of more than five degrees or one centimeter beyond the selected limits during moving beam radiation therapy.

4. An interlock shall be provided to require that a selection of direction be made at the treatment control panel in all units that are capable of both clockwise and counterclockwise moving beam radiation therapy.

5. Moving beam radiation therapy shall be controlled with both primary position sensors and secondary position sensors to obtain the selected relationships between incremental dose monitor units and incremental movement.

6. Where the beam monitoring system terminates the irradiation in moving beam radiation therapy, the termination of irradiation shall be as required by paragraph 42.16(3)*"i"*;

7. For equipment manufactured after July 9, 1997, an interlock system shall be provided to terminate irradiation if movement:

A. Occurs during stationary beam radiation therapy; or

B. Does not start or stop during moving beam radiation therapy unless such stoppage is a preplanned function.

p. Facility design requirements for therapeutic radiation machines operating above 500 kV. In addition to shielding adequate to meet requirements of rule 641—42.17(136C), the following design requirements are made.

(1) All protective barriers shall be fixed, except for access doors to the treatment room or movable beam interceptors.

(2) In addition to other requirements specified in 641—paragraph 40.4(19)*"c,"* the control panel shall also:

1. Be located outside the treatment room;

2. Provide an indication of whether electrical power is available at the control panel and whether activation of the radiation is possible;

3. Provide an indication of whether radiation is being produced;

4. Include an access control (locking) device that will prevent unauthorized use of the therapeutic radiation machine.

q. Viewing systems. Windows, mirrors, closed-circuit television, or an equivalent viewing system shall be provided to permit continuous observation of the patient following positioning and during irradiation and shall be so located that the operator may observe the patient from the treatment control panel. The therapeutic radiation machine cannot be used for patient irradiation unless at least one viewing system is operational.

r. Aural communications. Provision shall be made for continuous two-way aural communication between the patient and the operator at the control panel. The therapeutic radiation machine cannot be used for irradiation of patients unless continuous two-way aural communication is possible.

s. Room entrances. Treatment room entrances shall be provided with warning lights in a readily observable position near the outside of all access doors that will indicate when the useful beam is "ON" and when it is "OFF".

t. Entrance interlocks. Interlocks shall be provided such that all access controls are activated before treatment can be initiated or continued. If the radiation beam is interrupted by any access control, it cannot be possible to restore the machine to operation without resetting the access control and reinitiating irradiation by manual action at the control panel.

u. Beam interceptor interlocks. If the shielding material in any protective barrier requires the presence of a beam interceptor to ensure compliance with 641—paragraph 37.11(11)*"a,"* interlocks shall be provided to prevent the production of radiation, unless the beam interceptor is in place, whenever the useful beam is directed at the designated barrier(s).

v. Emergency cutoff switches. At least one emergency power cutoff switch shall be located in the radiation therapy room and shall terminate all equipment electrical power, including radiation and mechanical motion.

(1) This switch is in addition to the termination switch required by paragraph 42.16(3)*"j."*

(2) All emergency power cutoff switches shall include a manual reset so that the therapeutic radiation machine cannot be restarted from the unit's control console without resetting the emergency cutoff switch.

w. Safety interlocks. All safety interlocks shall be designed so that any defect or component failure in the safety interlock system prevents or terminates operation of the therapeutic radiation machine.

x. Surveys for residual radiation. Surveys for residual activity shall be conducted on all therapeutic radiation machines capable of generating photon and electron energies above ten MV prior to machining, removing, or working on therapeutic radiation machine components that may have become activated due to photoneutron production.

y. Possession of survey instrument(s). Each facility location authorized to use a therapeutic radiation machine in accordance with rule 641—42.16(136C) shall have at its disposal appropriately calibrated portable monitoring equipment.

(1) As a minimum, such equipment shall include a portable radiation measurement survey instrument capable of measuring dose rates over the range one mrem (ten μSv) per hour to 1,000 mrem (ten mSv) per hour.

(2) The survey instrument(s) shall be operable and calibrated at intervals not to exceed 12 months for the radiation measured.

z. Radiation therapy physicist support.

(1) The services of a radiation therapy physicist shall be required in facilities having therapeutic radiation machines with energies of 500 kV and above. The radiation therapy physicist shall be responsible for:

1. Full calibration(s) required by subparagraph 42.16(3)*"bb"*(1) and protection surveys required by subrule 42.16(1).
2. Supervision and review of dosimetry.
3. Beam data acquisition and transfer for computerized dosimetry, and supervision of its use.
4. Quality assurance, including quality assurance check review required by paragraph 42.15(2)*"g."*
5. Consultation with the authorized user in treatment planning as needed.
6. Performing calculations/assessments regarding misadministrations.

(2) If the radiation therapy physicist is not a full-time employee of the registrant, the operating procedures required by paragraph 42.15(2)*"e"* shall also specifically address how the radiation therapy physicist is to be contacted for problems or emergencies, as well as the specific actions, if any, to be taken until the radiation therapy physicist can be contacted.

aa. Operating procedures. No individual, other than the patient, shall be in the treatment room during treatment or during any irradiation for testing or calibration purposes.

(1) Therapeutic radiation machines cannot be made available for medical use unless the requirements of this chapter have been met;

(2) Therapeutic radiation machines, when not in operation, shall be secured to prevent unauthorized use;

(3) When adjustable beam-limiting devices are used, the position and shape of the radiation field shall be indicated by a light field;

(4) If a patient must be held in position during treatment, mechanical supporting or restraining devices shall be used;

(5) A copy of the current operating and emergency procedures shall be maintained at the therapeutic radiation machine control console.

bb. Acceptance testing, commissioning, and full calibration measurements. Acceptance testing, commissioning, and full calibration of a therapeutic radiation machine subject to rule this rule shall be performed by, or under the direct supervision of, a radiation therapy physicist.

(1) Acceptance testing and commissioning shall be performed in accordance with "AAPM Code of Practice for Radiotherapy Accelerators: AAPM Report No. 47," prepared by Radiation Therapy Task Group 45 as amended to August 1, 2025, and the manufacturer's contractual specifications and shall be conducted before the first medical use following installation or reinstallation of the therapeutic radiation machine;

(2) Full calibration shall include measurement of all parameters listed in Appendix A of 641—Chapter 41 and shall be performed in accordance with "AAPM Code of Practice for Radiotherapy Accelerators: AAPM Report No. 47" as amended to August 1, 2025, prepared by Radiation Therapy Task Group 45. Although it cannot be necessary to complete all elements of a full calibration at the same time, all parameters (for all energies) shall be completed at intervals not to exceed 12 calendar months, unless a more frequent interval is required by this department.

(3) The radiation therapy physicist shall perform all elements of a full calibration necessary to determine that all parameters are within acceptable limits at the following frequencies:

1. Whenever quality assurance check measurements indicate that the radiation output differs by more than 5 percent from the value obtained at the last full calibration and the difference cannot be reconciled. Therapeutic radiation machines with multienergy or multimode capabilities or both shall only require measurements for those modes or energies that are not within their acceptable range; and

2. Following any component replacement, major repair, or modification of components that could significantly affect the characteristics of the radiation beam. If the repair, replacement, or modification does not affect all modes or energies, measurements shall be performed on the affected mode/energy that is in most frequent clinical use at the facility. The remaining energies/modes may be validated with quality assurance check procedures against the criteria in paragraph 42.16(3)*"z."*

(4) The registrant shall use the dosimetry system described in paragraph 42.14(2)*"b"* to measure the radiation output for one set of exposure conditions.

(5) The registrant shall maintain a record of each calibration in an auditable form for the duration of the registration. The record shall include all of the following:

1. The date of the calibration;

2. The manufacturer's name, model number, and serial number for the therapeutic radiation machine;

3. The model numbers and serial numbers of the instruments used to calibrate the therapeutic radiation machine;

4. The signature of the radiation therapy physicist responsible for performing the calibration.

cc. Periodic quality assurance checks. Periodic quality assurance checks shall be performed on all therapeutic radiation machines subject to these rules at intervals as specified in Appendix A of this chapter.

(1) To satisfy the requirement of paragraph 42.14(2)*"g,"* quality assurance checks shall include determination of central axis radiation output and a representative sampling of periodic quality assurance checks contained in Appendix A. Representative sampling shall include all referenced periodic quality assurance checks at intervals not to exceed 12 consecutive calendar months.

(2) The registrant shall use a dosimetry system that has been intercompared within the previous 12 months with the dosimetry system to make the periodic quality assurance checks required in paragraph 42.14(2)*"g."*

(3) The registrant shall perform periodic quality assurance checks in accordance with procedures established by the radiation therapy physicist.

(4) The registrant shall review the results of each periodic radiation output check according to the following procedures:

1. The authorized user and radiation therapy physicist shall be immediately notified if any parameter is not within its acceptable tolerance. The therapeutic radiation machine cannot be made available for subsequent medical use until the radiation therapy physicist has determined that all parameters are within their acceptable tolerances;

2. If all quality assurance check parameters appear to be within their acceptable range, the quality assurance check shall be reviewed and signed by either the authorized user or radiation therapy physicist within three treatment days;

3. The radiation therapy physicist shall review and sign the results of each radiation output quality assurance check at intervals not to exceed one month.

(5) Therapeutic radiation machines subject to this rule shall have safety quality assurance checks of each external beam radiation therapy machine performed at intervals not to exceed one week or at longer intervals as recommended by the manufacturer.

(6) Safety quality assurance checks shall ensure proper operation of all of the following:

1. Electrical interlocks at each external beam radiation therapy room entrance;

2. Proper operation of the "BEAM-ON," interrupt and termination switches;

3. Beam condition indicator lights on the access doors, control console, and in the radiation therapy room;

4. Viewing systems;

5. Aural systems;

6. Electrically operated treatment room door(s) from inside and outside the treatment room;

7. At least one emergency power cutoff switch.

A. If more than one emergency power cutoff switch is installed and not all switches are tested at once, each switch shall be tested on a rotating basis.

B. Safety quality assurance checks of the emergency power cutoff switches may be conducted at the end of the treatment day in order to minimize possible stability problems with the therapeutic radiation machine.

(7) The registrant shall promptly repair any system that is not operating properly.

(8) The registrant shall maintain a record of each quality assurance check for three years. The record shall include all of the following:

1. The date of the quality assurance check;

2. The manufacturer's name, model number, and serial number for the therapeutic radiation machine;

3. The manufacturer's name, model number, and serial number of the instrument(s) used to measure the radiation output of the therapeutic radiation machine;

4. The signature of the individual who performed the periodic quality assurance check.

641—42.17(136C) Shielding and safety design requirements.

42.17(1) Each therapeutic radiation machine subject to shall be provided with such primary or secondary barriers as are necessary to ensure compliance with rule 641—37.11(136C).

42.17(2) Facility design information for all new installations of a therapeutic radiation machine or installations of a therapeutic radiation machine of higher energy into a room not previously approved for that energy shall be submitted for department approval prior to actual installation of the therapeutic radiation machine. The minimum facility design information that must be submitted is contained in Appendix B of this chapter.

641—42.18(136C) Calibration of survey instruments.

42.18(1) The registrant shall ensure that the survey instruments used to show compliance with rule 641—42.16(136C) have been calibrated before first use, at intervals not to exceed 12 months, and following repair.

42.18(2) To satisfy the requirements of this rule, the registrant shall:

a. Calibrate all required scale readings up to 1,000 mrem (ten mSv) per hour with an appropriate radiation source that is traceable to the NIST;

b. Calibrate at least two points on each scale to be calibrated. These points should be at approximately 1/3 and 2/3 of full scale;

c. Consider a point as calibrated if the indicated dose rate differs from the calculated dose rate by not more than 10 percent;

d. Consider a point as calibrated if the indicated dose rate differs from the calculated dose rate by not more than 20 percent if a correction factor or graph is conspicuously attached to the instrument.

42.18(3) The registrant shall retain a record of each calibration required in this rule for three years. The record shall include the following:

a. A description of the calibration procedure;

b. A description of the source used and the certified dose rates from the source, the rates indicated by the instrument being calibrated, the correction factors deduced from the calibration data, the signature of the individual who performed the calibration, and the date of calibration.

42.18(4) The registrant may obtain the services of individuals licensed by this department, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state to perform calibrations of survey instruments. Records of calibrations that contain information required in rule this rule shall be maintained by the registrant.

641—42.19(136C) Radiation safety requirements for the use of particle accelerators for nonhuman use.

1. This rule establishes procedures for the registration or licensing and the use of particle accelerators.

2. Unless specifically required otherwise, all registrants or licensees performing operations with a particle accelerator are subject to the requirements of 641—Chapters 38 through 40.

42.19(1) *Registration or license requirements.* No person shall receive, possess, use, transfer, own, or acquire a particle accelerator, except as authorized in a registration or license issued by the department and unless the following requirements are met:

a. Each accelerator shall be registered in accordance with the requirements of 641—subrule 37.8(2).

b. Accelerator facilities whose operations result in nuclear transformations that produce, or are likely to produce, radioactive material more than the exempt quantities and concentrations listed in Appendices C and D of 641—Chapter 39 are authorized by the issuance of a radioactive material license. Accelerator facilities that produce or are likely to produce radioactive material less than the exempt quantities and concentrations shall be authorized by registration.

c. For accelerator facilities required to be licensed, those operations that would require personnel monitoring due to the presence of radioactive material shall be performed only by a specific licensee. Such operations would normally include installation, testing and maintenance, and routine operations.

42.19(2) *General requirements for the issuance of a registration or license for particle accelerators.* Along with the requirements of this chapter, an application for use of a particle accelerator will be approved only if the department determines all of the following:

a. The applicant is qualified to use the accelerator in question for the purpose requested and in such a manner as to minimize danger to public health and safety or property;

b. The applicant's proposed or existing equipment, facilities, and operating and emergency procedures are adequate to protect health and minimize danger to public health and safety or property;

c. The issuance of the registration or license will not be detrimental to the health and safety of the public;

d. The applicant satisfies any applicable requirements set forth in this chapter;

e. The applicant has appointed a radiation safety officer responsible for the day-to-day operation of the radiation safety program;

f. The applicant and the applicant's staff have experience in the use of particle accelerators and training sufficient for application to its intended uses;

g. The applicant has an adequate training program for operators of particle accelerators.

42.19(3) *Personnel monitoring.* In addition to the requirements of 641—subrule 40.4(13) personnel monitoring shall be provided to and used by all individuals entering any area for which interlocks are required unless a survey of the area has determined that radiation levels are below that of a high radiation area and at least one of the following conditions is met:

a. Power to an accelerator cannot be activated; or

b. An accelerated beam cannot be directed to the area.

42.19(4) *Operations.*

a. No registrant shall permit any individual to act as an operator of a particle accelerator until all of the following conditions have been met:

(1) The individual has been instructed in radiation safety and has demonstrated an understanding of that instruction;

(2) The individual has received copies of, and instruction in, this rule, the applicable requirements of the pertinent registration, and the registrant's operating and emergency procedures and has demonstrated understanding of that instruction;

(3) The individual has demonstrated competence to use the particle accelerator, related equipment, and survey instruments that will be employed.

b. The radiation safety officer or radiation safety committee, if applicable, shall have the authority to terminate the operations at a particle accelerator facility if such action is deemed necessary to minimize danger to public health and safety or property.

c. Along with the audit required in 641—paragraph 37.11(2)*"c,"* each operator's performance during an actual accelerator operation shall be audited by the radiation safety officer or designee at intervals not to exceed six months.

(1) If an operator has not participated in an accelerator operation for more than six months since the last audit, the individual's performance shall be observed and recorded at the first opportunity the individual participates in an accelerator operation.

(2) Records of the audits shall be maintained by the registrant and made available for inspection by the department for three years from the date of the audit.

d. Operators of particle accelerators used for industrial radiography shall meet the requirements of subrule 42.19(2).

42.19(5) *Shielding and safety design requirements.* A department-qualified expert shall be consulted in the design of a particle accelerator installation and shall perform a radiation survey when the accelerator is first capable of producing radiation.

a. Each particle accelerator installation shall be provided with the primary and secondary barriers necessary to ensure compliance with 641—subrules 37.11(3) and 37.11(11).

b. In addition to the requirements of this chapter, shielded facilities or self-shielded particle accelerators shall meet all of the following requirements:

(1) Authorization, through issuance of a construction permit, shall be granted following review of the initial application, including the shielding design, physical plant and site specifications, and the applicant's proposed equipment, uses, and workloads;

(2) For a shielded facility, the applicant shall submit an evaluation of the shielding design completed by a qualified expert. For a self-shielded particle accelerator, submission of an evaluation of a shielding design is not required if an evaluation has been performed by an appropriate regulatory authority. In such cases, the applicant may reference that evaluation. A copy of any shielding design evaluation shall be maintained by the applicant and made available to the department upon request;

(3) Authorization for installation and testing of an accelerator shall be given only after a determination of adequacy of testing protocols, testing safety procedures, staff training, and radiation detection instrumentation has been made;

(4) Operational use of an accelerator shall be authorized only after the department determines that all criteria specified in subrule 42.19(2) have been met.

42.19(6) *Particle accelerator controls and interlock systems.* Instrumentation, readouts, and controls on the particle accelerator control console shall be clearly identified, easily discernible, and located outside the high radiation area.

a. Each entrance into a target area or other high radiation area shall be provided with two safety interlocks that shut down the machine when the barrier is breached.

b. Each safety interlock shall be on a circuit that allows it to operate independently of all other safety interlocks.

c. All safety interlocks shall be designed so that any defect or component failure in the safety interlock system prevents operation of the accelerator.

d. When a safety interlock system has been tripped, it shall only be possible to resume operation of the accelerator by manually resetting controls at the position where the safety interlock has been tripped and, subsequently, at the main control console.

e. A scram button or other emergency power cutoff switch shall be located and easily identifiable in all high radiation areas. Such a cutoff switch shall include a manual reset so that the accelerator cannot be restarted from the accelerator control console without resetting the cutoff switch.

42.19(7) *Warning devices.* Each location designated as a high radiation area, and each entrance to such location, shall be equipped with easily observable warning lights that operate only when radiation is being produced.

a. Each high radiation area shall have an audible warning device that shall be activated for 15 seconds prior to the possible creation of high radiation in the area. Such warning device shall be clearly discernible in all high radiation areas.

b. Barriers, temporary or otherwise, and pathways leading to high radiation areas shall be posted in accordance with 641—subrule 37.11(20).

42.19(8) *Operating and emergency procedures.*

a. Particle accelerators, when not in operation, shall be secured to prevent unauthorized use.

b. The safety interlock system shall not be used to turn off the accelerator beam, except in an emergency.

c. All safety and warning devices, including interlocks, shall be checked for proper operation at intervals not to exceed three months. Records of such tests shall be maintained at the accelerator facility and made available for inspection by the department for three years.

d. All incidents in which the interlock system fails to operate properly or where the operation is terminated by the interlock system shall be investigated and reported to the radiation safety officer or the radiation safety committee, if applicable. Documentation shall be maintained and made available for inspection by the department for three years.

e. If, for any reason, it is necessary to intentionally bypass a safety interlock or interlocks, such action shall be:

(1) Authorized by the radiation safety officer and the radiation safety committee, if applicable;

(2) Recorded in a permanent log and a notice posted at the accelerator control console; and

(3) Terminated as soon as possible.

f. The registrant's operating and emergency procedures shall include all of the following:

(1) Operation and safety instructions on the accelerator(s) to be used;

(2) Methods for controlling access to restricted areas;

(3) Methods and occasions for locking and securing sources of radiation;

(4) Use of personnel monitoring equipment;

(5) The procedure for notifying proper personnel in the event of an accident;

(6) Maintenance of records;

(7) Inspections and maintenance of the accelerator;

(8) Steps to be taken in the case of an emergency.

g. A copy of the current operating and emergency procedures shall be maintained at the accelerator control panel.

42.19(9) *Radiation monitoring requirements.* A radiation protection survey shall be performed and documented by a qualified expert when changes have been made in shielding, operation, equipment, or occupancy of adjacent areas.

a. Accelerator facilities shall survey with a radiation detection instrument at intervals not to exceed every 12 months. Records of this survey shall be maintained and made available for inspection by the department for three years.

b. Accelerator facilities registered or licensed pursuant to this chapter shall survey for removable contamination at intervals not to exceed six months.

c. Each time removable shields on self-shielded particle accelerators are opened, a visual survey of the shielding must be performed to observe physical damage.

(1) In addition, when these shields are returned to the closed position, a physical radiation survey shall be conducted upon initial reactivating of the accelerator.

(2) Records of this survey shall be maintained and made available for inspection by the department review for three years.

d. Accelerator facilities registered or licensed pursuant to this chapter shall perform a survey with a radiation detection instrument and surveys for removable contamination before maintenance or servicing of its particle accelerator(s) or associated equipment located in the high radiation areas.

e. Radiation levels in all high radiation areas shall be continuously monitored. The monitoring devices shall be electrically independent of the accelerator control and safety interlock systems and capable of providing a readout at the control panel.

f. Upon installation, all area monitoring equipment shall be tested to ensure proper operation under operating conditions of the particle accelerator. All area monitors shall be calibrated at intervals not to exceed one year and after each servicing and repair.

g. Whenever applicable, accelerator facilities registered or licensed pursuant to this chapter shall perform surveys at intervals not to exceed six months to determine the amount of airborne particulate radioactivity present.

h. All surveys shall be made in accordance with the written procedures established by the radiation safety officer or a qualified expert.

i. Records of all radiation protection surveys, calibrations, and instrumentation tests shall be maintained at the accelerator facility for and made available for inspection by the department.

42.19(10) *Radiation safety officer (RSO).*

a. Each registrant shall appoint a radiation safety officer who meets the following requirements:

(1) Possesses a high school diploma or a certificate of high school equivalency based on the GED test;

(2) Documents at least two years of radiation protection experience.

b. The specific duties of the RSO include but are not limited to the following:

(1) Establishing, reviewing, and overseeing operating, emergency, and ALARA procedures to ensure that the procedures are current and are in compliance with these rules;

(2) Overseeing and approving all phases of the training program for accelerator operators to ensure appropriate and effective radiation protection practices are taught;

(3) Ensuring that required radiation surveys are performed and documented in accordance with these rules, including any corrective measures when levels of radiation exceed established limits;

(4) Ensuring that personnel monitoring devices are calibrated and used properly by occupationally exposed personnel, that records are kept of the monitoring results, and that timely notifications are made as required by rules 641—37.11(136C) and 641—37.14(136C);

(5) Ensuring that any required interlock switches and warning signals are functioning and that radiation signs, ropes, and barriers are properly posted and positioned;

(6) Investigating and reporting to the department each known or suspected case of radiation exposure to an individual or radiation level detected in excess of limits established by these rules; additionally, investigating and reporting each theft or loss of source(s) of radiation to determine the cause of such events and to take steps to prevent its recurrence;

(7) Ensuring that the licensee's radiation safety program is implemented in accordance with approved procedures, including adequate training and experience as required by this chapter.

(8) Assuming control and having the authority to institute corrective actions, including shutdown of operations when necessary, in emergency situations or unsafe conditions;

(9) Maintaining records as required by this chapter;

(10) Ensuring the proper storing, labeling, and use of the accelerator;

(11) Ensuring that proper inspection and maintenance programs are performed as required by this chapter;

(12) Ensuring that personnel are complying with these rules as well as the operating and emergency procedures.

641—42.20(136C) Radiation safety requirements for analytical X-ray equipment. This rule provides special requirements for analytical X-ray equipment. The requirements of these rules are in addition to, and not in substitution for, 641—Chapters 37, 38, 39, and 40.

1. No person shall receive, possess, use, transfer, own, or acquire an analytical X-ray device except as authorized by a registration issued in accordance with rule 641—37.8(136C).

2. Each analytical X-ray device shall be registered in accordance with the requirements of 641—subrule 37.8(2).

42.20(1) *Equipment requirements.*

a. Safety device. A device that prevents the entry of any portion of an individual's body into the primary X-ray beam path or that causes the beam to be shut off upon entry into its path are required on all open-beam configurations. A registrant or licensee may apply to the department for an exemption from the requirement of a safety device. Such application shall include all of the following:

(1) A description of the various safety devices that have been evaluated;

(2) The reason each of these devices cannot be used;

(3) A description of the alternative methods that will be employed to minimize the possibility of an accidental exposure, including procedures to ensure that operators and others in the area will be informed of the absence of safety devices.

b. Warning devices.

(1) Open-beam configurations shall be provided with a readily discernible indication of the following:

1. X-ray tube "on-off" status located near the radiation source housing if the primary beam is controlled in this manner; or

2. Shutter "open-closed" status located near each port on the radiation source housing if the primary beam is controlled in this manner.

(2) An easily visible warning light labeled with the words "X-RAY ON" or words having a similar intent shall be located:

1. Near any switch that energizes an X-ray tube and shall be illuminated only when the tube is energized; or

2. In the case of a radioactive source, near any switch that opens a housing shutter and shall be illuminated only when the shutter is open.

(3) Warning devices shall be labeled so that their purpose is easily identified. On equipment installed after [the effective date of these rules], warning devices shall have fail-safe characteristics.

c. Ports. Unused ports on radiation source housings shall be secured in the closed position in a manner that will prevent casual opening.

d. Labeling. All analytical X-ray equipment shall be labeled with a readily discernible sign(s) bearing the radiation symbol and the words:

(1) "CAUTION—HIGH INTENSITY X-RAY BEAM" or words having a similar intent on the X-ray source housing; and

(2) "CAUTION—RADIATION—THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED" or words having a similar intent near any switch that energizes an X-ray tube if the radiation source is an X-ray tube; or

(3) "CAUTION—RADIOACTIVE MATERIAL" or words having a similar intent on the source housing if the radiation source is a radionuclide.

e. Shutters. On open-beam configurations, each port on the radiation source housing shall be equipped with a shutter that cannot be opened unless a collimator or a coupling has been connected to the port.

f. Radiation source housing. Each radiation source housing shall be subject to the following requirements:

(1) Each X-ray tube housing shall be equipped with an interlock that shuts off the tube if it is removed from the radiation source housing or if the housing is disassembled;

(2) Each radioactive source housing or port cover, or each X-ray tube housing, shall be constructed so that with all shutters closed the radiation measured at a distance of five centimeters from its surface is not capable of producing a dose in excess of 2.5 millirems (0.025 mSv) in one hour. For systems utilizing X- ray tubes, this limit shall be met at any specified tube rating.

g. Generator cabinet. Each X-ray generator shall be supplied with a protective cabinet that limits leakage radiation measured at a distance of five centimeters from its surface so that it is not capable of producing a dose in excess of 0.25 millirem (2.5 mSv) in one hour.

42.20(2) *Area requirements.*

a. Radiation levels. The local components of an analytical X-ray system shall be located and arranged, and shall include sufficient shielding or access control, so that no radiation levels exist in any area surrounding the local component group that could result in a dose to an individual present in excess of acceptable dose limits. For systems utilizing X-ray tubes, these levels shall be met at any specified tube rating.

b. Surveys. Radiation surveys of all analytical X-ray systems shall be performed at all of the following frequencies:

(1) Upon installation of the equipment and at least once every 12 months thereafter;

(2) Following any change in the initial arrangement, number, or type of local components in the system;

(3) Following any maintenance requiring the disassembly or removal of a local component in the system;

(4) During the performance of maintenance and alignment procedures if the procedures require the presence of a primary X-ray beam when any local component in the system is disassembled or removed;

(5) Any time a visual inspection of the local components in the system reveals an abnormal condition;

(6) Whenever personnel monitoring devices show a significant increase over the previous monitoring period or the readings are approaching the allowable limits.

c. Compliance. Radiation survey measurements may not be required if a registrant or licensee can demonstrate compliance to the satisfaction of the department.

d. Posting. Each area or room containing analytical X-ray equipment shall be conspicuously posted with a sign(s) bearing the radiation symbol and the words "CAUTION—X-RAY EQUIPMENT" or words having a similar intent.

42.20(3) *Operating requirements.*

a. Procedures. Normal operating procedures shall be written and available to all analytical X-ray equipment workers. No individual shall be permitted to operate analytical X-ray equipment in any manner other than that specified in the procedures unless that individual has obtained written approval of the radiation safety officer.

b. Bypassing. No individual shall bypass a safety device or interlock unless that individual has obtained the approval of the radiation safety officer. Such approval shall be for a specified period

of time. When a safety device or interlock has been bypassed, a readily displayed sign bearing the words "SAFETY DEVICE NOT WORKING" or words having a similar intent shall be placed on the radiation source housing.

c. Repair or modification of X-ray tube systems. Except as specified in paragraph 42.20(5)*"b,"* no operation involving removal of covers, shielding materials, or tube housings or modifications to shutters, collimators, or beam stops shall be performed without ascertaining that the tube is off and will remain off until safe conditions have been restored. The main switch, rather than interlocks, shall be used for routine shutdown in preparation for repairs.

d. Radioactive source replacement, testing, or repair. Radioactive source housings shall be opened for source replacement, leak testing, or other maintenance or repair procedures only by individuals authorized to specifically conduct such procedures under a license issued by the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state.

42.20(4) *Personnel requirements.*

a. Instruction. No individual shall be permitted to operate or maintain analytical X-ray equipment unless such individual has received instruction in, and demonstrated competence as to, all of the following:

(1) Identification of radiation hazards associated with the use of the equipment;

(2) Significance of the various radiation warnings, safety devices, and interlocks incorporated into the equipment or the reasons they have not been installed on certain pieces of equipment and the extra precautions required in such cases;

(3) Proper operating procedures for the equipment;

(4) Recognition of symptoms of an acute localized exposure;

(5) Proper procedures for reporting an actual or suspected exposure.

b. Personnel monitoring.

(1) Finger or wrist dosimetry devices shall be provided to, and used by, the following:

1. Analytical X-ray equipment workers using systems having an open-beam configuration and not equipped with a safety device; and

2. Personnel maintaining analytical X-ray equipment if the maintenance procedures require the presence of a primary X-ray beam when any local component in the analytical X-ray system is disassembled or removed.

(2) Reported dose values shall not be used for the purpose of determining compliance with 641—subrule 40.2(1) unless evaluated by a qualified expert.

These rules are intended to implement Iowa Code chapter 136C.

CHAPTER 42—APPENDIX A

QA for Therapeutic Radiation Machines

Frequency	**Procedure**	**Tolerance**[a]
Daily	Dosimetry	
	X-ray output constancy	3%
	Electron output constancy[b]	3%
	Mechanical	
	Localizing lasers	2mm
	Distance indicator (ODI)	2mm
	Safety	
	Door interlocks	functional
	Audiovisual monitors	functional
Monthly	Dosimetry	
	X-ray output constancy[c]	2%
	Electron output constancy[c]	2%
	Backup monitor constancy	2%
	X-ray central axis dosimetry parameter (PDD, TAR) constancy	2%
	Electron central axis dosimetry parameter constancy (PDD)	2mm @ therapeutic depth
	X-ray beam flatness constancy	2%
	Electron beam flatness constancy	3%
	X-ray and electron symmetry	3%
	Safety Interlocks	
	Wedge, electron cone interlocks	functional
	Mechanical	
	Light/radiation field coincidence	2mm or 1% on a side[d]
	Gantry/collimator angle indicators	1 degree
	Wedge position	2mm (or 2% change in transmission factor)
	Tray position	2mm
	Applicator position	2mm
	Field size indicators	2mm
	Cross-hair centering	2mm diameter
	Treatment couch position indicators	2mm/1deg
	Latching of wedges, blocking tray	functional
	Jaw symmetry[e]	2mm
	Field Light intensity	functional
Annual	Dosimetry	
	X-ray/electron output calibration constancy	2%
	Field size dependence of X-ray output constancy	2%
	Output factor constancy for electron applicators	2%
	Central axis parameter constancy (PDD, TAR)	2%
	Off-axis factor constancy	2%
	Transmission factor constancy for all treatment accessories	2%
	Wedge transmission factor constancy[f]	2%
	Monitor chamber linearity	1%
	X-ray output constancy vs. gantry angle	2%
	Electron output constancy vs. gantry angle	2%

Frequency	Procedure	Tolerance[a]
	Off-axis factor constancy vs. gantry angle	2%
	Arc mode	Mfrs. specs.
	Safety Interlocks	
	Follow manufacturer's test procedures	functional
	Mechanical	
	Collimator rotation isocenter	2mm diameter
	Gantry rotation isocenter	2mm diameter
	Couch rotation isocenter	2mm diameter
	Coincidence of collimetry, gantry, couch axes with isocenter	2mm diameter
	Coincidence of radiation and mechanical isocenter	2mm diameter

[a] The tolerances listed in the tables should be interpreted to mean that if a parameter either: (1) exceeds the tabulated value (e.g., the measured isocenter under the gantry exceeds 2 mm diameter); or (2) that the change in the parameter exceeds the nominal value (e.g., the output changes by more than 2%), then an action is required. The distinction is emphasized by the use of the term constancy for the latter case. Moreover, for constancy, percent values $\pm$ the deviation of the parameter with respect to its nominal value; distances are referenced to the isocenter or nominal SSD.

[b] All electron energies need not be checked daily, but all electron energies are to be checked at least twice weekly.

[c] A constancy check with a field instrument using temperature pressure corrections.

[d] Whichever is greater. Should also be checked after change of light field source.

[e] Jaw symmetry is defined as the difference in distance of each jaw from the isocenter.

[f] Most wedges' transmission factors are field size and depth dependent.

CHAPTER 42—APPENDIX B

INFORMATION ON RADIATION REQUIRED FOR PLAN REVIEWS FOR THERAPY MACHINES

I. All therapeutic radiation machines.

A. Basic facility information including: name, telephone number and department registration number of the individual responsible for preparation of the shielding plan; name and telephone number of the facility supervisor; and the street address (including room number if applicable) of the external beam radiation therapy facility. The plan should also indicate whether this is a new structure or a modification to existing structure(s).

B. All wall, floor, and ceiling areas struck by the useful beam shall have primary barriers.

C. Secondary barriers shall be provided in all wall, floor, and ceiling areas not having primary barriers.

II. Therapeutic machines up to 150 kV (photons only).

In addition to the requirements listed in Section I above, therapeutic radiation machine facilities that produce only photons with a maximum energy less than or equal to 150 kV shall submit shielding plans that contain, as a minimum, the following additional information:

A. Equipment specifications, including the manufacturer and model number of the therapeutic radiation machine, as well as the maximum technique factors.

B. Maximum design workload for the facility including total weekly radiation output (expressed in gray (rad) or air kerma at one meter), total beam-on time per day or week, the average treatment time per patient, along with the anticipated number of patients to be treated per day or week.

C. A facility blueprint/drawing indicating: scale (0.25 inch = 1 foot is typical); direction of north; normal location of the therapeutic radiation machine's radiation port(s); the port's travel and traverse limits; general direction(s) of the useful beam; locations of any windows and doors; and the location of the therapeutic radiation machine control panel. If the control panel is located inside the external beam radiation therapy treatment room, the location of the operator's booth shall be noted on the plan and the operator's station at the control panel shall be behind a protective barrier sufficient to ensure compliance with 641—subrule 37.11(3).

D. The structural composition and thickness or lead/concrete equivalent of all walls, doors, partitions, floor, and ceiling of the room(s) concerned.

E. The type of occupancy of all adjacent areas inclusive of space above and below the room(s) concerned. If there is an exterior wall, show distance to the closest area(s) where it is likely that individuals may be present.

F. At least one example calculation that shows the methodology used to determine the amount of shielding required for each physical condition (i.e., primary and secondary leakage barriers, restricted and unrestricted areas, entry door(s)) and shielding material in the facility.

(1) If commercial software is used to generate shielding requirements, identify the software used and the version/revision date.

(2) If the software used to generate shielding requirements is not in the open literature, submit quality control sample calculations to verify the result obtained with the software.

III. Therapeutic radiation machines over 150 kV.

In addition to the requirements listed in Section I above, therapeutic radiation machine facilities that produce photons or electrons with a maximum energy in excess of 150 kV or electrons shall submit shielding plans that contain, as a minimum, the following additional information:

A. Equipment specifications including the manufacturer and model number of the therapeutic radiation machine, and gray (rad) at the isocenter and the energy(s) and type(s) of radiation produced (i.e., photon, electron). The target to isocenter distance shall be specified.

B. Maximum design workload for the facility including total weekly radiation output (expressed in gray (rad) at one meter), total beam-on time per day or week, the average treatment time per patient, along with the anticipated number of patients to be treated per day or week.

C. Facility blueprint/drawing (including both floor plan and elevation views) indicating relative orientation of the therapeutic radiation machine, scale (0.25 inch = 1 foot is typical), type(s), thickness and minimum density of shielding material(s), direction of north, the locations and size of all penetrations through each shielding barrier (ceiling, walls and floor), as well as details of the door(s) and maze.

D. The structural composition and thickness or concrete equivalent of all walls, doors, partitions, floor, and ceiling of the room(s) concerned.

E. The type of occupancy of all adjacent areas inclusive of space above and below the room(s) concerned. If there is an exterior wall, show distance to the closest area(s) where it is likely that individuals may be present.

F. Description of all assumptions that were in shielding calculations including but not limited to design energy (i.e., room may be designed for 6 MV unit although only a 4 MV unit is currently proposed), workload, presence of integral beam-stop in unit, occupancy and use(s) of adjacent areas, fraction of time that useful beam will intercept each permanent barrier (walls, floor and ceiling) and "allowed" radiation exposure in both restricted and unrestricted areas.

G. At least one example calculation that shows the methodology used to determine the amount of shielding required for each physical condition (i.e., primary and secondary leakage barriers, restricted and unrestricted areas, small angle scatter, entry door(s) and maze) and shielding material in the facility.

(1) If commercial software is used to generate shielding requirements, also identify the software used and the version/revision date.

(2) If the software used to generate shielding requirements is not in the open literature, submit quality control sample calculations to verify the result obtained with the software.

IV. Neutron shielding.

In addition to the requirements listed in Section III above, therapeutic radiation machine facilities that are capable of operating above 10 MV shall submit shielding plans that contain, as a minimum, the following additional information:

A. The structural composition, thickness, minimum density and location of all neutron shielding material.

B. Description of all assumptions that were used in neutron shielding calculations including but not limited to neutron spectra as a function of energy, neutron fluency rate, absorbed dose and dose equivalent (due to neutrons) in both restricted and unrestricted areas.

C. At least one example calculation that shows the methodology used to determine the amount of neutron shielding required for each physical condition (i.e., restricted and unrestricted areas, entry door(s) and maze) and neutron shielding material utilized in the facility.

(1) If commercial software is used to generate shielding requirements, also identify the software used and the version/revision date.

(2) If the software used to generate shielding requirements is not in the open literature, submit quality control sample calculations to verify the result obtained with the software.

D. The method(s) and instrumentation that will be used to verify the adequacy of all neutron shielding installed in the facility.

V. References.

A. NCRP Report 49, "Structural Shielding Design and Evaluation for Medical Use of X-Rays and Gamma Rays of Energies Up to 10 MeV" (1976).

B. NCRP Report 51, "Radiation Protection Design Guidelines for 0.1-100 MeV Particle Accelerator Facilities" (1977).

C. NCRP Report 79, "Neutron Contamination from Medical Electron Accelerator" (1984).

D. NCRP Report 144, "Radiation Protection for Particle Accelerator Facilities" (2003).

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 43
"Radon Testing and Analysis Requirements"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 136B and 280
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 136B and 280

Public Hearing

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

November 4, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 256 572 060 444 0 Passcode: SG2Vc96j

Public Comment

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

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

Purpose and Summary

This proposed chapter underwent a fulsome review as a 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 reflect current policies and procedures. This proposed chapter establishes requirements for the certification of radon measurement specialists and radon measurement laboratories.

Analysis of Impact

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

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

Individuals or organizations seeking to apply for or maintain certification as a radon testing specialist or laboratory will incur fees associated with obtaining or maintaining certification.

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

Persons or organizations who seek to apply for or maintain certification as a radon testing specialist or radon testing laboratory will benefit from clarified rules. Additionally, Iowans seeking the services provided by radon testing specialists and radon testing laboratories will benefit from strengthened rules for certified providers.

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:**

Fees associated with certification are as follows:

- Initial application fee: $25

- Annual certification fee: $250 or $500
- Late or insufficient funds fees: $25

- **Qualitative description of impact:**

Persons or organizations who seek to apply for or maintain certification as a radon testing specialist or radon testing laboratory will benefit from clarified rules. Additionally, Iowans seeking the services provided by radon testing specialists and radon testing laboratories will benefit from strengthened rules for certified providers.

3. **Costs to the State:**

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

Enforcement costs are offset by the certification fees paid by individuals or laboratories certified as radon testing specialists.

- **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:**

Certification of radon testing specialists is required by Iowa Code chapter 136B.

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 an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 43 and adopt the following **new** chapter in lieu thereof:

CHAPTER 43
RADON TESTING AND ANALYSIS REQUIREMENTS

641—43.1(136B) General provisions. This chapter establishes requirements for the certification of radon measurement specialists and radon measurement laboratories. All persons performing measurements for radon or radon progeny in buildings, other than those that they own, and who provide the results of these measurements to the owner or occupant of these structures, must be certified in accordance with the provisions of this chapter.

641—43.2(136B) Definitions. The definitions provided in 641—Chapter 44 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this rule.

"Act" means the Iowa Radon Testing and Abatement Act (Iowa Code chapter 136B).

"ANSI" means the American National Standards Institute.

"Building" means a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, and designed for the housing, shelter, enclosure and support of individuals.

"Certified person" means a certified radon measurement specialist or certified radon measurement laboratory as defined by this chapter.

"Certified radon measurement laboratory" or *"certified laboratory"* means a commercial laboratory that may analyze samples or test for radon decay products and meets the provisions for certification in this chapter.

"Certified radon measurement specialist" or *"certified specialist"* means an individual who performs radon or radon progeny measurements in buildings and provides professional or expert advice on radon and radon progeny measurements, radon entry routes, and other radon-related activities; is knowledgeable in the health risk associated from exposure to radon; and who meets the provisions for certification in this chapter. This includes the initial placement and final retrieval of all measurement devices.

"Compensation" means any form of monetary gain that in any way directly or indirectly results from a radon or radon progeny measurement being conducted.

"EPA" means the United States Environmental Protection Agency.

"IEA" means the Indoor Environments Association formerly known as the American Association of Radon Scientists and Technologists (AARST).

"Laboratory" means any person performing analysis, not at a testing site, on a passive device to measure radon or radon progeny (charcoal canister, alpha-track, electret, etc.).

"NRPP" means the National Radon Proficiency Program facilitated by the Indoor Environments Association (IEA) formerly known as the AARST.

"NRSB" means the National Radon Safety Board.

"Online licensing portal" means the electronic system designated by the department through which applicants and certification holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, department, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or department of the foregoing, but cannot include federal government agencies.

"Picocuries per liter" means a quantity of radioactive material per liter of air that will produce 2.2 disintegrations per minute of radiation. It may be used as a measure of the concentration of radon gas in air. One curie is equivalent to one trillion picocuries.

"pCi/L" means a measurement of radon in picocuries per liter.

"Radon" means the radioactive noble gas radon-222.

"Radon progeny" means the short-lived radionuclides formed as a result of the decay of radon-222, including polonium-218, lead-214, bismuth-214, and polonium-214.

641—43.3(136B) General regulatory requirements.

43.3(1) Except as provided in this chapter, no person may test for the presence of radon or radon progeny in the state of Iowa unless the person has been certified by the department. This requirement also applies to persons whose place of business is located in Iowa, or in a state other than Iowa, and who offer radon testing to residents of Iowa either directly, through the mail, or by other means.

43.3(2) Individual qualifications for radon measurement specialist. No individual may be certified as a radon measurement specialist unless all of the following conditions are met:

a. Be at least 18 years of age at the time of application;

b. Successfully complete a department-approved training course on radon/radon progeny measurements within the two years prior to application. An approved training course is a course that meets and maintains approval by the NRPP or the NRSB. This includes the NRPP Radon Measurement Professional or NRSB Radon Measurement Specialist course;

c. Achieve or exceed the minimum passing score on the national measurement professional or specialist examination provided by the NRPP or the NRSB within the two years prior to application;

d. If the requirement to meet the conditions in this chapter within the two years prior to application above cannot be met, the person may demonstrate current radon licensure, certification, or credentialing through another jurisdiction or licensing body deemed acceptable by the department;

e. Use detection devices approved by the NRPP, the NRSB, or another department-approved national radon proficiency program to measure radon. Passive detection devices must be obtained from an Iowa-certified radon measurement laboratory.

43.3(3) Requirements for continued certification. Requirements for continued certification include the following:

a. A certified person shall allow the department, its agents, employees, and contractors, upon presentation of appropriate credentials, to access the person's facilities, offices, records, and equipment without undue delay for purposes of inspection and examination. The certified person shall also allow the department, its agents, employees, and contractors to accompany the person during the performance of any radon measurement activities, for the purpose of inspecting such activities, subject to the consent of the property owner or resident on whose property the activities are being performed.

b. The certified person shall remain in compliance with the Act and this chapter.

c. The certified person shall comply with all EPA, ANSI/AARST and department-approved radon measurement and quality assurance/quality control (QA/QC) guidelines, protocols, and standards and shall conduct measurements following the standard applicable to the building being tested. The standards include the following:

(1) ANSI/AARST MS-QA-2023, *Radon Measurement Systems Quality Assurance*, as amended to August 1, 2025.

(2) ANSI/AARST MAH-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes*, as amended to August 1, 2025.

(3) ANSI/AARST MA-MFLB-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings*, as amended to August 1, 2025.

NOTE: MA-MFLB consolidates ANSI/AARST MAMF (rev. 1/21) and ANSI/AARST MALB (rev. 1/21) into a single publication.

641—43.4(136B) Application for certification. An application for certification or renewal of certification as a radon measurement specialist or a radon measurement laboratory shall be completed on an application furnished by the department and shall contain complete and accurate information. The applicant must report any changes to the initial or renewal certification application within 14 days.

43.4(1) *Radon measurement specialist.* A person applying for a radon measurement specialist certification shall include:

a. A certificate of completion of the initial training course. If the course was completed more than two years prior to the date of the application, the person shall provide documentation that the person has completed an average of at least four hours of approved continuing education training per year since completing the course.

b. Official documentation of the test score obtained on the NRPP, NRSB, or other department-approved radon measurement examination taken within two years prior to application, showing a minimum passing score.

c. As an alternative to paragraphs 43.4(1)*"a"* and *"b,"* applicants may provide documentation of current licensure, certification, or credentialing through another jurisdiction or licensing body acceptable to the department.

d. A QA/QC plan, or QAP, for all measurement devices and equipment to be used to perform radon measurements.

(1) The plan shall include the requirements as outlined in the ANSI/AARST standard, *Radon Measurement Systems Quality Assurance* (MS-QA), as amended to August 1, 2025, and be acceptable to the department.

(2) If passive devices are used, the name(s), address(es), and Iowa laboratory certification number of the Iowa-certified radon measurement laboratory must be included.

e. A list of any disciplinary actions taken against the applicant's license, credential, certification, registration in any profession in Iowa, another state or jurisdiction and a copy of the disciplinary action(s), including charges and disposition.

f. An example of the confidentiality waiver that the applicant would provide to the customer when requested to release test results to persons other than the owner of the building being tested, as outlined in this chapter.

g. The fee specified in this chapter.

43.4(2) *Radon measurement laboratory.* A person applying for a radon measurement laboratory certification must include:

a. Proof of approval or accreditation as a radon measurement laboratory through the NRPP or NRSB.

b. A quality assurance plan and quality control procedures for all measurements and equipment. The content of the QAP plan will follow the requirements of the ANSI/AARST MS-QA and any requirements of NRPP or NRSB.

c. The fee specified in this chapter.

43.4(3) *Supplementary statements.* The department may require the applicant to submit supplementary statements containing additional information to enable the department to determine whether an application should be approved or denied, or whether a previously issued certification should be amended, suspended, or revoked. Each application or supplementary statement shall be submitted by either the applicant personally, or a person authorized in writing by the applicant to do so on the applicant's behalf.

43.4(4) *Expiration of notice of certification.* A certification will be valid for one year following the date of issuance or at the end of the last day in the month for which the certification was issued.

a. Radon measurement activities subject to this chapter cannot be conducted after the expiration of the certification unless a renewal application has been submitted to the department, is determined to be complete, and is approved by the department.

b. If the application is rejected, the applicant cannot conduct radon testing or measurements in the state of Iowa for compensation or under any financial arrangement.

43.4(5) *Renewal application of annual certification.* A person applying for a renewal of an annual certification shall:

a. Submit the appropriate application through the online licensing portal or by submitting an application furnished by the department.

b. Have all radon testing activity and data reporting, as required by the department, up to date to within three months of the date of expiration.

c. Submit copies of continuing education completion certificates to the department biennially, based on the date of initial certification.

d. Pay the fee specified in this chapter.

(1) Any fees not paid through the online licensing portal must be in the form of a check or money order, made payable to the Iowa Department of Health and Human Services.

(2) The applicant must include an indication of the purpose of the fee (i.e., radon measurement certification) and certification number that the fee is to be applied to on the check or money order.

43.4(6) *Radon measurement laboratory renewal.* Any person wishing to renew a radon measurement laboratory certification must:

a. Submit the appropriate application through the online licensing portal or by submitting an application furnished by the department.

b. Have all radon testing activity and data reporting, as required by the department, up to date to within three months of the date of expiration.

c. Submit proof of current approval or accreditation as a radon measurement laboratory through the NRPP or NRSB.

d. Pay the fee specified in this chapter.

(1) Any fees not paid through the online licensing portal must be in the form of a check or money order, made payable to the Iowa Department of Health and Human Services.

(2) The applicant must include an indication of the purpose of the fee (i.e., radon measurement certification) and certification number that the fee is to be applied to on the check or money order.

43.4(7) *Reinstatement of an expired certification.* Any person wishing to reinstate an expired radon measurement certification must complete one of the following:

a. Attest that the person has not performed any radon measurement work in Iowa since the date of expiration; and

b. For a certification that has been expired less than one year, a person may renew the certification by:

(1) Submitting the required application and continuing education documentation that was due at time of expiration; and

(2) Paying any applicable late fees.

c. For a certification that has been expired more than one year but less than two years, the completion of a department-approved re-entry course is required. A copy of the course completion certificate must be submitted to the department, and the fee specified in this chapter must be paid.

d. For a certification that has been expired for more than two years, the person must reapply for certification following the requirements set forth in this chapter.

e. Attest that the person has not performed any radon measurement work in Iowa since expiration, provide documentation of continuous and current radon measurement licensure/certification through another jurisdiction or licensing body acceptable to the department, and pay the fee specified in this chapter.

641—43.5(136B) Radon measurement certification fees. Any person wishing to become certified as a radon measurement specialist or as a radon measurement laboratory shall be required to pay nonrefundable fees in amounts sufficient to defray the cost of administering this chapter as outlined in the fee schedule below.

43.5(1) *Initial application fee.* Each person applying for certification under the provisions of this chapter shall pay a nonrefundable $25 application fee.

43.5(2) *Annual certification fee.*

a. Each person applying for certification or applying for renewal of an annual certification as a radon measurement specialist must pay a nonrefundable annual fee of $250.

b. Each person applying for certification or applying for renewal of an annual certification as a radon measurement laboratory must pay a nonrefundable annual fee of $500.

43.5(3) *Returned check and late fees.* Persons who fail to pay required fees to the department are subject to the following penalty(ies):

a. $25 for each payment received by the department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the department.

b. $25 per month for failure to pay any fee administered by this department starting after the date of expiration. This fee is added to the unpaid fee.

641—43.6(136B) Enforcement actions. The department may deny, suspend, revoke, or modify the certification of a person; place a person on probation; impose a civil penalty; or refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code chapter 136B, or any combination thereof, when it finds that a certified person or a person who is not certified has committed any of the following actions:

43.6(1) Failure to comply with applicable state, federal or local statutes and regulations. This includes any action that might place a person with certification under this chapter in noncompliance with Iowa statutes and the requirements of this chapter;

43.6(2) Failure to submit required information or notifications in a timely manner;

43.6(3) Failure to maintain the required records;

43.6(4) Falsifying approval records, qualifications, or other information or documentation related to certification approval;

43.6(5) Failure to comply with the training standards and requirements in this chapter;

43.6(6) Submitting in the application for certification or renewal of certification false or misleading statements that the department relied upon in approving the application;

43.6(7) Knowingly making misleading, deceptive, untrue, or fraudulent representations involving radon, or engaging in unethical conduct or practices that are harmful or detrimental to the public. Proof of actual injury need not be established;

43.6(8) Using untruthful or improbable statements in advertisements. Use of these statements includes but is not limited to the presentation of information to the public by training programs that is false, deceptive, or misleading, or that is promoted through fraud or misrepresentation;

43.6(9) Falsifying reports and records required by this chapter;

43.6(10) Accepting any fee by fraud or misrepresentation;

43.6(11) Revocation, suspension, or other disciplinary action taken by a certification or licensing authority of this state, another state, territory, or country; or failure by the firm or individual to report such action in writing within 30 days of the final action by such certification or licensing authority. A stay by an appellate court cannot negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board;

43.6(12) Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order;

43.6(13) Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed;

43.6(14) Failure to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail;

43.6(15) Engaging in any conduct that subverts or attempts to subvert a department investigation;

43.6(16) Failure to comply with a subpoena issued by the department or failing to cooperate with a department investigation;

43.6(17) Failure to pay costs assessed in any disciplinary action;

43.6(18) Any condition revealed by the application, supplementary statement, report, record, inspection, or other evidence that would warrant the department's refusal to grant a certification on an original application;

43.6(19) Failure to maintain approval or accreditation as a radon measurement laboratory with the NRPP or NRSB;

43.6(20) Failure to submit radon test data as required in this chapter;

43.6(21) Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.

641—43.7(136B) Records and reporting requirements.

43.7(1) A certified person must submit to the department within 30 days after any radon or radon progeny testing, or at the request of the department prior to testing, all of the following:

a. The address or location of the building;

b. The name and telephone number of the owner(s) of the building where the radon testing will be conducted;

c. The results of any tests performed.

43.7(2) The results for each test conducted shall include, at minimum:

a. The method used for radon or radon decay product testing, media tested, and conditions under which the testing was or will be performed.

b. The level or floor of building where the test(s) was or will be conducted.

c. The results of the test(s) in picocuries/liter (pCi/l) of radon gas or WL of radon decay products.

d. The date on which the test(s) was or will be conducted.

e. The purpose of the test(s).

43.7(3) Requirements of certification. A certified person shall:

a. Cooperate with the department when conducting field evaluations.

b. Notify the department within 14 days of any changes in testing results or procedures.

c. Not disclose to any other person, other than the department, the results of a test, the address, or the name of the owner of a nonpublic building that the person tested for the presence of radon gas or radon progeny, unless any of the following conditions are met:

(1) The owner of the building waives, in writing, this right of confidentiality.

(2) The person certified or credentialed pursuant to Iowa Code section 136B.1 may disclose the results of a test performed by the person for the presence of radon or radon progeny to a potential buyer of a nonpublic building when an offer to purchase has been presented by the buyer and if the potential buyer paid for the testing. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure.

43.7(4) Record retention. Records of radon or radon progeny testing must be maintained for a minimum of five years after the radon test is completed.

641—43.8(136B) Continuing education.

43.8(1) All certified measurement specialists must complete at least eight hours of department-approved continuing education (CE) biennially on either radon measurement, mitigation or a combination of the two.

43.8(2) Persons possessing both an Iowa Measurement Specialist certification and Mitigation Specialist credential must complete 12 hours of continuing education biennially on either radon measurement, mitigation, or a combination of the two.

43.8(3) Department-approved CE course is a course approved by either the NRPP, NRSB for CE or other courses approved by the department.

641—43.9(136B,280) School district employee measurement training. This section outlines the department's responsibilities for department-approved training program requirements for school

district employees who intend to perform radon testing within their employing district. In accordance with Iowa Code chapter 280, which governs radon testing and mitigation in schools and is enforced by the Iowa department of education, such employees must successfully complete a radon measurement training course approved by both the department and the Iowa department of education.

43.9(1) *Approved training programs.* Training programs cannot state that they have been approved by the state of Iowa unless they have done all of the following:

a. Met the requirements of this chapter;

b. Have been approved by the department;

c. Have been approved by the Iowa department of education;

d. Have been listed on the department's website.

43.9(2) *Training course requirements.* An approved training course shall be based on the measurement requirements as found in the ANSI/AARST MA-MFLB-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings* as amended to August 1, 2025.

NOTE: MA-MFLB consolidates ANSI/AARST MAMF (rev. 1/21) and ANSI/AARST MALB (rev. 1/21) into a single publication).

Approved training courses must:

a. Consist, at a minimum, of five to eight instructional hours.

b. Cover, at a minimum, the following subjects that are directly applicable to the testing of school buildings:

(1) Introduction to radon and its health effects.

(2) Guidance for building managers.

(3) Review of measurement standards including:

1. Purpose and scope of testing;
2. Preparing a testing plan;
3. Test locations;
4. Testing procedures and options;
5. Quality control;
6. Conditions required before and during testing;
7. Documentation, test reports and recordkeeping;
8. Actions based on test results.

c. Conclude with a quiz to review the learned materials. The course attendee must pass the quiz with a score of 70 percent or better to receive the attendee's completion certificate.

43.9(3) *Certificate of completion.* The training provider shall provide a certificate of completion that contains, at minimum:

a. The name of the student;

b. The name of the course;

c. The course ID;

d. The name of the course provider;

e. The course date(s);

f. The number of hours for the course;

g. The signature and typed name of the training provider.

43.9(4) *Application for approval of a training course for school district employees.* A person or organization that plans to conduct or sponsor a training course shall apply to the department for approval of the course on an application furnished by the department. The application shall include:

a. The sponsoring organization's contact information;

b. The sponsoring organization's name;

c. The website URL (if any);

d. The contact person;

e. The mailing address;

f. The contact person's email address;

g. The contact person's telephone number;

h. The name of the course;

i. Whether the course was offered as a webinar online or in person;

j. The course agenda or course outline, including the approximate time allotted to each training segment;

k. A copy of the training materials provided to the student, such as manuals, notes, templates, or other materials provided to attendees;

l. A list of reference materials, texts and audiovisual materials used in the course;

m. A copy of the quiz for the course, containing at least 20 questions.

641—43.10(136B) Exemptions. The following are exempt from the certification requirements of this chapter:

43.10(1) Persons who test for radon or radon decay products in buildings that they own.

43.10(2) Persons who perform radon tests for no compensation.

43.10(3) State officials who are conducting radon testing as part of the state's radon testing program and are approved by the department.

43.10(4) Local officials who are acting on behalf of the state or administering a local program.

43.10(5) Officials who are conducting radon testing as part of government programs in the United States or contractors working for the United States government.

43.10(6) Persons providing radon or radon progeny measurement devices to the public, but not conducting physical tests for the presence of radon or radon progeny with the measurement devices, may do so under the following conditions:

a. They must provide measurement devices obtained from a laboratory certified in Iowa.

b. A valid visible expiration date must be permanently affixed to each measurement device.

c. In addition to the required laboratory instructions regarding measurement procedures, each measurement device must be accompanied by clear directions on where to obtain additional information and interpretation for test results. The certified laboratory or a certified specialist must be included as one of the sources of information and interpretation.

641—43.11(136B) Penalties. It is unlawful for an individual to function as a radon measurement specialist or radon measurement laboratory in violation of the provisions of the Iowa Radon Testing and Abatement Act or of any rule adopted pursuant to the Act. In addition to other sanctions provided in this chapter, persons convicted of violating the provisions of the Act or the rules adopted pursuant to the Act shall be guilty of a serious misdemeanor.

These rules are intended to implement Iowa Code section 136B.5.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 44
"Radon Mitigation Requirements"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 136B
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 136B

Public Hearing

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

November 4, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 256 572 060 444 0 Passcode: SG2Vc96j

Public Comment

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

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

Purpose and Summary

This proposed chapter underwent a fulsome review as a 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 processes and procedures. This chapter establishes requirements for the credentialing of radon mitigation specialists. Credentialed mitigation specialists are responsible for ensuring that all radon mitigation systems for which they are responsible are installed following guidelines that are provided in this proposed chapter.

Analysis of Impact

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

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

Individuals seeking credentialing as a certified radon measurement specialist or laboratory must pay the fees laid out in this proposed chapter.

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

Consumers seeking the use of professional radon measurement specialists or laboratories will benefit from clarified rules certifying those specialists or laboratories.

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 application fee for out-of-state radon mitigation specialists or laboratories was reduced from $100 to $25, which is in line with the application fee for in-state applicants.

- **Qualitative description of impact:**

Consumers seeking the use of professional radon measurement specialists or laboratories will benefit from clarified rules certifying those specialists or laboratories.

3. **Costs to the State:**

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

Enforcement costs to the Department are offset by the credentialing and inspection fees laid out in this chapter.

- **Anticipated effect on State revenues:**

During SFY 25, mitigation and measurement specialist fees for out-of-state applicants generated $1,000. With the reduction in fees for out-of-state applicants decreasing from $100 to $25 (the same as in-state providers), the Department estimates that there will be a reduction of around $750 in collected application fees. However, this reduction in regulatory burdens for out-of-state applicants may give way to an increase of out-of-state providers applying to be approved as radon mitigation or measurement specialists in Iowa.

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

The certification and credentialing of certified radon mitigation specialists is required by Iowa Code chapter 136B.

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 have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 44 and adopt the following **new** chapter in lieu thereof:

CHAPTER 44
RADON MITIGATION REQUIREMENTS

641—44.1(136B) General provisions. This chapter establishes requirements for the credentialing of radon mitigation specialists. All persons performing abatement for radon or radon progeny in buildings, other than buildings that the persons occupy or are constructing for their own occupancy, must be credentialed in accordance with the provisions of this chapter.

44.1(1) The conversion of a passive mitigation system to an active mitigation system, or radon system modifications to an existing active system, must be performed by persons credentialed under this chapter.

44.1(2) Credentialed mitigation specialists are responsible for ensuring that all radon mitigation systems for which they are responsible are installed following guidelines provided in this chapter.

641—44.2(136B) Definitions. The definitions provided in 641—Chapter 43 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this rule:

"AARST" means the American Association of Radon Scientists and Technologists, also known as the IEA.

"Active mitigation system" means any system or materials installed as an active part of a ventilation system used for the purpose of reducing radon or radon progeny concentrations by means of an in-line fan.

"ANSI" means the American National Standards Institute.

"Building" means a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, and designed for the housing, shelter, enclosure and support of individuals.

"Compensation" means any form of monetary gain that in any way directly or indirectly results from a radon or radon progeny measurement being conducted.

"Credentialed radon mitigation specialist" or *"mitigation specialist"* means an individual who evaluates diagnostic tests to determine appropriate radon or radon progeny mitigation strategies for a building, designs mitigation systems, installs or supervises the installation of radon or radon progeny mitigation techniques on buildings, and meets the requirements for credentialing provided by this chapter.

"Diagnostic tests" means tests performed or procedures used to determine appropriate mitigation methods for a building.

"EPA" means the United States Environmental Protection Agency.

"IEA" means the Indoor Environments Association formerly known as the American Association of Radon Scientists and Technologists (AARST).

"Mitigator" means a person who installs mitigation systems for the purpose of abating radon levels within buildings.

"NRPP" means the National Radon Proficiency Program facilitated by the IEA, formerly known as the AARST.

"NRSB" means the National Radon Safety Board.

"Online licensing portal" means the electronic system designated by the department through which applicants and credential holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

"Passive mitigation system" means any system or materials installed for the purpose of reducing radon or radon progeny concentrations without the use of an in-line fan and relying solely on the convective air flow upward in the vent pipe for sub-slab depressurization and consists of a vertical vent pipe routed through conditioned space from the suction pit to 12 inches above the roof.

"Picocurie per liter" means a quantity of radioactive material per liter of air that will produce 2.2 disintegrations per minute of radiation. It may be used as a measure of the concentration of radon gas in air. One curie is equivalent to one trillion picocuries.

"pCi/L" means a measurement of radon in picocuries per liter.

"Radon" means the radioactive noble gas radon-222.

"Radon modification system" means any change to an existing active radon mitigation system that alters its design, configuration, or operation, such as adding or relocating piping, fans, or suction points. This does not include routine replacement of parts with equivalent components that do not affect system function or layout.

"Radon progeny" means the short-lived radionuclides formed as a result of the decay of radon-222, including polonium-218, lead-214, bismuth-214, and polonium-214.

"Working level" or *"WL"* means the concentration of radon progeny that will result in 130,000 million electron volts of alpha particle energy released per liter of air. Working level is a measure of radon decay product concentration in air.

"Working level month" or *"WLM"* means a cumulative exposure to radon decay products calculated by multiplying the radon daughter concentration in units of working levels by the number of hours exposed and dividing by 170.

641—44.3(136B) General regulatory requirements.

44.3(1) Except as provided in this chapter, no person may mitigate for radon or radon progeny in Iowa for a fee or other remuneration unless such person has been credentialed by the department. This requirement also applies to persons whose place of business is located in Iowa or in a state other than Iowa, and who offer radon mitigation services to residents of Iowa.

44.3(2) Individual qualifications for radon mitigation specialist. No individual may be credentialed as a radon mitigation specialist unless all of the following conditions are met:

a. Be at least 18 years of age at the time of application.

b. Possess three years of relevant professional work experience. Professional work experiences may include:

(1) Relevant postsecondary education, which may be substituted on a year-for-year basis for two of the three years of relevant professional work experience.

(2) Relevant professional work experience, which includes the design or construction of buildings, or associated heating, ventilation, and air-conditioning systems, or closely-related activities approved by the department.

(3) Relevant postsecondary education, which includes a college curriculum in architecture, engineering, building construction, or the physical sciences.

c. Successful completion of department-approved training courses on both radon and radon progeny measurements and on radon mitigation within the two years prior to application. An approved training course is a course that meets and maintains approval by the NRPP or the NRSB. For measurement, this includes the NRPP Radon Measurement Professional or NRSB Radon Measurement Specialist course and for mitigation this includes the NRPP or NRSB Radon Mitigation Specialist courses.

d. Achieve or exceed the minimum passing score on the national mitigation professional or specialist examination provided by the NRPP or the NRSB within the two years prior to application.

44.3(3) Requirements for continued credentialing. Requirements for continued credentialing include the following:

a. An Iowa credentialed person shall allow the department, its agents, employees, and contractors, upon presentation of appropriate credentials, to access to their facilities, offices, records, and equipment without undue delay for purposes of inspection and examination. The credentialed person shall also allow the department, its agents, employees, and contractors to accompany the person during the performance of any radon abatement activities, for the purpose of inspecting such

activities, subject to the consent of the property owner or resident on whose property the activities are being performed.

b. The credentialed person shall remain in compliance with Iowa Code chapter 136B and this chapter.

c. The credentialed person shall comply with all requirements as stated in the ANSI/AARST mitigation standards as amended to August 1, 2025, applicable to the building being mitigated. The standards include the following:

(1) ANSI/AARST SGM-SF-2023, Soil Gas Mitigation Standards for Existing Homes

(2) ANSI/AARST SGM-MFLB-2023, Soil Gas Mitigation Standards for Existing Multifamily, School, Commercial and Mixed-Use Buildings

44.3(4) A credentialed person shall:

a. Fully cooperate with the department or its agents when field evaluations are conducted.

b. Be present during scheduled visits by the department.

c. Not disclose to any other person, except to the department or its agents, the addressee or owner of a nonpublic building, the radon levels present in the building or abatement measures needed or performed, unless the building owner waives, in writing, this right of confidentiality.

d. Ensure that each building is tested for radon levels before (premitigation) and after (postmitigation) mitigation work is performed. This requirement is not binding if the building owner waives these testing requirements prior to the start of the mitigation activities on a form furnished by the department. The credentialed person shall maintain record of such waivers.

(1) Such tests shall be of sufficient type, duration and consistency and shall be performed at such times and under such ventilation conditions as to allow for comparison of premitigation and postmitigation radon levels.

(2) Premitigation and postmitigation radon tests shall be performed using a department-approved test device by one of the following:

1. An independent measurement specialist who is not employed by the same firm as the mitigation specialist performing the mitigation.

2. The homeowner, occupant, or other person responsible for the building.

(3) Postmitigation radon tests shall be started no sooner than one day after mitigation is completed and within 30 days after installation.

e. Install a mitigation system that reduces the radon level to below 4 pCi/L in the area or the level of the building where the mitigation system is installed.

641—44.4(136B) Application for credentialing.

44.4(1) An application for credentialing or renewal of credentials as a radon mitigation specialist shall be completed on an application furnished by the department and shall contain complete and accurate information.

44.4(2) The applicant must report any changes to the initial or renewal certification application within 14 days.

44.4(3) Application as a radon mitigation specialist. A person applying for a radon mitigation specialist shall include:

a. A certificate of completion of initial radon measurement and mitigation courses as outlined in subrule 44.3(2).

b. If either course was completed more than two years prior to the date of the application, the person shall provide documentation that they have completed an average of at least four hours of approved continuing education training per year since completing the course. The certificate of completion must indicate all of the following:

(1) The name of the individual receiving the training;

(2) The name of the course and course ID assigned by either the NRPP or NRSB;

(3) The dates of the course;

(4) The signature of primary instructor;

(5) Official documentation of the test scores obtained on the NRPP, NRSB, or other department-approved radon mitigation examination taken within two years prior to application, showing a minimum passing score;

(6) Proof of three years of relevant work experience. One or more of the following is required:

1. A detailed resume providing proof of three years of relevant work experience.

2. A combination of a detailed resume and college transcript providing proof of at least one year of relevant work experience and up to two years of relevant postsecondary education as outlined in paragraph 44.3(2)*"b."*

3. Disclosure of any past disciplinary actions, if applicable, and include a list of any disciplinary actions taken against the applicant's license, credential, certification, registration in any profession in Iowa or another state or jurisdiction, and a copy of the disciplinary action(s), including any charges and disposition.

4. An acceptable mitigation worker protection plan. The plan shall include the elements outlined in Section 11 of the applicable standard for the building type being mitigated, as referenced in paragraph 44.3(3)*"c."* The worker protection plan shall apply to all mitigation installation activities.

5. An acceptable quality assurance plan (QAP). The plan shall apply to all mitigation installation activities and includes but is not limited to:

- A description of all diagnostic tests performed to determine the mitigation strategy, names of the individuals performing each diagnostic test, and any other related services offered.
- Ensuring all instruments are properly calibrated according to the manufacturer's recommendations.
- A description of all mitigation materials and systems offered.

(7) An example of the operation, maintenance and monitoring (OM&M) information package that will be provided to the building owner for the mitigation system installed.

1. The contents of the OM&M information package shall include the elements outlined in section 10.1 of the applicable standard for the building type being mitigated, as referenced in paragraph 44.3(3)*"c."*

2. The OM&M information package must include the phone number for the Iowa radon program.

(8) A copy of the mitigation waiver as outlined in paragraph 44.3(4)*"d."*

(9) The fee specified in rule 641—44.6(136B).

1. Any fees not paid through the online licensing portal must be in the form of a check or money order, made payable to the department.

2. The applicant must include an indication of the purpose of the fee (i.e., radon mitigation credentialing) and credentialing number that the fee is to be applied to on the check or money order.

44.4(4) Supplementary statements. The department may require the applicant to submit supplementary statements containing additional information to enable the department to determine whether an application should be approved, denied, or whether a previously issued credential should be amended, suspended, or revoked. Each application or supplementary statement shall be submitted by either the applicant personally, or a person authorized in writing by the applicant to do so on the applicant's behalf.

44.4(5) Expiration of notice of credential. A credential will be valid for one year following the date of issuance or at the end of the last day in the month for which the credential was issued.

a. Radon mitigation activities subject to this chapter cannot be initiated after the expiration of the credential unless a renewal application has been submitted to the department, is determined to be complete, and is approved by the department.

b. All radon mitigation activities initiated prior to the expiration of the credential must be completed within 30 days of the expiration date if renewal is not completed and approved by the department.

c. If the application is rejected, the applicant cannot conduct radon mitigation activities in the state of Iowa for compensation or under any financial arrangement.

641—44.5(136B) Renewal application of annual credentialing.

44.5(1) *Credential renewal.* A person applying for a renewal of an annual credential shall:

a. Submit the appropriate application through the online licensing portal or by submitting an application furnished by the department.

b. Include the number of mitigation systems installed for the renewal period by providing all of the following at or before time of renewal through the online licensing portal:

(1) Building owner name;

(2) Building owner phone number;

(3) Physical address of installation location, including street address, city, state and zip code;

(4) Installation date;

(5) Employer at time of installation.

c. Submit copies of continuing education completion certificates to the department biennially, based on the date of initial credentialing.

d. Pay the fee specified in rule 641—44.6(136B).

44.5(2) *Reinstatement of an expired credential.* Any person wishing to reinstate an expired radon mitigation credential must complete one of the following:

a. Attest that they have not performed any radon mitigation work in Iowa since date of expiration,

b. For a credential that has been expired less than one year, a person may renew the credentialing by:

(1) Submitting the required application including continuing education documentation that was due at the time of expiration;

(2) Paying the surcharge for any mitigation systems installed during the credentialing period prior to expiration, or the minimum $150, whichever is greater as specified in subrule 44.4(7).

(3) Paying any applicable late fees.

c. For a credential that has been expired more than one year but less than two years, applicants must:

(1) Complete a department-approved mitigation re-entry course. A copy of the course completion certificate must be submitted to the department.

(2) Pay the surcharge for any mitigation systems installed during the credentialing period prior to expiration, or the minimum renewal fee of $150 specified in rule 641—44.6(136B).

(3) For a certification that has been expired for more than two years, reapply for credentialing following the requirements in paragraph 44.5(2)*"a"* and pay the fees specified in rule 641—44.6(136B).

d. Attest that they have not performed any radon mitigation work in Iowa since expiration, and provide documentation of continuous and current radon mitigation licensure/credentialing through another jurisdiction or licensing body acceptable to the department, submit the required application, and pay the surcharge for any mitigation systems installed during the credentialing period prior to expiration or the minimum $150, whichever is greater as specified in subrule 44.4(7).

641—44.6(136B) Radon mitigation credentialing fees. Any person wishing to become credentialed as a radon mitigation specialist shall pay nonrefundable fees in amounts sufficient to defray the cost of administering the rules of this chapter, as outlined in the fee schedule below.

44.6(1) *Initial application fee.* Each person applying for credentialing under the provisions of this chapter shall pay a nonrefundable $25 application fee.

44.6(2) *Annual credentialing fee.*

a. Each person applying for credentialing must pay a nonrefundable initial fee of $150.

b. Each person applying for annual renewal must pay an annual fee of $150 or a surcharge fee of $40 per mitigation system installed for systems costing more than $200, whichever amount is greater.

c. For fee calculation purposes, one mitigation system installation is considered to be the installation of an interconnected system that contains one or more fans installed on a single riser, one or more suction points, and one or more exhausts. For systems with single or multiple fans installed on separate risers and installed in separate locations, each riser constitutes a separate installation.

d. If a person elects not to renew a credential the subsequent year, all outstanding surcharge fees shall be paid in full within 30 days following the credential's expiration date.

44.6(3) *Returned check and late fees.* Persons who fail to pay required fees to the department are subject to the following penalties:

a. $25 fee for each payment received by the department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the department.

b. $25 per month for failure to pay any fee administered by the department starting 30 days after the due date of the original notice or date of expiration. This fee is added to the unpaid fees or added as an additional fee if determined that a complete application was not received on time.

641—44.7(136B) Enforcement actions. The department may deny, suspend, revoke, or modify the credentials of a person, place on probation, impose a civil penalty, or refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code chapter 136B, or any combination thereof, when it finds that a credentialed person or a person who is not credentialed has committed any of the following actions:

44.7(1) Failure to comply with applicable state, federal, or local statutes and regulations. This includes any action that might place a person with certification under this chapter in noncompliance with Iowa statutes and the requirements of this chapter.

44.7(2) Failure to submit required information or notifications in a timely manner.

44.7(3) Failure to maintain the required records in rule 641—44.8(136B) and in the applicable ANSI/AART mitigation standard listed in paragraph 44.3(4)*"c."*

44.7(4) Falsifying approval records, qualifications, or other information or documentation related to licensing approval.

44.7(5) Failure to comply with the training standards and requirements in paragraph 44.3(4)*"c."*

44.7(6) Submitting in the application for credentialing, renewal of credentialing, or supplementary statement false or misleading statements that the department relied upon in approving the application.

44.7(7) Knowingly making misleading, deceptive, untrue, or fraudulent representations involving radon, or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

44.7(8) Using untruthful or improbable statements in advertisements. Use of these statements includes but is not limited to the presentation of information to the public by training programs that is false, deceptive, or misleading, or that is promoted through fraud or misrepresentation.

44.7(9) Falsifying reports and records required by this chapter.

44.7(10) Accepting any fee by fraud or misrepresentation.

44.7(11) Revocation, suspension, or other disciplinary action taken by a certification or licensing authority of this state, another state, territory, or country; or failure by the firm or individual to report such action in writing within 30 days of the final action by such certification or licensing authority. A stay by an appellate court cannot negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board.

44.7(12) Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order.

44.7(13) Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed.

44.7(14) Failure to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail.

44.7(15) Engaging in any conduct that subverts or attempts to subvert a department investigation.

44.7(16) Failure to comply with a subpoena issued by the department or failing to cooperate with a department investigation.

44.7(17) Failure to pay costs assessed in any disciplinary action.

44.7(18) Any condition revealed by the application, supplementary statement, report, record, inspection, or other evidence, that would warrant the department's refusal to grant credentialing on an original application.

44.7(19) Failure to complete the installation of a radon mitigation system within 30 days of the start date or date contracted to start.

44.7(20) Failure to correct any violation of department-approved standards or rules found during a previous inspection, or any violation found on an inspection that, as determined by the department, jeopardizes the safety of the building or other occupants.

44.7(21) Accepting compensation for installing ineffective radon remedies or for not dropping radon levels below 4 pCi/L in the area or level of the building where a radon mitigation system was installed.

44.7(22) Accepting compensation for installing active radon mitigation systems that are not acceptable to the department or that do not comply with the requirements of this chapter.

44.7(23) Failure to fully cooperate with the department or its agents when field evaluations are conducted.

44.7(24) Failure to attend a scheduled meeting or inspection set up by the department or its agents, when the person holding the credentials was previously notified and agreed to the time and location of the inspection.

641—44.8(136B) Records and reporting requirements. A credentialed radon mitigation specialist shall maintain records to include a report of each mitigation activity for a minimum of five years. Each report shall include at a minimum, all of the following:

44.8(1) The address or location of the building.

44.8(2) The name and phone number of the owner(s) of the building where the radon mitigation is conducted.

44.8(3) A written description of each mitigation system, the materials installed, the diagnostic test results, and the cost of each system.

44.8(4) The name of the certified radon measurement specialist or technician used to perform radon or radon progeny testing before and after radon mitigation of a building. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4)*"d"* and the mitigation specialist maintains a copy of the signed waiver.

44.8(5) The results of any premitigation or postmitigation radon or radon progeny measurements performed and the measurement methods utilized. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4)*"d"* and the mitigation specialist maintains a copy of the signed waiver.

44.8(6) The results of the postmitigation radon measurements performed, including measurement methods utilized, and all pertinent dates. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4)*"d"* and the mitigation specialist maintains a copy of the signed waiver.

641—44.9(136B) Continuing education.

44.9(1) All credentialed individuals must complete at least eight hours of department-approved continuing education (CE) biennially on either radon mitigation, measurement, or a combination of the two.

44.9(2) Persons possessing both an Iowa Measurement Specialist certification and Mitigation Specialist credential must complete 12 hours of continuing education biennially on either radon measurement, mitigation, or both.

44.9(3) A department-approved CE course is a course approved by either NRPP, NRSB or other courses approved by the department.

641—44.10(136B) Exemptions. The following are exempt from the credentialing requirements of this chapter:

44.10(1) Persons who mitigate radon or radon decay products in buildings that they occupy.

44.10(2) Persons mitigating radon or radon decay products as part of scientific research approved by the department.

44.10(3) Persons who install passive radon mitigation systems either as a standalone system or as part of radon-resistant new construction building techniques.

641—44.11(136B) Penalties. It is unlawful for an individual to function as a radon mitigation specialist in violation of the provisions of Iowa Code chapter 136B. Persons convicted of violating the provisions of Iowa Code chapter 136B or this chapter shall be guilty of a serious misdemeanor.

These rules are intended to implement Iowa Code chapter 136B.

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 45
"Radiation Safety Requirements for Industrial Radiographic Operations, Particle Accelerators for Nonhuman Use, Analytical X-Ray Equipment, and Well-Logging"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 136B and 136C
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 136B and 136C

Public Hearing

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

November 4, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 256 572 060 444 0 Passcode: SG2Vc96j

Public Comment

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

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

Purpose and Summary

This proposed chapter is one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed chapter and the seven others underwent a fulsome review as a part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, content from all the chapters was reorganized and this chapter is proposed to be rescinded. The rules in the existing chapter establish radiation safety requirements for using sources of radiation for industrial radiography.

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:**

All persons benefit from well-regulated and safe rules regarding radioactive sources.

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:**

Not applicable.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

The Department incurs personnel and other administrative costs associated with the enforcement of 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:**

The regulation of radiological sources is required by Iowa Code chapters 136B and 136C.

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:**

This chapter underwent a fulsome review as a part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, the entire set of rules regarding radiological health was reorganized, and the contents of this chapter were integrated into other chapters. As a result, this chapter is proposed to be rescinded.

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 have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **641—Chapter 45**.

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 6
"Vehicle Impoundment"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321.89
State or federal law(s) implemented by the rulemaking: Iowa Code sections 321.89 and 80.5

Public Hearing

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

November 4, 2025 10 to 10:30 a.m.	Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, 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

The purpose of Chapter 6 is to establish impoundment and abandoned vehicle procedures for the Iowa State Patrol (ISP) and other peace officers of the Department. After reviewing this chapter in accordance with Executive Order 10, the Department has determined it does not possess rulemaking authority for this chapter and therefore proposes rescinding Chapter 6 in its entirety.

Analysis of Impact

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

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

Not applicable. Chapter 6 is being rescinded in its entirety.

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

Not applicable. Chapter 6 is being rescinded in its entirety.

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:**

Not applicable. This rulemaking rescinds Chapter 6 in its entirety.

- **Qualitative description of impact:**

The rescission of Chapter 6 will not impact current practice because it is duplicative of existing statute.

3. **Costs to the State:**

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

There will be no costs to the Department or any other agency to implement or enforce these rules since Chapter 6 is being rescinded in its entirety.

- **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 Department will continue to operate in accordance with Iowa Code section 321.89 and internal policy reference impoundment and abandoned vehicle procedures.

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

No methods exist that are less costly than the rescission of this chapter.

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?

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **661—Chapter 6**.

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 87
"Wireless Communications Service Provider Database"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 2015 Iowa Acts, House File 447, section 2

State or federal law(s) implemented by the rulemaking: Iowa Code section 34A.16

Public Hearing

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

November 4, 2025 10:30 to 11 a.m.	Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, 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 87 and adopt a new chapter in lieu thereof. The proposed chapter effectuates Iowa Code section 34A.16 by establishing the Wireless Communications Service Provider Database in the Department and providing database requirements.

Analysis of Impact

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

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

Wireless communications service providers authorized to do business in the State of Iowa, or submitting to the jurisdiction of the State of Iowa, will bear the costs.

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

Law enforcement agencies and public safety answering points (PSAPs) will benefit.

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

- **Quantitative description of impact:**

There is no cost for wireless communications service providers to supply their contact information to the Department for inclusion into the database.

- **Qualitative description of impact:**

See above.

3. **Costs to the State:**

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

None.

- **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:**

Failure to maintain up-to-date contact information for a wireless communications service provider could negatively impact the outcome of an emergency situation in which location information needs to be obtained quickly to preserve personal and public safety.

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

The Department has determined that this is the least costly and least intrusive method for achieving the purpose of the proposed rulemaking. The requirements of 2015 Iowa Acts, House File 447, and these rules are consistent with federal law and do not add any new requirements or burdens to the wireless communications service providers.

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

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

None were identified.

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

Not applicable.

Small Business Impact

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

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

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

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 661—Chapter 87 and adopt the following **new** chapter in lieu thereof:

CHAPTER 87
WIRELESS COMMUNICATIONS SERVICE PROVIDER DATABASE

661—87.1(34A) Wireless communications service provider database established. The wireless communications service provider database is established in the department of public safety pursuant to and to effectuate Iowa Code section 34A.16.

661—87.2(34A) Administration of database. The database is administered by the division of intelligence within the department. The information in the database shall only be available to law

enforcement agencies and public safety answering points (PSAPs) and only as authorized in Iowa Code section 34A.16 and these rules.

661—87.3(34A) Confidentiality. All information and records in the wireless communications service provider database maintained by the department and all inquiries and results of inquiries to the service providers are confidential records pursuant to Iowa Code section 22.7(5) and chapter 692 and any other applicable federal or state laws or rules.

661—87.4(34A) Database requirements.

87.4(1) The information provided by a wireless communications service provider includes:

a. Company name of the provider;

b. Physical address;

c. Mailing address;

d. Name of the point of contact for the provider;

e. Phone number and alternate phone number for the point of contact, which will be answered 24 hours a day, seven days a week, by a person or persons who can promptly provide the location information of the cell phone or other wireless communications device upon the request of the department or other law enforcement agency or PSAP;

f. Fax number; and

g. Email address.

87.4(2) Each wireless communications service provider shall immediately provide the department with any updates or changes to the information required in subrule 87.4(1). On or before June 15 of each year, each wireless communications service provider shall confirm to the department the provider's information for the database.

87.4(3) The information required in subrule 87.4(1) may be submitted to the department by at least one of the following:

a. Email: intinfo@dps.state.ia.us.

b. Fax: 515.725.6320, Attn: Division of Intelligence, Subject: Wireless Communications Provider contact information.

c. U.S. mail: Iowa Department of Public Safety, Division of Intelligence, Oran Pape Building, 215 East 7th Street, Des Moines, Iowa 50319-0049.

661—87.5(34A) Procedures to request provider information. Upon a determination by a law enforcement agency or PSAP that emergency location information for a subscriber's cell phone or other wireless communications device is required, the law enforcement agency or PSAP may contact the interoperability communications bureau to request the contact information for the wireless communications systems provider.

These rules are intended to implement Iowa Code section 34A.16.

Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 159
"Statewide Sobriety and Drug Monitoring Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 901D.4
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 901D

Public Hearing

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

November 4, 2025 11 to 11:30 a.m.	Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, 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

The intended purpose of this chapter was to establish procedures and fee structures for the Statewide Sobriety and Drug Monitoring Program created by the Legislature in 2017. Since then, Iowa Code chapter 901D has been repealed due to insufficient data to support the program's continuation. Since Iowa Code chapter 901D and the program no longer exist, the Department proposes to rescind Chapter 159 in its entirety.

Analysis of Impact

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

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

Not applicable. The Department proposes rescinding Chapter 159 in its entirety.

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

Not applicable. The Department proposes rescinding Chapter 159 in its entirety.

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:**

Not applicable. The Department proposes rescinding Chapter 159 in its entirety.

- **Qualitative description of impact:**

The rescission of Chapter 159 removes outdated and obsolete language for a program that no longer exists, preventing confusion for anyone attempting to read and interpret these rules.

3. **Costs to the State:**

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

There are no anticipated costs.

- **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:**

Leaving rules in place for a program that no longer exists will create confusion for anyone accessing or attempting to interpret these rules. Rescinding this chapter is a necessary step in maintaining clarity within the Department's administrative rules.

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

No methods exist that are less costly than the rescission of this chapter and the elimination of outdated and obsolete rules.

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?

There is no substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **661—Chapter 159**.

Regulatory Analysis

Notice of Intended Action to be published: 701—Chapters 304, 501, and 602
"Investment Subsidiary Combined Returns"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 422.60

State or federal law(s) implemented by the rulemaking: Iowa Code sections 422.11, 422.60, 422.61, and 422.63

Public Hearing

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

November 4, 2025	Hoover State Office Building
10 a.m.	Des Moines, Iowa

Public Comment

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

Ben Clough
Iowa Department of Revenue
P.O. Box 14467
Des Moines, Iowa 50306-3467
Phone: 515.587.0662
Email: ben.clough@iowa.gov

Purpose and Summary

This proposed rulemaking is intended to implement 2024 Iowa Acts, Senate File 2442, division III, which allowed financial institutions subject to the franchise tax that have investment subsidiaries to elect to file combined Iowa franchise tax returns with those investment subsidiaries. Financial institutions that make this election are not required to add back expense to carry the investment subsidiaries on their Iowa return. This rulemaking also makes conforming amendments to rules implementing the franchise tax credit.

Analysis of Impact

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

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

All costs would be borne by financial institutions that choose to make the election and their investment subsidiaries. No one is required to make this election.

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

Financial institutions subject to the Iowa franchise tax that have investment subsidiaries and choose to elect to file the combined returns allowed by the law and these rules will benefit.

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

- **Quantitative description of impact:**

There are no significant quantitative impacts known to be associated with these amendments.

- **Qualitative description of impact:**

The primary foreseeable costs would be incurred in properly preparing and submitting the combined returns for the group, which may or may not exceed the costs of preparing the Iowa returns these entities are already required to file. Groups that have made the election may also incur some legal costs if they choose to initiate the process to undo this election prescribed by the proposed amendments.

3. **Costs to the State:**

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

Minimal additional administrative costs for the Department of Revenue to create and maintain forms for reporting the combined group's income and expenses on the annual franchise return and for training staff on the contents of these rules and the forms.

- **Anticipated effect on State revenues:**

The proposed rules have no expected fiscal impact beyond that of the legislation they are intended to implement. No fiscal impact could be determined for 2024 Iowa Acts, Senate File 2442, division III, due to lack of information.

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

The proposed amendments provide definitions and additional guidance for taxpayers wanting to elect to file combined Iowa franchise returns with their investment subsidiaries and avoid the add-back of expenses associated with those subsidiaries, which would otherwise be required. Without this rulemaking, both taxpayers and the Department would have less information about how to file these returns and how to undo the election once it is made. There are no significant known costs associated with this rulemaking.

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

No less costly or intrusive methods have been identified.

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

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

The only real alternative would be to provide the same guidance informally on the Department's website or to provide no additional guidance on this topic at all.

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

Informal guidance is not binding on the Department and could be changed at any time without notice. This rulemaking gives the public an opportunity to comment on the proposed amendments and any future changes. Formal rules also have the force of law and can be relied upon by taxpayers who wish to make this election.

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 law already requires these entities to file annual Iowa franchise tax returns and allows them to make the election these rules are intended to implement. The rules only provide parameters for making this voluntary election and ending the election under certain circumstances. There is no evidence that these rules have any meaningful impact on small businesses in particular, and as the reporting requirements (annual tax returns) mentioned in the rules are already required by law, relaxing those requirements would not be legal even if it were beneficial.

Text of Proposed Rulemaking

ITEM 1. Amend rule 701—304.16(422) as follows:

701—304.16(422) Franchise tax credit. ~~For tax years beginning on or after January 1, 1997, a~~ A shareholder in a financial institution, as defined in Section 581 of the Internal Revenue Code, ~~which~~ or a member of a financial institution organized as a limited liability company that is taxed as a partnership for federal income tax purposes that has elected to have its income taxed directly to the shareholders or members may take a tax credit equal to the shareholder's or member's pro rata share of the Iowa franchise tax paid by the financial institution.

~~For tax years beginning on or after July 1, 2004, a member of a financial institution organized as a limited liability company that is taxed as a partnership for federal income tax purposes which has elected to have its income taxed directly to its members may take a tax credit equal to the member's pro rata share of the Iowa franchise tax paid by the financial institution.~~

304.16(1) *Credit calculation.*

a. The credit must be ~~computed~~ calculated by recomputing the amount of tax ~~computed~~ calculated under Iowa Code section 422.5 by reducing the shareholder's or member's taxable income by the shareholder's or member's pro rata share of the items of income and expenses of the financial institution and subtracting the credits allowed in Iowa Code ~~sections~~ section 422.12~~, and 422.12B for tax years beginning prior to January 1, 2007. The recomputed tax must be subtracted from the amount of tax computed under Iowa Code section 422.5 reduced by the credits allowed in Iowa Code sections 422.12 and 422.12B for tax years beginning prior to January 1, 2007. For tax years beginning on or after January 1, 2007, only the credits allowed in Iowa Code section 422.12 are reduced in computing the franchise tax credit.~~

b. The resulting amount, not to exceed the shareholder's or member's pro rata share of the franchise tax paid by the financial institution, is the amount of tax credit allowed the shareholder or member.

304.16(2) *Credit calculation for combined return filers.*

a. Where the financial institution has elected to file a combined return with one or more investment subsidiaries pursuant to rule 701—602.33(422), the franchise tax paid by the financial institution for purposes of calculating this credit is a portion of the tax paid by the combined group equal to the portion of the combined group's total taxable income attributable to the financial institution.

b. This credit is not available to shareholders or members of investment subsidiaries included on a combined return under rule 701—602.33(422) for that portion of the tax shown due on the return attributable to the investment subsidiary.

304.16(3) *Combined filer credit calculation formula.* The following formula determines the portion of a combined group's tax that may be used to calculate a shareholder's or member's franchise tax credit.

PTI = parent financial institution separate taxable income (if zero or less, no credit is available)

CTI = combined group taxable income

GT = combined group total tax (if zero or less, no credit is available)

PTI/CTI* × GT = tax eligible for the credit

*If PTI/CTI is 1 or greater, 100 percent of the tax is attributable to the parent financial institution.

EXAMPLE: Parent financial institution B, an S corporation, and its investment subsidiary C elect to file a combined Iowa franchise return. B's separate taxable income is $750,000, and the group's combined taxable income is $1,000,000. The combined group's Iowa franchise tax liability is $41,000 (at a rate of 4.1 percent for 2025). B contributed 75 percent (0.75) of the group's combined taxable income. The tax available to B's shareholders for purposes of calculating the Iowa franchise tax is $30,750 (41,000 × 0.75).

This rule is intended to implement Iowa Code section 422.11.

ITEM 2. Amend rule 701—501.16(422) as follows:

701—501.16(422) Franchise tax credit. ~~For tax years beginning on or after January 1, 1998, a~~ A shareholder in a financial institution as defined in Section 581 of the Internal Revenue Code ~~which~~ that has elected to have its income taxed directly to the shareholders may take a tax credit equal to the shareholder's pro rata share of the Iowa franchise tax paid by the financial institution.

501.16(1) *Credit calculation.*

a. The credit must be ~~computed~~ calculated by recomputing the amount of tax ~~computed~~ calculated under Iowa Code section 422.33 by reducing the shareholder's taxable income by the shareholder's pro rata share of the items of income and expenses of the financial institution and deducting from the recomputed tax the credits allowed by Iowa Code section 422.33. The ~~recomputed~~ recalculated tax must be subtracted from the amount of tax ~~computed~~ calculated under Iowa Code section 422.33 reduced by the credits allowed in Iowa Code section 422.33.

b. The resulting amount, not to exceed the shareholder's pro rata share of the franchise tax paid by the financial institution, is the amount of tax credit allowed the shareholder.

501.16(2) *Credit calculation for combined return filers.*

a. Where the financial institution has elected to file a combined return with one or more investment subsidiaries pursuant to rule 701—602.33(422), the franchise tax paid by the financial institution for purposes of calculating this credit is a portion of the tax paid by the combined group equal to the portion of the combined group's total taxable income attributable to the financial institution. The portion attributable to the financial institution is determined using the formula provided in 701—subrule 304.16(3).

b. This credit is not available to shareholders or members of investment subsidiaries included on a combined return under rule 701—602.33(422) for that portion of the tax shown due on the return attributable to the investment subsidiary.

This rule is intended to implement Iowa Code section 422.33~~,~~ as amended by 1999 Iowa Acts, chapter 95.

ITEM 3. Amend rule 701—602.20(422) as follows:

701—602.20(422) Disallowance of expenses to carry an investment subsidiary ~~for tax years which begin on or after January 1, 1995.~~ ~~A financial institution which has an investment in an investment subsidiary on or after July 1, 1995, must allocate a portion of its total expenses used in computing its federal taxable income on a separate return basis to its investment subsidiary. The expenses which are allocable to the investment in an investment subsidiary are computed by multiplying the financial institution's total expenses used in computing its federal taxable income on a separate return basis by the ratio of the average adjusted basis in its investment subsidiary to the average adjusted basis for all assets of the financial institution. For tax years beginning on or after January 1, 1995, and before December 31, 1995, a financial institution which has an investment in an investment subsidiary on July 1, 1995, must allocate a portion of its total expenses for the entire tax year to its investment in an investment subsidiary even though it did not have an investment in an investment subsidiary for the entire tax year.~~ A taxpayer must add back, to the extent included, any

deduction for that portion of the taxpayer's expenses computed under this rule that is allocable to an investment in an investment subsidiary.

~~A calculation of the average for the tax year of the adjusted bases of a financial institution's investment in investment subsidiaries, and total assets, held each day of the tax year is the most accurate method for determining under Iowa Code subsection 422.61(3) the portion of a financial institution's total expenses that is allocable to the financial institution's investment in investment subsidiaries. However, the department will generally allow the average adjusted bases of an investment in investment subsidiaries for the tax year to be calculated using the average of the adjusted bases of the investment in investment subsidiaries held by the financial institution at the end of each month within the tax year. The department generally will allow the average bases of all assets of the financial institution for the tax year to be calculated using the average bases of all assets held by the financial institution at the end of each quarter of the tax year. A financial institution may compute for any tax year, without prior permission of the director, the average adjusted bases of investment in investment subsidiaries or total assets on a more frequent basis than set forth above. However, a financial institution may not compute these averages for any tax year on a less frequent basis than quarterly without obtaining prior approval of the director. This permission will be granted only in extraordinary circumstances. In addition, a financial institution may not compute these averages for any tax year on a less frequent basis than it used for the preceding tax year unless the financial institution obtains prior approval of the director. A financial institution that has elected to use an estimate of the adjusted tax bases of its total assets for each of the first three quarters of the taxable year under Internal Revenue Service's Revenue Ruling 90-44 for federal income tax purposes may use this estimate for Iowa franchise purposes.~~

602.20(1) *Definitions.* ~~For the purposes of this rule, the term "affiliate" means a corporation, trust, estate, association, or similar organization:~~

~~*a.* Of which a financial institution, directly or indirectly, owns or controls either a majority of the voting shares or more than 50 percent of the number of shares voted for the election of its directors, trustees, or other individuals exercising similar functions at the preceding election, or controls in any manner the election of a majority of its directors, trustees, or other individuals exercising similar functions; or~~

~~*b.* Of which control is held, directly or indirectly, through share ownership or in any other manner, by the shareholders of a financial institution who own or control either a majority of the shares of such financial institution or more than 50 percent of the number of shares voted for election of directors of such financial institution at the preceding election, or by trustees for the benefit of the shareholders of such financial institution; or~~

~~*c.* Of which a majority of its directors, trustees, or other individuals exercising similar functions are directors of any financial institution; or~~

~~*d.* Which owns or controls, directly or indirectly, either a majority of the voting shares of a financial institution or more than 50 percent of the number of shares voted for the election of directors of a financial institution at the preceding election, or controls in any manner the election of a majority of the directors of a financial institution, or for the benefit of those shareholders or members all or substantially all of the outstanding voting shares of a financial institution is held by trustees; or~~

~~*e.* Which is a bank holding company, as defined by the laws of the United States, of which a financial institution is a subsidiary, and any other subsidiary as defined by the laws of the United States, of a bank holding company.~~

"Affiliate" means a corporation, trust, estate, association, or similar organization:

1. Of which a financial institution, directly or indirectly, owns or controls either a majority of the voting shares or more than 50 percent of the number of shares voted for the election of its directors, trustees, or other individuals exercising similar functions at the preceding election, or controls in any manner the election of a majority of its directors, trustees, or other individuals exercising similar functions; or

2. Of which control is held, directly or indirectly, through share ownership or in any other manner, by the shareholders of a financial institution who own or control either a majority of the shares of such financial institution or more than 50 percent of the number of shares voted for election of directors of such financial institution at the preceding election, or by trustees for the benefit of the shareholders of such financial institution; or

3. Of which a majority of its directors, trustees, or other individuals exercising similar functions are directors of any financial institution; or

4. That owns or controls, directly or indirectly, either a majority of the voting shares of a financial institution or more than 50 percent of the number of shares voted for the election of directors of a financial institution at the preceding election, or controls in any manner the election of a majority of the directors of a financial institution, or for the benefit of those shareholders or members all or substantially all of the outstanding voting shares of a financial institution is held by trustees; or

5. That is a bank holding company, as defined by the laws of the United States, of which a financial institution is a subsidiary, and any other subsidiary as defined by the laws of the United States, of a bank holding company.

"Average adjusted basis" means the financial institution's average adjusted basis as computed pursuant to Section 1016 of the Internal Revenue Code on a separate company basis.

"Investment subsidiary" means an affiliate that is owned, capitalized, or utilized by a financial institution with one of its purposes being to make, hold, or manage, for and on behalf of the financial institution, investments in securities that the financial institution would be permitted by applicable law to make for its own account.

~~**602.20(2)** For the purposes of this rule, the term "average adjusted basis" means the financial institution's average adjusted basis as computed pursuant to Section 1016 of the Internal Revenue Code on a separate company basis.~~

~~**602.20(3)** For purposes of this rule, the term "investment subsidiary" means an affiliate that is owned, capitalized or utilized by a financial institution with one of its purposes being to make, hold, or manage, for and on behalf of the financial institution, investments in securities which the financial institution would be permitted by applicable law to make for its own account.~~

602.20(2) *Calculating the addition.*

a. A financial institution that has an investment in an investment subsidiary must allocate a portion of its total expenses used in computing its federal taxable income on a separate return basis to its investment subsidiary. The expenses that are allocable to the investment in an investment subsidiary are computed by multiplying the financial institution's total expenses used in computing its federal taxable income on a separate return basis by the ratio of the average adjusted basis in its investment subsidiary to the average adjusted basis for all assets of the financial institution.

b. A calculation of the average for the tax year of the adjusted bases of a financial institution's investment in investment subsidiaries, and total assets, held each day of the tax year is the most accurate method for determining under Iowa Code section 422.61(3) the portion of a financial institution's total expenses that is allocable to the financial institution's investment in investment subsidiaries. However, the department will generally allow the average adjusted bases of an investment in investment subsidiaries for the tax year to be calculated using the average of the adjusted bases of the investment in investment subsidiaries held by the financial institution at the end of each month within the tax year. The department generally will allow the average bases of all assets of the financial institution for the tax year to be calculated using the average bases of all assets held by the financial institution at the end of each quarter of the tax year. A financial institution may compute for any tax year, without prior permission of the director, the average adjusted bases of investment in investment subsidiaries or total assets on a more frequent basis than set forth above. However, a financial institution cannot compute these averages for any tax year on a less frequent basis than quarterly without obtaining prior approval of the director. This permission will be granted only in extraordinary circumstances. In addition, a financial institution cannot compute these averages for any tax year on a less frequent basis than it used for the preceding tax year unless the financial

institution obtains prior approval of the director. A financial institution that has elected to use an estimate of the adjusted tax bases of its total assets for each of the first three quarters of the taxable year under Internal Revenue Service's Revenue Ruling 90-44 for federal income tax purposes may use this estimate for Iowa franchise purposes.

602.20(3) *Exception to the addition.* Financial institutions that elect to file a combined Iowa return with their investment subsidiaries as provided in rule 701—602.33(422) are not required to add back expenses allocable to an investment subsidiary.

This rule is intended to implement Iowa Code section 422.61 ~~as amended by 1995 Iowa Acts, chapter 193~~.

ITEM 4. Adopt the following **new** rule 701—602.33(422):

701—602.33(422) Investment subsidiary combined returns. For tax years beginning on or after January 1, 2025, financial institutions that own or control investment subsidiaries may elect to file combined Iowa franchise tax returns with those investment subsidiaries.

602.33(1) *Definitions.*

"Affiliate" means the same as defined in subrule 602.20(1).

"Unitary business," for purposes of this rule, means a single economic enterprise made up either of separate parts of a single business entity or of a commonly controlled group of business entities that are sufficiently interdependent, integrated, and interrelated through their activities so as to provide a synergy and mutual benefit that produces a sharing or exchange of value among them and a significant flow of value to the separate parts. A unitary business includes that part of the business that meets this definition and is conducted by a taxpayer through the taxpayer's interest in a partnership, whether the interest in that partnership is held directly or indirectly through a series of partnerships or other passthrough entities.

602.33(2) *Election to file a combined return.* A financial institution and its investment subsidiaries that did not file a combined return for the immediately preceding taxable year may elect to file a combined return in lieu of separate returns for the taxable year.

a. Making the election. The election is made by filing a return that includes both the financial institution and its investment subsidiaries on forms provided by the department, on or before the statutory due date for filing the return, including extensions. The parent financial institution may withdraw the election by filing a separate return at any time prior to the due date of the return (including extensions of time) in the first year in which the election is made, but the group cannot withdraw the election after the due date of the return (including extensions of time). All requirements of this paragraph and any additional requirements provided in the instructions to the form must be met for the election to be valid.

(1) The financial institution and each investment subsidiary that is to be included on the combined return must consent to the filing of the combined return in the same manner as members of an affiliated group consent to the filing of a consolidated return in 701—paragraph 502.15(1)*"d."*

(2) The combined group must include the parent financial institution and all investment subsidiaries.

(3) The combined group cannot include any entity other than the parent financial institution and the investment subsidiaries.

b. Election binding. Except as provided in subrule 602.33(3), an election to file a combined return under this paragraph is binding on all future tax years.

c. Treated as financial institutions. By making this election, all investment subsidiaries agree to be treated as financial institutions under Iowa Code chapter 422, and this rule, for every tax year the election remains in effect, except as provided in 701—subrules 304.16(2) and 501.16(2).

602.33(3) *Discontinuing the election.* A combined group shall discontinue filing combined returns when:

a. All investment subsidiaries cease to be subsidiaries of the parent financial institution. If on or before the beginning of the tax year the parent financial institution no longer owns an investment

subsidiary, the group is not required or permitted to file combined returns. However, for combined groups that included more than one investment subsidiary, if at least one entity remains an investment subsidiary, the remaining group members must continue filing combined returns even after other investment subsidiaries have left the group. Reasons an investment subsidiary may cease to be a subsidiary of the parent for purposes of this rule include:

(1) The parent financial institution no longer owns or controls the investment subsidiary previously included in the combined group.

(2) The investment subsidiary no longer meets the definition of investment subsidiary in Iowa Code section 422.61(2).

(3) The investment subsidiary ceases to exist.

b. The parent entity ceases to be subject to Iowa franchise tax. If the parent entity ceases to be subject to Iowa franchise tax, for any reason, the group is no longer allowed to file a combined return.

(1) The following are examples of common reasons a parent financial institution may no longer be subject to Iowa franchise tax:

1. The parent financial institution is no longer doing business in Iowa as defined in 701—subrule 501.1(1).

2. The parent entity changes in character such that it no longer meets the statutory definition of "financial institution" for Iowa franchise tax purposes.

3. The parent entity ceases to exist.

(2) Members of the group that continue doing business in Iowa after the parent entity ceases to be subject to Iowa franchise tax may still be required to file Iowa income or franchise tax returns.

c. The director finds separate returns would more clearly disclose the taxable income of the combined group. If the group believes that the filing of separate returns will more clearly disclose the taxable income of each member of the combined group, the group may apply to the director to discontinue filing combined returns.

(1) Applications to discontinue filing combined returns must be submitted not later than 90 days prior to the due date of the return, including extensions of time.

(2) Applications to discontinue filing consolidated returns must include:

1. A detailed description of the taxable income of both the group on a combined basis and each entity on a separate basis.

2. A clear statement of the reasons why separate returns would more clearly disclose Iowa taxable income. The mere fact that the group's combined tax liability is greater or less than the sum of each member's separate tax liabilities for a given year is not, by itself, a ground for discontinuance of combined filing.

(3) Submitting the application. Applications to discontinue combined filing under this paragraph must be submitted through GovConnectIowa or by mail to:

Policy Bureau - Research and Policy Division
Iowa Department of Revenue
P.O. Box 14467
Des Moines, Iowa 50306-3467

602.33(4) *Filing combined returns.*

a. Filed by parent financial institution. The combined return must be filed under the name and federal employer identification number of the parent financial institution that is subject to Iowa franchise tax.

b. Responsibility for filing and signing. The return must be filed and signed on behalf of the combined group by an officer or employee of the parent financial institution.

c. Tax year. All members of the combined group are required to have the same tax year as the parent financial institution. The combined return is due on or before the statutory due date for the parent financial institution, including extensions.

602.33(5) *Combined group net income calculation.* The combined group calculates its Iowa net income as provided in this subrule.

a. Total combined income or loss. The total combined group income or loss shall be determined as follows:

(1) Each member of the combined group determines its separate income or loss by determining the member's taxable income under the Internal Revenue Code, on a separate entity basis, after making adjustments required under Iowa Code section 422.61(3).

(2) Unless otherwise provided in these rules, or by instructions on the required tax return and supporting schedules, income or loss of the members as determined under subparagraph 602.33(5)*"a"*(1) are combined, eliminating items of income, expense, gain, and loss from transactions between members of the combined group, applying the consolidated filing rules under the Internal Revenue Code as defined in Iowa Code section 422.3, and rule 701—502.15(422), as if the combined group were a consolidated filing group.

b. Net operating loss (NOL) deduction. The starting point for Iowa taxable income is federal taxable income, which includes the application of the federal net operating loss deduction, if any.

(1) NOL calculation. The combined group must calculate its NOL deduction, if any, by applying the applicable rules under the Internal Revenue Code as defined in Iowa Code section 422.3 and rule 701—502.15(422) as if the combined group were filing a consolidated federal income tax return. The combined group net income should then be adjusted by this combined group federal net operating loss deduction, if any, subject to the adjustments in numbered paragraph 602.33(5)*"b"*(2)"2."

(2) The following adjustments are required for pre-2023 federal and Iowa losses:

1. Add back to the extent included in the calculation under subparagraph 602.33(5)*"a"*(1) any federal net operating loss deduction attributable to losses incurred in a tax year beginning prior to January 1, 2023.

2. Subtract from the income attributable to Iowa, to the extent available, any Iowa net operating loss carryovers attributable to the parent or any investment subsidiary included in the group from a year beginning prior to January 1, 2023.

602.33(6) *Allocation and apportionment of combined group income.* Determine combined group business income or loss by eliminating from the amount determined in subrule 602.33(5) any nonbusiness income or loss or item of nonbusiness income, expense, gain, or loss.

a. Apportionment of business income.

(1) Combined group apportionment factor. The combined group apportionment factor is a percentage determined under rules 701—602.27(422) and 701—602.28(422), where the numerator of the factor includes amounts sourced to the state for the combined group's unitary business, regardless of the separate entity to which those factors may be attributed, and the denominator of the factor includes amounts associated with the combined group's unitary business, wherever located.

(2) Separate entity apportionment factor. Except as provided in paragraph 602.33(6)*"c,"* the separate entity apportionment factor for a member of the combined group is a percentage determined under rules 701—602.27(422) and 701—602.28(422) where the numerator of the factor includes amounts sourced to the state for the member and the denominator of the factor includes amounts associated with the combined group's unitary business, wherever located.

(3) If a member of the combined group holds a partnership interest from which it derives apportionable income, the share of the partnership's apportionment factor(s) to be included in the apportionment factor(s) of the group is determined by multiplying the partnership's factor(s) by a ratio the numerator of which is the amount of the partnership's apportionable income properly included in the member's income, and including any guaranteed payments, and the denominator of which is the amount of the partnership's total apportionable income.

b. Allocation of nonbusiness income. Determine the amount of any combined group nonbusiness items of income, expense, gain or loss not apportioned under paragraph 602.33(6)*"a"* that are allocable to the state under Iowa Code sections 422.33(2) and 422.63(1)*"b."*

c. Combined group commercial domicile. Notwithstanding any other rule to the contrary, for purposes of determining where items of income for the combined group should be attributed, the

commercial domicile of all investment subsidiaries is deemed to be that of the parent financial institution.

602.33(7) *Payment of tax.*

a. Franchise rates. The tax liability for the combined group shall be imposed on the group's combined income as calculated under this rule and determined according to the Iowa franchise tax rate provided in Iowa Code section 422.63.

b. Liability for tax.

(1) The financial institution and each investment subsidiary included on the combined return shall be severally liable for the tax for the year computed in accordance with Iowa Code chapter 422 on or before the due date (not including extensions of time) for the filing of the combined return for that year.

(2) If an investment subsidiary has ceased to be a member of the group and if the cessation resulted from a bona fide sale or exchange of the parent's interest in the subsidiary for fair value that occurred prior to the date upon which any deficiency is assessed, the director may make an assessment and collection of the deficiency from the former subsidiary in an amount not exceeding the portion of the deficiency that the director may determine to be allocable to it.

(3) No agreement entered into by one or more members of the affiliated group with any other member of the group shall in any case have the effect of reducing the liability prescribed under this subrule.

This rule is intended to implement Iowa Code section 422.60.

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 1
"Admission Rules Common to the Three State Universities"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 262.9(3), 262.9(17) and 262.92
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 262

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

Iowa Code chapter 262 requires the Board to adopt rules for admission to and for the Regent universities and for the classification of students enrolled for tuition and fee purposes. Iowa Code section 262.92 requires the Board to adopt rules to establish program guidelines for the college-bound program. Proposed Chapter 1 sets forth admission requirements for undergraduate students at the Regent universities and requirements for classification of residents and nonresidents for admission, tuition and fee purposes.

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 incurred by the public to comply with this proposed chapter other than standard application fees required of all prospective students.

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

Current and prospective students 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:**

There is no known quantitative impact.

- **Qualitative description of impact:**

This proposed rulemaking provides clarity in the admissions and residency classification processes.

3. **Costs to the State:**

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

There are no unique or additional costs to the Board to comply with this proposed chapter beyond personnel and associated administrative costs required to process applications. Rules establishing the Regent Admission Index (RAI) as a path for automatic admission generate cost savings and efficiencies.

- **Anticipated effect on State revenues:**

There is no known effect.

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

These proposed rules are required by statute. A comprehensive review of this chapter was conducted in 2021, and additional efforts have been made to further streamline and clarify admissions and residency requirements.

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

These proposed rules are required by statute.

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

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

These proposed rules are required by statute, so alternative methods were not considered.

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

These proposed rules are required by statute, so alternative methods were not 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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ADMISSION RULES COMMON TO THE THREE STATE UNIVERSITIES

681—1.1(262) Admission of undergraduate students directly from high school. Students desiring admission to the University of Iowa, Iowa State University, or the University of Northern Iowa must meet the requirements in this rule and also any special requirements for the curriculum, school, or college of their choice.

1.1(1) Application. Applicants must submit a formal application for admission, together with the appropriate application fee and have their secondary school provide a transcript of their academic record, including credits and grades, rank in class (when available), and certification of graduation. Applicants may also submit standardized test scores. Applicants whose primary language is not English must also meet the English language proficiency requirement specified by each university. Applicants may be required to submit additional information or data to support their applications.

1.1(2) Admission criteria.

a. A regent admission index (RAI) will be calculated for freshman applicants who submit all components used in the equation below. For purposes of calculating the RAI, the ACT composite score has a top value of 36 (SAT scores or other approved standardized tests will be converted to ACT composite equivalents), high school GPA is expressed on a four-point scale, and number of high school courses completed in the core subject areas is expressed in terms of years or fractions of years of study.

$$\text{RAI} = \begin{array}{c}(3 \times \text{ACT composite} \\ \text{score})\end{array} + \begin{array}{c}(30 \times \text{high school grade} \\ \text{point average})\end{array} + \begin{array}{c}(5 \times \text{number of high school} \\ \text{courses completed in the core} \\ \text{subject areas})\end{array}$$

b. Freshman applicants from Iowa high schools who have an RAI that meets a minimum set by the state board of regents and who meet the minimum requirements of the regent universities will qualify for automatic admission. Freshman applicants who have an RAI below the minimum set by the state board of regents or who do not have all components used in the RAI may also be admitted to a regent university; however, each regent university will review these applications on an individual basis.

1.1(3) Graduates of approved high schools in other states may be held to higher academic standards but must meet at least the same requirements as graduates of Iowa high schools.

1.1(4) Applicants who are graduates of nonapproved high schools will be considered for admission in a manner similar to applicants from approved high schools, but additional emphasis will be given to scores obtained on standardized examinations.

1.1(5) Applicants who are not high school graduates, but whose classes have graduated, may be considered for admission. These applicants will be required to submit all academic data to the extent that it exists and achieve scores on standardized examinations that will demonstrate that they are adequately prepared for academic study.

1.1(6) Early admission.

a. Students with superior academic records may be admitted, on an individual basis, for part-time university study while enrolled in high school or during the summers prior to high school graduation.

b. In rare situations, exceptional students may be admitted as full-time students to a regent university before completing high school. Early admission to a regent university is provided to serve persons whose academic achievement and personal and intellectual maturity clearly suggest readiness for collegiate-level study. Each university will specify requirements and conditions for early admission.

This rule is intended to implement Iowa Code section 262.9(3).

681—1.2(262) Admission of undergraduate students by transfer from other colleges. Students desiring admission to the University of Iowa, Iowa State University, or the University of Northern Iowa must meet the requirements in this rule and also any special requirements for the curriculum, school, or college of their choice.

Applicants must submit a formal application for admission, together with the appropriate application fee, and request that each college they have attended send an official transcript of record to the admissions office. High school academic records and standardized test results may also be required. The Test of English as a Foreign Language (TOEFL), or equivalent English proficiency

examination as determined by each institution, is required of foreign students whose first language is not English.

1.2(1) Transfer applicants who have earned a minimum of 24 semester hours of graded credit from colleges or universities accredited by an entity recognized by the U.S. Department of Education, attended another college or university after graduating from high school, and achieved for all college work previously attempted the grade point required by each university for specific programs will be admitted. Higher academic standards may be required of students who are not residents of Iowa.

Applicants who have not maintained the grade point required by each university for specific programs or who are under academic suspension from the last college attended may, after a review of their academic and test records, and at the discretion of the admissions officers:

a. Be admitted unconditionally,

b. Be admitted conditionally,

c. Be denied admission.

1.2(2) Admission of students with fewer than 24 semester hours of college credit will be based on high school academic records in addition to review of the college record.

1.2(3) Transfer applicants under disciplinary suspension will not be considered for admission until information concerning the reason for the suspension has been received from the college assigning the suspension. Applicants granted admission under these circumstances will be admitted on probation.

1.2(4) Transfer applicants from colleges and universities not accredited by an entity recognized by the U.S. Department of Education will be considered for admission on an individual basis taking into account all available academic information.

This rule is intended to implement Iowa Code section 262.9(3).

681—1.3(262) Transfer credit practices. The acceptance and use of transfer credit is subject to limitations in accordance with the educational policies operative at each university.

1.3(1) *Students from colleges and universities accredited by an entity recognized by the U.S. Department of Education.* Credit earned at colleges and universities accredited by an entity recognized by the U.S. Department of Education is acceptable for transfer except that credit in courses determined by the receiving university to be of a remedial, vocational, or technical nature or credit in courses or programs in which the institution granting the credit is not directly involved may not be accepted or may be accepted to a limited extent.

Of the coursework earned at a two-year college, students may apply up to one-half but no more than 65 hours of the credits required for a bachelor's degree toward that degree at a regent university except as otherwise agreed to in an articulation agreement.

1.3(2) *Students from colleges and universities that have candidate status.* Credit earned at colleges and universities that have become candidates for accreditation by an entity recognized by the U.S. Department of Education is acceptable for transfer in a manner similar to that from colleges and universities accredited by an entity recognized by the U.S. Department of Education if the credit is applicable to the bachelor's degree at the receiving university.

Credit earned at the junior and senior classification from an accredited two-year college that has received approval by an entity recognized by the U.S. Department of Education for change to a four-year college may be accepted by a regent university.

1.3(3) *Students from colleges and universities not accredited by an entity recognized by the U.S. Department of Education.* When students are admitted from colleges and universities not accredited by an entity recognized by the U.S. Department of Education, they may validate portions or all of their transfer credit. Each university will specify the amount of the transfer credit and the terms of the validation process at the time of admission.

1.3(4) *Students from colleges and universities outside the U.S.* Transfer credit from educational institutions outside the U.S. may be granted after a determination of the type of institution involved and after an evaluation of the content, level, and comparability of the study to courses and programs at

the receiving university. Credit may be granted in specific courses but is frequently assigned to general areas of study.

This rule is intended to implement Iowa Code section 262.9(3).

681—1.4(262) Classification of residents and nonresidents for admission, tuition, and fee purposes.

1.4(1) *General.*

a. A person enrolling at one of the three state universities shall be classified as a resident or nonresident for admission, tuition, and fee purposes by the registrar or someone designated by the registrar. The decision shall be based upon information furnished by the student and other relevant information.

b. In determining resident or nonresident classification, the issue is essentially one of why the person is in the state of Iowa. If the person is in the state primarily for educational purposes, that person will be considered a nonresident. An individual could qualify as a resident of Iowa for such purposes as voting, holding an Iowa driver's license, or Iowa community college residency, and not meet the residency requirements as established by the state board of regents for admission, tuition, and fee purposes.

c. The registrar, or designated person, is authorized to require evidence deemed necessary to determine why a student is in Iowa. The burden of establishing that a student is in Iowa for other than educational purposes is upon the student.

d. Applications for resident classification for a given semester or session are due no later than the fifteenth class day of that semester or session. Applications received after the fifteenth class day of that semester or session will be considered for the next semester or session. Appeals of any nonresident classification decision resulting from applications for resident classifications are due within ten business days of the decision. Change of classification from nonresident to resident will not be made retroactive beyond the term in which application for resident classification is made.

e. A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to disciplinary action and must also pay the nonresident fees for each term previously attended.

f. Review committee. These regulations shall be administered by the registrar or someone designated by the registrar. The decision of the registrar or designated person may be appealed to a university review committee. The decision of the review committee may be appealed to the state board of regents.

1.4(2) *Guidelines.*

a. The following general guidelines are used in determining the resident classification of a student for admission, tuition, and fee purposes:

(1) A financially dependent student whose parents move from Iowa after the student is enrolled remains a resident provided the student maintains continuous enrollment. A financially dependent student whose parents move from Iowa during the senior year of high school will be considered a resident provided the student has not established domicile in another state.

(2) In deciding why a person is in the state of Iowa, the person's domicile will be considered. A person's domicile is presumed to be that of the parent(s) or legal guardian unless the person is independent and establishes a separate domicile. A person who comes to Iowa from another state and enrolls in any institution of postsecondary education for a full program or substantially a full program shall be presumed to have come to Iowa primarily for educational reasons rather than to establish a domicile in Iowa.

(3) A student who was a former resident of Iowa may continue to be considered a resident provided absence from the state was for a period of less than 12 months and provided domicile is reestablished.

A person or the dependent of a person whose domicile is established in Iowa, who has been classified as a resident for admission, tuition, and fee purposes, may continue to be classified as a

resident so long as domicile is maintained, even though circumstances may require extended absence of the person from the state. It is required that a person who claims Iowa domicile while living in another state or country will provide proof of the continual Iowa domicile.

(4) A student who moves to Iowa may be eligible for resident classification at the next registration following 12 consecutive months in the state provided the student is not enrolled as more than a half-time student (6 credits for an undergraduate or professional student, 5 credits for a graduate student) in any academic year term at any postsecondary institution, is not enrolled for more than 4 credits in a summer or winter term at any postsecondary institution for any classification, and provides sufficient evidence of the establishment of an Iowa domicile.

(5) A student who has been a continuous student and whose parents move to Iowa may become a resident at the beginning of the next term provided the student is dependent upon the parents for a majority of financial assistance.

(6) A person who has been certified as a refugee or granted asylum by the appropriate agency of the United States who enrolls as a student at a university governed by the state board of regents may be accorded immediate resident status for admission, tuition, and fee purposes when the person:

1. Comes directly to the state of Iowa from a refugee facility or port of debarkation, or
2. Comes to the state of Iowa within a reasonable time and has not established domicile in another state.

Any refugee or individual granted asylum not meeting these standards will be presumed to be a nonresident for admission, tuition, and fee purposes and thus subject to the usual method of establishment of Iowa residency.

(7) An individual who has immigrant status establishes Iowa residency in the same manner as a United States citizen.

(8) At the regent institutions, American Indians who have origins in any of the original people of North America and who maintain a cultural identification through tribal affiliation or community recognition with one or more of the tribes or nations connected historically with the present state of Iowa, including the Chickasaw, Iowa, Kickapoo, Menominee, Miami, Missouri, Ojibwa (Chippewa), Omaha, Oneida (Narragansett), Otoe (Otto), Ottawa (Odawa), Potawatomi, Sac and Fox (Sauk, Meskwaki), Sioux, and Winnebago (HoCak, Ho Chunk), will be assessed Iowa resident tuition and fees.

(9) Individuals who have received a homeless youth determination may be classified as residents for tuition and fee purposes.

b. Additional guidelines are used in determining the resident classification of a veteran, qualified military person, and other qualified individuals for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees:

(1) A person who is stationed on active duty at the Rock Island arsenal as a result of military orders, or the child or spouse/domestic partner of such person, is entitled to resident status for purposes of undergraduate, graduate, professional, or certificate tuition and mandatory fees. The child or spouse/domestic partner may be required to submit appropriate documentation to the university.

(2) The rules for classification of veterans and qualified individuals shall be in full compliance with all federal laws, including Section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Choice Act). The qualified individual may be required to submit appropriate documentation to the university.

(3) A person who is moved into the state as the result of military or civil orders from the government for other than educational purposes, or the child or spouse/domestic partner of such a person, is entitled to resident status. The child or spouse/domestic partner may be required to submit appropriate documentation to the university. Legislation, effective July 1, 1977, requires that military personnel who claim residency in Iowa (home of record) will be required to file Iowa resident income tax returns.

This rule is intended to implement Iowa Code section 262.9(3).

681—1.5(262) College-bound program.

1.5(1) *Definitions.*

"Accredited private institution" means the same as defined in Iowa Code section 256.183(1).

"Commission" means the college aid commission.

"Financial need" means the difference between the student's financial resources, including resources available from the student's parents and the student, as determined by a completed parents' financial statement and including any non-campus-administered federal or state grants and scholarships, and the student's estimated expenses while attending the institution. A student shall accept all available federal and state grants and scholarships before being considered eligible for grants under the Iowa minority academic grants for economic success program. Financial need shall be reconsidered on at least an annual basis.

"Full-time student" means an individual who is enrolled at an accredited private institution or state board of regents university for at least 12 semester hours or the trimester or quarter equivalent.

"Minority person" means an individual who is black, Hispanic, Asian, or a Pacific Islander, American Indian, or an Alaskan Native American.

"Part-time student" means an individual who is enrolled at an accredited private institution or state board of regents university in a course of study including at least three semester hours or the trimester or quarter equivalent of three semester hours.

"Program" means the Iowa minority academic grants for economic success program established in this division.

"Voucher" means a record of program participation given to an individual. Such record may be on paper or tracked in a digital format.

1.5(2) *Policy on college-bound program.*

a. The regent institutions will cooperate with other state and local agencies, including the department of education, the college aid commission, and educational institutions in implementing the college-bound program to provide Iowa minority students with information and experiences relating to opportunities offered at the regents universities.

b. The universities will develop programs for elementary, middle and secondary school students and their families in the following areas:

(1) Encouragement to consider attending a postsecondary institution;

(2) Enrichment and academic preparation;

(3) Information about how to apply for admission.

c. College-bound program vouchers will be awarded to students on the basis of the participation of the student and the student's family in the college-bound program.

(1) Each university will maintain records concerning those students who participate in the college-bound program, according to its established policies and procedures. The records will include information on those students who have received college-bound program vouchers that are described in Iowa Code section 262.92(2). The universities will make appropriate information available to the commission.

(2) College-bound program vouchers may be used by students enrolled at a regent institution or at a private college or university in Iowa.

(3) In years when the program described in Iowa Code section 256.213 is funded with state appropriations, students holding vouchers and enrolling at a regent institution will receive priority in the award of funds under the Iowa minority academic grants for economic success (IMAGES) program. Awards under the IMAGES program are made on the basis of financial need. A student may be eligible for an additional award from the institution in which the student is enrolled.

This rule is intended to implement Iowa Code section 262.92.

681—1.6(262) Application fees. Mandatory application fees for admission to the University of Iowa, Iowa State University and the University of Northern Iowa shall be approved by the state board

of regents and shall be based on reasonable costs anticipated to be incurred by the institution in processing the application unless otherwise approved by the state board of regents.

This rule is intended to implement Iowa Code section 262.9(3).

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 3
"Regents Human Resources Management—Merit System Rules"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.412(5)
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 8A

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

Iowa Code chapter 8A requires the Board to adopt rules governing the general terms and conditions of employment for merit employees. The Board's merit rules establish a structured system for managing employee rights and responsibilities in all aspects of the employment relationship, including hiring, promotion, compensation and discipline. The Board proposes rescinding Chapter 3 and adopting a new chapter in lieu thereof. The new chapter eliminates outdated rules and unnecessary language.

Analysis of Impact

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

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

There are no costs to be incurred by the public in order to comply with this proposed chapter.

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

Merit employees will benefit. The Regent universities currently employ approximately 6,300 merit employees who are subject to the expectations of and receive the rights, benefits and protections afforded by the Board's merit 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:**

Economic costs to be incurred are typical of those necessary to oversee and manage a human resources department.

- **Qualitative description of impact:**

Economic costs to be incurred are typical of those necessary to oversee and manage a human resources department.

3. **Costs to the State:**

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

There are no unique or additional costs to the agency to implement this proposed rulemaking beyond normal human resources and administrative costs associated with managing a large employee population.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

This proposed chapter is required by statute; no comparison is required.

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

No alternative methods were considered. This proposed chapter is required by statute.

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

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

No alternative methods were considered. This proposed chapter is required by statute.

- **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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
REGENTS HUMAN RESOURCES MANAGEMENT—MERIT SYSTEM RULES
ORGANIZATION AND ADMINISTRATION

681—3.1(8A) Covered employees. All merit employees of the board will be covered under the rules of this system in accordance with Iowa Code section 8A.412(5).

681—3.2(8A) Administration.

3.2(1) Under authority of the board and the supervision of its executive director, a merit system director will be appointed who will be responsible for the development, operation and evaluation of the system in compliance with the objectives and intent of certain provisions, related to merit staff employment and board policies and rules. At each board institution, the chief executive will designate an administrator to serve as resident director. The resident director will be responsible, through the chief executive at the institution, for human resources administration in accordance with these rules. The merit system director shall review the operation of the merit system at each of the institutions and will be responsible for the direction of the merit system and have the authority to ensure the administration of the merit system is consistent with the provision of these rules.

3.2(2) The resident directors keep detailed records on each employee. They will also maintain records on operations conducted under these rules and report summaries to the merit system director as requested. Additionally, they will prepare other reports to ensure compliance with regents, state and federal standards. In collaboration with employing departments, the resident director will establish a program that will provide for the regular evaluations, at least annually, of the performance of all employees consistent with board and institutional policies.

DEFINITIONS

681—3.3(8A) Definitions.

"Active service" is a period of ongoing employment performing the duties of the position.

"Advanced starting rate" is a rate within the pay grade that is greater than the minimum rate of the pay grade for a specific classification as provided for in the approved pay plan.

"Base pay" means the employee's rate of pay exclusive of any supplemental pay, such as lead worker pay, pay for differentials, pay for special assignment, on-call pay, call back pay, or any other incentive premium pay.

"Board" means state board of regents.

"Certification" means the referral of qualified applicants from an eligibility register to a department for the purpose of making a selection in accordance with these rules.

"Classification" refers to one or more positions that have similar duties and responsibilities. These positions in the group can be given the same job title and require the same minimum qualifications as to education and experience. The same schedule of pay can be applied with equity to all positions in the classification under substantially the same employment conditions.

"Classification appeal" is the act of contesting the classification or reclassification of a position as determined by the merit system director after a review of the duties and responsibilities of the position.

"Classification review" is the process initiated by a permanent employee or department designee requesting review of the classification of the employee's position.

"Classify" means to assign an appropriate classification based on the duties and responsibilities assigned to the position.

"Days" means calendar days unless designated otherwise.

"Demotion" means a change of an employee from a position in one classification to a position in another classification having a lower pay grade. Demotion may be voluntary, involuntary, or result from a reclassification of a position.

"Department" or *"employing department"* is a unit or division within a regents institution defined locally by each institution.

"Designee" is an individual who has been selected to act on behalf of a designated authority.

"Grievance" is a dispute or complaint concerning the interpretation or application of merit system or institutional rules governing terms of employment and working conditions.

"Lateral transfer" means a change from a position in one classification to a different position in the same classification or to another classification in the same pay grade.

"Maximum rate" is the final value of the pay grade to which a classification is assigned. A "red-circled" rate is above the maximum.

"Merit increase" is the increment within the pay grade, as established by the board, by which an employee's pay will be raised at specified times during employment, subject to a satisfactory level of performance.

"Merit system director" is the person appointed by the executive director of the board to administer the merit system rules on behalf of the board.

"Minimum rate" is the minimum value of the pay grade to which a classification is assigned. It is less than an "advanced starting rate."

"Pay grade" or *"grade"* is the numerical designation on the pay schedule to which individual classifications are assigned.

"Permanent employee" is an employee who has completed the initial probationary period and thereby acquired permanent status in accordance with the rules of the system.

"Position" means a group of specific duties, tasks and responsibilities assigned to be performed by one employee. A position may be 12 months or less, full-time or part-time, temporary or permanent, or occupied or vacant.

"Premium pay" means a sum of money paid for specific work in addition to the salary or hourly rate.

"Probationary period" is a six-month period to determine an employee's fitness for the position. A probationary period is required for an original appointment or reemployment to a classification not previously held, a promotion, a voluntary demotion out of series or a lateral transfer out of classification. Employees hired on term appointments, as defined by rule 681—3.16(8A), are also subject to a probationary period.

"Promotion" means a change in status of a permanent classified employee from a position in a classification to another position in a classification having a higher pay grade.

"Recall" is the reappointment of an employee who was terminated as a result of (1) layoff or voluntary demotion in lieu of layoff, or (2) medically related disability leave and exhaustion of vacation and medically related disability leave credits, or (3) failure to pass a subsequent probationary period on a promotion, lateral transfer out of classification, or demotion out of series. "Reemployment" may be used in place of "recall."

"Reclassify" means to make a change in the classification of a position to a higher, lower, or same pay grade based on an assessment of the tasks, duties, and responsibilities of the position or because of an amendment to the assigned pay grade in the classification plan.

"Reduction in force" is a permanent layoff or an involuntary reduction in time resulting from a shortage of funds or work, a material change in duties, or an organization or abolishment of one or more positions.

"Reinstatement" refers to the appointment of merit staff who previously exited in good standing.

"Resident director" is the person appointed by the chief executive of each regents institution to administer the merit system rules at that institution. The resident director may appoint designees authorized to administer the merit system rules.

"Suspension" is an enforced leave of absence with or without pay for purposes of conducting an investigation or as a disciplinary measure.

"Trainee" or *"apprentice"* is an employee participating in a specified training program during a fixed period of time in order to meet the minimum qualifications required for a classification.

CLASSIFICATION

681—3.4(8A) Preparation and maintenance of the classification plan. The merit system director, in consultation with the resident directors and subject to the approval of the board, shall develop and maintain a classification plan. This plan will ensure that all positions with similar duties, responsibilities, and levels of difficulty are included in the same class. Each class will have the same

minimum qualifications and an equitable pay schedule (except for geographical differences). The plan will include a class title; job definition; descriptions of the work performed; required knowledge, skills, and abilities; and the minimum qualifications for each class.

681—3.5(8A) Administration of the classification plan. The merit system director will direct the uniform administration of the classification plan. Resident directors may recommend new classifications and changes to existing classifications. Employing departments and employees may appeal classification and reclassification in accordance with rule 681—3.24(8A).

The merit system director, in consultation with the resident directors and subject to the approval of the board, may establish new classifications and change or abolish existing classifications that affect the merit system pay plan to meet the needs of the institutions and to properly reflect changes in work. When the changes do not affect the pay plan of the merit system, the merit system director may, in consultation with the resident directors, change existing classifications and report such changes annually to the board. When the classification of a position is changed, the incumbent will be entitled to continue service in the position provided the incumbent meets the minimum qualifications or provided the duties have not changed appreciably. If the incumbent is not eligible to continue, the incumbent may be transferred, promoted, demoted, or laid off in accordance with the rules. Changes in classification will not be used to avoid other provisions of these rules relating to layoffs, promotions, demotions, and dismissal.

COMPENSATION PLAN

681—3.6(8A) Preparation, content and adoption of the pay plan. The board will adopt a pay plan for all the classes established in the classification plan. The pay plan will consist of numbered grades with minimums and maximums for each grade. The plan is intended to reflect the relative difficulty and responsibility of the work involved in the various classes. This relative difficulty and responsibility of work, in addition to market data that is pertinent to the labor market, will be utilized to assign classifications to pay grades. Market data sources and their application will be approved and administered under the direction of the merit system director. The plan will be uniformly applicable to all regents institutions, except for variances approved on the basis of geographical differences.

681—3.7(8A) Review and revision of the pay plan. At least once each year, the complete pay plan will be reviewed for revision by the board in the same manner and following the same procedure stated in rule 681—3.6(8A). At any time, new classes may be established and other revisions may be made in the plan to reflect proper relationships and to facilitate recruitment and retention. Such changes will be effective after approval by the board and other authority as required by law.

681—3.8(8A) Administration of the pay plan. Within the provisions of these rules, the pay plan will be uniformly administered by the resident directors under the direction of the merit system director for all classifications in the system. Except as otherwise provided in these rules and in the pay plan, all employees will be paid between the minimum and maximum of the pay grade to which the employee's classification is assigned. Any employee who is approved for participation in a phased retirement program as provided for by state law and regent policy shall have the salary provided under these rules adjusted as specified by such law and regent policy. In instances where more than one rule for pay is applicable, the resident director may apply the rule that is most appropriate for the situation.

3.8(1) *Entrance salaries.* The entrance salary for an employee in any position under this system will be the minimum salary of the pay grade to which that classification is assigned or in accordance with the approved pay plan, except as provided for the following.

a. Appointment based on a scarcity of qualified applicants. At the request of a resident director and based on economic or employment conditions that make it difficult to recruit at the minimum rate of the pay grade to which a classification of position is assigned, the merit system director may authorize an advanced starting rate. Where such a higher entrance rate is authorized, all employees

in the same classification and in the same geographical area, who are earning less than the higher entrance rate, will be increased to that higher rate.

b. Appointment based on exceptional qualifications. An employee whose qualifications substantially exceed the minimum required for the classification or who possess outstanding experience relative to the demands of the position may, at the request of an employing department and upon approval by the resident director, be appointed at a rate higher than the minimum. At the request of the employing department, or at the discretion of the resident director, salaries of similarly qualified employees in the same classification with similar qualifications at the same institution may be adjusted. These appointments along with any salary adjustments made to other employees must be reported to the merit system director.

c. Appointments based on prior service at the institution. An employee who was previously employed by an appointing institution in a nonmerit system position and who performed duties of a similar character and responsibility as the merit classification to which the employee is being appointed may be paid at a rate higher than the minimum, reflecting prior service in a comparable position. Such appointments must be approved by the resident director and reported to the merit system director.

d. Appointments from mergers and acquisitions. An employee who is appointed at a university due to a merger or acquisition should be paid consistent with current pay practices. If the salary of an employee exceeds the maximum salary of the pay range to which the new classification is assigned, at the discretion of the employing department and with the approval of the resident director, the salary may be "red-circled" for a period not to exceed one year. The resident director may request an extension to the merit system director due to special circumstances for a designated period of time.

3.8(2) *Merit increases.* An employee with satisfactory performance shall be eligible to receive a merit increase upon completion of the employee's increased eligibility period. The eligibility period shall be 12 months from the merit review date. Merit review date practices shall be established by the resident director at each institution. The resident director may allow for a merit review date at six months from the date of hire for an employee who is appointed and paid at the minimum rate for the employee's assigned pay grade. Failure to conduct a performance review shall result in the employee being deemed to have performed satisfactorily during this period. No merit increase will be granted above the maximum of the pay grade. Merit increases may be denied or deferred by the employing department based on work performance. An employee whose merit increases are denied or deferred may request additional information from the department regarding the rationale.

3.8(3) *Pay on promotion.* An employee who is promoted will be moved to the minimum rate of the new grade or to an equal or higher rate in the new grade that is no greater than 5 percent higher than the employee's current base pay without approval of the merit system director. In no event will the adjustment result in pay above the maximum of the new grade.

If the promotion involves movement to a new grade that is three or more grades higher than the employee's present grade, the resident director may approve, on written request from the employing department, an increase to the employee's present base pay of no greater than 10 percent without the approval of the merit system director.

When calculating the promotional increase, any extra pay such as shift differential pay, pay for special assignment, pay for lead worker status, on-call pay, pay for overtime, or pay for call back shall be excluded as part of the employee's present base pay. Pay on promotion in accordance with the provisions of paragraph 3.8(1)*"b"* may be authorized by a resident director and will be reported to the merit system director.

3.8(4) *Pay on demotion.* Upon recommendation by the department head, and with the prior approval of the resident director, the pay of an employee who is demoted will be set at any rate within the new pay grade that does not exceed the rate at which the employee was paid in the position from which the employee was demoted, except as provided in paragraph 3.8(1)*"b."*

If the salary of an employee who is demoted as the result of the reclassification of the employee's position exceeds the maximum salary of the pay range to which the new classification is assigned,

at the discretion of the employing department and with the approval of the resident director, the salary may be "red-circled" for a period not to exceed one year. The resident director may request an extension to the merit system director due to special circumstances for a designated period of time.

3.8(5) *Pay on reinstatement, recall or return from leave.*

a. An employee who is reinstated will be paid at a rate no greater than what the employee was last paid, plus any across-the-board increases that would have occurred during the time of nonemployment, and between the minimum and maximum of the pay grade.

b. An employee who is recalled to the previously occupied class will be paid at a rate no greater than what the employee was last paid, plus any across-the-board increases that would have occurred during the time of nonemployment, and between the minimum and maximum of the pay grade. Reemployment to the previously occupied class from a position taken as a voluntary demotion in lieu of layoff will not be considered a promotion.

c. An employee who is reappointed to the previously occupied position or a position in the same class on conclusion of a leave without pay will be paid in accordance with the provisions concerning pay on recall as provided above.

3.8(6) *Pay for special assignment.* Provided an employee is granted special assignment in accordance with subrule 3.19(2), the employee will be paid for the duration of such assignment consistent with:

a. Subrule 3.8(3), pay on promotion, if assigned to a classification having a higher pay grade;

b. Subrule 3.8(7), pay on lateral transfer, if assigned to a classification having the same pay grade;

c. The present base pay if assigned to a classification having a lower pay grade.

3.8(7) *Pay on lateral transfer.*

a. An employee who is transferred from one position to another position in the same classification shall receive no adjustment in base pay except as provided in paragraph 3.8(1)*"b"*;

b. An employee who is transferred from one position to another position in a different classification but in the same pay grade shall receive no adjustment in base pay, except as provided in paragraph 3.8(1)*"b"* or as set forth in paragraph 3.8(7)*"c"*;

c. An employee who is transferred from one classification with a lower or no advanced starting rate to a classification with a higher advanced starting rate shall receive:

(1) An adjustment to the higher advanced starting rate if the base pay prior to lateral transfer is less than the higher advanced starting rate; or

(2) No adjustment in base pay if the employee's base pay prior to lateral transfer is not less than the higher advanced starting rate.

d. In no case may an employee be paid below the minimum or above the maximum for a classification.

3.8(8) *Pay upon change in pay grade of class.* If the class is revised and reassigned to a higher pay grade, subrule 3.8(3), pay on promotion, will apply.

If the class is revised and reassigned to a lower pay grade, subrule 3.8(4), pay on demotion, will apply.

3.8(9) *Pay for part-time employment.* Pay for part-time employment will be proportionately equivalent to the rate for full-time employment.

3.8(10) *Pay for exceptional performance.* An employee may be given pay for exceptional performance, not to exceed 10 percent of an employee's current annual salary, at the written request of the employee's department head with appropriate administrative approval and the prior approval of the resident director. The request will describe the nature of the exceptional job performance for which additional pay is requested, indicate the amount proposed, and specify the source of funds. The award may be based on sustained superior performance or an exceptional achievement or contribution during the period since the employee's last performance review. To qualify for an exceptional performance award, an employee must have a cumulative performance evaluation exceeding standards and have no individual rating below satisfactory. Payment will be made as a lump sum award and will not change

the employee's established base pay. An employee will be eligible to receive multiple rewards per fiscal year but not to cumulatively exceed 10 percent of the employee's current annual salary.

3.8(11) *Pay for call back.* An employee who is called back to the work site after completing the employee's regular work schedule will be paid for a minimum period of three hours, regardless of the time worked. An employee who is called back and works in excess of three hours will be paid the actual time worked.

3.8(12) *Pay for lead worker status.* On request of an employing department and with approval of the resident director, an employee who is assigned and performs limited supervisory duties (such as distributing work assignments, maintaining a balanced workload within a group, and keeping attendance and work records) in addition to regular duties may be designated as lead worker in the classification assigned and paid during the period of such designation the employee's base salary plus a percentage of the employee's base pay no greater than 5 percent without the approval of the merit system director.

3.8(13) *Pay for trainees and apprentices.* The schedule of wages for trainees and apprentices will be set at the minimum of the entrance rate of the journey classification and decreased by 3 percent for every year of the program. Each employee whose performance is satisfactory as determined by the employing department will progress by half of the annual increase every six months from the established minimum of the schedule to the entrance rate established for the journey classification at the completion of time established for training or apprenticeship.

3.8(14) *Discretionary pay increases for permanent employees.* A permanent employee paid within the designated pay grade may be eligible for a discretionary increase to the employee's present base pay as a result of a market analysis, equity analysis, employment offer or other employment situation. In no circumstance will the adjustment result in pay above the maximum of the pay grade. A resident director shall present the rationale for a discretionary pay increase to the merit system director for approval.

3.8(15) *Payment of a shift differential.* All employees will be paid a differential for any shift of which four or more hours occur between 6 p.m. and midnight and a shift differential for any shift of which four or more hours occur between midnight and 6 a.m. The amount of the shift differential paid shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(16) *Pay for time on-call.* At the request of the employer, an employee who is off duty and free to engage in the employee's own pursuits shall be considered on-call provided that the employee leaves word with the employer where to be reached if needed and the employee is able to report ready for work within a specified time after being contacted by the employer. The rate for on-call pay shall be determined by the merit system director.

3.8(17) *Pay on reclassification of position.* If a position is reclassified, the incumbent's pay will be set in accordance with the rules governing pay on demotion, transfer, or promotion, whichever is applicable.

3.8(18) *Recruitment or retention payments.* A payment to a job applicant or an employee may be made for recruitment or retention reasons. The resident director shall first submit a written explanation to the merit system director prior to any payment being made.

As a condition of receiving recruitment or retention pay, the recipient may be required to sign an agreement to continue employment with the employing department to be commensurate with the amount of the payment. If the recipient is terminated for cause or voluntarily leaves state employment, the recipient may be required to repay the employing department for the proportionate amount of the payment for the time remaining and it will be recouped from the final paycheck. When the recipient changes employment to another state agency, a repayment schedule must be approved by the employing department and the state agency. Recoupment will be coordinated between the state agency and the institution to ensure the proper reporting of taxes.

3.8(19) *Emergency payments.* When a state of emergency has been declared to exist at an institution, an employee may be given emergency pay at the written request of the employee's

department head with appropriate administrative approval and the prior approval of the merit system director and resident director. The request will describe the nature of the state of emergency, the services provided by the employee in support of the management of or response to the state of emergency, the amount proposed, and the source of funds. Payment will be made as a lump sum award and will not change the employee's established salary rate.

3.8(20) *Payment of a weekend differential.* At the request of the resident director and with approval from the merit system director, an employee may be paid a weekend differential for any shift of which four or more hours occur between Saturday at 12 midnight and Sunday at 11:59 p.m. The amount of the weekend differential paid shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(21) *Weekend option premium pay.* When an employee works the weekend as the employee's primary schedule, the institution may request premium pay that is part of the employee's hourly rate. The amount of the premium pay shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(22) *Payment for working additional shifts.* At the request of the resident director and with approval from the merit system director, when an employee works four or more unscheduled hours at the request of the employer, the employee may be paid an extra shift hourly premium. The amount of the premium paid shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.8(23) *Lump sum payments.* At the approval of the resident director, an employee may receive a lump sum payment that does not impact base salary. These payments can be part of the annual salary review process or another designated time. These payments are allowed once per fiscal year and are separate from any other pay practices in the merit rules.

APPLICATION AND EVALUATION

681—3.9(8A) Applications. Applications for employment will contain no question so formed as to elicit any information prohibited by state or federal statutes, and the truth of statements made on the application will be certified by the applicant. Public announcement of vacancies will be made for ten calendar days. A record of applications for employment will be kept at the institution in their recruitment and hiring system of record for a period of time to be designated by the resident director and pursuant to the institution record retention policies. Each institution may post recruitment announcements for application by employees of that institution only.

681—3.10(8A) Applicant evaluations. Evaluations will be practical in nature, will be constructed to reveal the capacity to successfully perform the job for which the applicant is competing, will be rated objectively, and will be pursuant to federal or state law.

681—3.11(8A) Nature of evaluations. Applicant evaluations may screen for such factors as education, experience, aptitude, knowledge, character, physical fitness, or other qualifications or attributes that enter into the determination of the relative qualification of applicants. The evaluation process must align with federal or state laws and must be approved by each institution's resident director.

681—3.12(8A) Qualifications. Applicants must meet the qualifications for the classification as indicated in the board classification description, as well as any special qualifications associated with a particular position, which are approved by the resident director. Those applicants who meet the required qualifications shall be eligible for further consideration for hire, transfer or promotion in the position.

APPOINTMENTS AND PROBATION

681—3.13(8A) Appointments. All appointments under this system will be made in accordance with all federal and state laws and the provisions of these rules, including those concerning certification and selection unless otherwise specified.

681—3.14(8A) Temporary appointments. Temporary appointments may be made and approved by the resident director to provide for services needed on a periodic basis. Appointments may be made without reference to the provision of these rules regarding minimum qualifications, certification, and selection. Employees appointed on this basis will not work more than 1040 hours in any fiscal year.

681—3.15(8A) Trainee or apprentice appointment. With the approval of the resident director, an institution may advertise a position for a classification designated for trainees or apprentices. When so designated, applicants do not need to meet the minimum qualifications of the classification for permanent appointment. The purpose of the program is to develop the trainee or apprentice to obtain the necessary knowledge, skills, and abilities to perform the work and to meet the minimum qualifications for the classification. At the conclusion of the designated training period or apprenticeship program, the employee must be able to satisfactorily perform the duties and meet the minimum qualifications to move into the regular classification.

681—3.16(8A) Term appointment. When it is known that a particular job, project, grant or contract will require the services of an employee for a limited duration or where funding must be renewed periodically, a term appointment may be made. The initial appointment will not be made for more than two years. Renewals beyond two years may be approved by the resident director on the basis of funding availability or institutional limits on term appointments.

Employees on a term appointment are subject to a probationary period. An employee on term appointment subsequently hired as a regular employee in the same classification is not required to complete an additional probationary period.

Such appointments will not confer to the individual any right of position, transfer, demotion, promotion, or recall, but incumbents shall be eligible for vacation and sick leave, except that a term appointment made for less than 1040 hours will be considered a temporary appointment under rule 681—3.14(8A) without conferring rights or eligibility for vacation or sick leave.

681—3.17(8A) Permanent appointments. An applicant who is appointed with the approval of the hiring authority designated by each individual institution to a permanent position and who successfully completes a probationary period in accordance with these rules will have permanent status.

681—3.18(8A) Probationary period.

3.18(1) *Purpose.* The probationary period will be an important part of the examination and selection process, and will be used by the employing department to closely observe and evaluate an employee's work, to train and aid the employee in adjustment to the employee's position and to reject and dismiss any employee whose performance fails to meet standards.

3.18(2) *Duration of probation.* An employee on original appointment or who is reinstated or reemployed to a class not previously held will be on probation until the person completes six months of active service in the position to which the employee is appointed. This will be extended by the same number of days for leaves of absence of more than 30 days. If a probationary employee is not dismissed during this time, the person will, at the conclusion of the probationary period, have permanent status in that class. A period of temporary employment immediately preceding a permanent appointment to the same class may, at the request of the employing department, be counted as probationary service.

A permanent employee who is promoted from one class to another, who transfers out of classification, or who demotes out of classification series will serve a period of probation of six months in the position to which the employee is appointed. If the employee is not dismissed during this time, the employee will, at the conclusion of the probationary period, have permanent status in the class.

3.18(3) *Dismissal during promotional probation.* An employee who is promoted from one classification to another, who transfers out of classification, or who demotes out of classification series and is dismissed during the employee's probationary period may be placed on the recall list for a previously held classification if, in the judgment of the resident director, the employee may be able to perform satisfactorily in another position.

TRANSFERS, DEMOTIONS AND TERMINATIONS

681—3.19(8A) Transfers.

3.19(1) *Reassignments.* An employee, with the approval of the resident director, may be reassigned at any time from one position to another in the same class within an institution, except that a probationary employee who is certified to fill the employee's position on the basis of special qualifications will not be reassigned unless the new position requires the same special qualifications that justified the original certification.

3.19(2) *Special assignment.* When the services of an employee are temporarily needed in a position in the same or a different class within the institution other than the position to which the employee is assigned, the employee may be given a special assignment, with the prior approval of the resident director and involved departments, to perform the duties of such position for a period not to exceed six months without a change in title or status. In unusual circumstances, an extension of a special assignment for no more than one additional six-month period may be approved by the merit system director on written request from the resident director. Employees will be paid for a special assignment in accordance with subrule 3.8(6).

681—3.20(8A) Demotion (voluntary). If an employee wishes to be demoted to a lower classification, the resident director may, upon written request from the employee and with the approval of involved departments, effect such a demotion provided the employee is certified by the resident director as meeting the qualifications required for the lower classification. Voluntary demotion will not be subject to appeal.

681—3.21(8A) Terminations.

3.21(1) *Reduction in force.*

a. Reduction in force will be accomplished in a systematic manner in accordance with these rules; however, the layoff provisions established in this subrule shall not apply to:

(1) Temporary layoffs of less than 25 workdays or 200 hours of work per calendar year;

(2) Interruptions in the employment of school term employees during breaks in the academic year, during the summer, or during other seasonal interruptions that are a condition of employment, with the prior approval of the resident director;

(3) The promotion or reclassification of an employee to a classification in the same or a higher pay grade;

(4) The reclassification of an employee's position to a classification in a lower pay grade that results from the correction of a classification error, the implementation of a classification or series revision, changes in the duties of the position, or a reorganization that does not result in fewer total positions in the unit that is reorganized;

(5) A change in the classification of an employee's position or the appointment of an employee to a classification in a lower pay grade resulting from a demotion; and

(6) The transfer or reassignment of an employee to another position in the same classification or to a classification in the same pay grade.

b. An individual whose position is eliminated or reduced in hours may be reassigned to a vacant position in the same classification and institution provided the individual possesses any required special qualifications for the position. If there is no vacant position to which the individual can be reassigned, the individual may accept layoff with recall priority as provided in paragraph 3.21(1)*"n."* If the individual directly affected does not accept layoff, the reduction in force procedures in this subrule shall be implemented.

c. Reduction in force will be made by classification.

d. Reduction in force may be made by organizational unit within an institution or institutionwide, as designated by the institution, provided such designation is reported to the merit system director before the effective date of the reduction.

e. The order of reduction in force will be by type of appointment as follows: temporary, trainee, initial probationary, permanent.

f. Each permanent employee affected by a reduction in force will be notified in writing of the layoff and the reasons for it at least 28 days prior to the effective date of the layoff unless budgetary limitations require a lesser period of notice.

g. There will be competition among all employees in the classification affected by the layoff based on a retention points system of all employees in the classification within the organizational unit or units affected. Retention points will be calculated as follows:

(1) Length of service credit will be allowed at the rate of one point for each month of service in a permanent position, whether full- or part-time. Any period of 15 calendar days of service (including any legally protected leave, paid or unpaid) in a month will be considered a full month. For the purpose of computing length of service credits, the institution will include all periods of regular merit employment during periods of continuous regular appointments with the institution between the date of the original appointment and the date of the layoff or as provided otherwise by law. Periods of leave without pay exceeding 30 days will not be counted unless protected by federal or state law.

(2) Performance evaluation deduction will be allowed at the rate of one point for each month of unsatisfactory service. No length of service credit will be allowed for service rated less than satisfactory. If there is no record of performance evaluation for a specific time period, it shall be presumed that the employee's performance is satisfactory.

(3) Reduction in force retention points will be the total of length of service, less any deduction for unsatisfactory performance.

h. Employees will be placed on the layoff list beginning with the employee with the greatest number of retention points at the top. Layoffs will be made from the list in reverse order unless the employee with the least retention points has special skills and abilities required to perform in the position currently occupied. An employee with greater retention points who must vacate the employee's position must possess the special skills and abilities required for that position and meet any job-related selective certification required for that position. Copies of the computation of retention points will be made available to affected employees. One copy will be retained by the resident director and one copy will be forwarded to the merit system director at least ten days prior to the effective date of the layoff.

i. When two or more employees have the same total of retention points, the order of termination will be determined by giving preference for retention to the employee with the longest time in the classification.

j. The reduction in force plan approved by the merit system director will be made available by the resident director so that employees directly impacted will have access to it.

k. An affected employee may appeal a reduction in force by filing, within seven days after notification as provided in paragraph 3.21(1)*"f,"* a written grievance with the resident director (at Step 3 of the grievance procedure provided in rule 681—3.25(8A) or at a comparable step of a procedure approved under subrule 3.25(1)). If not satisfied with the decision rendered at that step, the employee may pursue an appeal in accordance with the grievance procedure.

l. A supervisory employee, defined as a public employee who is not a member of a collective bargaining unit and who has authority, in the interest of a public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees, to direct such public employees, or to adjust the grievances of such public employees, or to effectively recommend such action, may not replace or bump a junior employee not being laid off. For purposes of this subrule, "junior employee" means an employee with fewer retention points than a supervisory employee.

m. A permanent employee in a nonsupervisory classification in which layoffs are to be effected may, in lieu of layoff, elect voluntary demotion to a position in the next lower nonsupervisory classification in the same series utilized at the institution or, in the absence of a lower nonsupervisory classification in the same series, to a nonsupervisory classification that the employee has formerly occupied while in the continuous employment of the institution. The employee must possess any special qualifications required and have the ability to perform the essential functions of the position. Such demotion or the occupying of a formerly held nonsupervisory classification will not be permitted if the result thereof would be to cause the layoff of a permanent employee with a greater total of retention points. To exercise the right of voluntary demotion or to occupy a formerly held nonsupervisory classification in lieu of layoff, the employee must notify the resident director in writing of such election not later than five calendar days after receiving notice of layoff. Any permanent employee displaced under these provisions will have the right of election as provided herein.

n. An employee who is laid off or who accepts a voluntary demotion in a series or assignment to a previously held classification in lieu of layoff may, at the employee's request, initiate recall priority for the classification from which the employee was laid off, a lower classification(s) in the same series from which the employee was laid off, and a classification formerly occupied in accordance with rule 681—3.22(8A) for a period of up to one year from the date of layoff. If recall occurs within one year of separation due to reduction in force, prior service credit shall be restored. Acceptance of recall in a lower classification in the same series from which the employee was laid off or in a previously held classification will not affect the employee's recall priority for the classification from which the employee was laid off.

o. Recall priority will utilize the retention points calculated in accordance with subrule 3.21(1), beginning with the person with the highest number of points as applied in the following order:

(1) If the vacancy occurs in a layoff unit in which the employees eligible for recall in a classification were last employed, the resident director will refer the employee with the greatest number of retention points who was laid off, was demoted or took a medically related disability leave from that layoff unit; or

(2) If the vacancy occurs in the layoff unit other than the one in which employees eligible for recall priority in a classification were last employed, the resident director will refer the employee with the greatest number of retention points on the list from a different layoff unit. Employees referred with recall priority must meet the qualifications for the position, including any special qualification requirements. Employing departments must evaluate any eligible employees with recall priority before considering other applicants.

3.21(2) Reserved.

681—3.22(8A) Recall lists. Recall lists will consist of the names of permanent employees who have been laid off or demoted in lieu of layoff or who are able and qualified to return to work following a medically related disability leave in accordance with paragraph 3.21(1)*"i"* and rule 681—3.26(8A) or in accordance with subrule 3.18(3). These lists will be maintained in order by retention points calculated in accordance with the rules for reduction in force, beginning with the person with the highest number of points. Recall rights apply only to classifications for which the employee is eligible in accordance with these rules.

3.22(1) *Removal of names from recall lists.* The resident director may permanently or temporarily remove names from recall lists for the following reasons:

a. Upon receipt of notification from an applicant that the applicant no longer desires consideration for a position in the classification.

b. Appointment to fill a permanent position.

c. Failure to respond within five working days to the written inquiry of the resident director relative to availability for appointment.

d. Declination of an appointment that an applicant previously indicated the applicant would accept.

e. Failure to appear for a scheduled employment interview or to report for duty within a reasonable time specified by the employing department.

f. Failure to maintain contact with the resident director as evidenced by the return of a properly addressed unclaimed letter or other evidence.

g. Willful violation of any of the provisions of these rules.

3.22(2) *Duration of recall lists.* The names of employees who have not been appointed or otherwise removed from lists will be removed at the termination of the period of time designated by the resident director.

3.22(3) *Precedence of eligibility lists.* Recall lists will supersede other applicants.

DISCIPLINARY ACTIONS

681—3.23(8A) Disciplinary actions. Disciplinary action will be reasonable, timely and related in severity to the seriousness of the offense; however, this will not preclude reasonable penalties of varying severity for an accumulation of offenses.

3.23(1) *Suspension.* The employing department may, for cause, suspend any employee for such length of time as the department head considers appropriate, not to exceed 30 days. The employing department will inform the affected employee of the suspension and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the suspension will be sent by the department to the resident director and will be maintained in the employee's official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or to a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee's appeal in accordance with the grievance procedure.

3.23(2) *Reduction of pay within grade.* An employing department may, for cause, reduce the pay of an employee to a lower rate of pay within the pay grade assigned to the classification. The department will notify the affected employee of the reduction, the reasons therefor and the duration thereof in writing within 24 hours of the time the action is taken. A copy of the reduction notice will be sent by the department to the resident director and will be maintained in the employee's official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee's appeal in accordance with the grievance procedure.

3.23(3) *Demotion.* An employing department may, for cause, demote an employee to a vacant position in a lower classification provided the employee meets the qualifications for that lower classification. The department head will notify the affected employee of the demotion and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of demotion will be sent by the department to the resident director and will be maintained in the employee's official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee's appeal in accordance with the grievance procedure.

3.23(4) *Discharge.* A department head may, for cause, discharge any employee. The department head will notify the affected employee of the discharge and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of discharge will be sent by the department to the resident director and will be maintained in the employee's official record. An employee may appeal the action directly to Step 2 of the grievance procedure specified in rule 681—3.25(8A) or a comparable step in a grievance procedure approved in accordance with subrule 3.25(1). If not satisfied with the decision rendered at that step, an employee may pursue the employee's appeal in accordance with the grievance procedure.

3.23(5) *Eligibility for rehire.* An employee discharged for misconduct or unsatisfactory performance may be determined to be ineligible for reemployment with the same institution. The former employee will be promptly notified and may request review of the reason for disqualification. Such request shall be in writing, and upon receipt, the resident director will give full consideration to the request for review and notify the applicant of the resident director's decision in writing.

GRIEVANCES AND APPEALS

681—3.24(8A) Reviews of position classification. A permanent employee or department designee may request a position classification review in written form. The employee's or designee's request will be forwarded to the college or division with a recommendation from the department head within 14 days of the date of the request. The college or division will forward the request to the resident director within 14 days. The resident director shall provide a recommendation to the merit system director within 20 working days. The merit system director or designee shall provide a decision within 20 working days to the resident director who will inform the employee and department designee. If the employee or department is not satisfied with the merit system director's decision, the employee or designee may appeal the decision in writing within seven days of the decision to a qualified classification appeal committee appointed in accordance with the procedures approved by the board.

The classification appeal committee will conduct such investigation as it deems necessary to determine the proper classification of the position and will notify the involved parties of its decision within 45 days from receipt of the appeal. Any further requests for review of the same position must be presented to the resident director in compliance with this rule and will be considered a new classification review. A new classification review will not be allowed for one year following the final decision on a request for review unless there have been substantial changes in the duties and responsibilities of the position. An appeal will be considered based on the duties and responsibilities assigned at the time of the original classification review, and in no case will the assignment of additional duties and responsibilities following the resident director's investigation of the original request for review be considered during the process of appeal as outlined above.

681—3.25(8A) Grievances. Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of these merit system rules (other than disputes whose resolution is provided for in rule 681—3.24(8A)) will be resolved in accordance with the following procedure, except at institutions where a varied procedure has been approved by the merit system director in accordance with subrule 3.25(1). Employees in an initial probationary period will be allowed access to the grievance procedure as outlined below, with the exception of dismissal during probation that cannot be appealed. A university representative may permit an oral presentation at any step if the university representative deems an oral presentation necessary. At each step of the grievance procedure, the employee may be represented by one or two coworkers of the employee's choosing. The name of such representatives will be noted on the written grievance and on each subsequent appeal. Presentations, reviews, investigations, and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings will not suffer loss of pay as a result thereof.

If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by these rules, the decision will become final. If a university representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next step. With the consent of both parties, any of the time limits prescribed in these rules may be extended.

Step 1. An employee will first discuss the employee's problem with their immediate supervisor. It is presumed the majority of issues will be resolved at this point. If the employee is dissatisfied after such discussion, the employee may, within 14 days after the occurrence of the matter leading to the grievance or within 14 days after such time the employee has, or could reasonably be expected to have, knowledge of such occurrence, file a written grievance with their department head or designee. A written grievance will contain a brief description of the complaint or dispute and the pertinent circumstances and dates of occurrence. It will specify the university or merit system rule allegedly violated and will state the corrective action desired by the employee. The grievance will be signed and dated by the employee. The department designee will review the grievance and notify the employee of the decision in writing within 14 days after receiving the grievance.

Step 2. If the employee is not satisfied with the decision of the department head or designee, the employee may within seven days after receiving that decision, appeal it to the dean of the college or the head of the major operating division or designee(s) in which the employee is employed. The dean or the division head and the resident director or designee(s) will jointly represent the university at this step of the appeal procedure. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all the decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The dean of the college or head of the division and the resident director or designee(s) will investigate the grievance and may affirm, reverse, or modify the decision of the department head. The university representative will notify the employee of their decision in writing within 14 days after receiving the appeal.

Step 3. If the employee is not satisfied with the decision rendered at Step 2 of the grievance procedure, the employee may within seven days after receiving that decision appeal it to the chief administrator of the institution. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The chief administrator or the chief administrator's designee will investigate the grievance and may affirm, reverse, or modify the decision rendered at Step 2. The university representative will notify the employee of their decision in writing within 14 days after receiving the appeal.

Step 4. If the employee is not satisfied with the decision rendered under Step 3 of the grievance procedure, the employee may within seven days after receiving that decision request a hearing before an arbitrator. Such a request will be in writing, will include all of the information included in the initial grievance and subsequent appeals, all of the decisions related thereto, and any other pertinent information the employee may wish to submit.

The appeal will be signed and dated by the employee and will be directed to the merit system director who will arrange for a hearing before an arbitrator as prescribed under subrule 3.25(2). The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.

The merit system director shall have the right to rule whether a case is grievable and arbitrable under the merit system. The merit system director shall have the right to refuse to refer to arbitration any grievance not found to be in full compliance with these rules involving the grievance procedure. The board shall retain jurisdiction to review decisions of the merit system director as to whether a matter is grievable or arbitrable upon appeal by an employee.

3.25(1) *Institutional grievance procedure.* An institution may develop a grievance procedure for all or a segment of its employees that varies from the procedure prescribed in rule 681—3.25(8A) provided that such a procedure begins with discussion between the employee and the employee's immediate supervisor and provides for a final hearing in accordance with Step 4 of the grievance procedure prescribed herein. This institutional procedure will incorporate all the rights provided employees in this chapter, will be made known to the employees to whom it applies, and must be approved by the merit system director. In the absence of an approved institutional procedure, the procedure prescribed in rule 681—3.25(8A) will apply.

3.25(2) *Appeals.* The board will approve the use of a single arbitrator in hearing an appeal. The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service or the Iowa employment appeal board with a preference for those Iowans so certified.

The arbitrator will hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.

The arbitrator will establish procedures for the conduct of the hearing in a fair and informal manner that will afford each party reasonable and ample opportunity for case presentation and to rebut the presentation of the other. The arbitrator will be expected to render a decision to the involved parties and to the board within the prescribed time.

LEAVES OF ABSENCE

681—3.26(8A) Sick leave. An employee who is transferred, promoted or demoted from one position to another position under this system will not lose any accumulated sick leave as a result thereof.

A permanent employee who has recovered after exhausting all accumulated sick leave and vacation time and has a medical release to return to work will, at the employee's request, be given recall priority consistent with subrule 3.21(1), effective with the date the employee was released to return to work.

681—3.27(8A) Family care and funeral leave. An employing department will, when satisfied by evidence presented, grant an employee time off with pay:

1. Not to exceed three days for each occurrence in the case of death in the employee's immediate family;
2. Not to exceed one day for each occurrence for service as a pallbearer at the funeral of a person not a member of the employee's immediate family; and
3. Not to exceed 40 hours a year for the care of or necessary attention of ill or injured members of the employee's immediate family. An employee may carry over up to 40 hours of unused family care leave to the next year, for a maximum utilization of 80 hours in the next year.

All such time off will be charged to the employee's sick leave and will not be granted in excess of the employee's accrued leave. For the purpose of this rule, "immediate family" is defined as the employee's spouse, children, grandchildren, foster children, stepchildren, legal wards, parents, grandparents, foster parents, stepparents, brothers, foster brothers, stepbrothers, sons-in-law, brothers-in-law, sisters, foster sisters, stepsisters, daughters-in-law, sisters-in-law, aunts, uncles, nieces, nephews, first cousins, corresponding relatives of the employee's spouse, and other persons who are members of the employee's household.

681—3.28(8A) Leave of absence without pay. In the best interests of the institution and its employees and with approval of the resident director, a department head may grant an employee's requests for a leave of absence without pay for up to one year. With the same approval, such a leave may be extended for no more than one additional year.

On conclusion of a leave of absence without pay, an employee, if qualified, will be returned to the position from which the employee was granted leave or to another position in the same class. If such a position no longer exists, the layoff provisions of these rules will take effect.

These rules are intended to implement Iowa Code section 8A.412(5).

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 4
"Traffic and Parking at Universities"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 262.69
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 262

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

Iowa Code section 262.69 allows the Board to make rules to provide for the policing, control and regulation of traffic and parking of vehicles and bicycles on the property of the University of Iowa, Iowa State University and the University of Northern Iowa. The Regents universities serve approximately 71,914 students, employ approximately 37,076 faculty and staff and receive numerous visitors in a given day. The systems of traffic and parking regulations ensure the campus traffic infrastructure operates in a safe and efficient manner.

In 2021, the Board conducted a comprehensive review of its administrative rules to eliminate outdated rules and those that were no longer required by statute. During this process, the Board consolidated three separate university systems and subchapters governing traffic and parking into a single Regents-wide system contained in Chapter 4. This effort resulted in a word count reduction of 5,086. In response to Executive Order 10, the Board reviewed Chapter 4 to further eliminate outdated and unnecessary language throughout the chapter.

Analysis of Impact

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

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

Costs to the public include payment for parking permits, if desired, or payment of fines of violations, if incurred. The fines vary from $5 to $200 depending on the seriousness of the violation.

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

The universities currently operate approximately 90 miles of paved roads, miles of sidewalks and numerous surface lots and parking ramps. These proposed traffic and parking rules establish clear

rules for operating motorized and nonmotorized vehicles on the Regents campuses and ensure the campus traffic infrastructure operates in a safe and efficient manner.

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 to the public include payment for parking permits, if desired, or payment of fines of violations, if incurred. The fines vary from $5 to $200 depending on the seriousness of the violation.

- **Qualitative description of impact:**

Costs to the public include payment for parking permits, if desired, or payment of fines of violations, if incurred. The fines vary from $5 to $200 depending on the seriousness of the violation.

3. **Costs to the State:**

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

There are no additional or unique costs to be incurred by the agency to enforce these rules beyond those administrative and security costs normally incurred in the management of a system of traffic and parking on a large university campus.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

These proposed rules are required by statute; no comparison is necessary.

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

These proposed rules are required by statute; no alternatives were considered.

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

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

These proposed rules are required by statute; no alternatives were considered.

- **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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
TRAFFIC AND PARKING AT UNIVERSITIES

681—4.1(262) Purpose. The purpose of these rules is to provide for the policing, control and regulation of traffic and of parking vehicles on the campuses of the state University of Iowa, Iowa State University and the University of Northern Iowa.

681—4.2(262) Definitions. For the purpose of these rules, the following definitions shall apply unless the context clearly requires otherwise, and all other words shall have meaning according to their common usage.

"Appointed authority" means the person or entity designated by the president of a university to perform any function or duty required or permitted hereunder.

"Bicycle" means any vehicle having two or three wheels and fully operable pedals that is a traditional bicycle designed solely to be pedaled by the rider. An electric/battery-powered bicycle designed not only to be pedaled by the rider but also propelled by an electric motor of less than 750 watts (one horsepower) may be treated as a bicycle.

"Campus" means all property under the control of a university.

"Employee" means any person regularly employed by a university who is not a student.

"Guest" means any person other than a person living at the designated residence hall.

"Handrail" means any railing intended to provide physical support to a pedestrian.

"Immobilization" of a bicycle consists of restricting the bicycle's use by detaining it at the point of infraction with a university locking device.

"Impoundment" of a bicycle consists of removing the owner's locking device, transporting the bicycle to a university facility, and detaining it with a university locking device.

"In-line skates" means any frame or shoe with a single row of wheels that is used for gliding or skating. In-line skates are also known as roller blades.

"Motorcycle" means any vehicle that is self-propelled, has fewer than four wheels in contact with the ground, and is not a bicycle or a motorized mode of transportation. For purposes of these rules, mopeds and motorized bicycles propelled by an electric motor of 750 watts (one horsepower) or more are considered motorcycles.

"Motorized modes of transportation" are any wheeled devices that are designed to be stood upon when riding or that have a seat and footrests in place of the floorboard and are powered by an electric/motorized motor. For purposes of these rules, these would include but are not limited to electric scooters, electric skateboards (includes one-wheel models), and Segways.

"Motor vehicle" means any vehicle that is self-propelled, has four or more wheels in contact with the ground, and is not a motorized mode of transportation.

"Roller skates" means any frame or shoe with a pair of small wheels near the heel and near the toe that is used for gliding or skating.

"Skateboard" means any board or platform with attached wheels used for individual transportation. For purposes of these rules, a nonmotorized scooter (a board with a handle) is considered a skateboard.

"Street furniture" is any structure or accessory in a university pedestrian area or slow zone designed for the benefit of pedestrians. This includes but is not limited to benches, tables, lampposts, and trash receptacles.

"Student" means any person registered with the university for academic credit who is not employed by the university on a full-time salaried or equivalent basis.

"University," unless specifically indicated herein, means the state University of Iowa, Iowa State University or the University of Northern Iowa.

"Vehicle" means any wheeled or treaded device used or designed for use as a means of transportation or conveyance of persons or property.

"Visitor" means any person who owns, operates or parks a vehicle on the university campus who is not a student or an employee.

681—4.3(262) General traffic.

4.3(1) The appointed authority may establish rules governing traffic violations and the safe operation of all vehicles, including motor vehicles, motorcycles, motorized modes of transportation, skateboards, in-line skates, roller skates, and bicycles, on institutional roads and property as the appointed authority deems necessary. Such traffic rules shall be available for inspection during business hours at the office of the appointed authority and the state board of regents. Traffic violations may also be charged and prosecuted as violations of Iowa Code chapter 321 and section 262.68. All state of Iowa motor vehicle laws are in effect on campus.

4.3(2) The appointed authority shall erect speed limit signs on institutional roads and property.

4.3(3) The appointed authority is delegated authority to make temporary changes in traffic patterns, including establishment of one-way roads and road closures, where necessary because of construction or special events being held on campus.

4.3(4) The appointed authority is delegated authority to erect traffic control signs and devices and to designate the following areas: pedestrian crosswalks; bicycle lanes; no bicycling, skateboard, in-line skating and roller skating areas; bicycle dismount zones; and pedestrian-only areas. The appointed authority is also delegated authority to restrict access to campus roads, parking lots and other facilities by means of gates or other barriers. Roads or portions of roads may be closed to vehicle traffic or limited to specific vehicles. Access to restricted areas is limited to established gate openings or designated entrances, and no other means of access is permitted. Moving or driving around authorized barriers is prohibited. All vehicle operators must obey all signs directing traffic flow on campus.

4.3(5) Pedestrians shall be given the right-of-way at all crosswalks or when in compliance with existing traffic controls.

4.3(6) Driving of motor vehicles, motorcycles, and motorized modes of transportation on university property other than roads is prohibited unless specific areas have been designated for such use by the appointed authority or special permission has been granted by the appointed authority.

4.3(7) Driving of motor vehicles and motorcycles on parts of institutional roads marked as bicycle lanes or on designated bicycle paths is prohibited.

4.3(8) The appointed authority is delegated authority to have the university public safety department investigate accidents that occur on university property.

4.3(9) Every person riding a bicycle, roller skates, skateboard, in-line skates, or motorized modes of transportation on a street or highway on campus is granted all the privileges and is subject to all the regulations applicable to a driver of any motor vehicle on that street or highway and to the special regulations of this subrule.

a. A bicycle rider on campus must:

(1) Obey the instructions of official traffic control devices, signs and signals applicable to motor vehicles, unless otherwise directed by a peace officer or other authorized traffic director;

(2) Obey the direction of any sign whenever authorized signs are erected indicating that no right, left or U-turn is permitted;

(3) Obey the regulations applicable to pedestrians when the bicycle rider dismounts from the bicycle;

(4) Yield the right-of-way to all vehicles approaching on a street whenever a rider is on a separate bicycle path that intersects the street;

(5) Not use campus sidewalks except those specifically designated as bicycle paths;

(6) Yield the right-of-way to any pedestrian in a designated crosswalk;

(7) Not ride on lawns.

b. This subrule does not apply to peace officers of the university's department of public safety while they are acting within the scope of their regularly assigned duties.

4.3(10) Roller skates, in-line skates, and skateboards are permitted on campus sidewalks. Roller skates, in-line skates, and skateboards may be carried into university buildings, but they may not be ridden in university buildings. Bicycles, motorized modes of transportation, motorcycles, and motor vehicles are not permitted on campus sidewalks or in university buildings unless approved by the appointed authority. No vehicles may be used or ridden on stairways, sub-walks, elevated sidewalks, access ramps, steps, retaining walls, handrails, street furniture or other architectural elements; on or in planting, grass or seeded areas; or where otherwise prohibited by sign, peace officer or other authorized traffic director. All vehicles must yield the right-of-way to any pedestrian and any wheelchair or other mobility assistance device for the disabled.

681—4.4(262) Registration.

4.4(1) *Students.* Every motor vehicle and motorcycle that is operated or maintained by a student on campus must be registered with the university, and a registration identification must be displayed on such vehicles in the manner prescribed by the appointed authority. A student must register the motor vehicle or motorcycle within 48 hours of initial operation of such vehicles on campus.

4.4(2) *Employees.* Motor vehicles and motorcycles owned or operated by employees may be registered with the university if the employee so desires, but registration of such vehicles is not required unless the employee desires parking privileges on the campus. A registration identification may be issued for display on such vehicles registered by employees.

4.4(3) *Visitors.* Motor vehicles and motorcycles owned or operated by visitors may be registered with the university if the visitor so desires, but registration of these vehicles is not required unless the visitor desires parking privileges on campus or the visitor needs temporary or extended access to parking lots. A registration identification shall be displayed on motor vehicles and motorcycles registered by visitors in the manner prescribed by the university.

4.4(4) *Procedure.* Applications for registration shall be submitted to the appointed authority in the manner the appointed authority prescribes. No student shall register any motor vehicle or motorcycle owned or maintained by another student. No fee shall be charged for registration without parking privileges.

4.4(5) *Bicycles.* Each university may prescribe additional policies regarding the registration of bicycles.

681—4.5(262) Parking facilities. The university may set aside and designate certain areas of the campus for the parking of motor vehicles, motorcycles, motorized modes of transportation, and bicycles, and the use of any lot, ramp, or part of the parking facilities so established may be restricted to students, employees, or visitors. The appointed authority shall cause signs to be erected and maintained clearly identifying those areas of the university campus designated for vehicle parking, and any restrictions applicable thereto shall be conspicuously posted.

4.5(1) *Parking control devices.* Gates and other devices may be installed and maintained to control access to any parking facility.

4.5(2) *Parking meters.* Parking meters, toll houses, mobile parking applications, and other devices may be installed and maintained to regulate the use of any parking facility.

4.5(3) *Hours of operation.* Reasonable hours shall be established by the university for the normal operation of the parking facilities, and a schedule of hours of operation shall be published and available for public inspection in the office of the appointed authority.

4.5(4) *Closing.* The appointed authority may temporarily close any parking facility for cleaning, maintenance or other university purpose or may temporarily restrict or reassign the use of any facility as may be necessary or convenient. The appointed authority shall give advance notice of such temporary closing, restriction, or reassignment by posting or otherwise when practical. No parking fees will be refunded during the temporary closing of a parking facility.

4.5(5) *Restricted zones.* The appointed authority may designate areas of the campus as restricted zones, such as loading zones or service vehicle zones, and such restricted zones shall be conspicuously posted. No parking shall be permitted in such restricted zones except as authorized.

4.5(6) *No parking.* Motor vehicle, motorcycle, and motorized mode of transportation parking on the campus shall be restricted to designated parking facilities, and no parking for motor vehicles, motorcycles, or motorized modes of transportation shall be permitted at any other place on the campus.

a. Vehicles shall not be parked in such a manner as to block or obstruct sidewalks, crosswalks, driveways, roadways, or designated parking stalls.

b. No parking is permitted in prohibited zones, such as in the vicinity of fire hydrants or fire lanes, and such zones shall be conspicuously posted or marked by painted curbs or other standard means.

c. No parking is permitted on grass or other vegetation or in pedestrian areas.

d. Motor vehicles are not allowed in university buildings except:

(1) Where a shop or garage is designated as a vehicle repair or storage area;

(2) Where there is a designated vehicle loading area; or

(3) Where there is a parking ramp or deck.

e. Improper parking is parking in any place on campus other than those areas designated for parking.

f. Improper parking is parking incorrectly in designated parking areas. Improper parking includes but is not limited to:

(1) Parking in an area restricted by signs;

(2) Parking without an appropriate permit;

(3) Parking in an area designated for persons with disabilities;

(4) Parking in a loading zone over the time limit; and

(5) Parking over a stall marker line.

4.5(7) *Motorcycle parking.* The appointed authority may designate areas of the parking facilities for motorcycle parking, and such areas shall be conspicuously posted. Motorcycles shall be parked only in areas designated for motorcycle parking, and no other vehicles shall be parked in such areas. The university may require that a parking permit be displayed on all motorcycles.

4.5(8) *Bicycle parking.* The appointed authority may install and maintain bicycle parking racks or designate other facilities for bicycle parking. Bicycles shall be parked only in bicycle racks or other facilities designated for bicycle parking. Bicycles may not be taken inside university buildings except as approved by the appointed authority. Locking devices on improperly or illegally parked and abandoned bicycles may be cut and removed when necessary.

4.5(9) *Abandoned bicycles.* Bicycles considered abandoned may be labeled for impending impoundment by placing impoundment tags on the bicycles. If the bicycles display the proper registration decals, an attempt will be made to contact the owners to remove the bicycles. If the bicycles do not display the proper registration decals, the owners have two weeks to contact the parking and transportation office from the time the bicycles are tagged until the bicycles may be impounded.

681—4.6(262) Parking privileges. Students, employees, and visitors may be granted parking privileges on the campus in accordance with these rules and upon such other reasonable terms and conditions as may be established by the university.

4.6(1) *Students.* Students may be granted parking privileges in parking facilities designated for student use. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of a student's age, class, college or department, course load, proximity of the student's residence to the campus, disability, employment, the availability of facilities, or any other relevant criterion to determine the eligibility of students for parking privileges or any optional plan or facility.

4.6(2) *Employees.* Nonstudent employees may be granted parking privileges in parking facilities designated for employee use. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of an employee's job classification, length of service, place of work or the nature thereof, or disability; the availability of facilities; or any other relevant criterion to determine the priority of employees for assignment of parking privileges or any optional plan or facility.

4.6(3) *Visitors.* Visitors may be granted parking privileges in parking facilities designated for visitor parking. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of the time, duration or purpose of the visit; disability; the availability of facilities; or any other relevant criterion to determine the eligibility of visitors for parking privileges or any optional plan or facility.

4.6(4) *Persons with disabilities.* Persons with disabilities will be granted parking privileges in parking facilities designated for use by persons with disabilities.

4.6(5) *Procedure.* Applications for parking privileges shall be submitted to the appointed authority in the manner the appointed authority prescribes. No student shall apply for parking privileges for any vehicle owned or maintained by another student. The appointed authority shall determine the eligibility and priority of each applicant for parking privileges within the classifications established in subrules 4.6(1), 4.6(2) and 4.6(3) and shall make all parking assignments. A parking permit or other means of identification may be issued to each applicant who is granted parking privileges, and such permit or other identification must be displayed on the vehicle in the manner prescribed by the appointed authority. Parking permits are not transferable. Parking privileges shall not be granted to a student and to an employee or visitor for the same vehicle, and a student parking permit and an employee or visitor parking permit shall not be displayed on the same vehicle. The unauthorized possession, use, alteration, forging or counterfeiting of a parking permit, or any portion thereof, is prohibited. The appointed authority shall adopt a procedure to replace lost, stolen and destroyed parking permits and controlled access entry cards.

4.6(6) *Parking fees.* The university may assess and collect from students, employees, and visitors reasonable fees or charges for parking privileges and the use of parking facilities. The amount of such fees and charges shall be established by the university and approved by the state board of regents, and a schedule of all parking fees and charges shall be published and available for inspection during normal business hours in the office of the appointed authority and in the office of the state board of regents. Parking fees and charges may be assessed and collected on an annual, semester, monthly, daily, or hourly basis. Parking fees and charges may be added to student tuition bills and may by agreement be withheld from the salaries or wages of employees by payroll deduction. Parking fees and charges may be collected by means of parking meters, toll houses, and mobile parking applications. Use of any parking facility constitutes an implied agreement to pay the prescribed fee or charge therefor.

4.6(7) *University business.* Special parking privileges may be granted for vehicles being used on official university business on the conditions and in the manner prescribed by the appointed authority.

4.6(8) *Responsibility.* Any person who maintains, owns or operates a vehicle that is parked on the campus or in whose name the vehicle is registered or to whom parking privileges have been granted is responsible for the proper parking of the vehicle at all times when it is on the campus and for all parking violations involving the vehicle.

4.6(9) *Liability.* Parking privileges granted hereunder constitute a license to use university parking facilities and do not constitute a lease of such facilities or a bailment of the vehicle by the university. Use of university parking facilities is at the owner's or applicant's risk, and the university shall not be liable or responsible for loss of or damage to any vehicle parked on the campus.

4.6(10) *Revocation.* Parking privileges on the campus may be revoked by the university for good cause at any time upon five days' written notice and refund of any advance payment of parking fees or charges on a pro rata basis for the revoked period.

681—4.7(262) Violations. Sanctions may be imposed for violation of traffic, registration and parking rules as follows:

4.7(1) *Notice of violations.* The university shall give written notice of all parking violations. Such notice may be given by means of a notice of parking violation placed conspicuously on the offending vehicle or provided in an alternative manner as determined by the appointed authority, and such notice shall constitute constructive notice of the violation to the owner and operator of the vehicle and to any person in whose name the vehicle is registered or parking privileges have been granted.

4.7(2) *Sanctions.* Reasonable monetary sanctions may be imposed upon students, employees, and visitors for violation of university traffic, vehicle registration or parking rules. The amount of such sanctions shall be established by the university and approved by the state board of regents, except sanctions established by statute will be imposed at the current statutory amount. A schedule of all sanctions for traffic violations, improper registration and parking shall be published and available for public inspection during normal business hours in the office of the appointed authority and in the office of the state board of regents. Traffic, registration, and parking sanctions may be assessed against the owner or operator of the vehicle involved in each violation or against any person in whose name the vehicle is registered or parking privileges have been granted and charged to the person's university account. Registration and parking sanctions may be added to student tuition bills or may be deducted from student deposits or from the salaries or wages of employees or from other funds in the possession of the university.

4.7(3) *Impoundment and immobilization.* Any vehicle parked on the campus in violation of parking rules may be impounded, removed or immobilized. The university shall give written notice of impoundment to the owner of the vehicle or to the person in whose name the vehicle is registered or parking privileges have been granted or notice may be provided in an alternative manner as determined by the appointed authority. A reasonable fee may be charged for the cost of impoundment and storage, which fee must be paid prior to the release of the vehicle by the university or by contract with private operators. Impounded vehicles that are not claimed within 60 days will be deemed abandoned property and may be sold under procedures set forth in Iowa Code chapter 579, and the proceeds of the sale will be applied to the payment of the costs of impoundment, storage and sale. The balance, if any, shall be sent to the owner.

a. Immobilization. Immobilized bicycles bearing proper registration permits may be claimed by proving ownership and payment of immobilization fees and any fines. Immobilized bicycles not bearing proper registration permits may be claimed by proving ownership, registering the bicycle under a valid name and address, and paying the appropriate fines and immobilization fees. Immobilization fees for first-time offenders may be waived after immobilized bicycles have been registered. Immobilized bicycles not reclaimed after two working days may be impounded.

b. Impoundment. Impounded bicycles bearing proper registration permits may be claimed by proving ownership and paying the impoundment fees and any fines. Impounded bicycles not bearing proper registration permits may be claimed by proving ownership, registering the bicycles under a valid name and address, and paying the appropriate fines and impoundment fees. Impoundment fees for first-time offenders may be waived after impounded bicycles have been registered. All impounded bicycles will be held for 60 days, during which time they may be claimed by the owners upon payment of all outstanding fines and charges. After 60 days, all unclaimed impounded bicycles will be deemed abandoned property and sold pursuant to Iowa law, and the proceeds applied to the costs of impoundment, storage and sale. The balance, if any, shall be sent to the owner, if known.

4.7(4) *Administrative hearing.* Students and employees may request a hearing and administrative ruling concerning a controversy, based on the imposition of a sanction for a registration or parking violation, or an impoundment procedure, by the appropriate university official or hearing body as set forth in university policy. Visitors may request the appointed authority to conduct a hearing and issue an administrative ruling in such cases.

4.7(5) *Judicial review.* Judicial review of an administrative ruling may be sought in an Iowa district court in accordance with the terms of the Iowa administrative procedure Act.

681—4.8(262) Administration of rules. The president of the university shall be responsible for the proper administration of these rules. The president is authorized to establish traffic and parking procedures not inconsistent with these rules as may be reasonably necessary and convenient for the effective administration of presidential duties hereunder, and any procedure so established shall be published and available for public inspection during normal business hours in the office of the appointed authority and in the office of the state board of regents. The president may delegate authority under these rules to the appointed authority or to any other person designated by the president to perform any function or duty hereunder.

681—4.9(262) Effect of rules. These rules constitute a condition of registration as a student at the university and a condition of employment as an employee of the university. Registration as a student or acceptance of employment constitutes an acceptance of these rules and an agreement to pay all prescribed fees and monetary fines imposed in accordance with these rules.

These rules are intended to implement Iowa Code section 262.69.

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 5
"State Hygienic Laboratory"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 263.7 and 263.8
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 263

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

Iowa Code chapter 263 requires rules to be adopted for the State Hygienic Laboratory for examination and investigations and authorizes the laboratory to charge fees covering transportation of samples and the costs of examinations performed. These proposed rules describe the specimens examined, who can submit specimens for examination or investigation and when fees will be charged, waived or deferred. The Board proposes to rescind Chapter 5 and adopt a new chapter in lieu thereof. This new chapter will reflect current practices and eliminate outdated or unnecessary language.

Analysis of Impact

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

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

Fees for processing specimens may be assessed by the laboratory as provided by Iowa Code chapter 263.

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

Health care and related providers or agencies in the State 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:**

It is difficult to determine the quantitative impact in the aggregate.

- **Qualitative description of impact:**

Fees for processing specimens and tests may be assessed.

3. **Costs to the State:**

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

There are no additional or unique costs to the agency related to the implementation of this proposed chapter beyond those administrative expenses necessary to oversee and maintain the State Hygienic Laboratory.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

This proposed chapter is required by statute; no comparison is necessary.

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

The Board has not identified any less costly or less intrusive methods.

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

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

Not applicable. This proposed chapter is required by statute.

- **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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
STATE HYGIENIC LABORATORY

GENERAL REGULATIONS

681—5.1(263) Scope of services.

5.1(1) *Scientific.* The laboratory provides analytical and reference services, surveillance information, disaster and terrorism response, population data, microbiological, biological, and chemical examinations and other investigations in the areas of disease, newborn and maternal screening, fieldwork and the assessment of environmental quality.

5.1(2) *Consultative.* The professional staff of the laboratory provide regulatory review, consultative assistance, and data interpretation and evaluation of environmental effects and scientific needs to persons, agencies, and organizations with interest or involvement in public and environmental health.

5.1(3) *Education and training.* As part of the laboratory's academic mission, staff of the laboratory provide education and training for professional colleagues, educators, students, citizens, policymakers and anyone interested in public and environmental health through appropriate educational methods.

5.1(4) *Applied research.* The laboratory conducts scientific research designed to solve practical problems and to translate basic research to improve public and environmental health.

681—5.2(263) Specimens examined.

5.2(1) *Classification.* This being the state public health and environmental laboratory, specimens submitted to it should have a direct or probable significance that is actionable for public health, medical management, or the quality and preservation of the environment.

5.2(2) *Who may submit specimens.*

a. Licensed physicians, osteopathic physicians, and other licensed practitioners may submit specimens for the diagnosis and control of communicable or other diseases in which such tests are required by the state department of public health.

b. Veterinarians may submit animal specimens involving diseases of animals that are communicable to humans.

c. The department of health and human services may submit specimens as stated in Iowa Code section 263.8(2). Other programs, services, and studies may be negotiated on a contractual basis.

d. The natural resources department may submit specimens necessary in the conduct of its fundamental responsibilities relative to municipal water supplies. Other programs, services, and studies may be negotiated on a contractual basis.

e. Other state agencies, institutions, and municipalities may submit specimens, generally under a contractual arrangement if the submission is to be of a regular or routine nature.

f. Local departments of health may submit specimens when performing official functions of state regulatory agencies. The examination of other specimens necessary in the support of locally directed programs are provided only with prior clearance and cost negotiations.

g. Private individuals may submit specimens to address infectious disease or environmental concerns.

h. Privately owned industries and businesses may submit specimens for environmental studies by prior arrangement with the laboratory on a fee-based contractual basis.

i. Public schools may submit specimens at the discretion of the school nurse, consulting physician, principal, or upon recommendations of the local department of health.

j. Any agency, organization, business or individual impacted by a natural disaster may submit specimens that require testing to ensure health and safety.

k. First responders, hazmat teams, the Radiological Emergency Response Team, the 71st Civil Support Team, the FBI, the United States Postal Service and any other officially recognized law enforcement or terrorism response agency may submit samples for identification and confirmation of potential weapons of mass destruction (WMD) according to the Iowa Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Response Protocol.

681—5.3(263) Charges.

5.3(1) Specimens for which the fee may be waived or deferred by the laboratory:

a. Specimens submitted relating to diseases communicable from human to human, from animals to human, provided such examinations are required by rules of the state department of public health.

b. Specimens submitted under statutory authority by state agencies or designees of state agencies that are involved in investigations or episodes challenging the health of the public or the

quality of the environment. Expenses caused by emergency testing may be eligible for subsequent reimbursement.

c. Any specimen when there is probable cause that a direct threat to public health exists. Such tests may qualify for subsequent reimbursement.

d. Specimens submitted related to the confirmation or identification of potential WMD according to the Iowa CBRNE Response Protocol.

5.3(2) Specimens for which fees are charged:

a. Specimens submitted under no statutory authority that are part of special investigations or surveillance programs and where there is no direct threat to the public health or environmental quality.

b. Specimens submitted for the submitter's private information.

c. Specimens submitted by private concerns and municipalities that are product quality control measures and, therefore, a cost of doing business.

d. Specimens not covered by statute, by rules of the department of health and human services, by rules of the department of natural resources or by this subrule may be examined and charged for at rates to be determined by the laboratory subject to any limitations imposed by law.

These rules are intended to implement Iowa Code chapter 263.

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 7
"Equal Employment Opportunity"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 19B.3(2)"j"
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 19B

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

Iowa Code chapter 19B requires the Board to adopt equal employment opportunity and affirmative action rules in accordance with Iowa Code chapter 17A. The Board proposes removing those portions of the chapter that are unnecessary, nonsubstantive or duplicative of State or federal law.

Analysis of Impact

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

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

No costs are known to be associated with this proposed rulemaking.

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

Students, staff and contractors of the Regent institutions 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:**

This proposed rulemaking imposes no costs.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

There are no additional or unique costs to the agency beyond those typically required to comply with State and federal anti-discrimination laws. Additional costs may be incurred for agency staff to prepare and submit the annual affirmative action report.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

This proposed chapter is required by statute; no comparison is necessary.

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

The Board has not identified any less costly methods or less intrusive methods.

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

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

No alternative methods were considered. This proposed chapter is required by statute.

- **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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
EQUAL EMPLOYMENT OPPORTUNITY

681—7.1(262) Definitions.

"Affirmative action" means the same as defined in Iowa Code section 19B.1.

"Bona fide occupational qualification" means a qualification reasonably necessary to the normal function of a position in the operation of a particular business. The concept of the bona fide occupational qualification is narrow in scope and will not be applied to include the mere preference or convenience of the employer.

"Protected class" shall mean any group that is legally protected from discrimination under Iowa Code chapter 216 or applicable federal law.

681—7.2(262) Equal employment opportunity.

7.2(1) *Affirmative action.* The state board of regents and all institutions under the jurisdiction of the state board of regents shall appoint, assign, and advance employees on the basis of merit and

fitness. Each institution under the jurisdiction of the state board of regents shall promulgate a written policy of nondiscrimination in employment and shall adopt an affirmative action program that is compliant with Iowa Code chapter 19B. Each institution shall submit its annual affirmative action report to the state board of regents between December 15 and December 31 each year.

7.2(2) *Personnel administration.* The state board of regents office and all institutions under the jurisdiction of the state board of regents shall regularly review its personnel practices and procedures with a view to correcting personnel practices and procedures that may contribute to discrimination in appointment, assignment, or advancement. Each institution shall conduct programs of job orientation and provide training and organizational structure for upward mobility and shall place emphasis upon fair practices in employment. Each institution shall also bar from all employment application forms any inquiry as to protected class except for statistical purposes unless it relates to a bona fide occupational qualification.

681—7.3(262) Contract compliance.

7.3(1) *Equal employment opportunity.* The state board of regents and all institutions under the jurisdiction of the state board of regents are responsible for the administration and promotion of equal opportunity in contracts and services and the prohibition of discriminatory and unfair practices within any program administered by institutions under the jurisdiction of the state board of regents receiving or benefiting from state financial assistance in whole or in part. Every official responsible to the state board of regents who is authorized to make contracts or subcontracts for construction or for goods or services shall cause to be inserted into every such contract or subcontract a clause in which the contractor or subcontractor is prohibited from engaging in discriminatory employment practices in violation of federal and state laws, regulations, and executive orders that pertain to equal employment opportunity.

7.3(2) *Procedures.* Any individual aggrieved by a contractor's alleged noncompliance with the state board of regents equal employment opportunity policy may file a complaint with the institutional office designated for receiving and investigating complaints of discrimination. Complaints shall be investigated in accordance with established institutional policies and procedures.

7.3(3) *Bidding requirement.* All construction specifications shall include, in the "instruction to bidders," the following paragraph: "Bidders shall file with each bid a completed state board of regents equal employment opportunity data reporting form as included in the specifications or certify on the certificate of reporting that they have filed their annual equal employment opportunity data reporting form with the state board of regents equal opportunity compliance office."

These rules are intended to implement Iowa Code chapter 19B.

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 9
"Policies, Practices and Procedures"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 262.9(3)
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 262 and 23A

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

Iowa Code section 262.9(3) requires the Board to establish rules for the government of the institutions under the Board's jurisdiction, and Iowa Code chapter 23A allows the Board to provide exemptions from the application of Iowa Code chapter 23A by rule.

Analysis of Impact

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

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

No costs are known to be associated with this proposed rulemaking.

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

The Regent universities benefit from this proposed chapter. The Regent universities serve approximately 71,914 students, employ approximately 37,076 faculty and staff and receive numerous visitors in a given day. This chapter establishes rules of conduct applicable to the campus community, which are necessary to ensure a safe and secure educational and employment environment. The rules also provide a predictable system for managing competition with private enterprises.

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:**

Not applicable.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

There are no additional or unique costs to be incurred by the agency to enforce these proposed rules beyond those administrative and security costs normally incurred in the management of a large university campus.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

This proposed chapter is required by statute; no comparison is necessary.

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

The Board has not identified any less costly methods or less intrusive methods.

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

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

No alternative methods were considered. This rule is required by statute.

- **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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
POLICIES, PRACTICES AND PROCEDURES

681—9.1(262) Uniform rules of personal conduct.

9.1(1) *Rules of personal conduct.* The acts of misconduct defined in this subrule apply at the universities governed by the state board of regents. The universities are authorized to adopt other definitions of misconduct in addition to those in this rule. Any person, student, member of the faculty or staff, or visitor, who intentionally commits, attempts to commit, or incites or aids others in committing any of the following acts may be subject to disciplinary action:

a. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university or university-authorized function or event.

b. Unauthorized occupation or use of or unauthorized entry into any university facility.

c. Physical abuse or the threat of physical abuse against any person on the campus or at or during any university-authorized function or event, or other conduct that threatens or endangers the health or safety of others.

d. Theft of or damage to property of the university or of a person on the campus or at or during any university-authorized function or event.

e. Interference with the right of access to university facilities or with any other lawful right of any person on the campus.

f. Setting a fire on the campus or at or during any university-authorized function or event without proper authority.

g. Use or possession of firearms, ammunition, or other dangerous weapons, substances, or materials, or of bombs, explosives, or explosive or incendiary devices except as expressly authorized by the university or applicable law on the property or during any university-affiliated function or event.

h. Participation in a riot or unlawful assembly, or failure to disperse, as defined by state law, whether such acts occur on or off the campus.

i. Violation of any rule of conduct promulgated by the university.

9.1(2) *Sanctions.*

a. Any student or member of the faculty or staff who is found to have violated any of the rules of personal conduct set forth in rule 681—9.1(262) may be sanctioned up to and including suspension, expulsion, or termination of employment.

b. A person who applies for reinstatement to or reemployment by the university following a sanction of expulsion or termination may be denied reinstatement or reemployment if it is found that such person has committed any acts of misconduct specified in rule 681—9.1(262). A person denied reinstatement or reemployment under this subrule may seek further review of the decision in accordance with established university procedures.

c. Any sanction imposed under subrule 9.1(2) shall have operative effect at all universities.

9.1(3) *Emergency power.*

a. The president is authorized to declare a state of emergency to exist at the institution upon a determination that violent actions or disruptive activities at the university are of such a nature as:

(1) To present a clear and present danger to the orderly processes of the university or to persons or property on the campus, and

(2) To require extraordinary measures to:

1. Safeguard persons or property at such institution, or
2. Maintain educational or other legitimate institutional functions.

b. The state of emergency shall cease to exist automatically 48 hours after it is declared unless the president, after reviewing the situation, determines that the state of emergency should be extended, such determination to be made under the standards established in subparagraphs 9.1(3)*"a"*(1) and *"a"*(2). Each extension shall be for a maximum period of 48 hours with a new determination being made for each extension. The president may declare the state of emergency to be over before the 48-hour period has run.

c. As soon as feasible after declaring a state of emergency, the president shall notify the state board of regents of actions taken.

d. Upon a finding by the president as set forth in paragraph 9.1(3)*"a,"* the president is authorized to take such action as may be necessary to eliminate or alleviate a clear and present danger to the orderly processes of the university and to safeguard persons or property at the university or to maintain educational or other legitimate university functions, including barring a particular person or persons from the campus.

9.1(4) *Sanctions under emergency power.* Any person who is found to have knowingly violated a presidential order issued as contemplated in subrule 9.1(3) may be disciplined, up to and including expulsion or termination from the university.

9.1(5) *Constitutional rights.* The foregoing rules shall be construed so as not to abridge any person's constitutional rights under the First Amendment of the Constitution of the United States.

681—9.2(262) Transfers.

9.2(1) *Transfers among regent institutions.* Admission is denied if the applicant currently is under disciplinary suspension or has been dismissed from one of the other regent universities for violation of the state board of regents' rules of personal conduct and is not eligible to reenter. Further, if such transfer applicant is currently on probation for having violated the state board of regents' rules of personal conduct at one university, the applicant, if admitted to another regent university, is admitted on probation.

9.2(2) *Transfers from nonregent institutions.* If the application for admission or the transcript from another institution shows that the applicant is not eligible to reenroll there, further inquiry will be made to determine the reason. Such inquiry may lead to admission, conditional admission, or denial of admission. Appeals from the decision will be referred to appropriate university channels.

9.2(3) *Applications from visitors.* A visitor to the campus who is believed to have violated the rules of personal conduct and who later applies for admission or employment may be denied admission or employment because of the applicant's prior conduct, subject to review if the denial is appealed by the applicant. An applicant who would be subject to such a denial and review at any university governed by the state board of regents shall be subject to the same denial and review by the other two regent universities if application for admission or employment is made to them. The three universities shall cooperate in making known the identity of persons barred from admission or employment among all three institutions.

681—9.3(23A) Competition with private enterprise.

9.3(1) *Definitions.*

"Compete" means to engage in, either directly or by or through another state agency or political subdivision, the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services to the public that are also offered by private enterprise. "Compete" does not include the use of goods or services exclusively by the institution.

"Institutions" means the State University of Iowa, the University of Northern Iowa, and Iowa State University of Science and Technology.

"Private enterprise" means an individual, firm, partnership, joint venture, corporation, association, or other legal entity engaging in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services for profit.

9.3(2) *Policy in writing.* Each institution shall have a written policy that contains:

a. A mechanism for reviewing proposed activities involving the sale of goods and services to ensure that the activities are permitted as set forth in this rule; and

b. A procedure for receiving, reviewing, and responding to inquiries about activities carried out by the institution.

9.3(3) *Prohibition.* Institutions shall not engage in activities that compete with private enterprise except as provided below.

9.3(4) *Exceptions provided by statute.* This prohibition does not apply to the activities of an institution as provided in Iowa Code section 23A.2(8)*"k"*(1) through *"k"*(10) or any other applicable provision of Iowa law.

9.3(5) *Exemptions.* The state board of regents exempts the following activities from the prohibition against competition with private enterprise.

a. Goods and services that are directly and reasonably related to the mission of the institution, including but not limited to:

(1) Conferences, institutes, outreach programs, specialized centers and other efforts and programs that provide continuing education;

(2) Child day care services and health services provided to members of the university community;

(3) Educational media, publication, distribution, and audiovisual centers and services;

(4) Family and guest housing or short-term lodging;

(5) Laundry, custodial, maintenance, and similar services.

b. Goods and services offered to only students, employees, or guests of the institution or school and that cannot be provided in a timely manner by private enterprise at the same or lower cost and of the same or better quality or terms.

c. Use of institutional aircraft and vehicles in connection with institution-related travel.

d. Durable medical equipment or devices sold or leased for use off premises of an institution or University of Iowa Hospitals and Clinics.

e. Goods or services that are not otherwise available in the quantity or quality required by the institution, including but not limited to specialized course materials, equipment, supplies, software, and publications.

f. Telecommunications systems utilized for communications and broadcast and narrowcast communication systems, including microwave, fiber-optic and satellite communications.

g. Facilities, programs, and associated support services for fitness and recreation.

h. Food services and sales.

i. Sales of books, records, tapes, software, educational equipment and supplies, and personal computers and associated hardware.

j. Goods and services provided to other state board of regents institutions; affiliates of state board of regents institutions; federal, state, and local government entities; nonprofit organizations; entities established pursuant to Iowa Code chapter 28E; and student organizations.

k. Public-private partnerships or similar economic development projects that are initiated for the benefit of one or more institutions as determined by the state board of regents.

9.3(6) *Appeal process.*

a. A private enterprise that seeks to appeal an action or activity of an institution shall attempt to resolve the issue at the institutional level. The form of appeal to the institution shall be a letter to the chief business officer.

b. If the private enterprise is dissatisfied with the institution's response, the private enterprise may notify the executive director of the state board of regents and request assistance. This request shall be in writing and shall describe the action or activity that is being appealed.

c. The executive director may then take action to assist the private enterprise and the institution in resolving the issue.

d. If the issue remains unresolved, the executive director, at the request of the private enterprise, may docket the matter for review by the state board of regents. If the matter is docketed, the executive director will prepare a recommendation for the state board of regents to consider. A copy of the recommendation with notice of the time, date, and place of the meeting for which the matter has been docketed shall be transmitted to the private enterprise and the institutions prior to the meeting.

e. State board of regents action shall constitute a final agency action.

This rule is intended to implement Iowa Code chapter 23A.

681—9.4(262) Procurement policy for goods and services. The best interests of the state of Iowa and of the regents institutions are served through implementation of a full and free competitive purchasing system for the procurement of goods and services. The name of the successful bidder and all other bidders and the amounts bid shall be supplied to any person upon oral or written request following the execution of the prime contract(s) or agreement(s) related to the procurement.

681—9.5(262) Contracting authority. Except for authority retained by the state board of regents pursuant to law, rule, or state board of regents policy, the state board of regents delegates to the

president of each university the authority to enter into contracts and agreements. Each president may delegate the president's authority, in whole or in part, to other employees at the president's university.

681—9.6(262) Adoption of rules and policies. The president of each institution is delegated the authority to adopt policies as may be appropriate for the operation of the institution and that are not inconsistent with the general rules and policies adopted by the state board of regents. The state board of regents retains the authority to rescind any institutional policy.

These rules are intended to implement Iowa Code chapters 262 and 23A.

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 10
"Records Management"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.615
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 8A

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

Iowa Code section 8A.615 requires the Board to adopt rules pursuant to Iowa Code chapter 17A for records management.

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 to the public for this proposed rulemaking.

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

The Board office and each Regent university benefit from this proposed rulemaking and have established policies and procedures for the economical, efficient and systematic management of their records.

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 imposes no costs.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

There are no additional or unique costs for complying with this proposed rulemaking beyond the standard administrative and security expenses associated with managing and maintaining business, policy, confidential and related records.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

Not applicable. This rule is required by statute.

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

The Board has not identified any less costly methods or less intrusive methods.

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

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

Not applicable. This rule is required by statute.

- **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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
RECORDS MANAGEMENT

681—10.1(305) Records system. The state board of regents' office and each institution governed by the state board of regents shall develop internal procedures governing the management of records, which shall be made available for public inspection. Each system shall incorporate the following:

10.1(1) Procedures dealing with records of transactions of the official business of the institution or state board of regents' office, including design, handling, maintenance, filing, storage, and security.

10.1(2) Procedures dealing with utilization of space, equipment, and supplies.

10.1(3) Schedules for retention of records and the form in which they are to be retained, either in offices or archives.

10.1(4) Schedules for destruction of records and the method to be used.

10.1(5) Standards for reproduction of records.

This rule is intended to implement Iowa Code section 8A.615.

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 11
"Board of Regents Organization and General Rules"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 2024 Iowa Acts, Senate File 2370
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

Pursuant to 2024 Iowa Acts, Senate File 2370, signed into law on May 17, 2024, the requirement for State agencies to provide a description of their organization, general course and method of operations and a statement of mission in administrative rules was removed. Therefore, the Board is proposing to rescind Chapter 11 in its entirety.

Analysis of Impact

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

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

There is no cost associated with this proposed rulemaking.

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

There is no particular benefit or detriment with 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:**

One Iowa Administrative Code chapter will be rescinded.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

There are no costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

Not applicable.

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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **681—Chapter 11**.

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 12
"University of Iowa Organization and General Rules"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 2024 Iowa Acts, Senate File 2370
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

Pursuant to 2024 Iowa Acts, Senate File 2370, signed into law on May 17, 2024, the requirement for State agencies to provide a description of their organization, general course and method of operations and a statement of mission in administrative rules was removed. Therefore, the Board is proposing to rescind Chapter 12 in its entirety.

Analysis of Impact

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

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

There is no cost associated with this proposed rulemaking.

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

There is no particular benefit or detriment with 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:**

One Iowa Administrative Code chapter will be rescinded.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

There are no costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

Not applicable.

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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **681—Chapter 12**.

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 13
"Iowa State University of Science and Technology Organization and General Rules"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 2024 Iowa Acts, Senate File 2370
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

Pursuant to 2024 Iowa Acts, Senate File 2370, signed into law on May 17, 2024, the requirement for State agencies to provide a description of their organization, general course and method of operations and a statement of mission in administrative rules was removed. Therefore, the Board is proposing to rescind Chapter 13 in its entirety.

Analysis of Impact

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

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

There is no cost associated with this proposed rulemaking.

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

There is no particular benefit or detriment with 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:**

One Iowa Administrative Code chapter will be rescinded.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

There are no costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

Not applicable.

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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **681—Chapter 13**.

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 14
"The University of Northern Iowa Organization and General Rules"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 2024 Iowa Acts, Senate File 2370
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

Pursuant to 2024 Iowa Acts, Senate File 2370, signed into law on May 17, 2024, the requirement for State agencies to provide a description of their organization, general course and method of operations and a statement of mission in administrative rules was removed. Therefore, the Board is proposing to rescind Chapter 14 in its entirety.

Analysis of Impact

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

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

There is no cost associated with this proposed rulemaking.

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

There is no particular benefit or detriment with 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:**

One Iowa Administrative Code chapter will be rescinded.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

There are no costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

Not applicable.

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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **681—Chapter 14**.

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 17
"Public Records and Fair Information Practices"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 22
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 22

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

In accordance with Executive Order 10, the Board proposes to rescind Chapter 17 and adopt a new chapter in lieu thereof. The new chapter will incorporate by reference the Uniform Rules on Agency Procedure relating to public records and fair information practices.

Analysis of Impact

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

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

The requestor will bear the costs for the collection, processing, review and redaction of records in response to a public records request as provided in Iowa Code chapter 22.

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

There is no particular benefit or detriment with 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:**

Economic costs related to the collection, review, and redaction of open records requests as required by Iowa Code chapter 22 are difficult to quantify in the aggregate and will vary based on the scope of the request.

- **Qualitative description of impact:**

See previous response.

3. **Costs to the State:**

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

There are no additional or unique costs to the agency beyond those typically required to maintain and process requests for public records as provided in Iowa Code chapter 22.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

Not applicable. This chapter is required by statute.

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

The Board has not identified any less costly methods or less intrusive methods.

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

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

No alternative methods were considered. This chapter is required by statute.

- **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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 17 and adopt the following **new** chapter in lieu thereof:

CHAPTER 17
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The state board of regents hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to public records and fair information practices, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website.

681—17.1(22) Definitions. As used in this chapter:

"Agency" means the state board of regents and the institutions it governs as provided in Iowa Code section 262.7.

"Custodian" means the official delegated authority by the agency to release records or that official's designee.

681—17.3(22) Requests for access to records.

17.3(1) *Location of record.* A request for access to a record should be directed to the designated transparency officer for the state board of regents' office or the applicable institution.

17.3(2) *Office hours.* Open records shall be made available during all customary office hours, which are from 8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays.

17.3(7) *Fees.*

c. *Supervisory fee.* An hourly fee may be charged for actual agency expenses incurred in processing a request for records. The custodian shall make the schedule of fees publicly available.

681—17.6(22) Procedure by which a subject may have additions, dissents, or objections entered into the record. Except as otherwise provided by law, the subject of a record shall be allowed to have a written statement of additions, dissents, or objections entered into the record. The subject shall send the statement to the custodian of the record or to the state board of regents' office. The statement must be dated and signed by the subject and shall include the current address and telephone number of the subject or the subject's representative.

681—17.7(22) Consent to disclosure by the subject of a confidential record. The subject of a confidential record may consent to agency disclosure to a third party of that portion of the record concerning the subject. The consent must be in writing and must identify the particular record or records that may be disclosed, the particular person, or class of persons, to whom the record may be disclosed. The person to whom the record is to be disclosed must provide proof of identity. Appearance of counsel on behalf of the subject will be deemed consent to disclose records about the subject to that attorney.

681—17.9(22) Disclosures without consent of the subject.

17.9(1) The following disclosures may occur without notice to the subject of the record:

a. For a routine use as defined in rule 681—17.10(22) or in the notice for a particular record system.

b. To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record; provided, that the record is transferred in a form that does not identify the subject.

c. To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of such government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.

d. To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last known address of the subject.

e. To the legislative services agency under Iowa Code section 2A.3.

f. Disclosures in the course of employee disciplinary proceedings.

g. In response to a court order or subpoena.

681—17.10(22) Routine use. "Routine use" means the disclosure of a record without the consent of the subject or subjects, for a purpose that is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

The following uses are considered routine uses of all agency records:

1. Disclosure to officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may upon request of any officer or employee, or on the custodian's own initiative, determine what constitutes legitimate, essential, confidential, or exempt records.

2. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities.

3. Disclosure to the department of inspections, appeals, and licensing for matters in which it is performing services or functions on behalf of the agency.

4. Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.

5. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.

6. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

681—17.11(22) Consensual disclosure of confidential records.

17.11(1) *Consent to disclosure by a subject individual.* The subject may consent in writing to agency disclosure of confidential records as provided in rule 681—17.7(22).

17.11(2) *Complaints to public officials.* A letter from a subject of a confidential record to a public official that seeks the official's intervention on behalf of the subject in a matter that involves the agency may be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

681—17.12(22) Release to subject.

17.12(1) The subject of a confidential record may file a written request to review confidential records about that person. However, the agency need not release the following records to the subject:

a. The identity of a person providing information to the agency when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18).

b. The work product of an attorney or records that are otherwise privileged.

c. Peace officers' investigative reports, except as required by the Iowa Code.

d. Records as otherwise authorized by law.

17.12(2) When a record has multiple subjects with interest in the confidentiality of the record, the agency may take reasonable steps to protect confidential information relating to another subject.

681—17.13(22) Applicability. This chapter does not:

1. Require the agency to index or retrieve records that contain information about individuals by that person's name or other personal identifier.

2. Make available to the general public records that would otherwise not be available under the public records law, Iowa Code chapter 22.

3. Govern the maintenance or disclosure of, notification of or access to, records in the possession of the agency that are governed by the regulations of another agency.

4. Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs, unless otherwise provided by law or agreement.

5. Make available records compiled by the agency in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any subject individual or party to such litigation or proceedings shall be governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable regulations of the agency.

These rules are intended to implement Iowa Code section 22.11.

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 18
"Declaratory Orders"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.9(2)
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

In accordance with Executive Order 10, the Board proposes to rescind Chapter 18 and adopt a new chapter in lieu thereof. The new chapter will incorporate by reference the Uniform Rules on Agency Procedure on declaratory orders.

Analysis of Impact

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

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

No costs are known to be associated with this proposed rulemaking.

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

Persons or agencies submitting a petition for declaratory order benefit from this proposed chapter.

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

- **Quantitative description of impact:**

This proposed rulemaking imposes no costs.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

There are no increased implementation or enforcement costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

Not applicable. This proposed chapter is required by statute.

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

The Board has not identified any less costly methods or less intrusive methods.

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

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

No alternative methods were considered. This proposed chapter is required by statute.

- **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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 18 and adopt the following **new** chapter in lieu thereof:

CHAPTER 18
DECLARATORY ORDERS

The state board of regents hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure related to declaratory orders, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website.

681—18.1(17A) Petition for declaratory order. In lieu of "(designate agency)", insert "state board of regents". In lieu of "(designate office)", insert "the Office of the State Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322". In lieu of "(AGENCY NAME)", the heading on the petition form should read:

STATE BOARD OF REGENTS

18.1(1) In matters that relate exclusively or primarily to one of the universities under the governance of the state board of regents, the state board of regents will normally assign action on declaratory orders to the president of the affected institution. The president, or the president's designee, shall assume all powers of the state board of regents to handle and rule on petitions for

declaratory orders. Assignment may be made by the executive director of the state board of regents and will normally occur within five days of filing of the petition.

18.1(2) Upon assignment of a petition to a president, the term "state board of regents" in this chapter shall refer to the president. Pleadings and documents related to such petitions shall be filed with the president, or as designated in writing to the parties, and the documents may be revised to reflect that the matter is before the affected institution.

681—18.2(17A) Notice of petition. In lieu of "____ days (15 or less)", insert "15 days". In lieu of "(designate agency)", insert "state board of regents". In lieu of "X.6(17A)", insert "rule 681—18.6(17A)".

681—18.3(17A) Intervention.

18.3(1) In lieu of "____ days", insert "25 days". Strike "(after time for notice under X.2(17A) and before 30-day time for agency action under X.8(17A))".

18.3(2) In lieu of "(designate agency)", insert "the state board of regents".

18.3(3) In lieu of "(designate office)", insert "the Office of the State Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322" or, in the case of a matter assigned to an institution, to the person and address indicated in the notice of assignment of the petition. In lieu of "(designate agency)", insert "state board of regents". In lieu of "(AGENCY NAME)", the heading on the petition form should read:

STATE BOARD OF REGENTS

681—18.4(17A) Briefs. In lieu of "(designate agency)", insert "state board of regents".

681—18.5(17A) Inquiries. In lieu of "(designate official by full title and address)", insert "the Executive Director of the State Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322" or, in the case of a matter assigned to an institution, to the person and address indicated in the notice of assignment of the petition.

681—18.6(17A) Service and filing of petitions and other papers.

18.6(2) *Filing—when required.* In lieu of "(specify office and address)", insert "the State Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322" or, in the case of a matter assigned to an institution, to the person and address indicated in the notice of assignment of the petition. In lieu of "(agency name)", insert "state board of regents" or, in the case of a matter assigned to an institution, the president.

18.6(3) *Method of service, time of filing, and proof of mailing.* In lieu of "(uniform rule on contested cases X.12(17A))", insert "rule 681—20.12(17A)".

681—18.8(17A) Action on petition.

18.8(1) In lieu of "(designate agency head)", insert "executive director or the president".

18.8(2) In lieu of "(contested case uniform rule X.2(17A))", insert "rule 681—20.2(17A)".

681—18.9(17A) Refusal to issue order.

18.9(1) In lieu of "(designate agency)", insert "state board of regents". In addition to the ten reasons for refusal to issue an order in the Uniform Rules on Agency Procedure, the following additional reasons apply:

11. The petitioner requests the state board of regents to issue a preliminary determination in any academic matter, such as sufficiency of academic performance or whether or how a particular grade or degree may or will be awarded to an individual.

12. The petitioner requests a determination of a matter being considered in an internal grievance, disciplinary hearing or investigatory process underway at the state board of regents or a regent institution.

13. The petitioner requests a determination regarding a purchasing transaction, a grant or a contract of the state board of regents or regent institution.

14. The petitioner requests a determination regarding a personnel matter, including but not limited to layoff, program reorganization and benefits matters.

15. The petitioner requests a determination regarding the provision of medical care to a patient or animal at medical or veterinary facilities operated by a regent institution.

16. The petitioner requests a determination of a matter subject to collective bargaining or a matter required to be addressed under the terms of any collective bargaining agreement.

681—18.12(17A) Effect of a declaratory order. In lieu of "(designate agency)", insert "state board of regents".

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

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 19
"Procedure for Rulemaking"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 262
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 262

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

In accordance with Executive Order 10, the Board proposes to rescind Chapter 19 and adopt a new chapter in lieu thereof. The new chapter incorporates by reference all such matters in Iowa Code chapter 17A that deal with rulemaking and petitions for rulemaking.

Analysis of Impact

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

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

No costs are known to be associated with this proposed rulemaking.

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

Persons submitting a petition for rulemaking or a waiver from administrative rules will benefit from this proposed chapter.

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

- **Quantitative description of impact:**

This proposed rulemaking imposes no costs.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

There are no increased implementation or enforcement costs associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

Not applicable. This proposed chapter is required by statute.

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

The Board has not identified any less costly methods or less intrusive methods.

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

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

No alternative methods were considered. This proposed chapter is required by statute.

- **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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 19 and adopt the following **new** chapter in lieu thereof:

CHAPTER 19
PROCEDURE FOR RULEMAKING

681—19.1(17A) Incorporation by reference. The state board of regents incorporates by this reference all such matters in Iowa Code chapter 17A that relate to procedures for rulemaking.

681—19.2(17A) Contact information.

19.2(1) *General.* Petitions for rulemaking and inquiries about rules being considered by the state board of regents and the rulemaking process may be directed to Board Counsel, Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322.

19.2(2) *Comments on proposed rules.* Any public comment on a Notice of Intended Action or similar document relating to rules may be directed to Board Counsel, Board of Regents, 11260 Auora Avenue, Urbandale, Iowa 50322, or as directed in the Notice of Intended Action or similar document.

19.2(3) *Petitions for rulemaking.* A petition for rulemaking that substantially conforms to the following form will be considered by the state board of regents:

STATE BOARD OF REGENTS

Petition by (Name of Petitioner) for the Adoption/Amendment/Repeal of (Cite rule involved).	}	PETITION FOR RULEMAKING

681—19.3(17A) Electronic submissions. The state board of regents encourages electronic submissions of documents under this chapter, including documents bearing electronic signatures.

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

WAIVER FROM ADMINISTRATIVE RULES

681—19.4(17A) Definitions. For purposes of this chapter:

"Board" means the state board of regents.

"Person" means the same as defined in Iowa Code section 17A.2(9).

"Regent institution" means the University of Iowa, Iowa State University or the University of Northern Iowa.

"Waiver" means the same as defined in Iowa Code section 17A.9A(5).

681—19.5(17A) Applicability and authority. The board or the president of a regent institution or designee may grant a waiver of all or part of an administrative rule, if the waiver is consistent with Iowa Code section 17A.9A.

681—19.6(17A) Criteria for waiver. In response to a petition filed pursuant to this chapter, the board may in the board's sole discretion issue an order waiving in whole or in part the obligations of a rule if the board finds, based on clear and convincing evidence, all of the factors listed in Iowa Code section 17A.9A(2) and that any waiver from the obligations of the rule in the specific case would not harm other persons and would not adversely affect the public interest.

681—19.7(17A) Filing of petition. All petitions for waiver are submitted in writing. A petition for a waiver that pertains to a rule applicable to only a specific regent institution is submitted to the president of that institution. A petition for a waiver that pertains to a matter involving more than one regent institution, or the board or the board's staff, is submitted to the Executive Director, Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322. If the petition relates to a pending contested case, the petition is filed in the contested case proceeding, using the caption of the contested case.

681—19.8(17A) Content of petition. A petition for waiver includes the following information where applicable and known to the requester:

1. The name, address, and telephone number of the person requesting the waiver; the person's representative, if any; and the case number of any related contested case.
2. A description and citation of the specific rule from which a waiver is requested.
3. The specific waiver requested, including the precise scope and duration.
4. The relevant facts that the petitioner believes would justify a waiver under the criteria described in Iowa Code section 17A.9A(2). This statement will include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.
5. A history of any prior contacts between the board or regent institution and the petitioner relating to the regulated activity affected by the proposed waiver, including a description of each affected item held by the requester, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity within the last five years.
6. Any information known to the requester regarding the board's or regent institution's treatment of similar cases.

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

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

9. Signed releases of information authorizing persons with knowledge regarding the request to furnish the board or regent institution with information relevant to the waiver.

681—19.9(17A) Additional information. Prior to issuing an order granting or denying a waiver, the board or regent institution may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the board or regent institution may on the board's or regent institution's own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the board or regent institution.

681—19.10(17A) Notice. The board or regent institution will acknowledge receiving the petition and ensure that, within 30 days of receipt of the petition, notice of the pendency of the petition and a concise summary of its contents have been provided to all persons to whom notice is necessary by any provision of law. In addition, the board or regent institution may give notices to other persons. To accomplish this notice provision, the board or regent institution may obligate the petitioner to serve the notice on all persons to whom notice is necessary by any provision of law and provide a written statement to the board or regent institution attesting that notice has been provided.

681—19.11(17A) Hearing procedures. The provisions of Iowa Code sections 17A.10 through 17A.18A regarding contested case hearings apply in three situations:

1. To any petition for a waiver filed within a contested case,
2. When provided by rule or order, or
3. When required to do so by statute.

681—19.12(17A) Ruling. An order granting or denying a waiver will be in writing and include the reason for granting or denying the waiver and, if approved, the time period during which the waiver is effective.

19.12(1) *General.* The final decision on whether the circumstances justify the granting of a waiver is the sole discretion of the board or the president of the regent institution, based on the unique, individual circumstances set out in the petition. Petitions submitted in a contested case will be decided by the presiding officer in the contested case proceeding.

19.12(2) *Compliance with Iowa Code standards.* The board applies the standards and burdens in Iowa Code section 17A.9A(3).

19.12(3) *Administrative deadlines.* When the rule from which a waiver is sought establishes administrative deadlines, the board or president of a regent institution will balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

19.12(4) *Time for ruling.* The board or president of a regent institution will grant or deny a petition for a waiver as soon as practicable but, in any event, within 120 days of its receipt unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the board will grant or deny the petition no later than the time at which the final decision in that contested case is issued. Failure of the board or president of a regent institution to grant or deny a petition within the time period is deemed a denial of that petition by the board or president of the regent institution. However, the board or president of a regent institution remains responsible for issuing an order denying a waiver.

19.12(5) *Service of order.* Within seven days of its issuance, any order issued under this chapter is transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

681—19.13(17A) Public availability. The board and regent institutions will comply with the public availability and filing procedures of Iowa Code section 17A.9A(4).

681—19.14(17A) After issuance of a waiver.

19.14(1) *Cancellation.* A waiver issued pursuant to this chapter may be withdrawn, canceled, modified or revoked if, after appropriate notice and hearing, the board or regent institution issues an order finding any of the following:

a. The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or

b. The alternative means for ensuring that the public health, safety and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or

c. The subject of the waiver order has failed to comply with all conditions contained in the order.

19.14(2) *Violations.* Violation of conditions in the waiver approval is the equivalent of violation of the particular rule for which the waiver is granted and is subject to the same remedies or penalties.

19.14(3) *Appeals.* Judicial review of the board or president of a regent institution decision may be taken in accordance with Iowa Code chapter 17A. Any request for an appeal from a decision by the presiding officer in a contested case proceeding that grants or denies a waiver may be made pursuant to the procedures provided for in rule 681—20.27(17A) or 681—20.28(17A) as applicable.

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

Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 20
"Contested Cases"

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

Public Hearing

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

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

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

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

In accordance with Executive Order 10, the Board proposes to rescind Chapter 20 and adopt a new chapter in lieu thereof. This new chapter will incorporate by reference the Uniform Rules on Agency Procedure on contested cases with minor modifications.

Analysis of Impact

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

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

No costs are known to be associated with this proposed rulemaking.

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

Persons requesting contested case proceedings may benefit from the improved clarity.

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:**

Additional costs may be incurred by the agency to utilize an external administrative law judge to conduct a contested case proceeding, as opposed to utilizing an in-house judicial panel, the costs of which are difficult to quantify and will vary depending on the nature of the case.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

Additional costs may be incurred by the agency to utilize an external administrative law judge to conduct a contested case proceeding, as opposed to utilizing an in-house judicial panel.

- **Anticipated effect on State revenues:**

There is no anticipated impact on State revenues.

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

Not applicable. This proposed chapter is required by statute.

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

Not applicable. This proposed chapter is required by statute.

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

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

No alternative methods were considered. This proposed chapter is required by statute.

- **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 expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 20 and adopt the following **new** chapter in lieu thereof:

CHAPTER 20
CONTESTED CASES

The state board of regents hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to contested cases, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website.

681—20.1(17A) Scope and applicability. In lieu of "(agency name)", insert "state board of regents".

681—20.2(17A) Definitions. In lieu of "(agency name)", insert "state board of regents".

"Contested case" means the same as defined in Iowa Code section 17A.2(5).

"Party" means each person or the regents institution or state board of regents named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

"Presiding officer" means the administrative law judge, the state board of regents or subcommittee of the state board of regents.

681—20.3(17A) Time requirements.

20.3(2) For good cause, the presiding officer may extend or shorten the time to take any action, except as precluded by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer shall afford all parties an opportunity to be heard or to file written arguments.

681—20.4(17A) Requests for contested case proceeding. In lieu of "agency", insert "state board of regents or regents institution".

681—20.5(17A) Notice of hearing.

20.5(1) *Delivery.*

e. In the case of a student residing in facilities of a regents institution, by leaving a copy in the student's mailbox at the student's residence hall or apartment.

681—20.6(17A) Presiding officer.

20.6(3) In lieu of "The agency (or its designee)", insert "The state board of regents or its executive director".

20.6(4) An administrative law judge assigned to act as presiding officer in a case involving discipline or discharge of a faculty member at one of the universities or discipline or discharge of a student for academic dishonesty at one of the universities shall have the following technical expertise unless waived by the state board of regents: an advanced degree showing scholarly achievement, such as a doctor of philosophy degree, or knowledge of academic traditions and methods of teaching and research at institutions of higher education in the United States.

20.6(5) In lieu of "agency", insert "state board of regents or, in a case involving a matter arising from a regents institution, the president of that institution".

681—20.7(17A) Waiver of procedures. Unless otherwise precluded by law, the parties in a contested case proceeding may waive any provision of this chapter. However, the state board of regents, in its discretion, may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest. When a regents institution provides for procedures for handling contested case matters in any handbook or policy guide, the state board of regents and the regents institutions consent to the use of the procedures therein and waive these rules. If a party does not consent to the use of the institutional procedures, or has elected use of formal proceedings under the Iowa administrative procedure Act (Iowa Code chapter 17A) instead of institutional procedures, the state board of regents will normally not waive the provisions of this chapter.

681—20.8(17A) Telephone proceedings. The presiding officer may resolve preliminary procedural motions by telephone conference in which all parties have an opportunity to participate. Other telephone proceedings may be held with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when location is chosen. The presiding officer, for good cause, and upon request of a party, may permit the party to present witness testimony by telephone or remote video so long as the parties and their representatives have substantially the same opportunity to hear and observe the witness testimony.

681—20.12(17A) Service and filing of pleadings and other papers.

20.12(3) *Filing—when required.* In lieu of "(specify office and address)", insert "the presiding officer, at the address provided in notices to the parties". In lieu of "(agency name)", insert "state

board of regents or, in the case of a matter arising from one of the regents institutions, the president's office of the regents institution".

20.12(4) *Filing—when made.* In lieu of "(designate office)", insert "state board of regents or, as appropriate, the president's office,".

681—20.15(17A) Motions.

20.15(5) In lieu of "(45 days)", insert "30 days". In lieu of "(15 days)", insert "10 days".

681—20.16(17A) Prehearing conference. Prehearing conferences may be ordered at the discretion of the presiding officer. The state board of regents does not adopt rule X.16(17A).

681—20.19(17A) Intervention. The state board of regents does not adopt rule X.19(17A).

681—20.20(17A) Hearing procedures.

20.20(8) As provided by rule 681—20.8(17A), witness testimony may be taken by telephone or remote video at the discretion of the presiding officer.

681—20.22(17A) Default.

20.22(3) In lieu of "X.27(17A)", insert "681—20.27(17A) or 681—20.32(17A)".

681—20.23(17A) Ex parte communication.

20.23(10) In lieu of "(agency to designate person to whom violations should be reported)", insert "the executive director of the state board of regents".

681—20.24(17A) Recording costs. In lieu of "(agency name)", insert "state board of regents".

681—20.25(17A) Interlocutory appeals. In lieu of "14 days", insert "five days".

681—20.26(17A) Final decision.

20.26(1) In lieu of "(the agency)", insert "the state board of regents".

20.26(2) In lieu of "(agency name)", insert "state board of regents". In lieu of "(agency name)", insert "president or the state board of regents". In lieu of "X.27(17A)", insert "681—20.27(17A) or 681—20.32(17A)".

681—20.27(17A) Appeals and review—actions by regents institution.

20.27(1) *Appeal by party.* Any adversely affected party may appeal a proposed decision in a case involving an appeal of action or proposed action by a regents institution to the president of the regents institution within 20 days after issuance of the proposed decision.

20.27(2) *Review.* In lieu of "(board, commission, director)", insert "president of the regents institution". In lieu of "30 days", insert "20 days".

20.27(3) *Notice of appeal.* In lieu of "(agency name)", insert "president".

20.27(4) *Requests to present additional evidence.* In lieu of "14 days", insert "10 days". In lieu of "(board, commission, director)", insert "president".

20.27(5) *Scheduling.* In lieu of "(agency name)", insert "president".

20.27(6) *Briefs and arguments.* In lieu of "(board, commission, director)", insert "president".

20.27(7) *Appeals to the board of regents.* See rule 681—20.32(17A) for procedures to appeal the president's decision to the state board of regents.

681—20.28(17A) Applications for rehearing.

20.28(3) *Time of filing.* In lieu of "(agency name)", insert "state board of regents".

20.28(4) *Notice to other parties.* In lieu of "(agency name)", insert "state board of regents".

681—20.29(17A) Stays of state board of regents actions.

20.29(1) *When available.*

a. In lieu of "(agency name)", insert "state board of regents". In lieu of "(board, commission, director)", insert "state board of regents".

b. In lieu of "(agency name)", insert "state board of regents".

20.29(2) *When granted.* In lieu of "(board, commission, director, as appropriate)", insert "the state board of regents".

20.29(3) *Vacation.* In lieu of "(agency name)", insert "state board of regents".

681—20.32(17A) Appeals to the state board of regents.

This rule incorporates rule X.27(17A) with the following exceptions and amendments. See also rule 681—20.27(17A).

20.32(1) *Appeal by party.* Any adversely affected party may appeal the president's decision to the state board of regents within ten days after issuance of the decision. In the case of an appeal of initial action by the state board of regents, any adversely affected party may appeal the proposed order of a presiding officer to the state board of regents within 20 days after issuance of the proposed decision.

20.32(2) *Review.* In lieu of "(board, commission, director)", insert "state board of regents". In lieu of "a proposed decision on its own motion", insert "the president's decision or a proposed decision involving an appeal of state board of regents action on its own motion". In lieu of "30 days", insert "20 days".

20.32(3) *Notice of appeal.* In lieu of "(agency name)", insert "state board of regents". In cases of appeals of action by an institution, a copy of the notice shall be sent to the president of the regents institution.

20.32(4) *Requests to present additional evidence.* In a case that has not been reviewed by a regents institution president, a party may request the taking of additional evidence only by establishing that the evidence is material, that good cause existed for the failure to present the evidence at the hearing, and that the party has not waived the right to present the evidence. In lieu of "14 days", insert "ten days". In lieu of "(board, commission, director)", insert "state board of regents or its executive director". In lieu of "presiding office", insert "president".

20.32(5) *Scheduling.* In lieu of "(agency name)", insert "state board of regents or its executive director".

20.32(6) *Briefs and arguments.* In lieu of "(board, commission, director)", insert "state board of regents or its executive director".

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

Regulatory Analysis

Notice of Intended Action to be published: 761—subrule 118.4(1)
"Logo Signing"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 306C.11
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 306C

Public Hearing

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

November 4, 2025 9 to 9:30 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 480 655 086#

Public Comment

Any interested person may submit written or oral 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:

Brooks Glasnapp
Advertising Management
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1255
Email: brooks.glasnapp@iowadot.us

Purpose and Summary

The proposed rulemaking removes gender identity from the list in the applicable rule for which compliance is required concerning business eligibility for participation in the logo signing program. This rulemaking implements 2025 Iowa Acts, Senate File 418 (Senate File 418), which removes gender identity from the list of protected classes in Iowa Code chapter 216.

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 beyond what is required by statute. Removal of gender identity from the list in the applicable rule for which compliance is required concerning business eligibility for participation in the logo signing program is because of the changes made to Iowa Code chapter 216 by Senate File 418.

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

None have been identified.

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:**

No quantitative impact is expected. Business participation in the signing program is voluntary and occurs because of market factors unrelated to the legislative change.

- **Qualitative description of impact:**

No qualitative impact is expected. Any adaptation on the part of business owners or customers is going to occur because of the statute changes and not because of this proposed rulemaking. The context for this proposed rulemaking is to merely list the types of protected classes for which compliance is necessary for entry into the signing program. Gender identity is removed from that list due to Senate File 418 removing gender identity from Iowa Code chapter 216.

3. **Costs to the State:**

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

There is no cost to the State beyond that of the underlying statute.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues. Businesses do pay participation fees but are not likely to drop participation because of the removal of gender identity from the list of protected classes.

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

Not applicable. Inaction is not an option since the rules cannot include a protected class that is no longer considered a protected class in the Iowa Code.

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

Not applicable. There is no cost to remove gender identity from the list in the applicable rule in the chapter.

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:**

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 what is required by Senate File 418.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 118.4(1) as follows:

118.4(1) The business is open to the general public; does not restrict entrance based on age; and conforms to all applicable laws concerning discrimination based on age, race, creed, color, sex, sexual orientation, ~~gender identity,~~ national origin, religion, and disability.

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 119
"Tourist-Oriented Directional Signing"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321.252
State or federal law(s) implemented by the rulemaking: Iowa Code section 321.252

Public Hearing

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

November 4, 2025 9:30 to 10 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 675 246 237#

Public Comment

Any interested person may submit written or oral 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:

Brooks Glasnapp
Advertising Management
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1255
Email: brooks.glasnapp@iowadot.us

Purpose and Summary

This proposed rulemaking removes gender identity from the list in the applicable rule for which compliance is required concerning business eligibility for participation in the Tourist-Oriented Directional Sign (TODS) program. This rulemaking implements 2025 Iowa Acts, Senate File 418 (Senate File 418), which removes gender identity from the list of protected classes in Iowa Code chapter 216.

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 beyond what is required by statute. Removal of gender identity from the list in the applicable rule for which compliance is required concerning business eligibility for participation in the TODS program is because of the changes made to Iowa Code chapter 216 by Senate File 418.

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

None have been identified.

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:**

No quantitative impact is expected. Business participation in the signing program is voluntary and occurs because of market factors unrelated to the legislative change.

- **Qualitative description of impact:**

No qualitative impact is expected. Any adaptation on the part of business owners or customers is going to occur because of the statute changes and not because of this proposed rulemaking. The context for this proposed rulemaking is to merely list the types of protected classes for which compliance is necessary for entry into the signing program. Gender identity is removed from that list due to Senate File 418 removing it from Iowa Code chapter 216.

3. **Costs to the State:**

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

There is no cost to the State beyond that of the underlying statute.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues. Businesses do pay participation fees but are not likely to drop participation because of the removal of gender identity from the list of protected classes.

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

Not applicable. Inaction is not an option since the rules cannot include a protected class that is no longer considered a protected class in the Iowa Code.

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

Not applicable. There is no cost to remove gender identity from the list in the applicable rule in the chapter.

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:**

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 what is required by Senate File 418.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 119.3(9) as follows:

119.3(9) The destination complies with all applicable laws concerning public accommodations without regard to age, race, creed, color, sex, sexual orientation, ~~gender identity,~~ national origin, religion or disability.

ITEM 2. Amend **761—Chapter 119**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 321.252 ~~as amended by 2024 Iowa Acts, Senate File 2385, section 317~~.

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 140
"Traffic Signals and Beacons on Primary Roads"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 307.12(1)"j"
State or federal law(s) implemented by the rulemaking: Iowa Code section 321.252

Public Hearing

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

November 6, 2025
9:30 to 10 a.m.

Microsoft Teams
Or dial: 515.817.6093
Conference ID: 621 574 479#

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:

Chris Poole
800 Lincoln Way
Ames, Iowa 50010
Email: chris.poole@iowadot.us

Purpose and Summary

The Department proposes to permanently rescind Chapter 140 and instead publish guidance in an operational manual that covers the procedure and responsibilities for entities to request the installation of traffic signals and beacons on a primary road. The manual will be available on the Department's website.

Analysis of Impact

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

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

The rescission of this chapter does not impose any costs. However, the following costs will continue under the guidance in the operational manual. Entities such as cities and counties that choose to apply for approval to place traffic signals and beacons will bear those costs.

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

Moving the guidance to an operational manual will continue to benefit cities and counties.

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:**

Rescinding this chapter does not cause a quantitative impact. Entities wishing to install traffic signals or beacons on a primary road will still need to submit a request to the Department that will be reviewed for approval.

- **Qualitative description of impact:**

Rescinding this chapter does not cause a qualitative impact.

3. **Costs to the State:**

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

Costs to the Department include the staff time associated with the processing of requests.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

There are no costs due to rescinding this chapter and moving the content to an operational manual.

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

The Department determined it would be less intrusive to include the guidance in an operational manual.

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

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

There is no Iowa Code section requiring these rules. Therefore, the Department is proposing to permanently rescind this chapter and plans to instead include the guidance in an operational manual.

- **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 due to rescinding the chapter.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **761—Chapter 140**.

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 142
"Speed Zoning on Primary Highways"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 307.12(1)"j"
State or federal law(s) implemented by the rulemaking: Iowa Code sections 321.285 and 321.290

Public Hearing

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

November 6, 2025
9 to 9:30 a.m.

Microsoft Teams
Or dial: 515.817.6093
Conference ID: 531 369 756#

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:

Chris Poole
800 Lincoln Way
Ames, Iowa 50010
Email: chris.poole@iowadot.us

Purpose and Summary

The Department proposes to permanently rescind Chapter 142 and instead publish guidance in an operational manual that covers the procedure for entities to request changes to posted speed limits on primary highways. The manual will be available on the Department's website.

Analysis of Impact

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

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

The rescission of this chapter does not impose any costs.

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

Moving the guidance to an operational manual will continue to benefit all classes of persons.

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:**

Rescinding this chapter does not cause a quantitative impact. Entities wishing to have speed limits on primary roads reviewed will still need to submit a request to the Department.

- **Qualitative description of impact:**

Rescinding this chapter does not cause a qualitative impact.

3. **Costs to the State:**

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

Costs to the Department include the staff time associated with the processing of requests and the staff time associated with conducting engineering and traffic investigations.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

There are no costs due to rescinding this chapter and moving the content to an operational manual.

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

The Department determined it would be less intrusive to include the guidance in an operational manual.

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

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

There is no Iowa Code section requiring these rules. Therefore, the Department is proposing to permanently rescind this chapter and plans to instead include the guidance in an operational manual.

- **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 due to rescinding the chapter.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **761—Chapter 142**.

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 143
"Traffic Signal Coordination"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 364.24
State or federal law(s) implemented by the rulemaking: Iowa Code section 364.24

Public Hearing

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

November 6, 2025 1 to 1:30 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 380 074 973#

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:

Chris Poole
800 Lincoln Way
Ames, Iowa 50010
Email: chris.poole@iowadot.us

Purpose and Summary

This proposed chapter lays out requirements regarding the installation and coordination of traffic signals.

Analysis of Impact

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

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

There is no cost associated with these proposed rules for any particular class of person.

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

Members of the traveling public benefit from the operation of traffic signal systems in a coordinated manner that maximizes safety and traffic flow efficiencies while minimizing vehicle stops and vehicle emissions.

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:**

Local public agencies bear the costs of installing and maintaining traffic signal coordination equipment and services. Members of the traveling public will spend less time stopped at traffic signals. Rear-end crashes are likely to be reduced. Fuel costs and vehicle emissions will be reduced.

- **Qualitative description of impact:**

Members of the traveling public benefit from improved quality of life.

3. **Costs to the State:**

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

There are no additional costs to the Department to implement or enforce these proposed rules. Costs to local public agencies that operate traffic signal systems can vary significantly and increase with the number of traffic signals within the network and the overall size of the network. Depending on the type of control chosen, the addition of coordination equipment can increase the cost of a typical traffic signal installation by about $1,000 for a GPS clock system to several hundred thousand dollars for a fiber-optic system.

- **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 operational, quality of life, and safety benefits of these proposed rules outweigh the costs to implement these proposed rules.

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 alternatives to accomplish the benefit of these proposed rules.

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

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

There are no alternative methods that were seriously considered.

- **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.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 143 and adopt the following **new** chapter in lieu thereof:

CHAPTER 143
TRAFFIC SIGNAL COORDINATION

761—143.1(364) Definitions.

"Arterial street" means any U.S. or state numbered route, controlled access highway, or other major street or highway designated by the city within its respective jurisdiction as a part of a major arterial system of streets or highways.

"Coordination" means the establishment of a timing relationship between adjacent traffic signals.

"Traffic signal" means any permanently installed, electrically powered traffic control device by which traffic is alternately directed to stop and to proceed.

"Traffic signal system" means two or more traffic signals operating in a coordinated manner.

761—143.2(364) Applicability. This chapter applies to all cities with more than three traffic signals within the corporate limits.

761—143.3(364) Conditions.

143.3(1) Unless a traffic engineering study documents that it is not practical, traffic signals within one-half mile of each other along an arterial street or in a network of intersecting arterial streets shall be operated as a traffic signal system.

143.3(2) Traffic signal timing and operational plans are to be developed by the application of traffic engineering principles to provide maximum traffic flow efficiencies and safety for all users.

143.3(3) All traffic signal installations and operations are to comply with the department's traffic control device manual.

761—143.4(364) Contact information. Information regarding this chapter is available from: Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. Additional information and guidance may be found at www.iowadot.gov/consultants-contractors/traffic-safety/document-resource-library/traffic-safety-manual.

These rules are intended to implement Iowa Code section 364.24.

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 615
"Sanctions"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321.210
State or federal law(s) implemented by the rulemaking: Iowa Code section 321.210

Public Hearing

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

November 4, 2025 1 to 1:30 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 323 137 851#

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:

Sara Siedsma
6310 SE Convenience Boulevard
Ankeny, Iowa 50021
Email: sara.siedsma@iowadot.us

Purpose and Summary

The purpose of these proposed amendments to Chapter 615 is to comply with 2025 Iowa Acts, Senate File 22, section 7. This legislation, which implements Iowa's hands-free driving law, now includes convictions under Iowa Code section 321.276 in the determination of whether a driver's license suspension will be issued.

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 rulemaking beyond what is required by the underlying statute.

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

Persons who are subject to a driver's license suspension authorized under Iowa Code section 321.210 will benefit by having the rules accurately reflect the types of convictions that are eligible to be considered in the determination to suspend a driver's license.

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 additional quantitative impacts that were not already anticipated as a result of the underlying statute.

- **Qualitative description of impact:**

There are no additional qualitative impacts that were not already anticipated as a result of the underlying statute.

3. **Costs to the State:**

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

There are no additional implementation or enforcement costs in the proposed rules that were not already required as a result of the underlying statute.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues beyond 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 amendments to this chapter are required to conform with 2025 Iowa Acts, Senate File 22, section 7.

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 these proposed rules.

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 these proposed rules.

- **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 what was already anticipated under the statute.

Text of Proposed Rulemaking

ITEM 1. Amend rule 761—615.5(321) as follows:

761—615.5(321) Suspension of a habitually reckless or negligent driver.

615.5(1) No change.

615.5(2) In this rule, speeding violations specified in Iowa Code section 321.210(2)*"d"* ~~and violations under Iowa Code section 321.276~~ are not included.

This rule is intended to implement Iowa Code section 321.210 as amended by 2025 Iowa Acts, Senate File 22, section 7.

ITEM 2. Amend rule 761—615.6(321) as follows:

761—615.6(321) Suspension of a habitual violator.

615.6(1) and **615.6(2)** No change.

615.6(3) In this rule, speeding violations specified in Iowa Code section 321.210(2)*"d"* ~~and violations under Iowa Code section 321.276~~ are not included.

This rule is intended to implement Iowa Code section 321.210 as amended by 2025 Iowa Acts, Senate File 22, section 7.

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 910
"Coordination of Public Transit Services"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 324A.4

State or federal law(s) implemented by the rulemaking: Iowa Code sections 324A.1, 324A.4 and 324A.5

Public Hearing

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

November 7, 2025 9 to 9:30 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 476 509 465#

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:

Kristin Haar
800 Lincoln Way
Ames, Iowa 50010
Email: kristin.haar@iowadot.us

Purpose and Summary

Proposed Chapter 910 describes the purpose, leadership, staffing and duties of the statewide transportation coordination advisory council and the certification process for complying with the transportation coordination mandate in Iowa Code chapter 324A. The changes made to this chapter include removing unnecessarily restrictive terms, correcting the timing of transportation coordination advisory council meetings and editorial changes for brevity and readability.

Analysis of Impact

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

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

No class of persons will bear the cost of this proposed rulemaking.

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

No specific class of persons 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:**

When agencies receiving public money for transportation coordinate with the local public transit system, efficiencies can be realized in terms of operating and capital costs by combining trips and services, reducing costs.

- **Qualitative description of impact:**

When transportation is coordinated through the local public transit system, the opportunities for public transportation to operate during necessary times or days or in necessary areas become possible, making a more robust public transit system for all.

3. **Costs to the State:**

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

There are no implementation or enforcement costs that will be borne by the agency or any other agency.

- **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:**

There is no benefit of inaction. Coordination of public transit is mandated by Iowa Code chapter 324A.

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 could achieve this proposed rulemaking's purpose.

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

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

There are no alternative methods that were seriously considered.

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

Since this proposed rulemaking is enacting the requirements set forth in Iowa Code chapter 324A, no alternative methods were considered or rejected.

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 will be no substantial impact on small business due to this proposed rulemaking.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 910 and adopt the following **new** chapter in lieu thereof:

CHAPTER 910
COORDINATION OF PUBLIC TRANSIT SERVICES

761—910.1(324A) Definitions. For purposes of this chapter, the following definitions apply in addition to the definitions in Iowa Code section 324A.1:

"Council" means the statewide transportation coordination advisory council formed in rule 761—910.3(324A).

"Emergency transportation" means transportation provided when life, health or safety is in danger, such as ambulance or law enforcement transportation.

"Incidental transportation" means the provision of transit rides when existing public transportation services cannot meet demand.

"Provider" means any recipient of direct or indirect, state, federal or local funds, including a public transit system, that provides or contracts for public transit services.

"Public school transportation" means passenger transportation provided by or for a legally organized Iowa public school district for school district purposes.

"Public transit service" means any publicly funded passenger transportation for the general public or for specific client groups not including exclusive public school transportation, emergency transportation or incidental transportation or transportation provided by the department of health and human services or department of corrections on the grounds of the following institutions:

State training school, Eldora;
Cherokee mental health institute;
Independence mental health institute;
Woodward resource center;
Civil commitment unit for sexual offenders, Cherokee;
Iowa veterans home, Marshalltown;
Iowa state penitentiary, Fort Madison;
Anamosa state penitentiary;
Iowa correctional institution for women, Mitchellville;
Mount Pleasant correctional facility;
Newton correctional facility;
Iowa medical and classification center, Coralville;
North central correctional facility, Rockwell City;
Fort Dodge correctional facility;
Clarinda correctional facility.

This rule is intended to implement Iowa Code section 324A.1.

761—910.2(17A) Information and location. Forms or information about the coordination of public transit services are available from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.233.7870 or on the department's website at iowadot.gov/modes-travel/transit.

This rule is intended to implement Iowa Code section 17A.3.

761—910.3(324A) Statewide transportation coordination advisory council.

910.3(1) *Purpose.* An advisory council will be formed by the department to assist with implementation of the compliance reviews required by statute. The council will assist in the review of information concerning the transportation operations of providers and advise the department as to whether the provider should be found to be in compliance with the transportation coordination mandate of Iowa Code chapter 324A.

910.3(2) *Advisory council.*

a. Membership. Membership in the council shall at minimum include one representative from the department of health and human services and one from the department. Other state, federal and private agencies funding local transportation services may also be granted membership.

b. Chairperson. The director of transportation or the director's representative shall serve as chairperson of the council.

c. Staff. Staff support for council activities will be provided by the department.

d. *Meetings.* Meetings will be held at least once each quarter and may be held more frequently if necessary to enable the council to expeditiously discharge its duties.

910.3(3) *Duties.* The council shall:

a. Review and make recommendations to the member agencies concerning guidelines and criteria for the review process operated by the council.

b. Provide the department with written recommendations for findings of compliance or noncompliance with the transportation coordination mandate of Iowa Code chapter 324A for individual providers based upon review of each provider's request for certification.

c. Upon request of a member agency, review all transportation components of funding applications or plans submitted by a recipient of the member agency.

d. Advise and make recommendations to the department concerning public transportation policy.

This rule is intended to implement Iowa Code sections 324A.4 and 324A.5.

761—910.4(324A) Certification process.

910.4(1) *Requirement for certification.* All providers are required to request a certification of compliance with the transportation coordination mandate of Iowa Code chapter 324A by submitting the certification application form in the Appendix to this rule plus a copy of a certificate of insurance or documentation of self-insurance. Agencies that provide a mixture of public transit service and other service will request certification based on that part of their overall operation that is public transit service.

910.4(2) *Form distribution.*

a. *Recipients of state or state-administered funds.* Each state agency in its own funding application or contract process will require each recipient of funding to submit a request for certification of compliance.

b. *Recipients of other funds.* The department will contact local governments and federal agencies to determine whether they are funding any providers that are not funded through the state. The department will send to any providers identified in this way, or by other means, an explanation of the certification requirement and a copy of the certification request form in the Appendix.

910.4(3) *Submission of request forms.*

a. Recipients of state funds shall submit both the certification application and the certificate of insurance forms annually to the funding agency.

b. Recipients of funds from multiple sources may submit a single request form to all state funding sources if it covers all agency transportation functions.

c. Providers not receiving any funds from state agencies are to return their completed forms within 20 working days of receipt.

d. Agencies or organizations that receive a form from the department and believe that none of their services fit the definition of public transit services are to respond to the department within 20 working days of receipt, stating this belief and providing a brief description of any passenger transportation service they do provide and why it should not be considered public transit service.

910.4(4) *Incomplete or unreturned request forms.*

a. Forms submitted to a state funding agency as part of a funding application will be reviewed for completeness by that agency within ten working days.

b. Forms submitted directly to the department by its recipients or by providers not receiving state or state-administered funds will be reviewed for completeness by the department within ten working days.

c. The reviewing agency will inform the provider in writing of any information deficiencies and allow ten working days from receipt for submittal of missing information.

d. Each state agency will report to the council each case in which a provider has failed upon notification to supply the necessary information within the required time frame.

e. All completed request forms submitted to state funding agencies will be forwarded to the council staff within five working days after verifying completeness.

910.4(5) *Processing requests.*

a. The council staff will evaluate completed requests based on the compliance standards found in rule 761—910.5(324A) and make a recommendation for a finding of compliance or noncompliance to the council within 20 working days of receiving the completed request form.

b. Ten working days prior to the council's scheduled quarterly meeting, the council staff will distribute to each council member and to the respective providers a meeting agenda and copies of all compliance-finding recommendations completed since the previous agenda mailing.

c. At the council's quarterly meeting, the council will consider the compliance-finding recommendations of the staff and may accept the staff recommendations as the council's recommendations to the director of transportation, change the recommendations and provide a statement of reasons, or defer action pending further review.

d. Upon consideration of the council recommendations, the department will make a final finding of compliance or noncompliance and notify the provider and the state funding agency, if applicable, in writing of the department's decision within five working days after the council meeting.

This rule is intended to implement Iowa Code section 324A.4.

761—910.5(324A) Standards for compliance. A provider shall be found compliant if the provider meets both of the following standards:

910.5(1) All vehicles used for the public transit services it provides or contracts for are insured for $1 million per accident for all hazards or the provider maintains a self-insurance fund adequate to provide equivalent protection.

910.5(2) The provider:

a. Purchases all services from a designated public transit system, or

b. Operates all services open to the public under contract with and under control of a designated transit system, or

c. Purchases all services from a private-for-profit operator of public transit services, or

d. Operates its own services, which:

(1) The designated public transit system is currently unable to provide, or

(2) When considered as a whole using fully allocated costs, prove to be more economical than the purchase of equivalent services from the designated public transit system.

e. Uses a combination of services in paragraphs 910.5(2)*"a," "b," "c,"* and *"d."*

This rule is intended to implement Iowa Code section 324A.4.

761—910.6(324A) Noncompliance. A provider shall be found noncompliant if:

910.6(1) The provider has not submitted required data upon expiration of either the original submittal deadline or the additional ten-day grace period after written notification of deficiencies in an original submittal.

910.6(2) The provider's request for certification has been processed and the provider did not qualify for a finding of compliance.

This rule is intended to implement Iowa Code section 324A.4.

761—910.7(324A) Noncompliant sanctions. A provider that is denied certification and continues the noncompliant activities for more than 30 days shall be subject to the penalties and sanctions specified in Iowa Code section 324A.5(2).

910.7(1) If the department of health and human services purchases services from the noncompliant provider, the department will notify the department of health and human services of the noncompliant finding.

910.7(2) If the noncompliant provider is a recipient of public funds from other than the department of health and human services, the department will notify the proper authority as required in Iowa Code section 324A.5.

This rule is intended to implement Iowa Code sections 324A.4 and 324A.5.

761—910.8(324A) Revocation.

910.8(1) If certification is revoked, the department will send a written notice of revocation to the provider.

910.8(2) The affected public transit system, the provider and the department are to meet within ten days after the date of the revocation notice to determine an acceptable amendment of the transportation services. The amendments that are agreed upon shall become effective within 60 days. The contract between the provider and the affected public transit system shall be amended, if necessary, to agree with the service changes.

910.8(3) If the transportation services are not amended in a timely manner, the department will initiate actions as required in Iowa Code section 324A.5(2).

This rule is intended to implement Iowa Code section 324A.5.

Appendix to rule 761—910.4(324A)

Date

FY

CERTIFICATION APPLICATION

State/Federal Administering Agency _____

I. GENERAL INFORMATION:

Agency Name: _____

Address: _____

_____

Contact Person:_____Phone:(_____)_____

Service Area (counties): _____

Types of Clients:_____

Types of Services: _____

_____

Does agency provide transportation services? Yes _____ No _____

Does agency use public funds for transportation? Yes _____ No _____

II. TRANSPORTATION ACTIVITIES:

Population groups served: Elderly _____ Youth Economically Deprived _____ Public _____

Persons with physical disabilities _____ Persons with mental disabilities _____ Other _____

Describe others: _____

_____

Services Accessed: Medical _____ Day Care _____ Shopping _____ Nutrition _____ Employment _____

Recreation _____ Education/training _____ Other social services _____

What percent of your transportation service (in terms of miles driven) is operated during the following time periods?

_____ % weekdays + _____ % evenings + _____ % weekends = 100%

Is any part of agency's transportation purchased from an urban or regional transit system?

Yes _____ No _____ If yes, please indicate system:

_____

III. AGENCY OPERATED VEHICLE FLEET:

Year/ Model	Seats/ Wheelchairs	Special Equipment*	% Used for Passengers	Average Monthly Ridership	Average Monthly Vehicle Miles	Owned/ Leased

* Two-way radio, wheelchair lift, ramp, etc.

IV. FUNDING SOURCES USED FOR SUPPORT OF TRANSPORTATION: **Total $ _____**

Source	Federal	State	Local	Annual Total
1.				$
2.				$
3.				$
4.				$
5.				$
6.				$
Total	----------	----------	----------	$

V. PURCHASE OF SERVICE (Contracts and Vendor Agreements): **Total $ _____**

	Average Monthly Ridership	Average Monthly Vehicle Miles	Projected Annual Expenditures
Taxi			$
Intracity bus			$
Regional/Urban Transit System			$
Other - specify			$
Total	----------	----------	$

VI. OPERATION OF OWN TRANSPORTATION SERVICE: **Total $ _____**

STAFF	Number	% of Time	Projected Annual Expenditures
Administrative			$
Drivers			$
Maintenance			$
Professional			$
Escorts			$
Volunteers reimbursement		$ /mile	$
Other - specify			$
Subtotal	----------	----------	$

VEHICLE OPERATING COSTS	Projected Annual Expenditures
Fuel and oil	$
Maintenance and repair	$
Insurance	$
Licenses and fees	$
Staff mileage reimbursement $ /mile	$
Indirect cost or overhead	$
Other - specify	$
Subtotal	$

PURCHASE OR LEASE OF VEHICLES AND SPECIAL EQUIPMENT

Vehicle Type	No. to be Leased	No. to be Purchased	No. for Replacement	No. for Expansion	Special Equipment	Projected Annual Cost
						$
						$
						$
Subtotal	----------	----------	----------	----------	----------	$

Note: The total funding in Section IV should equal the total expenditures in Section V plus Section VI.

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 911
"School Transportation Services Provided by Regional Transit Systems"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321.377

State or federal law(s) implemented by the rulemaking: Iowa Code sections 321.1, 321.189, 321.343, 321.375 through 321.377 and 324A.1

Public Hearing

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

November 6, 2025 2:30 to 3 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 792 755 195#

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:

Kristin Haar
800 Lincoln Way
Ames, Iowa 50010
Email: kristin.haar@iowadot.us

Purpose and Summary

This proposed chapter establishes standards for school transportation services provided by Iowa's regional transit systems under contract with local schools.

Analysis of Impact

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

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

Iowa's regional transit systems that choose to provide school transportation would bear the cost of the semiannual Department of Education School Bus Inspections on the vehicles to be used for the service. Either drivers or their transit agency employers would bear the cost of the school bus driver education courses required biannually.

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

School districts and students and their families will benefit from this proposed rulemaking, which helps to make another transportation option available.

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:**

Any quantitative impact will be nominal and only incurred by those transit agencies choosing to contract with local school districts to provide student transportation.

- **Qualitative description of impact:**

School districts and students and their families will benefit from this proposed rulemaking, which helps to make another transportation option available.

3. **Costs to the State:**

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

No implementation or enforcement costs are borne by the State due to this proposed chapter.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues due to the implementation of this proposed chapter.

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

Without implementation of this proposed chapter, public transit agencies and school districts would have no guidance for utilizing public transit vehicles and drivers for student transportation. This would likely result in public transit not being considered as a viable solution to providing student transportation. The benefits of rule implementation outweigh costs.

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 are known to exist to fulfill 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:**

No alternative methods were considered in drafting this proposed chapter.

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

In order to ensure the safety of the students being transported by public transit agencies, guidance is necessary. This proposed chapter puts public transit agencies and school districts on the same page for expectations.

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 does not have a significant impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 911 and adopt the following **new** chapter in lieu thereof:

CHAPTER 911
SCHOOL TRANSPORTATION SERVICES PROVIDED
BY REGIONAL TRANSIT SYSTEMS

761—911.1(321) Purpose and information.

911.1(1) *Purpose.* This chapter establishes standards for school transportation services provided by Iowa's regional transit systems under contract with local schools.

911.1(2) *Information.* Information and forms may be obtained from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.233.7870; or the department's website at www.iowadot.gov/transit.

761—911.2(321,324A) Definitions. The definitions in Iowa Code sections 321.1 and 324A.1 apply to this chapter. In addition:

"Bus" means a motor vehicle, excluding a trailer, designed to carry ten or more persons.

"School bus" means a bus that complies with all federal motor vehicle safety standards applicable to a school bus.

"School transportation service" means transit service provided under contract to a public or nonpublic school or other group, including day care centers, to transport students to or from schools or school-sponsored activities.

"Student" means a person attending a public or nonpublic school, grades prekindergarten through high school, including a Head Start participant.

"Vehicle" means an automobile, multipurpose vehicle, bus or school bus, including as defined in this rule.

761—911.3(321) Services to students as part of the general public. All services provided by regional transit systems must be open to the public. This chapter shall not be construed to restrict the use of these services by any individual fare-paying passenger, in either fixed route or demand response service.

761—911.4(321) Contracts for nonexclusive school transportation. Regional transit systems may contract with schools, day care providers, after-school program providers or others to provide nonexclusive school transportation service that meets the requirements of this chapter. Exclusive service contracts are prohibited.

761—911.5(321) Adoption of federal regulations.

911.5(1) *Code of Federal Regulations.* The department adopts the following portions of the October 1, 2024, Code of Federal Regulations, which are referenced throughout this chapter:

a. 49 CFR Part 38, Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.

b. 49 CFR Part 571, Federal Motor Vehicle Safety Standards.

c. 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.

911.5(2) *Obtaining copies of regulations.* Copies of these regulations are available from the state law library or online through the U.S. Government Publishing Office at www.ecfr.gov.

761—911.6(321) Driver standards. The following standards apply to regional transit system drivers assigned to provide school transportation service:

911.6(1) *Federal Transit Administration (FTA) drug and alcohol testing.* Each driver is subject to the following testing for drug and alcohol usage as detailed by the FTA in 49 CFR Part 655, including:

a. Preemployment testing.

b. Reasonable suspicion testing.

c. Postaccident testing.

d. Random testing.

e. Return to duty testing.

f. Follow-up testing.

911.6(2) *Training.* Each driver must, before or within the first 6 months of assignment and at least every 24 months thereafter, complete a course of instruction approved by the department of education in accordance with Iowa Code section 321.376.

911.6(3) *Driving record check.* The regional transit system must review the driving record of each driver prior to assignment and on an annual basis.

911.6(4) *Criminal record check.* The regional transit system must conduct a criminal records review of each driver prior to assignment and on an annual basis. This review verifies that the driver has no history of child abuse or other criminal activity.

911.6(5) *Driver licensing.* Each driver must be licensed appropriately for the size and type of vehicle used as provided in Iowa Code section 321.189. A Class A, B or C commercial driver's license with passenger endorsement may be required. A driver may operate the vehicle for purposes of training if the driver has the appropriate commercial learner's permit as described in 761—Chapter 607, and the restrictions in rule 761—607.20(321) shall apply. If a commercial driver's license is not required, a Class D (chauffeur) license is required.

911.6(6) *Authorization to operate a school bus.* Each driver who transports students must have an authorization to operate a school bus issued by the department of education in accordance with Iowa Code section 321.376.

911.6(7) *Physical fitness.*

a. Each driver who transports students must undergo a physical examination by a certified medical examiner who is listed on the National Registry of Certified Medical Examiners in accordance with Iowa Code section 321.375(1)*"d"* and with department of education rule 281—43.15(285) or 281—43.17(285). Annually, the driver must submit the signed medical examiner's certificate to the driver's employer.

b. Upon a commercial driver's license issuance or renewal, the driver shall self-certify as to the type of driving the driver does and, if required, provide a current medical examiner's certificate to the department unless the driver's medical examiner's certification is provided to the department electronically by the Federal Motor Carrier Safety Administration pursuant to 761—paragraph 607.37(1)*"a"* and 761—subrule 607.50(2).

761—911.7(321) Vehicle standards. The following standards apply to regional transit system vehicles assigned to provide school transportation service.

911.7(1) *Vehicle construction.*

a. Each vehicle must be constructed in compliance with the federal motor vehicle safety standards for that type of vehicle as set forth in 49 CFR Part 571. The capacity rating of automobiles and multipurpose vehicles shall not be modified or altered in any way except by the original manufacturer.

b. Each bus in use must also comply with the following federal motor vehicle safety standards:

(1) Standard No. 217, Bus Emergency Exits and Window Retention and Release. Buses utilized for school transportation shall incorporate a rear emergency exit door in meeting this standard.

(2) Standard No. 220, School Bus Rollover Protection.

(3) Standard No. 221, School Bus Body Joint Strength.

(4) Standard No. 301, Fuel System Integrity.

911.7(2) *Passenger restraint/protection.* Each automobile, multipurpose vehicle or school bus must provide passenger restraint/protection devices as required for that type of vehicle in the federal motor vehicle safety standards. Each bus must meet the standards listed in either paragraphs 911.7(2)*"a"* through *"f"* or paragraph 911.7(2)*"g"*:

a. Standard No. 207, Seating Systems.

b. Standard No. 208, Occupant Crash Protection.

c. Standard No. 209, Seat Belt Assemblies.

d. Standard No. 210, Seat Belt Assembly Anchorages.

e. Standard No. 213, Child Restraint Systems.

f. Standard No. 225, Child Restraint Anchorage Systems.

g. Standard No. 222, School Bus Passenger Seating and Crash Protection.

911.7(3) *Accessibility for persons with disabilities.* Each vehicle used for students with disabilities must comply with all applicable provisions of 49 CFR Part 38.

911.7(4) *Signage.* A vehicle must not be signed as a school bus.

911.7(5) *Department of education inspection.* Every vehicle must be inspected twice annually by the department of education school bus inspectors and officers of the Iowa state patrol to determine if the vehicle meets all vehicle standards set forth in this chapter. The department of education will notify each regional transit system of the dates and locations of scheduled inspections. Inspections must be documented on a form prescribed jointly by the departments of transportation and education.

911.7(6) *Transfer to another public transit system.* When a public transit system purchases a used vehicle from another public transit system, the previous owner's department of education's bus inspections stickers must be removed. If the purchasing public transit system plans to use the vehicle for school transportation service, a new inspection must be performed on the vehicle.

761—911.8(321) Maintenance. Regional transit system vehicles assigned to provide school transportation service must be maintained in a safe and operable condition. The following maintenance practices apply.

911.8(1) *FTA drug and alcohol testing of mechanics.* With the exception of mechanics providing vehicle maintenance services under contract to a regional transit system-recipient of funding from 49 U.S.C. 5311, all personnel providing maintenance services on regional transit system vehicles are subject to drug and alcohol testing as required by the FTA in 49 CFR Part 655.

911.8(2) *Daily pretrip vehicle inspections.* Drivers of these vehicles must perform daily pretrip vehicle inspections using a form prescribed by the department or a mobile application including the same information. Regional transit systems must retain daily pretrip vehicle inspection reports and documentation of follow-up maintenance for one year.

911.8(3) *Annual vehicle inspection.* Maintenance personnel must annually inspect each vehicle. Regional transit systems must retain annual vehicle inspection records for one year.

761—911.9(321) Safety equipment. Regional transit system vehicles assigned to provide school transportation service must carry the following safety equipment.

911.9(1) *Communication equipment.* Each vehicle must be equipped with a two-way radio, cellular telephone, or mobile data terminal tablet capable of emergency communication between the vehicle and the regional transit system's base of operations.

911.9(2) *First-aid/body fluids cleanup kit(s).* Each vehicle must be equipped with a first-aid kit of sufficient size and content for the capacity of the vehicle and be equipped with a body fluid cleanup kit. These may be provided as separate kits or combined into one kit. The contents of the kit(s) must be contained in one or more moistureproof and dustproof container(s) stored in an accessible location within the driver's compartment and must be removable from the vehicle in an emergency.

911.9(3) *Fire extinguisher.* Each bus or school bus must be equipped with a minimum 5-pound capacity, dry chemical fire extinguisher. Each automobile and multipurpose vehicle must be equipped with an extinguisher of at least 2.5-pound capacity. Extinguishers must have a 2A-10BC rating. All fire extinguishers shall be inspected and maintained in accordance with the National Fire Protection Association requirements. The standards for portable extinguishers are available online from the National Fire Protection Association at www.nfpa.org.

911.9(4) *Seatbelt web cutter.* A seatbelt web cutter must be mounted or placed within reach of the driver.

911.9(5) *Roadside reflective triangles.* Each vehicle must be equipped with roadside reflective triangles for use in case of breakdown or emergency.

911.9(6) *Flashlight.* Each vehicle must be equipped with an operable flashlight, or each driver must be assigned an operable flashlight to be in the vehicle at all times of operation.

911.9(7) *Reflective vest.* Each vehicle must be equipped with a reflective vest, or each driver must be assigned a reflective vest that must be in the vehicle at all times of operation. Individual regional transit systems are to establish a policy for when the reflective vests must be worn.

761—911.10(321) Operating policies. School transportation services provided by regional transit systems must be designed to maximize the safety of student riders and must, at a minimum, meet the following standards.

911.10(1) *Passenger loading/unloading.* Unless prohibited by law, students transported in vehicles other than school buses must be loaded and unloaded on the same side of the street as their residence or other origin or destination. Students may be released only to the custody of a designated school official, parent or guardian, employee of the department of health and human services, or law enforcement official, unless other arrangements are made in advance.

911.10(2) *Student passenger behavior and discipline policy.* Each contract for school transportation service must include a policy relating to the behavior of students while they ride in vehicles. The regional transit system or school must provide instruction to all drivers assigned to school transportation service relative to the content and application of the policy. If a student is removed from a vehicle for one or more policy violations, the student may be released only to the custody of a school official, parent or guardian, employee of the department of health and human services or a law enforcement officer. In all cases, the school must be notified immediately of any such disciplinary action, and a written report must be filed with the school describing the circumstances resulting in the removal.

911.10(3) *Standing prohibited.* Under no circumstances shall a student be permitted or required to stand while a vehicle is in motion. Every student must be provided an appropriate seat at all times.

911.10(4) *Stops at rail crossings.* Every driver must make a complete stop before driving across the tracks of any railroad crossing in accordance with Iowa Code section 321.343.

911.10(5) *Accident reporting.* If a driver is involved in a collision or other incident causing or having a potential to cause injuries to students, the regional transit system must immediately notify the school of the incident. The regional transit system must file all accident reports required by law. In addition, the regional transit system must complete a school bus accident report on a form prescribed by the department of education and submit it to the school or the department of education.

911.10(6) *Passenger instruction/evacuation drills.* Each school must provide students assigned to school transportation service with school bus passenger safety instruction and emergency evacuation drills at least twice each school year. These evacuation drills must involve a vehicle of the same type used to provide the school transportation service.

911.10(7) *Special training for drivers carrying students with disabilities.* Each school contracting for school transportation services for a student with one or more disabilities must provide the regional transit system with information on any special needs of the student and, if necessary, provide the assigned driver with appropriate information and training on how to appropriately respond to the needs of the student during transit and in the event of an emergency.

911.10(8) *Posttrip inspection.* After each trip that had students on board, the driver must perform a posttrip inspection of the interior of the vehicle. The posttrip inspection must include a walk-through to the back of the vehicle to ensure no sleeping or hiding children are left behind.

These rules are intended to implement Iowa Code sections 321.1, 321.189, 321.343, 321.375 through 321.377 and 324A.1.

Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 920
"State Transit Assistance"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 324A.4
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 324A

Public Hearing

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

November 6, 2025 3 to 3:30 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 610 037 24#

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:

Kristin Haar
800 Lincoln Way
Ames, Iowa 50010
Email: kristin.haar@iowadot.us

Purpose and Summary

This proposed chapter is intended to implement Iowa Code chapter 324A, providing applicant eligibility and project requirements for the receipt of State Transit Assistance funding.

Analysis of Impact

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

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

No class of person will bear any costs of this proposed rulemaking.

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

Iowa's designated public transit agencies will benefit from this proposed rulemaking by knowing the requirements to receive State Transit Assistance funding to support capital and operating projects.

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 receives over $19 million annually to distribute to Iowa's designated public transit agencies as State Transit Assistance funding. These proposed rules outline the requirements for receipt of that funding to support operating and capital projects. In FY 2024, the State Transit Assistance dollars helped support 19.3 million public transit rides.

- **Qualitative description of impact:**

The federal transit funding that Iowa's public transit systems receive requires nonfederal matching dollars. The State Transit Assistance funding helps bridge the gap between what local communities and organizations can provide and what is needed to match the available federal transit funding. These proposed rules explain the qualifications to receive State Transit Assistance funding.

3. **Costs to the State:**

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

There are no implementation or enforcement costs borne by the agency or any other agency.

- **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:**

If these proposed rules are not adopted, the distribution process for State Transit Assistance funding to Iowa's designated public transit agencies would not be readily transparent to the transit agencies needing access to the funds. The inability to properly distribute State Transit Assistance funds could mean the loss of approximately $19 million in federal transit dollars.

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 these proposed rules.

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

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

No alternative methods were considered by the Department.

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

The requirements established in this proposed rulemaking have been in use for many years and work well in distributing the State Transit Assistance funding to Iowa's public transit agencies.

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?

No substantial impact on small business is anticipated by this proposed rulemaking.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 920 and adopt the following **new** chapter in lieu thereof:

CHAPTER 920
STATE TRANSIT ASSISTANCE

761—920.1(324A) Statement of policy. State financial assistance to any public transit system is restricted to joint projects with the department that hold substantial promise of accomplishing the following goals:

920.1(1) Development, maintenance and improvement of transit services for the general public and for transportation disadvantaged persons.

920.1(2) Protection of the rights of private enterprise public transit providers, especially those providing intercity scheduled services on fixed routes.

920.1(3) Improvement of transit system effectiveness and efficiency.

761—920.2(324A) General information. The department will post annually the required forms and instructions for applying for state transit assistance through an online portal furnished to the transit systems by the department and notify each public transit system in Iowa of the availability. Requests for assistance and questions about application preparation should be directed to: Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.233.7870. For more information, visit www.iowadot.gov/modes-travel/transit.

761—920.3(324A) Definitions. The definitions in Iowa Code section 324A.1, except for the definition of "urban transit system," apply to this chapter. In addition:

"Formula assistance" means state transit assistance appropriations minus funds reserved for special projects.

"Operating deficit" means the funding gap remaining after subtracting the passenger revenues from the service's operating costs.

"Project" means a concerted set of actions that will develop, maintain, or improve one or more elements of the public transit system's service.

"Urban transit system" means a system designated by the department that meets the requirements of Iowa Code section 324A.1(8). To be designated as an urban transit system for the purposes of this chapter, the system must serve a city or urbanized area with a population of 20,000 or more. The system also must be managed by a board of local officials who have either been elected by the public or appointed by elected officials, and who are responsible for policy and oversight of transit services for one or more incorporated areas within Iowa.

761—920.4(324A) Types of projects.

920.4(1) *Formula projects.* A formula project may involve operations assistance, capital assistance, planning or any combination of the three. These projects are developed with input from the appropriate planning agencies and shall ensure public participation and discussion.

920.4(2) *Special projects.*

a. Special projects are extraordinary, emergency or innovative in nature and may include but are not limited to the following purposes:

(1) Expanding the scope of planning, managerial, or technical expertise.

(2) Increasing the public's awareness and understanding of transit.

(3) Enhancing the capacity for administration consolidation and service coordination.

(4) Reducing impediments to intramodal or intermodal transfers.

(5) Increasing the cooperation and coordination between private and public sectors.

(6) Developing, demonstrating, or refining a technical, procedural, or mechanical innovation that may be utilized by other public transit systems in Iowa.

(7) Responding to an emergency situation that places an extraordinary and unforeseen strain on the resources of a public transit system.

b. Applications for training fellowships may be submitted to the department at any time.

c. Applications for special projects are due to the department by October 1 each year. The department may announce to the public transit systems the acceptance of special project applications at other times of the year if unobligated funds are available.

761—920.5(324A) Standards for projects.

920.5(1) *Requirements for transit system.* A public transit system is eligible for project assistance if the system is in compliance with all the following criteria. The transit system:

a. Abides by all applicable state and federal laws and regulations.

b. Maintains primary documentation for all revenues and expenses for a period of at least three years after contract closeout.

c. Maintains the system's policies, routes, schedules, fare structure and budget in a manner that encourages public review, responsiveness to user concerns, energy conservation and fiscal solvency.

d. Received departmental approval of the system's plan or schedule for repayment of any loan administered by the department.

e. Accurately reports all services to be supported with project formula assistance and ensures that all services are open to the general public.

920.5(2) *Project conditions.* The department will obligate state transit assistance for joint projects that meet the following criteria:

a. Each project must be included in the current year of the locally adopted transportation improvement program.

b. Each project shall contain payment criteria, through the contract, which are mutually agreed upon by the department and the contracting officer of the transit system.

c. Each special project shall have a preestablished basis for determining success using a specified means of performance measurement and include a detailed budget of the resources available and the assistance necessary for implementation.

d. State assistance for a special project involving capital expense shall not exceed 85 percent of the project's total capital expense. State assistance for a special project involving operating support shall not exceed 80 percent of the project's total operating deficit in the first year and 50 percent of the project's total operating deficit in the second year.

920.5(3) *Items not eligible for assistance.*

a. Administrative, operations or capital expenses that are determined by the department to be inconsistent with department policies, public law, officially approved planning and programming documents or inconsistent with the purpose of improving the effectiveness and quality of transit services.

b. Development of managerial, administrative or operational systems that duplicate programs made available at no charge to the transit system by the department.

920.5(4) *Determination of system eligibility for formula assistance.*

a. Prior to the beginning of each fiscal year, each state-designated public transit system's formula percentage will be determined through the process shown in the appendix located at the end of this chapter.

(1) Transit system data used in determining formula percentage is based only on services that are open to the general public and is derived from the last fiscal year for which complete information is available.

(2) The process shown in the appendix establishes the percentage of available state transit assistance funds not reserved for special projects for which each transit system is eligible during the fiscal year.

b. The amount of each system's eligibility for formula assistance from this appropriation will be determined by multiplying the system's formula percentage by the amount of the appropriation not reserved for special projects.

c. If the dollar amount of state transit assistance is not known until the funds are actually deposited in the state transit assistance account, the amount of each system's eligibility for formula assistance from these funds will be determined as follows: At the beginning of each month, the system's formula percentage will be multiplied by the amount of new funds not reserved for special projects that were deposited in the state transit assistance account during the previous month.

d. A transit system's eligibility for programmed project assistance may be reduced if it is subject to the sanctions outlined in Iowa Code section 324A.5 or 761—Chapter 910.

920.5(5) *Determination of amount reserved for special projects.* Each fiscal year, at least $300,000 will be reserved from state transit assistance appropriations for special projects. Any special project funds not obligated in the previous fiscal year and any funds made available through closeout

of previously approved projects may also be reserved for special projects. Special project funds are distributed by the department on a discretionary basis in accordance with subrule 920.4(2).

761—920.6(324A) Processing.

920.6(1) *Review and recommendation.* The department will review the proposed projects and, based on available funds and the project priorities established by the transit systems, prepare a set of funding recommendations.

920.6(2) *Approval and agreement.* Upon approval of the projects by the transportation commission, the department will prepare a contract and send it to each public transit system for execution.

920.6(3) *Advance payment allowed.* Each transit system with a signed contract may be paid formula assistance monthly starting on the execution date of the contract, one-twelfth (or 8.33 percent) of the total contract amount, in advance of project expenditures, if all of the following conditions are met:

a. The transit system included in its application for state transit assistance a request for advance allocations as set forth in Iowa Code section 324A.6.

b. The transit system is current on all reporting required by the department.

c. The transit system is current on all scheduled repayments under loan contracts from the department.

d. The application for advance allocation includes:

(1) The name of the transit system.

(2) A specific statement of the reasons why an advance allocation is required by the transit system.

(3) The signature of the contract officer of the transit system and the date of the signature.

e. The department will give consideration to the following items in determining the approval, disapproval or deferment of advance allocation applications:

(1) The justification submitted with the application pursuant to paragraph 920.6(3)*"d."*

(2) The department's previous experience with the transit system making application, including but not limited to the following:

1. Timeliness of contract and application materials as assessed by the department.
2. Fiscal management capability of the transit system as assessed by the department.

f. If the department defers or disapproves of the transit system's application for advanced allocation of formula assistance, the department will notify the transit system with reasons for that decision.

g. Any transit system that receives advance allocation payments shall deposit the funds in a separately identified interest-bearing account until such time as the funds are expended on costs incurred by the transit system. All income derived from interest-bearing accounts and investments shall be credited to the transit system and its transit accounts as a nonoperating or nontransportation revenue.

761—920.7(324A) Reporting.

920.7(1) Transit systems receiving state transit assistance shall provide quarterly and end-of-the-year financial and statistical reports to the department in the manner and within the time limits described in the state transit assistance contract. These reports shall be made through an online portal furnished to the transit systems by the department.

920.7(2) Failure to file quarterly and end-of-the-year financial and statistical reports by any transit system with the department in the manner and within the time limits described in the state transit assistance contract shall be cause for withholding of state transit assistance payments. The department will notify any transit system of such actions. Withheld state transit assistance payments, both advanced and reimbursement, will resume once the transit system's required reporting is current.

761—920.8(324A) Contract closeout and audits. After the end-of-the-year financial and statistical reports are submitted or after the department has instituted any action(s) for failure to do so, the department will require an audit of the transit system's books, accounts, records and other material and information necessary to determine contract compliance. The advance allocations paid to the transit system will be taken into consideration and made part of the amount to be audited.

These rules are intended to implement Iowa Code chapter 324A.

APPENDIX TO
761—920.5(324A)

LDI — Locally determined income. All transit system revenue dedicated for operations expense during a fiscal year, minus federal operating assistance from the U.S. Department of Transportation and minus all special project operating support and formula assistance funds received from the Iowa Department of Transportation.

OpExp — Operations expense. All eligible transit system expenses related to operating, maintaining, and administering transit operations.

Pass — Passenger. A person boarding a transit vehicle for the purpose of making a trip. A passenger is counted each time that person boards a vehicle for travel to a destination.

RevMi — Revenue miles. Total vehicle miles traveled by revenue vehicles of public transit systems while in revenue service. Excludes miles traveled to and from storage facilities and other deadhead travel.

Iowa State Transit Assistance Formula Percentage Allocation

Regional System Allocation

$$\frac{\text{Regional RevMi}}{\text{Sum of Regional and Urban RevMi}} = \text{Total Regional Systems Allocation} \times \left(.50 \times \left(\frac{\text{System LDI}}{\text{Total Regional LDI}} \right) + .25 \times \left(\frac{\text{System Pass to OpExp ratio}}{\text{Sum of Regional Pass to OpExp ratios}} \right) + .25 \times \left(\frac{\text{System RevMi to OpExp ratio}}{\text{Sum of Regional RevMi to OpExp ratios}} \right) \right) = \text{Individual Regional System Formula Allocation}$$

Urban System Allocation

$$\frac{\text{Urban RevMi}}{\text{Sum of Regional and Urban RevMi}} = \text{Total Urban Allocation} \times \left(.50 \times \left(\frac{\text{System LDI}}{\text{Total Urban LDI}} \right) + .25 \times \left(\frac{\text{System Pass to OpExp ratio}}{\text{Sum of Urban Pass to OpExp ratios}} \right) + .25 \times \left(\frac{\text{System RevMi to OpExp ratio}}{\text{Sum of Urban RevMi to OpExp ratios}} \right) \right) = \text{Individual Urban System Formula Allocation}$$

ARC 9611C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to length of service awards program grant fund and providing an opportunity for public comment

The Economic Development Authority hereby proposes to adopt new Chapter 21, "Length of Service Awards Program Grant Fund," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 15.106A and 2025 Iowa Acts, House File 1002.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 1002.

Purpose and Summary

Pursuant to Iowa Code section 100B.52 as enacted by 2025 Iowa Acts, House File 1002, the Authority proposes to adopt Chapter 21. The chapter describes the policies and procedures applicable to the Length of Service Awards Program Grant Fund. The program provides awards to municipalities that have established length of service awards programs for volunteer fire fighters, volunteer emergency medical care providers, and reserve peace officers. The chapter will set forth eligibility requirements, application procedures, and review processes for the program.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025. A public hearing was held on the following date(s):

- August 12, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

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

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200

Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 261—Chapter 21:

CHAPTER 21
LENGTH OF SERVICE AWARDS PROGRAM GRANT FUND

261—21.1(15) Purpose. The length of service awards program grant fund is created pursuant to and for the purposes stated under Iowa Code section 100B.52 as enacted by 2025 Iowa Acts, House File 1002.

261—21.2(15) Definitions.

"Applicant" means an eligible municipality that is applying for a grant.

"Authority" means the economic development authority established pursuant to Iowa Code section 15.105.

"Emergency medical care provider" means the same as defined in Iowa Code section 147A.1.

"Grant" means financial assistance provided by the authority from the length of service awards program grant fund established pursuant to Iowa Code section 100B.52 as enacted by 2025 Iowa Acts, House File 1002, and administered pursuant to this chapter.

"Municipality" means the same as defined in Iowa Code section 100B.21.

"Participant" means a volunteer emergency medical care provider, reserve peace officer or volunteer fire fighter receiving funds under a program.

"Program" means a length of service award program created by an applicant that meets the requirements set forth in Iowa Code section 100B.51 as enacted by 2025 Iowa Acts, House File 1002, and Title 26 of the U.S. Code (26 U.S.C. Section 457(e)(11)).

"Recipient" means a municipality that has been awarded a grant.

"Reserve peace officer" means the same as defined in Iowa Code section 80D.1A.

"Volunteer" means the same as defined in Iowa Code section 100B.51 as enacted by 2025 Iowa Acts, House File 1002.

"Volunteer firefighter" means the same as defined in Iowa Code section 85.61.

261—21.3(15) Eligible applicants. To be eligible for a grant, an applicant must be a municipality that has:

21.3(1) Created a program by resolution or ordinance from the municipality's governing body for volunteer emergency medical care providers, volunteer firefighters and reserve peace officers.

21.3(2) Created a dedicated account for the sole purpose of funding and managing its program.

261—21.4(15) Application procedures. An applicant will be required to:

21.4(1) Electronically file the applicant's grant application in the form and content prescribed by the authority.

21.4(2) Provide the authority with a certified copy of a resolution or ordinance from the applicant's governing body creating a qualified program.

21.4(3) Provide the authority with documentation that the applicant's program meets the requirements set forth in Title 26 of the U.S. Code (26 U.S.C. Section 457).

21.4(4) Provide the authority with a roster of participants in the applicant's program. Volunteer emergency medical care providers, reserve peace officers and volunteer firefighters shall only be included in a roster for one program per application cycle.

261—21.5(15) Application review process. An application will be reviewed by the authority for funding approval based on an applicant's eligibility and the completeness of the applicant's application. Based on the review process and subject to available funding, the authority may revise the applicant's overall funding request pursuant to Iowa Code section 100B.52 as enacted by 2025 Iowa Acts, House File 1002.

261—21.6(15) Matching contributions. A recipient shall meet the match requirements specified in Iowa Code section 100B.52 as enacted by 2025 Iowa Acts, House File 1002.

261—21.7(15) Administration.

21.7(1) The authority will notify a successful applicant in writing of the applicant's approved application for funding and prepare an agreement that reflects the terms of the grant award. The successful applicant must execute and return the agreement to the authority within 45 days of the transmittal of the final agreement from the authority. Failure to do so may result in the authority terminating the award.

21.7(2) Following execution of the final agreement, the authority will disburse the grant funds to the recipient for deposit into the recipient's dedicated program fund.

21.7(3) A recipient shall allow access by the Office of Auditor of State, the authority or the authority's designee to all books, accounts, reports and other records pertaining to the recipient's receipt of a grant, management of and contributions made to the recipient's dedicated program account, and the administration of the recipient's program.

21.7(4) Should the authority find that a recipient is not in compliance with any of the requirements for receiving a grant, the authority may employ any remedies it deems appropriate, including but not limited to the following:

a. Issue a warning letter stating that continued failure to comply with grant requirements within a stated period of time will result in a more serious action.

b. Condition a future award on correcting compliance issues.

c. Require that some or all of the awarded funds be remitted to the authority.

d. Elect not to provide future award funds to the recipient until appropriate actions are taken to ensure compliance.

e. Prohibit a future award of funds.

261—21.8(15) References. All references to the United States Code in this chapter are to the laws as in effect [effective date of this rulemaking].

These rules are intended to implement Iowa Code section 100B.52 as enacted by 2025 Iowa Acts, House File 1002.

ARC 9608C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to business incentives for growth (BIG) program and providing an opportunity for public comment

The Economic Development Authority hereby proposes to adopt new Chapter 69, "Business Incentives for Growth (BIG) Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 15.106A and 2025 Iowa Acts, Senate File 657.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 657.

Purpose and Summary

The Authority proposes to adopt a new Chapter 69 to implement Iowa Code chapter 15, subchapter II, part 33, as enacted by 2025 Iowa Acts, Senate File 657. Chapter 69 describes the policies and procedures applicable to the BIG program. The program will provide incentives to businesses to locate, expand, or modernize an Iowa facility. The program will replace the High Quality Jobs program.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025. A public hearing was held on the following date(s):

- August 26, 2025

Fiscal Impact

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

Jobs Impact

Some incentives provided through the program will be based on job retention and creation.

Waivers

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

Public Comment

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

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315

Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

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

Review by Administrative Rules Review Committee

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

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 261—Chapter 69:

CHAPTER 69
BUSINESS INCENTIVES FOR GROWTH (BIG) PROGRAM

261—69.1(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

"Agreement" means an agreement entered into pursuant to Iowa Code section 15.506 as enacted by 2025 Iowa Acts, Senate File 657.

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

"Award date" means the date the board approved an application for financial assistance or tax incentives.

"Base employment level" means the same as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657.

"Benefits" means the same as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657.

"Board" means the same as defined in Iowa Code section 15.102.

"Business" means a sole proprietorship, partnership, corporation, or other business entity organized for profit under the laws of the state of Iowa or another state, under federal statutes, or under the laws of another country.

"Community" means the same as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657.

"Contract end date" means the date on which an agreement ends.

"Created job" means the same as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657.

"Data center business" means the same as defined in Iowa Code section 423.3(95).

"Eligible business" means a business that meets the requirements of Iowa Code section 15.504 as enacted by 2025 Iowa Acts, Senate File 657.

"Financial assistance" means the same as defined in Iowa Code section 15.511 as enacted by 2025 Iowa Acts, Senate File 657.

"Full-time equivalent position" means the same as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657.

"Laborshed area" means the geographic area surrounding an employment center from which the employment center draws its commuting workers as defined by the department of workforce development.

"Laborshed wage" means the wage level represented by those wages within two standard deviations from the mean wage within the laborshed area in which the eligible business is located, calculated pursuant to rule 261—69.9(15), using the most current covered wage and employment data available from the department of workforce development for the laborshed area.

"Placed in service" means in a condition or state of readiness and availability for a specifically assigned function.

"Program" means the same as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657.

"Project" means the same as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657.

"Project completion date" means the same as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657.

"Qualifying investment" means the same as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657.

"Qualifying wage threshold" means the same as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657.

"Retained job" means the same as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657.

"Retention-only project" means a project that involves only retained jobs.

"Tax incentive" means a sales and use tax refund approved pursuant to Iowa Code section 15.507 as enacted by 2025 Iowa Acts, Senate File 657; a qualifying investment tax credit approved pursuant to Iowa Code section 15.508 as enacted by 2025 Iowa Acts, Senate File 657; or a combination of both.

"Total project cost" means the total cost incurred by an eligible business to complete a project, including but not limited to qualifying investment, as identified in an agreement.

261—69.2(15) Eligibility requirements.

69.2(1) *Community approval.* Community approval of the project by ordinance or resolution is required as specified in Iowa Code section 15.504 as enacted by 2025 Iowa Acts, Senate File 657.

69.2(2) *Eligible businesses.*

a. For the purposes of determining whether a business is an eligible business type pursuant to Iowa Code section 15.504(1)*"b"* as enacted by 2025 Iowa Acts, Senate File 657, "retail business" means any business primarily engaged in the business of sale at retail of tangible personal property or taxable services in this state or online. "Sale at retail" means the same as defined in Iowa Code section 423.1(46). A business obligated to collect sales or use tax under Iowa Code chapter 423 may be an ineligible retail business.

b. A service business is not eligible for the program unless a significant proportion of its sales, as determined by the authority, are outside this state.

c. A business shall provide evidence that the business's primary operations are in a qualifying industry pursuant to Iowa Code section 15.504(1)*"b"* as enacted by 2025 Iowa Acts, Senate File 657. Such evidence may include but is not limited to whether the business has a North American industry classification system (NAICS) number aligned with the relevant industries as determined by the authority. Businesses with other NAICS numbers will be required to document to the authority's satisfaction that the business is primarily engaged in an applicable industry identified in Iowa Code section 15.504(1)*"b"* as enacted by 2025 Iowa Acts, Senate File 657, based on factors including but not limited to sources of revenue and customer base.

d. A business shall demonstrate it is not a data center business that is ineligible for the program pursuant to Iowa Code section 15.504(1)*"b"* as enacted by 2025 Iowa Acts, Senate File 657.

e. A foreign business shall demonstrate that it is not associated with a foreign adversary or foreign adversary entity. For the purposes of this paragraph, the following definitions apply:

(1) "Foreign business" means the same as defined in Iowa Code section 9I.1.

(2) "Foreign adversary" means a foreign government or foreign non-government person as determined in 15 CFR §7.4 or 15 CFR §791.4 at any time on March 4, 2024, and that is listed in 15 CFR §7.4(a) or 15 CFR §791.4(a) at any time from March 4, 2024.

(3) "Foreign adversary entity" means a foreign business subject to the jurisdiction of or organized under the laws of a foreign adversary or a foreign business owned, directed, or controlled by a foreign adversary.

69.2(3) *Relocations and reductions in operations.* The authority will determine whether a business is ineligible due to a relocation or reduction in operations pursuant to Iowa Code section 15.504(1)*"c"* as enacted by 2025 Iowa Acts, Senate File 657. For the purposes of this subrule, "reduction in operations" includes but is not limited to a layoff during the 12 months before an application is submitted to the authority.

69.2(4) *Determination of sufficient benefits.* The business shall offer a sufficient package of benefits to each full-time equivalent position included in the business's base employment level and to each full-time equivalent position at the project location until the contract end date. The benefits package provided shall meet the criteria established by the board. The board will periodically approve such criteria to reflect the most current benefits package typically offered by employers. The criteria established by the board may include but not be limited to premium percentages to be paid by the business, deductible amounts, and other such criteria as determined necessary to the evaluation of benefits offered by a business.

69.2(5) *Violations of law.* The authority will address violations of law as described in Iowa Code section 15.504(1)*"e"* as enacted by 2025 Iowa Acts, Senate File 657.

69.2(6) *Sufficient economic impact.* The business shall demonstrate that the project has a sufficient economic impact as described in Iowa Code section 15.504(2)*"b"* as enacted by 2025 Iowa Acts, Senate File 657.

69.2(7) *Created and retained jobs.* The jobs created or retained by a business shall pay the applicable wages as established in rule 261—69.9(15).

69.2(8) *Applicant's past or current performance.* If an applicant received a prior award or other benefit through any program administered by the authority or any other state agency, the authority and board will consider the applicant's past or current performance under the prior award or benefit.

69.2(9) *Results of due diligence review.* The authority will complete a due diligence review, including but not limited to lien searches, reports of violations, pending or resolved litigation, and other relevant information about the applicant. The authority will determine whether a business is ineligible due to the results of the review.

69.2(10) *Other factors.* The authority shall consider any applicable additional factors pursuant to Iowa Code section 15.504(2) as enacted by 2025 Iowa Acts, Senate File 657, to determine whether a business is an eligible business.

69.2(11) *Ineligible projects.*

a. The following activities are presumed by the authority to lack sufficient economic impact to accomplish the goals of the program and are not eligible for the program pursuant to Iowa Code section 15.504(2)*"b"* as enacted by 2025 Iowa Acts, Senate File 657.

(1) Facility maintenance, and

(2) Replacement or upgrades of equipment occurring in the normal course of business.

b. A project representing solely acquisition of a business as a going concern that does not include creation or retention of jobs and qualifying investment at the acquired business facility is not eligible for the program. A qualified project that occurs following acquisition of a business as a going concern may be eligible for the program.

c. If the qualifying investment for a project includes long-term lease costs, the project is not eligible for the program unless the proposed lease is for a term of at least ten years.

69.2(12) *Project initiation.* An eligible business shall not initiate its project prior to board approval of the business's application for the program unless the business establishes that a delay in initiating the project would result in undue hardship or that extenuating circumstances necessitate initiating the project

prior to approval of the business's application. Whether an undue hardship or extenuating circumstance exists will be determined by the authority.

a. Any one of the following may indicate that a project has been initiated:

(1) The start of construction of new or expanded buildings;

(2) The start of rehabilitation of existing buildings;

(3) The purchase or leasing of existing buildings; or

(4) The installation of new machinery and equipment or new computers to be used in the operation of the business's project.

b. The following shall not indicate a project has been initiated:

(1) The purchase of land or signing of an option to purchase land;

(2) Earthmoving or other site development activities not involving actual building construction, expansion or rehabilitation; or

(3) Acquisition of a business as a going concern.

c. Any costs incurred prior to the award date are not eligible qualifying investment expenses.

261—69.3(15) Application process and review.

69.3(1) *Application.* Businesses applying for the program shall utilize a standardized application developed by the authority and submit the application to the authority electronically.

69.3(2) *Community participation.* The application shall include an ordinance or resolution of the community's governing body approving the project. If applicable, the application shall also include documentation of any incentives or assistance to be provided by the community for the project.

69.3(3) *Water conservation and waste reduction plan.*

a. To determine whether a water conservation and waste reduction plan is required pursuant to Iowa Code section 15.505(1)*"b"* as enacted by 2025 Iowa Acts, Senate File 657, the authority will consider the following factors:

(1) The total anticipated water consumption and wastewater discharge for the project.

(2) The total capacity of applicable water provider facilities that will serve the project compared to the total anticipated water consumption for the project.

(3) Any information provided by the applicable water provider about its ability or inability to accommodate the anticipated water consumption and wastewater discharge for the project.

(4) Any information provided by the department of natural resources about the ability or inability of the applicable water provider to accommodate the anticipated water consumption and wastewater discharge for the project.

(5) Any other factors relevant to water consumption and wastewater management at the project facility.

b. If required, the water conservation and waste reduction plan required by Iowa Code section 15.505(1)*"b"* as enacted by 2025 Iowa Acts, Senate File 657, shall be submitted to the authority as an attachment to the standardized application developed by the authority. The plan should be developed by an employee or third-party provider with sufficient professional expertise to determine the anticipated water consumption and wastewater discharge for the project. The plan shall describe the impact of the project on the applicable water provider and the community or communities served by the applicable water provider and any measures to be taken by the business to mitigate its water consumption or wastewater discharge.

69.3(4) *Applicability of wage requirements.* The qualifying wage threshold applicable to a project is the threshold in effect on the date the fully completed project application is received by the authority. If such an application is received but not acted upon by the board before the qualifying wage thresholds are updated, the thresholds in effect on the date the application was received will remain in effect for a period of three months after the month the thresholds were updated. Qualifying wage thresholds will be calculated and applied as described in rule 261—69.9(15).

69.3(5) *Job requirements.* If applicable, the created job and retained job requirements applicable to a project, identified as described in rule 261—69.8(15), will be established at the time of application. Job requirements will be based on the base employment level on the date the fully completed project

application is received by the authority and the eligible business's job projections and will be utilized to determine the amount of tax incentives and financial assistance.

69.3(6) *Investment requirements.* The investment requirements applicable to a project will be established at the time of application. Investment requirements are based on an eligible business's estimates of total project costs and qualifying investment and will be utilized to determine the amount of tax incentives and financial assistance. For the purposes of determining whether an expenditure is a qualifying investment as defined in Iowa Code section 15.503 as enacted by 2025 Iowa Acts, Senate File 657, the following are considered a capital investment in depreciable assets for use in the operation of an eligible business: machinery and equipment used in the manufacturing process, computer hardware, and furniture and fixtures. The following will not be considered a capital investment in depreciable assets for use in the operation of an eligible business: any other machinery and equipment, racking or shelving, computer software, and research and development.

69.3(7) *Board approval and notice.*

a. Authority staff will review applications to ensure program eligibility requirements are satisfied and the application is complete. Authority staff may request additional information from the business or may use other resources to obtain the needed information. The authority or board may engage outside reviewers to complete technical, financial, or other reviews of applications beyond the expertise of the board and authority staff. Negotiation of the terms of, and the aggregate value of, tax incentives and financial assistance will occur following review of an application by authority staff and will be based on the factors identified in rule 261—69.4(15).

b. Complete and eligible applications and supporting documentation will be submitted to the board for its consideration. The authority shall have sole discretion to determine whether an application is fully completed and the date on which it was fully completed. Authority staff will submit a report to the board that summarizes the project. The report will include recommendations from authority staff on the terms of, and the aggregate value of, tax incentives and, if applicable, financial assistance based on the factors identified in rule 261—69.4(15) or any other elements of the proposed award. Staff may provide the board additional information or documentation as determined by staff. The board may offer an award that differs from that requested or recommended by authority staff. Meeting eligibility requirements does not guarantee that tax incentives or financial assistance will be offered or provided in the manner sought by the applicant.

c. The due diligence committee of the board established pursuant to 261—Chapter 1 will review applications and make recommendations regarding the size and conditions of awards. The board may accept or reject recommendations from the due diligence committee.

d. If the board approves an award, an applicant will be notified in writing, including any conditions and terms of the approval.

69.3(8) *Application fee.* An applicant for the program shall pay an application fee of one-half of 1 percent of the total amount of tax incentives and financial assistance recommended pursuant to paragraph 69.3(7)*"b,"* not to exceed $10,000, at the time an application is submitted to the board for its consideration. If the application fee has not been paid at the time of the board's approval of an application, the board may condition its approval on payment of the fee, including specifying the date by which the fee must be paid. If the board approves a total amount of tax incentives and financial assistance that is more or less than the amount recommended by authority staff, the fee will be adjusted accordingly. The authority may refund the fee if the award is declined or rescinded within 180 days of approval. If the award is declined or rescinded more than 180 days after approval, the fee will not be refunded.

261—69.4(15) Award amounts and terms.

69.4(1) In negotiating the terms of, and the aggregate value of, tax incentives or financial assistance, the authority will consider a variety of factors, including but not limited to the following.

a. Economic impact. The extent to which an eligible business's proposed project demonstrates economic impact on the state based on the factors identified in Iowa Code section 15.504(2)*"b"* as enacted by 2025 Iowa Acts, Senate File 657.

b. Level of need. The following factors will determine the authority's assessment of need:

(1) Whether the business can raise only a portion of the debt and equity necessary to complete the project. The existence of a gap between the financing required and the committed financing indicates that tax incentives or financial assistance may be needed to fill the gap.

(2) Whether the likely returns of the project are inadequate to motivate a company decision maker to proceed with the project even if sufficient debt or equity can be raised to finance the project.

(3) Whether the business is deciding between an Iowa site and a site in another state for its project and the cost of completing the project at the out-of-state site is demonstrably lower. Such a condition indicates that tax incentives or financial assistance may be needed to equalize the cost differential between the two sites. The authority will attempt to quantify the cost differential between the sites.

c. Quality of the jobs. The extent to which the jobs involved in the project are considered higher quality jobs is based on factors, including but not limited to wages; quality of benefits; requirements for specialized skills, education, or both; whether the jobs or applicable industry are expected to have low turnover of employees; and whether the jobs expose employees to minimal occupational hazards.

d. Created jobs. In addition to the number of created jobs, the authority may consider:

(1) The number of created jobs that meet or exceed the qualifying wage threshold relative to the total number of created jobs.

(2) The number of created jobs relative to an eligible business's base employment level.

(3) The number of created jobs relative to the population and employment levels of the community in which the project is located.

e. Community contributions. Whether and to what extent the community in which the project is located is contributing to the success of the project through incentives or assistance.

69.4(2) Eligible businesses that do not propose to create any jobs, including eligible businesses that propose retention-only projects, will receive lower award amounts compared to amounts awarded to eligible businesses that propose to create jobs. The authority may establish award terms specific to projects that do not propose to create jobs.

69.4(3) Eligible businesses that propose a qualifying investment that includes long-term lease costs must demonstrate sufficient economic impact by proposing to create jobs.

69.4(4) Only projects that demonstrate extensive economic impact will be awarded the maximum amounts of tax incentives allowed pursuant to Iowa Code section 15.505(3)*"a"* as enacted by 2025 Iowa Acts, Senate File 657. Whether the project demonstrates extensive economic impact is within the sole discretion of the board.

69.4(5) In addition to the considerations in subrules 69.4(1) through 69.4(4), award negotiations may be impacted by the available amount of investment tax credits allocated pursuant to Iowa Code section 15.119(2) as amended by 2025 Iowa Acts, Senate File 657, or the amount of financial assistance available pursuant to Iowa Code section 15.111 as enacted by 2025 Iowa Acts, Senate File 657.

261—69.5(15) Tax incentives. The authority may approve a business to receive any combination of applicable tax incentives allowed through the program pursuant to Iowa Code section 15.507 or 15.508 as enacted by 2025 Iowa Acts, Senate File 657. An approved business shall not claim a tax incentive in excess of the amount specified in an agreement.

69.5(1) *Property tax exemption.*

a. The authority will only approve a property tax exemption pursuant to Iowa Code section 15.510 as enacted by 2025 Iowa Acts, Senate File 657, if other tax incentives or financial assistance through the program are also approved.

b. If a community approves an exemption from taxation pursuant to Iowa Code section 15.510 as enacted by 2025 Iowa Acts, Senate File 657, the community shall provide the authority and the local assessor with a copy of the resolution adopted by the community's governing body that indicates the estimated value and duration of the authorized exemption.

69.5(2) *Investment tax credit—treatment of rent.* The annual base rent paid to a third-party developer by an approved business may be considered new investment for the purpose of an investment tax credit approved pursuant to Iowa Code section 15.508 as enacted by 2025 Iowa Acts, Senate File

657. Annual base rent may be included as new investment for a period equal to the term of the lease agreement but not to exceed the maximum term specified in an agreement. For the purposes of this subrule, "annual base rent" means the business's annual lease payment minus taxes, insurance and operating or maintenance expenses.

69.5(3) *Investment tax credit—issuance, amortization and claims.* The business must notify the authority that its project has been placed in service and document its total project cost, including its qualifying investment, to receive a tax credit certificate. A business shall not receive a tax credit certificate following the placement of a portion of its project in service unless such portion is approved by the authority at the time of application and specified in the agreement. The five-year amortization of a qualifying investment tax credit issued pursuant to Iowa Code section 15.508 as enacted by 2025 Iowa Acts, Senate File 657, shall begin no earlier than the year the credit is issued. Each amortized portion of the credit shall be claimed in the tax year it becomes available except to the extent an overpayment is credited to the immediately succeeding tax year.

261—69.6(15) Financial assistance. The authority may award financial assistance pursuant to Iowa Code sections 15.111 and 15.511 as enacted by 2025 Iowa Acts, Senate File 657. Awards of financial assistance shall be entirely at the discretion of the board.

261—69.7(15) Agreements and compliance.

69.7(1) *Execution.* Successful applicants will be required to execute an agreement within 180 days of the award date. The time limit for execution may be extended by the authority director for an additional 180 days for good cause shown. Upon expiration of the time limit, including any extensions approved pursuant to this subrule, the board may approve additional extensions or rescind the award.

69.7(2) *Requirements.* An agreement shall meet all requirements of and be administered pursuant to Iowa Code section 15.506 as enacted by 2025 Iowa Acts, Senate File 657.

69.7(3) *Jobs.* If applicable, an agreement will specify the number of jobs the business has pledged to create in addition to the base employment level and the number of retained jobs. An agreement may specify that a business has pledged additional jobs or pledged wage requirements greater than the qualifying wage threshold as a condition to receipt of an award or receipt of a specific amount or form of tax incentives or financial assistance. Job obligations will be established and monitored pursuant to rule 261—69.8(15).

69.7(4) *Investment.* An agreement will describe the project and specify the total project cost and qualifying investment the business proposes to make. The agreement will describe the actions to be taken by the business when its investment is placed in service.

69.7(5) *Project completion date.* An agreement will specify the project completion date and the applicable requirements that must be met by the project completion date.

69.7(6) *Contract end date.*

a. The authority will establish a contract end date based on the date the business is expected to have claimed all tax incentives and satisfied any repayment obligations for financial assistance. The contract end date may be earlier than the date specified in an agreement based on actual claims of tax incentives and satisfaction of any job, investment, or repayment obligations. The agreement will specify the applicable requirements that must be met by the contract end date.

b. The total agreement length will be at least two years.

c. An agreement may be terminated prior to the contract end date by mutual agreement of the parties. The amount of tax incentives or financial assistance available may be reduced as described in the agreement if the agreement is terminated prior to the contract end date.

69.7(7) *Conditions to disbursement.* An agreement will specify the conditions to disbursement of financial assistance or issuance of tax incentives, including but not limited to compliance with the requirements of Iowa Code section 15A.1(3)*"b"* regarding solid and hazardous waste.

69.7(8) *Monitoring and reports.* The authority shall ensure that program recipients comply with agreements. An agreement will specify the reports a program recipient must submit to the authority and due dates for such reports. Reports shall be provided in the form and content acceptable to the authority.

a. Recipients shall report annually to the authority about the status of the project, including but not limited to employment, wages, benefits, project costs, investment, and compliance with the agreement. The authority will use the data it collects in the authority's annual report to the general assembly pursuant to Iowa Code section 15.107B.

b. Recipients shall submit a report to the authority to document that the project investment and job obligations have been completed as proposed and prior to the contract end date to verify compliance with the agreement.

c. On-site or remote monitoring may be conducted during the agreement term as deemed appropriate by the authority.

69.7(9) *Default.* An agreement will specify events of default and the remedies available to the authority.

a. Financial assistance. If the authority determines that a recipient is in default, the authority may seek recovery of all financial assistance funds plus interest; assess penalties; negotiate alternative repayment schedules; initiate, suspend or discontinue collection efforts; and take other appropriate action as the board deems necessary. Negotiated settlements, write-offs or discontinuance of collection efforts are subject to approval by the board. If the authority or board refers defaulted agreements to outside counsel for collection, then the terms of the agreement between the authority and the outside counsel regarding the scope of counsel's authorization to accept settlements shall apply.

b. Tax incentives. If the authority determines that a recipient is in default, the eligible business may be required to repay tax incentives pursuant to Iowa Code section 15.506(1)*"b"* as enacted by 2025 Iowa Acts, Senate File 657. The repayment amount is subject to applicable interest and penalties as determined by the department of revenue. If the business is an entity that has elected pass-through taxation status for income tax purposes, the department of revenue may undertake collection efforts against members, individuals or shareholders to whom the tax incentives were passed through.

c. Calculation of repayment due or reduction.

(1) Job shortfall. If a business does not meet its job requirements, the repayment amount or reduction of tax incentives or financial assistance shall be the same proportion as the amount of the job shortfall. For example, if the business creates 50 percent of the jobs required, the business shall repay 50 percent of the tax incentives or financial assistance received, or tax incentives or financial assistance will be reduced by 50 percent.

(2) Investment shortfall. If a business does not meet the requirements for total project cost or qualifying investment, the repayment amount or reduction of tax incentives or financial assistance shall be the same proportion as the amount of the shortfall in applicable required investment. For example, if the business meets 75 percent of the amount of required qualifying investment, the business shall repay 25 percent of the amount of the tax incentives or financial assistance received, or tax incentives or financial assistance will be reduced by 25 percent. If a business has a shortfall in both total project cost and qualifying investment, the repayment amount or reduction shall be the same proportion as the greater of the two shortfalls.

(3) Job and investment shortfalls. If a business has a shortfall in both investment and job requirements, the repayment amount or reduction shall be the same proportion as the greater of the two shortfalls. For example, if a business creates 50 percent of the required jobs and meets 75 percent of the required qualifying investment, the business shall be required to repay 50 percent of the amount of the tax incentives or financial assistance received, or tax incentives or financial assistance will be reduced by 50 percent.

(4) Benefits. Notwithstanding any other provision in this subrule, if a business fails to comply with the benefit requirements of the agreement, the business shall be required to repay all of the tax incentives or financial assistance received, or tax incentives or financial assistance will be fully revoked.

(5) Minimum eligibility. Notwithstanding any other provision in this subrule, if a business fails to maintain eligibility for the program, the business shall repay all of the tax incentives or financial assistance received, or tax incentives or financial assistance will be fully revoked.

d. Notice of default. The authority will notify a business of an event of default as described in the agreement. If the community in which the project is located provided a property tax exemption pursuant

to Iowa Code section 15.510 as enacted by 2025 Iowa Acts, Senate File 657, the authority will also notify the community of an event of default as described in the agreement.

69.7(10) *Amendments.* Agreement amendments must comply with Iowa Code chapter 15, subchapter II, part 33, as enacted by 2025 Iowa Acts, Senate File 657, and this chapter. Recipients may submit requests for amendments to authority staff.

a. Except as provided in paragraph 69.7(10)*"b,"* no request to amend an agreement may be approved unless it has been reviewed by the due diligence committee established pursuant to 261—Chapter 1, the due diligence committee has recommended approving the request to amend the agreement and the board approves the request to amend the agreement.

b. The board may delegate authority to authority staff to approve nonsubstantive changes to the agreement, including but not limited to the following:

(1) Recipient name, address and similar changes.
(2) Collateral changes that do not materially and substantially impact the authority's security.
(3) Line-item budget changes that do not reduce overall total project costs or qualifying investment.
(4) Loan repayment amounts or due dates that do not extend the final due date of a loan.
(5) Changes to tax credit amortization schedules.
(6) Extension of a project completion date or contract end date of up to 12 months.

261—69.8(15) Job counting.

69.8(1) *Overview.* The authority will count created and retained jobs using a base employment analysis comparing the base employment level to employment on another date. The business's base employment level will be established at the time of application for the program. The number of jobs the business has pledged to create shall be in addition to the base employment level. Retained jobs may be included in the base employment level as established at the time of approval.

69.8(2) *Base employment level.*

a. Base employment level will include the number of full-time equivalent positions employed at the project location. If the project occurs at more than one physical location, the business's base employment level will include the total number of full-time equivalent positions working at the identified locations. Base employment level may include the business's full-time equivalent positions as identified by the authority that are based in this state but are not based at the project location.

b. If a business receives multiple awards for projects at the same location, including through the program or through the high quality jobs program administered pursuant to Iowa Code chapter 15, subchapter II, part 13, the base employment level will be calculated by using the payroll document from the oldest award that is open. Job obligations from each new award will be added to this base employment level.

c. The authority will collect payroll documents to calculate and verify the base employment level used in each award. Payroll documents must include a name or employee identification number and the hourly rate of pay for all full-time equivalent positions.

d. If the base employment level includes retained jobs, the authority will require a business to verify that a job is at risk. Such verification may include the signed statement of an officer of the business, documentation that the business is actively exploring other sites for the project, or any other information the authority may reasonably require during the application review process to establish that a job is at risk.

69.8(3) *Verification.* Payroll documents will be used to calculate and verify compliance with job obligations. The person who submits the documents must, under penalty of perjury, verify that the information contained in the documents is true and correct.

69.8(4) *Full-time equivalent positions.*

a. Only an individual filling a full-time equivalent position will be considered an employee of the business for the purpose of establishing the base employment level, retained jobs, or created jobs. The authority will not consider "job sharing" or any other means of aggregation or combination of hours worked by more than one natural person in counting jobs. The authority will verify that full-time equivalent positions constitute the employment of one person for:

(1) Eight hours per day for a five-day, 40-hour workweek for 52 weeks per year, including paid holidays, vacations and other paid leave; or

(2) The number of hours or days per week, including paid holidays, vacations and other paid leave, currently established by schedule, custom, or otherwise, as constituting a week of full-time work for the kind of service an individual performs for an employing unit, provided that the number of hours per week is at least 32 hours per week for 52 weeks per year, including paid holidays, vacations, and other paid leave.

b. If employees at the facility do not typically work 40 hours per week, the business will be required to provide documentation outlining what the business considers a full-time workweek and how the business's interpretation fits within the norms of its industry standards. Whether to accept this interpretation is within the sole discretion of the authority.

69.8(5) *Contract employees.* A business's leased or contract employee may be included in the base employment level as a created job or as a retained job only if the following requirements are met:

a. The business receiving the tax incentives or financial assistance has a legally binding contract with a third-party provider to provide the leased or contract employee.

b. The contract between the third-party provider and the business specifically requires the third-party provider to pay the wages and benefits at the levels required and for the time period required by the authority as conditions of the award to the business.

c. The contract between the third-party provider and the business specifically requires the third-party provider to submit payroll records to the authority, in the form and content and as frequently as required by the authority, for purposes of verifying that the business's job creation or retention and benefit requirements are being met.

d. The contract between the third-party provider and the business specifically authorizes the authority, or its authorized representatives, to access the third-party provider's records related to the funded project.

e. The business receiving the tax incentives or financial assistance agrees to be contractually liable to the authority for the performance or nonperformance of the third-party provider.

69.8(6) *Remote employees.* Employees in a position with a reasonable connection to a project location who work remotely may be included in the base employment level, as a created job, or as a retained job as established by the authority at the time of application. To determine whether employees who work remotely should be included, the authority will consider a business's policies on establishing remote work locations for employees, reporting structures, percentage of time worked at the project location, and the distance of employees' remote work locations from the project location. Only employees who work remotely within a defined geographic area established by the authority will be included. Whether an employee who works remotely is included in the base employment level, as a created job, or as a retained job pursuant to this subrule shall be solely within the discretion of the authority.

261—69.9(15) Wage requirements. Created or retained jobs shall meet the qualifying wage threshold requirements as established pursuant to this rule and as indicated in an agreement. Jobs that do not meet the qualifying wage threshold requirements will not be counted toward a business's job creation or job retention obligations.

69.9(1) If the business is creating jobs, the business shall demonstrate that the jobs will pay at least 100 percent of the laborshed wage by the contract end date. If the business is retaining jobs, the business shall demonstrate that the jobs will pay at least 120 percent of the laborshed wage from the award date until the contract end date. The authority may establish a higher qualifying wage threshold requirement for a specific project if the quality of jobs is a significant factor in negotiating the award pursuant to rule 261—69.4(15).

69.9(2) The authority will update the qualifying wage thresholds annually each fiscal year. The thresholds will take effect on September 1 of each fiscal year and remain in effect until August 31 of the following fiscal year.

69.9(3) The authority will calculate the laborshed wage as follows:

a. The most current covered wage and employment data available from the department of workforce development will be used.

b. The wage will be computed as a mean wage figure and represented in terms of an hourly wage rate.

c. Only the wages paid by employers for jobs performed within the first two zones of a laborshed area will be included.

d. The wages paid by employers in the following categories will be excluded from the calculation: government, retail trade, health care and social assistance, and accommodations and food service. The wages paid by employers in all other categories will be included in the calculation.

e. To the extent that a laborshed area includes zip codes from states other than Iowa, the wages paid by employers in those zip codes may be included if the department of workforce development has finalized a data-sharing agreement with the state in question and has received the necessary data.

f. Only those wages within two standard deviations of the mean wage will be included.

69.9(4) The authority may establish a qualifying wage threshold requirement lower than those designated pursuant to subrule 69.9(1) if a business located in the county experiences a layoff, closure, or natural disaster that has a significant impact on a community within the county.

a. Factors the authority will consider in determining whether a layoff, closure, or natural disaster has a significant impact on a community within the county include but are not limited to total number of employees impacted, percentage of the applicable laborshed impacted, number of employees impacted as a percentage of population, current unemployment rate, and unemployment rate including the employees affected by a layoff or closure.

b. A city or county shall request the designation of a county as an area that has experienced a significant impact pursuant to this subrule in writing. Such requests and the duration of the designation are subject to approval by the board. Requests may be made simultaneously with submission of a project application that would qualify for a lower qualifying wage threshold requirement pursuant to this subrule if the request is approved.

69.9(5) The authority maintains a list of areas qualifying for a lower wage threshold designated pursuant to subrule 69.9(4).

69.9(6) To determine the wages paid to the employees of an eligible business, the authority will include only monetary compensation, represented in terms of an hourly rate, paid by an employer to an employee for work or services provided, typically on a weekly or biweekly basis. The wage will not include nonregular forms of compensation, such as bonuses, unusual overtime pay, commissions, stock options, pensions, retirement or death benefits, unemployment benefits, life or other insurance, or other fringe benefits.

These rules are intended to implement Iowa Code chapter 15, subchapter II, part 33, as enacted by 2025 Iowa Acts, Senate File 657, and section 15A.1.

ARC 9604C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Proposing rulemaking related to rules of practice in contested cases, contracts for public improvements and professional services, and waivers or variances from administrative rules and providing an opportunity for public comment

The Environmental Protection Commission hereby proposes to rescind Chapter 7, "Rules of Practice in Contested Cases," and adopt a new Chapter 7 with the same title; rescind Chapter 8, "Contracts for Public Improvements and Professional Services," and adopt a new Chapter 8, "Contracts for Services and Public Improvements"; and rescind Chapter 13, "Waivers or Variances from Administrative Rules," and adopt a new Chapter 13, "Waivers from Administrative Rules," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 17A.9A, 17A.22, 455A.6, and 573.12(13).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 17A.3, 17A.9A, 17A.22, 455A.6 and 573.12(13) and Executive Order 10.

Purpose and Summary

Proposed Chapter 7 adopts by reference the Department of Natural Resources' rules of practice in contested cases as contained in 561—Chapter 7 (**ARC 9433C**, IAB 7/23/25, effective 8/27/25). This chapter is necessary to guarantee due process and ensure a consistent and transparent hearing process. 561—Chapter 7 is narrowly tailored to that end and was edited consistent with Executive Order 10.

Proposed Chapter 8 adopts by reference the Department's process for soliciting and awarding contracts for services, contracts for public improvements, and contracts for sale of timber found in 561—Chapter 8 (**ARC 9434C**, IAB 7/23/25, effective 8/27/25). 561—Chapter 8 was amended and simplified consistent with Executive Order 10. This Notice of Intended Action is based upon the Notice for 561—Chapter 8.

Proposed Chapter 13 adopts by reference the process for a person to petition the Commission for a waiver from the requirements of an administrative rule as contained in 561—Chapter 10 (**ARC 9436C**, IAB 7/23/25, effective 8/27/25). Chapter 10 was amended and simplified consistent with Executive Order 10.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025. A public hearing was held on the following date(s):

- August 15, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 567—Chapter 13.

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 November 5, 2025.

Tamara McIntosh
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.901.3294
Email: tamara.mcintosh@dnr.iowa.gov

Free Language Access. If you speak a non-English language, language assistance services are offered free of charge. Contact the Department at tamara.mcintosh@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 tamara.mcintosh@dnr.iowa.gov.

Public Hearing

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

November 4, 2025 12 noon to 1 p.m.	Virtual Meeting (via Google Meet or Zoom) A meeting registration link will be provided prior to the hearing
November 5, 2025 12 noon to 1 p.m.	Virtual Meeting (via Google Meet or Zoom) A meeting registration link will be provided prior to the hearing

A link for each day's virtual meetings will be provided to those who make a request to take part in the virtual hearing. Requests to participate in a particular hearing must be submitted to Ms. McIntosh via email by 8 a.m. on November 3, 2025.

Persons who wish to make oral comments at a public hearing will 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 hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Free language assistance: If you need assistance in a language other than English, contact the Department at tamara.mcintosh@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.250.6886 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 tamara.mcintosh@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.250.6886 al menos siete días antes del evento.

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 567—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
RULES OF PRACTICE IN CONTESTED CASES

567—7.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 7.

This rule is intended to implement Iowa Code section 17A.22.

ITEM 2. Rescind 567—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
CONTRACTS FOR SERVICES AND PUBLIC IMPROVEMENTS

567—8.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 8.

This rule is intended to implement Iowa Code sections 17A.3, 455A.6, and 573.12(13).

ITEM 3. Rescind 567—Chapter 13 and adopt the following **new** chapter in lieu thereof:

CHAPTER 13
WAIVERS FROM ADMINISTRATIVE RULES

567—13.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 10.

567—13.2(17A) Report to commission. The director shall submit reports of decisions regarding requests for waivers to the commission at its regular meetings.

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

ARC 9606C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Notice of Intended Action

Proposing rulemaking related to the natural hazard mitigation financing program and providing an opportunity for public comment

The Homeland Security and Emergency Management Department hereby proposes to adopt new Chapter 16, "Natural Hazard Mitigation Financing Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in 2025 Iowa Acts, Senate File 619.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 619.

Purpose and Summary

Pursuant to 2025 Iowa Acts, Senate File 619, the Department proposes a new Chapter 16. The proposed chapter describes the structure and guidelines under which the Natural Hazard Mitigation Financing Program, described in Iowa Code chapter 29D as enacted by 2025 Iowa Acts, Senate File 619, will be implemented.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025. A public hearing was held on the following date(s):

- September 9, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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

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 November 4, 2025. Comments should be directed to:

Blake DeRouchey
Department of Homeland Security and Emergency Management
7900 Hickman Road, Suite 500
Windsor Heights, Iowa 50324
Phone: 515.323.4232
Email: blake.derouchey@iowa.gov

Public Hearing

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

November 4, 2025 9 a.m.	Geode Room 7900 Hickman Road Windsor Heights, Iowa Video call link: meet.google.com/oqm-wujn-dif Or dial: (US) +1 475.277.0077 PIN: 619 998 977#

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** 605—Chapter 16:

CHAPTER 16
NATURAL HAZARD MITIGATION FINANCING PROGRAM

605—16.1(29D) Statutory authority, purpose, and general policy.

16.1(1) *Statutory authority.* The department of homeland security and emergency management (department) and the Iowa finance authority (authority) are jointly designated to administer the natural hazard mitigation financing program, also known as the STRLF. Authority to administer this fund is provided by Iowa Code chapter 29D as enacted by 2025 Iowa Acts, Senate File 619 (Senate File 619), and the federal STORM Act (42 U.S.C. §5135 as of July 1, 2025).

16.1(2) *Purpose.* This chapter provides the definitions and general project and program administration rules for the STRLF program.

16.1(3) *Administration.* The director may coordinate with the authority under the terms of an interagency agreement entered into pursuant to Iowa Code chapter 28E.

16.1(4) *State capitalization grant.* The STORM Act authorizes the administrator of the Federal Emergency Management Agency (FEMA) to offer capitalization grants to states for use in a revolving loan fund program. As allowed by the STORM Act, a portion of the capitalization grant, or of the STRLF itself, if necessary, may be used by the authority and the department to administer the STRLF program.

16.1(5) *Project determination.* A project must comply with this chapter, the IUP current at the time, Iowa Code chapter 29D as enacted by Senate File 619, and the STORM Act to be eligible for a STRLF loan. The department shall use a priority rating system outlined in the IUP to rank eligible projects for funding. STRLF assistance will be available to projects in priority order.

16.1(6) *Decisions.* Department decisions are final unless the loan applicant files a written petition for review with the director. The petition must be addressed to the director and clearly state the decision in question and the basis for the requested review. The loan applicant has the right to appeal a decision pursuant to Iowa Code chapter 17A or to the state court.

605—16.2(29D) Definitions. The definitions and references in Iowa Code section 29D.2 as enacted by Senate File 619 shall apply to this chapter. The following definitions are also applicable to this chapter:

"Fiscal year" means the state fiscal year starting July 1 and ending June 30.

"Intended use plan" or *"IUP"* means a plan identifying the intended uses of funds available for loans in the STRLF for each fiscal year as described in the STORM Act.

"Project proposal list" or *"PPL"* means a priority-ranked list of mitigation projects the department may fund using STRLF funds.

"Safeguarding tomorrow revolving loan fund" or *"STRLF"* means the natural hazard mitigation financing program as defined in Iowa Code chapter 29D as enacted by Senate File 619.

"Safeguarding tomorrow through ongoing risk mitigation Act" or *"STORM Act"* means the same as defined in Iowa Code section 29D.2 as enacted by Senate File 619.

605—16.3(29D) IUP preparation and public participation.

16.3(1) *Development.* The department shall prepare an IUP pursuant to the STORM Act at least annually and on a quarterly basis as needed. The IUP will be available for public input and approved by the director. The public has an opportunity annually, and quarterly as needed, to comment on both the PPL and the IUP.

16.3(2) *Notification.* Reasonable notice of a public comment period will be provided prior to the department submitting the IUP and capitalization grant application materials to FEMA. A public notice calling for project proposals to be added to the PPL will be provided not less than six weeks prior to the submission of an application for a capitalization grant. All materials relating to the IUP and PPL will be posted at homelandsecurity.iowa.gov.

16.3(3) *Comments.* Comments regarding the proposed IUP will be accepted during the notice period. After evaluation of all pertinent comments, the IUP will be revised, if necessary, and recommended for the director's approval. Subsequent approval by the director will establish the IUP to be used for loan assistance.

605—16.4(29D) IUP contents.

16.4(1) *Status and use of available funds.* In addition to federal requirements, the IUP will identify the anticipated availability and uses of STRLF funds available for that fiscal year, including, at a minimum:

a. The status of the STRLF,

b. A method of prioritizing projects,

c. The anticipated terms of assistance provided by the STRLF, and

d. The anticipated amount of funding available from the STRLF for that fiscal year.

16.4(2) *State PPL.* The state PPL contains the projects eligible for STRLF direct loans. The PPL includes projects scheduled for loans from funds available during the fiscal year and eligible projects for which STRLF funding is not yet available. Projects or activities qualifying for STRLF assistance shall be identified in the IUP on the state PPL, developed pursuant to this chapter, and only those projects

or activities may be considered fundable. Projects will be considered in priority order for placement on the fundable list. The PPL will be reviewed at least annually or quarterly as needed to update priorities, schedules, and project cost estimates.

16.4(3) *Timing.*

a. Applications may be submitted on an ongoing basis and will be reviewed in accordance with the schedule in the IUP.

b. Applications received after the IUP is submitted to FEMA will not be placed on the PPL for that quarter but will be considered for loan assistance when the next IUP is prepared.

c. The department may exclude from the PPL any projects that do not meet program requirements at the time of application.

These rules are intended to implement Iowa Code chapter 29D as enacted by Senate File 619.

ARC 9609C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Notice of Intended Action

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

The Homeland Security and Emergency Management Department hereby proposes to rescind Chapter 1, "Organization," 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 chapter 29C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 29C, 30, 34A, and 418.

Purpose and Summary

The proposed new chapter eliminates language that is overly restrictive or obsolete and shortens the chapter.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 3, 2025. A public hearing was held on the following date(s):

- September 23, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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

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 November 4, 2025. Comments should be directed to:

Blake DeRouchey
Department of Homeland Security and Emergency Management
7900 Hickman Road, Suite 500
Windsor Heights, Iowa 50324
Phone: 515.323.4232
Email: blake.derouchey@iowa.gov

Public Hearing

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

November 4, 2025 8:30 a.m.	Geode Room 7900 Hickman Road Windsor Heights, Iowa Video call link: meet.google.com/oqm-wujn-dif Or dial: (US) +1 475.277.0077 PIN: 619 998 977#
November 5, 2025 8:45 a.m.	Geode Room 7900 Hickman Road Windsor Heights, Iowa Video call link: meet.google.com/oqm-wujn-dif Or dial: (US) +1 475.277.0077 PIN: 619 998 977#

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

CHAPTER 1
ORGANIZATION

605—1.1(29C) Description. The department of homeland security and emergency management is created in Iowa Code chapter 29C. The department of homeland security and emergency management shall be under the management of a director appointed by the governor subject to senate approval. The director shall be vested with the authority to administer homeland security and emergency management affairs in this state and is responsible for preparing and executing the homeland security and emergency management programs of this state subject to the direction of the governor. The director, upon the direction of the governor, shall carry out the duties and responsibilities detailed in applicable Iowa Code

provisions, including Iowa Code chapters 29C, 29D, 30, 34A, and 418. The director shall also carry out duties and responsibilities of applicable federal code and regulations. The director, with the approval of the governor, may employ a deputy administrator and such technical, clerical, and other personnel and make such expenditures within the appropriation or from other funds made available to the department for purposes of homeland security and emergency management, as may be necessary to administer the purposes of Iowa Code chapters 29C, 29D, 30, 34A, and 418.

605—1.2(29C) Definitions. The following definitions are applicable to the homeland security and emergency management department:

"Comprehensive countywide emergency operations plan" means documents that describe the actions to be taken to lessen the effects of, prepare for, respond to and recover from a disaster by county and city governments, quasi-government agencies, and private organizations that have emergency operations responsibility. The plan is multihazard in scope (covers all hazards for the county) and provides for a coordinated effort. It references authority, assigns functional responsibilities, provides for direction and control, and ensures the effective use of resources.

"Department" means the same as defined in Iowa Code chapter 29C.

"Director" means the same as defined in Iowa Code chapter 29C.

"Disaster" means the same as defined in Iowa Code chapter 29C.

"Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action to protect life or property. Such actions are normally handled in a routine manner by law enforcement, fire protection, public works, utilities, and emergency medical services.

"Emergency management" means lessening the effects of, preparations for, operations during, and recovery from natural, technological or human-caused disasters. These actions are broad in scope and include but are not limited to disaster plans, mitigation, preparedness, response, warning, emergency operations, training, exercising, research, rehabilitation, and recovery activities.

"Emergency management performance grant program" means a program by which federal funds are utilized to pay no more than 50 percent of the salaries, benefits, travel, and office expenses incurred in the administration of the state and local emergency management program.

"Homeland security" means the detection, prevention, preemption, and deterrence of and protection from attacks targeted at state territory, population, and infrastructure.

"Joint commissions" means two or more local emergency management commissions acting as a joint commission for the coordination and administration of emergency management as described in Iowa Code section 29C.9.

"Local commission" means the local emergency management commission as defined in Iowa Code section 29C.9.

"Mitigation" means any action taken to reduce or eliminate the long-term risk to human life and property from hazards. Examples of mitigation activities include building codes, land use management, floodplain management, building of protective structures such as flood walls, public education, research, risk mapping, safety codes, and statutes and ordinances.

"Preparedness" means any activity taken in advance of an emergency or disaster that improves emergency readiness posture and develops or expands operational capabilities. Examples of preparedness activities include but are not limited to continuity of government, emergency alert and warning systems, emergency communications, emergency operations centers, comprehensive countywide emergency operations plans, emergency public information materials, exercise of plans and systems, hazard analysis, mutual aid agreements, resource management, and the training and equipping of personnel.

"Recovery" means short-term activity to return vital life support systems to minimum operating standards and long-term activity designed to return the affected people and areas to their predisaster conditions. Examples of recovery activities are crisis counseling, damage assessment, debris clearance, decontamination, disaster insurance payments, disaster loans and grants, disaster unemployment assistance, public information, community outreach, temporary housing, and reconstruction.

"Response" means any action taken immediately before, during, or directly after an emergency or disaster occurs, which is intended to save lives, minimize injuries, lessen property and environmental damage and enhance the effectiveness of recovery. Examples of response activity include rendering of assistance by emergency responders, activation of the emergency operations center, emergency alert system activation, emergency instructions to the public, emergency plan implementation, public official alerting, evacuation, sheltering of victims, search and rescue, resource mobilization, and warning system activation.

605—1.3(29C) Facilitating business rapid response to state-declared disasters. The implementation of business rapid response to state-declared disasters is addressed in the rules of the secretary of state in 721—Chapter 12 and the department of revenue in 701—Chapter 242.

These rules are intended to implement Iowa Code chapters 29C, 29D, 30, 34A and 418.

ARC 9610C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Notice of Intended Action

Proposing rulemaking related to uniform rules on agency procedure and providing an opportunity for public comment

The Homeland Security and Emergency Management Department hereby proposes to rescind Chapter 2, "Petitions for Rule Making," and to adopt a new Chapter 2, "Petitions for Rulemaking," and to rescind Chapter 3, "Declaratory Orders," Chapter 4, Agency Procedure for Rule Making," Chapter 5, "Fair Information Practices," and Chapter 6, "Contested Cases," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 29C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 29C.

Purpose and Summary

The proposed new chapter eliminates language that is overly restrictive or obsolete and shortens the chapter. This rulemaking also proposes to rescind Chapters 3 through 6.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 3, 2025. A public hearing was held on the following date(s):

- September 23, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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

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 November 4, 2025. Comments should be directed to:

Blake DeRouchey
Department of Homeland Security and Emergency Management
7900 Hickman Road, Suite 500
Windsor Heights, Iowa 50324
Phone: 515.323.4232
Email: blake.derouchey@iowa.gov

Public Hearing

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

November 4, 2025 8:45 a.m.	Geode Room 7900 Hickman Road Windsor Heights, Iowa Video call link: meet.google.com/oqm-wujn-dif Or dial: (US) +1 475.277.0077 PIN: 619 998 977#
November 5, 2025 9 a.m.	Geode Room 7900 Hickman Road Windsor Heights, Iowa Video call link: meet.google.com/oqm-wujn-dif Or dial: (US) +1 475.277.0077 PIN: 619 998 977#

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 605—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
UNIFORM RULES ON AGENCY PROCEDURE

The department hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedures, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

605—2.1(17A,29C) Petitions for rulemaking. The Iowa department of homeland security and emergency management hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to petitions for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.1(1) In lieu of the words "(agency name)", insert "Iowa department of homeland security and emergency management".

2.1(2) In lieu of the words "(designate office)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.1(3) In lieu of the words "(designate official by full title and address)", insert "Director, Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

605—2.2(17A,29C) Declaratory orders. The Iowa department of homeland security and emergency management hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to declaratory orders, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.2(1) In lieu of the words "(agency name)" or "(designate agency)", insert "Iowa Department of Homeland Security and Emergency Management".

2.2(2) In lieu of the words "(designate office)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.2(3) In lieu of the words "(designate official by full title and address)", insert "Director, Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.2(4) In lieu of the words "Within ____ days (15 or less)" found in rule X.2, insert "Within 15 days".

2.2(5) In lieu of the words "within ____ days of the filing of a petition" in rule X.3(1), insert "within 20 days of the filing of a petition".

605—2.3(17A,29C) Agency procedure for rulemaking. The Iowa department of homeland security and emergency management hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to agency procedure for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.3(1) In lieu of the words "(commission, board, council, director)", insert "director".

2.3(2) In lieu of the words "(specify time period)", insert "one year".

2.3(3) In lieu of the words "(identify office and address)", insert "Director, Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.3(4) In lieu of the words "(designate office and telephone number)", insert "the director at 515.725.3231".

2.3(5) In lieu of the words "(designate office)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.3(6) In lieu of the words "(specify the office and address)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.3(7) In lieu of the words "(agency head)", insert "director".

605—2.4(17A,29C) Fair information practices. The Iowa department of homeland security and emergency management with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to fair information practices, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.4(1) In lieu of the words "(official or body issuing these rules)", insert "Iowa Department of Homeland Security and Emergency Management".

2.4(2) In lieu of the words "(insert agency head)", insert "director".

2.4(3) In lieu of the words "(insert agency name and address)", insert "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.4(4) In lieu of the words "(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)", insert the words "at any time from 9 a.m. to 12 noon and from 1 to 4 p.m., Monday through Friday, excluding legal holidays, unless the person exercising such right and the lawful custodian agree on a different time".

2.4(5) In lieu of the words "(specify time period)", insert the words "30 minutes".

2.4(6) In lieu of the words "(designate office)", insert the words "Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324".

2.4(7) Delete the words "(and, where applicable, the time period during which the record may be disclosed)".

2.4(8) Delete the words "(Additional requirements may be necessary for special classes of records.)."

2.4(9) Delete the words "(Each agency should revise its forms to provide this information.)".

2.4(10) Federal records.

a. For federal records maintained by the department, a subject will provide a Privacy Act release in accordance with the requirements of Title 5 United States Code, Section 552, in writing, and signed by the subject of the record.

b. For federal records and forms, the United States government's determination of routine use and the consequences of failure to provide required or optional information as requested shall be provided to the supplier of the information.

c. Pursuant to Iowa Code section 22.9, the department finds that maintenance, use, or disclosure of federal records described in this rule, except as allowed by federal law and regulation, would result in the denial of United States government funds, services and essential information that would otherwise definitely be available and that have been available to the department in the past. The department has the authority to enter into agreements and contracts to obtain funds pursuant to Iowa Code chapter 29C. The department makes such agreements and contracts with the Federal Emergency Management Agency (FEMA) under the authority of Public Law 93-288 (The Robert T. Stafford Disaster Relief and Emergency Assistance Act) and an Emergency Management Performance Grant Agreement that specify categories of records and information that must be kept confidential. In addition, 44 CFR 5.71 specifies categories of records that are exempt from disclosure under 5 U.S.C. 552. These records include those containing personally identifiable information concerning applicants to individual assistance and mitigation assistance programs that are administered by the state under a presidentially declared disaster. Nuclear Regulatory Commission Title 10 CFR 73.21 relates to the physical protection of nuclear power plants and materials. This regulation requires that certain information contained in plans and documents on file with the department be kept confidential and include information concerning the physical protection at fixed sites; physical protection in transit; inspections, audits and evaluations; and correspondence insofar as it contains safeguards information.

605—2.5(17A,29C) Contested cases. The Iowa department of homeland security and emergency management hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to contested cases, which are published at www.legis.iowa.gov/DOCS/Rules/

Current/UniformRules.pdf on the general assembly's website. For purposes of this rule, the following designations are made:

2.5(1) In lieu of the words "(agency name)" or "agency", insert "the Iowa department of homeland security and emergency management".

2.5(2) In lieu of the words "(designate official)", insert "director".

2.5(3) In lieu of the words "(specify rule number)", insert "rule".

2.5(4) In lieu of the words "(agency to designate person to whom violations should be reported)", insert "director".

2.5(5) In lieu of the words "(board, commission, director, as appropriate)", insert "the director".

These rules are intended to implement Iowa Code chapters 17A and 29C.

ITEM 2. Rescind and reserve **605—Chapter 3**.

ITEM 3. Rescind and reserve **605—Chapter 4**.

ITEM 4. Rescind and reserve **605—Chapter 5**.

ITEM 5. Rescind and reserve **605—Chapter 6**.

ARC 9605C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Notice of Intended Action

Proposing rulemaking related to the Iowa comprehensive plan and providing an opportunity for public comment

The Homeland Security and Emergency Management Department hereby proposes to rescind Chapter 9, "Iowa Comprehensive Plan," Iowa Administrative Code, and to adopt a new Chapter 9 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 29C.8.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 29C.8.

Purpose and Summary

The proposed new chapter omits language that is overly restrictive or obsolete and, as a result, is a shorter chapter.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025. A public hearing was held on the following date(s):

- September 9, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

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

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 November 4, 2025. Comments should be directed to:

Blake DeRouchey
Department of Homeland Security and Emergency Management
7900 Hickman Road, Suite 500
Windsor Heights, Iowa 50324
Phone: 515.323.4232
Email: blake.derouchey@iowa.gov

Public Hearing

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

November 4, 2025 9:15 a.m.	Geode Room 7900 Hickman Road Windsor Heights, Iowa Video call link: meet.google.com/oqm-wujn-dif Or dial: (US) +1 475.277.0077 PIN: 619 998 977#
November 5, 2025 8:30 a.m.	Geode Room 7900 Hickman Road Windsor Heights, Iowa Video call link: meet.google.com/oqm-wujn-dif Or dial: (US) +1 475.277.0077 PIN: 619 998 977#

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 605—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
IOWA COMPREHENSIVE PLAN

605—9.1(29C) Description and public access.

9.1(1) Iowa Code section 29C.8 requires the director of the homeland security and emergency management department to prepare a comprehensive plan for homeland security, disaster response, recovery, mitigation, and emergency resource management for the state. This comprehensive plan is comprised of the following parts:

a. Iowa Emergency Response Plan.

b. Iowa Hazard Mitigation Plan.

c. Iowa Disaster Recovery Plan.

d. Iowa Critical Asset Protection Plan (confidential per Iowa Code section 22.7, Confidential records).

9.1(2) Digital copies of plans referenced in paragraphs 9.1(1)*"a"* through *"c"* will be provided to the state library located in the Ola Babcock Miller Building, 1112 East Grand Avenue, Des Moines, Iowa.

9.1(3) Plans referenced in paragraphs 9.1(1)*"a"* through *"c"* shall be distributed to state agencies and departments that have been assigned emergency functions and to all local emergency management agencies.

9.1(4) Plans referenced in paragraphs 9.1(1)*"a"* through *"c"* shall be available for public viewing at the Homeland Security and Emergency Management Department, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa.

605—9.2(29C) Iowa Emergency Response Plan. The Iowa Emergency Response Plan is developed in accordance with Iowa Code section 29C.8 and has been adopted, published, and maintained by the department. This plan details the state government response to a wide range of natural, technological or human-caused disasters. The Iowa Emergency Response Plan serves as the state disaster emergency response document.

605—9.3(29C) Iowa Hazard Mitigation Plan. The Iowa Hazard Mitigation Plan was developed in accordance with Iowa Code section 29C.8 and was adopted on September 18, 2023, and published, and has been maintained by the department. This plan details the state government's goals, objectives, and strategies to mitigate a wide range of natural, technological, or human-caused disasters in accordance with Section 322 of the Stafford Act, 42 U.S.C. 5165 as of October 1, 2025.

9.3(1) The Iowa Hazard Mitigation Plan serves as the state hazard mitigation document and demonstrates the state's commitment to reduce risks from natural, technological, and human-caused hazards and serves as a guide for the commitment of resources to reducing the effects of natural, technological, and human-caused hazards.

9.3(2) The Iowa Hazard Mitigation Plan shall be reviewed and amended as appropriate at a minimum of every five years.

605—9.4(29C) Iowa Disaster Recovery Plan. The Iowa Disaster Recovery Plan was developed in accordance with Iowa Code section 29C.8 and was adopted on September 17, 2018, and published, and has been maintained by the department. This plan details the state government's goals, objectives, and strategies to recover from a wide range of natural, technological, or human-caused disasters. The Iowa Disaster Recovery Plan serves as the state disaster recovery document.

These rules are intended to implement Iowa Code section 29C.8.

ARC 9593C

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rulemaking related to uniform rules and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to rescind Chapter 7, "Rules of Practice in Contested Cases," and to adopt a new Chapter 7 with the same title; to rescind Chapter 8, "Contracts for Public Improvements and Professional Services," and to adopt a new Chapter 8, "Contracts for Services and Public Improvements"; and to rescind Chapter 11, "Waivers or Variances from Administrative Rules," and to adopt a new Chapter 11, "Waivers from Administrative Rules," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 17A.3, 17A.9A, 17A.22, 455A.4 and 573.12(13).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 17A.3, 17A.9A, 17A.22, 455A.4 and 573.12(13) and Executive Order 10.

Purpose and Summary

Proposed Chapter 7 adopts by reference the Department's rules of practice in contested cases as contained in 561—Chapter 7 (**ARC 9433C**, IAB 7/23/25, effective 8/27/25). This chapter is necessary to guarantee due process and ensure a consistent and transparent hearing process. 561—Chapter 7 is narrowly tailored to that end and was edited consistent with Executive Order 10. This Regulatory Analysis is based upon the Regulatory Analysis for 561—Chapter 7 (9/4/24 IAB).

Proposed Chapter 8 adopts by reference the Department's process for soliciting and awarding contracts for services, contracts for public improvements, and contracts for sale of timber found in 561—Chapter 8 (**ARC 9434C**, IAB 7/23/25, effective 8/27/25). 561—Chapter 8 was amended and simplified consistent with Executive Order 10. This Regulatory Analysis is based upon the Regulatory Analysis for 561—Chapter 8 (9/4/24 IAB). This proposed rulemaking implements Executive Order 10.

Proposed Chapter 11 adopts by reference the process for a person to petition the Environmental Protection Commission for a waiver from the requirements of an administrative rule as contained in 561—Chapter 10 (**ARC 9436C**, IAB 7/23/25, effective 8/27/25). 561—Chapter 10 was amended and simplified consistent with Executive Order 10. This Regulatory Analysis is based upon the Regulatory Analysis for 561—Chapter 10 (9/4/24 IAB).

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025. A public hearing was held on the following date(s):

- August 15, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 571—Chapter 11.

Public Comment

Any interested person may submit comments concerning this proposed rulemaking, which must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on November 5, 2025. Comments should be directed to:

Tamara McIntosh
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.901.3294
Email: tamara.mcintosh@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 tamara.mcintosh@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 tamara.mcintosh@dnr.iowa.gov.

Public Hearing

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

November 4, 2025 12 noon to 1 p.m.	Virtual Meeting (via Google Meet or Zoom) A meeting registration link will be provided prior to the hearing
November 5, 2025 12 noon to 1 p.m.	Virtual Meeting (via Google Meet or Zoom) A meeting registration link will be provided prior to the hearing

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

A link for each day's virtual meetings will be provided to those who make a request to take part in the virtual hearing. Requests to participate in a particular hearing must be submitted to Ms. McIntosh via email by 8 a.m. on November 3, 2025.

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

Free Language Assistance: If you need assistance in a language other than English, contact the Department at tamara.mcintosh@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.250.6886 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 tamara.mcintosh@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.250.6886 al menos siete días antes del evento.

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 571—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
RULES OF PRACTICE IN CONTESTED CASES

571—7.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 7.

This rule is intended to implement Iowa Code section 17A.22.

ITEM 2. Rescind 571—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
CONTRACTS FOR SERVICES AND PUBLIC IMPROVEMENTS

571—8.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 8.

This rule is intended to implement Iowa Code sections 17A.3, 455A.4, and 573.12(13).

ITEM 3. Rescind 571—Chapter 11 and adopt the following **new** chapter in lieu thereof:

CHAPTER 11
WAIVERS FROM ADMINISTRATIVE RULES

571—11.1(17A) Adoption by reference. The commission adopts by reference 561—Chapter 10.

571—11.2(17A) Report to commission. The director shall submit reports of decisions regarding requests for waivers to the commission at its regular meetings.

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

ARC 9594C

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rulemaking related to deer hunting and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 106, "Deer Hunting," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 455A.5(6)"a," 481A.39 and 481A.48.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38 and 481A.48.

Purpose and Summary

Chapter 106 governs deer hunting by residents and nonresidents in the State of Iowa. This chapter sets forth season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. Chapter 106 also addresses landowner/tenant deer license application procedure, timing, and general eligibility as well as the State's deer depredation program.

This rulemaking proposes five amendments. The majority of these amendments propose a new resident hunting zone, along with new licensing procedures and means and methods of take specific for that zone. Other amendments will implement 2025 Iowa Acts, Senate File 423 and House File 885, which collectively create a new disabled veterans deer privilege; clarify that youth deer licenses are available to purchase throughout all deer seasons; and make a minor change to the deer depredation program. An amendment was also included to add sentences that were inadvertently removed during the prior rulemaking under Executive Order 10.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025. A public hearing was held on the following date(s):

- August 12, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 571—Chapter 11.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on November 4, 2025. Comments should be directed to:

Chris Ensminger
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.250.6886
Email: chris.ensminger@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 chris.ensminger@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 chris.ensminger@dnr.iowa.gov.

Public Hearing

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

November 4, 2025 1 to 2 p.m.	Suite 200 6200 Park Avenue Des Moines, Iowa

Persons who wish to make oral comments at a public hearing will 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 hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Free Language Assistance: If you need assistance in a language other than English, contact the Department at chris.ensminger@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.250.6886 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al chris.ensminger@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.250.6886 al menos siete días antes del evento.

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 571—106.1(481A), introductory paragraph, as follows:

571—106.1(481A) Licenses. When hunting deer, all hunters must have in their possession a valid deer hunting license and a valid resident or nonresident hunting license and must have paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person. No person who is issued a deer hunting license and transportation tag shall allow another person to possess that license or transportation tag while that person is deer hunting or tagging a deer. An "any-deer" license shall mean the same as an "any sex" license as referenced in Iowa Code chapter 483A.

ITEM 2. Amend paragraph **106.1(1)"a"** as follows:

a. General deer licenses. General deer licenses shall be valid for taking deer in one resident hunting zone per season selected at the time the license is purchased. General deer licenses shall be valid for taking deer of one or either sex ~~except in counties designated by the natural resource commission (commission) during the first regular gun season when the general deer license will be valid for taking deer with at least one forked antler~~ depending on the resident hunting zone selected at the time of purchase. Paid general deer licenses shall be valid ~~statewide~~ zonewide except where prohibited in deer population management zones established under 571—Chapter 105. Free general deer licenses shall be valid for taking deer of either sex only on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

ITEM 3. Reletter paragraphs **106.1(1)"b"** to **106.1(1)"e"** as **106.1(1)"c"** to **106.1(1)"f"**.

ITEM 4. Adopt the following **new** paragraph **106.1(1)"b"**:

b. Any-deer licenses. Any-deer licenses shall be valid for taking deer of either sex in the zone, county, and season selected by the hunter at the time of purchase.

ITEM 5. Renumber subrules **106.1(2)** and **106.1(3)** as **106.1(3)** and **106.1(4)**.

ITEM 6. Adopt the following **new** subrule 106.1(2):

106.1(2) *Resident hunting zones.*

a. Resident zone boundaries. Boundaries are as specified in the resident deer hunting zones map (dated October 2025) published on the department's website (www.iowadnr.gov/deerhunting, "Resident Deer Hunting Zones.")

b. Zone A. Paid general deer licenses shall be valid for taking deer of either sex zonewide.

c. Zone B. Paid general deer licenses shall be valid for taking deer with at least one forked antler zonewide. Paid any-deer licenses shall be valid for taking deer of either sex in only the county selected at the time of purchase. Hunters may obtain no more than one zone B any-deer license annually.

ITEM 7. Amend renumbered subrule 106.1(3) as follows:

106.1(3) *January antlerless-deer-only resident licenses.*

a. Population management season. Licenses for the population management January antlerless-deer-only season may be issued for counties designated by the commission following a 30-day public comment period. Population management January antlerless-deer-only licenses shall be issued for a county only when a minimum of 100 antlerless-deer-only licenses, as described in 106.10(5), remain unsold in that county as of the third Monday in December. If 100 or more antlerless-deer-only licenses

remain unsold for a given county as of the third Monday in December, those remaining antlerless-deer-only licenses shall be made available for the population management January antlerless-deer-only season in that county until the relevant antlerless-deer-only quota as described in 106.10(5) is met. Population management season licenses will be available for purchase starting at 9 a.m. Central Standard Time (CST) on the Tuesday morning following the third Monday in December.

b. Excess tag season. Licenses for the excess tag January antlerless-deer-only season may be issued in any county. Excess tag January antlerless-deer-only licenses shall be issued for a county only when a minimum of one antlerless-deer-only license, as described in 106.10(5), remains unsold for a given county through January 10. Remaining antlerless-deer-only licenses shall be made available starting at 9 a.m. CST on January 11 for the excess tag January antlerless-deer-only season in that county until the relevant antlerless-deer-only quota as described in 106.10(5) is met.

ITEM 8. Amend renumbered paragraph **106.1(4)"g"** as follows:

g. Excess tag January antlerless-deer-only license. Beginning at 9 a.m. CST on January 11, nonresident hunters may obtain antlerless-deer-only licenses for the excess tag January antlerless-deer-only season specified in 106.2(4). Licenses will be available only in those counties specified in 106.10(3) until the quota provided in 106.10(5) is filled. All regulations specified in ~~Chapter 106~~ this chapter for the January antlerless deer season for resident hunters including limits, shooting hours, method of take, tagging and reporting requirements will also apply to nonresident hunters during this season.

ITEM 9. Amend subrule 106.7(1) as follows:

106.7(1) *Zone license quotas.* Nonresident license quotas are as follows:

	~~Any-sex~~ Any-deer licenses		Mandatory	Optional
	All Methods	Bow	Antlerless-deer-only	Antlerless-deer-only
Zone 1	90	31	90	
Zone 2	90	31	90	
Zone 3	560	196	560	
Zone 4	1280	448	1280	
Zone 5	1600	560	1600	
Zone 6	800	280	800	
Zone 7	360	126	360	
Zone 8	240	84	240	
Zone 9	880	308	880	
Zone 10	100	35	100	
Total	6000	2099	6000	3500

ITEM 10. Amend subrule 106.10(3) as follows:

106.10(3) *Population management and excess tag January antlerless-deer-only seasons.* Only antlerless-deer-only licenses, paid or free, are available in counties pursuant to the conditions described in ~~106.1(2)~~ 106.1(3). A license must be used during the population management or excess tag January antlerless-deer-only season as described in 106.2(4) and in the county or deer population management area selected at the time the license is purchased. Free antlerless-deer-only licenses shall be available only in the portion of the farm unit located in a county where paid antlerless-deer-only licenses are available during the population management or excess tag January antlerless-deer-only season.

ITEM 11. Amend subrule 106.10(5) as follows:

106.10(5) *Antlerless-deer-only licenses and zone B any-deer licenses.* Paid antlerless-deer-only licenses and zone B any-deer licenses shall be available by county as designated annually by the commission. Prior to the commission designating the quotas, the department shall publish on its website (~~www.iowadnr.gov/Hunting/Deer-Hunting~~ www.iowadnr.gov/deerhunting) a proposed allocation and accept public comments for at least 30 days.

ITEM 12. Adopt the following **new** subrule 106.10(6):

106.10(6) *Disabled veteran any-deer licenses.* A paid any-deer license shall be available for a resident disabled veteran consistent with Iowa Code section 483A.8D as enacted by 2025 Iowa Acts, House File 885. The fee for this license shall be the same as the general deer license set forth in 571—subrule 15.10(1). Resident disabled veteran any-deer licenses shall be valid during any established firearm season using the method of take authorized for that season. A person may obtain only one disabled veteran any-deer license but may also obtain any other paid or free general deer and antlerless-deer-only licenses that are available to other hunters.

ITEM 13. Amend subrule 106.12(1) as follows:

106.12(1) *Licenses with quotas.* All paid deer hunting licenses for which a quota is established may be obtained from the ELSI system on a first-come, first-served basis beginning at 9 a.m. CST on August 15 until the quota fills, or through the last day of the hunting period for which the license is valid.

ITEM 14. Amend subrule 106.12(2) as follows:

106.12(2) *Licenses without quotas.* All deer hunting licenses that have no quota may be obtained from the ELSI system beginning at 9 a.m. CST on August 15 through the last day of the hunting period for which a license is valid.

ITEM 15. Amend paragraph **106.13(2)"a"** as follows:

a. Resident party hunting. During the first and second regular gun seasons and the January antlerless-deer-only seasons in resident zone A only, any resident hunter present in the hunting party may use their tag on a deer harvested by another resident. Party hunting is not allowed in resident zone B.

ITEM 16. Amend subrule 106.14(1) as follows:

106.14(1) *Licenses.*

a. Youth deer hunt. A youth deer license shall be valid for taking a deer of either sex zonewide. A youth deer license may be issued to any Iowa resident who is not over 15 years old on the day the youth obtains the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free general deer license for which the youth's family is eligible.

Each participating youth must be accompanied by an adult who possesses a regular hunting license and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). Only one adult may participate for each youth hunter. The accompanying adult must not possess a long gun, bow, or crossbow and must be in the direct company of the youth at all times. Youth deer tags must be filled by the eligible youth hunter named on the youth license.

A person may obtain only one youth general deer license but may also obtain any other paid or free general deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only or any-deer licenses must be obtained in the same manner with which other hunters obtain them, as described in 106.10(2).

b. Severely disabled hunt. Any severely disabled Iowa resident meeting the requirements of Iowa Code section 321L.1(8) may be issued one general deer license to hunt deer during the youth season. A person applying for this license must either possess a disability parking permit or provide a completed form from the department of natural resources. The form must be signed by a physician verifying that the person's disability meets the criteria defined in Iowa Code section 321L.1(8). The attending physician shall be currently practicing medicine and shall be a medical doctor, a doctor of osteopathy, a physician assistant, or a nurse practitioner. Forms are available online at www.iowadnr.gov, by visiting the Department of Natural Resources office at ~~the Wallace State Office Building~~ 6200 Park Avenue, Des Moines, Iowa, or any district office, or by calling 515.725.8200. A person between 16 and 65 years of age must also possess a regular hunting license and have paid the habitat fee to obtain a license (if normally required to have a hunting license and to pay the habitat fee to hunt). A severely disabled person obtaining this license may obtain any other paid and free general deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the same manner by which other hunters obtain them, as described in 106.10(2).

ITEM 17. Amend subrule 106.14(6) as follows:

106.14(6) *Procedures for obtaining licenses.* Paid and free youth season licenses and licenses for severely disabled hunters may be obtained through ELSI beginning at 9 a.m. CST on August 15 through the last day of the youth season.

ITEM 18. Amend rule 571—106.16(481A), introductory paragraph, as follows:

571—106.16(481A) Deer depredation management. The deer depredation management program provides assistance to producers through technical advice and additional deer licenses and permits where the localized reduction of female deer is needed to reduce damage. Upon signing a depredation management agreement with the department, producers of agricultural or high-value horticultural crops ~~may~~ shall be issued, consistent with this rule, deer depredation licenses and deer shooting permits to shoot deer causing excessive crop damage. If immediate action is necessary to forestall serious damage, depredation licenses or shooting permits may be issued before an agreement is signed. Further licenses or permits will not be authorized until an agreement is signed.

ARC 9595C

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rulemaking related to wild furbearer trapping and hunting and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 108, "Wild Furbearer Trapping and Hunting," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, 481A.90 and 481A.92.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, 481A.90 and 481A.92.

Purpose and Summary

Chapter 108 sets the season dates, bag limits, possession limits, and areas open to hunting or trapping furbearers. This rulemaking proposes two amendments. One amendment corrects an error that was the result of a multispecies consolidation of several chapters under a prior rulemaking. The other amendment ensures consistent style and formatting throughout the chapter.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025. A public hearing was held on the following date(s):

- August 12, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 571—Chapter 11.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on November 4, 2025. Comments should be directed to:

Chris Ensminger
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.250.6886
Email: chris.ensminger@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 chris.ensminger@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 chris.ensminger@dnr.iowa.gov.

Public Hearing

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

November 4, 2025	Suite 200
1 to 2 p.m.	6200 Park Avenue
	Des Moines, Iowa

Persons who wish to make oral comments at the public hearing will 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 hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Free Language Assistance: If you need assistance in a language other than English, contact the Department at chris.ensminger@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.250.6886 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al chris.ensminger@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.250.6886 al menos siete días antes del evento.

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 571—108.1(481A), introductory paragraph, as follows:

571—108.1(481A) Badger, opossum, striped skunk, red fox, gray fox, mink, muskrat and weasel. Open season ~~for the taking of mink, muskrat and weasel~~ shall be from 8 a.m. on the first Saturday in November through February 28 of the succeeding year. Entire state open. No daily bag or possession limit.

ITEM 2. Amend rule 571—108.4(481A) as follows:

571—108.4(481A) Beaver. Open season ~~for the taking of beaver~~ shall be from 8 a.m. on the first Saturday in November through April 15 of the succeeding year. No daily bag or possession limit.

ARC 9607C

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rulemaking related to statewide standard for permitting certain implements of husbandry and providing an opportunity for public comment

The Transportation Department hereby proposes to rescind Chapter 181, "Statewide Standard for Permitting Certain Implements of Husbandry," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed 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 sections 321.1, 321.463(4) and 321.471.

Purpose and Summary

The Department proposes to permanently rescind Chapter 181 and instead include the established statewide standard required by Iowa Code section 321.463(4) within the Department's Local Systems Instructional Memorandums, which are available on the Department's website. The standard allows a local authority to issue a special permit for a fence-line feeder, grain cart, tank wagon or tracked implement of husbandry with a weight in excess of the weights allowed under Iowa Code chapter 321 to operate within the local authority's jurisdiction safely.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 14, 2025. A public hearing was held on the following date(s):

- June 10, 2025

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

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

Ryan Pell
Department of Transportation
DOT Rules Administrator, Office of the Director
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1358
Email: ryan.pell@iowadot.us

Public Hearing

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

November 4, 2025 11:30 a.m. to 12 noon	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 910 238 900#
November 4, 2025 2:30 to 3 p.m.	Microsoft Teams link Or dial: 515.817.6093 Conference ID: 156 629 24#

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 Ryan Pell 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 **761—Chapter 181**.

ARC 9612C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Rulemaking related to homeland security and emergency response teams

The Homeland Security and Emergency Management Department hereby rescinds Chapter 12, "Homeland Security and Emergency Response Teams," Iowa Administrative Code, and adopts a new Chapter 12 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 17A and section 29C.8.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 29C.8.

Purpose and Summary

Pursuant to Executive Order 10, the Department is rescinding Chapter 12 and adopting a new chapter in lieu thereof. The chapter describes the structure and guidelines in which local homeland security and emergency response teams are managed.

The new chapter omits language that is duplicative of the Iowa Code, overly restrictive or obsolete and, as a result, is a shorter chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9486C**. A public hearing was held on the following date(s):

- September 9, 2025
- September 10, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 605—Chapter 12 and adopt the following **new** chapter in lieu thereof:

CHAPTER 12
HOMELAND SECURITY AND EMERGENCY RESPONSE TEAMS

605—12.1(29C) Purpose. The duties of the director of the homeland security and emergency management department include the development and ongoing operation of homeland security and emergency response teams to be deployed by the state to supplement and enhance local resources during times of disaster and emergency. These rules are intended to specify how teams and team members will be designated, minimum standards that shall be maintained, and the use of the teams.

605—12.2(29C) Definitions.

"Director" means the same as defined in Iowa Code section 29C.2.

"Governor's disaster proclamation" means the proclamation of disaster emergency issued by the governor in accordance with Iowa Code section 29C.6.

"Homeland security advisory committee" means the advisory committee created by the director for the purpose of providing advice on public safety response issues within Iowa.

605—12.3(29C) Homeland security and emergency response teams.

12.3(1) The director shall issue requests to create homeland security and emergency response teams based on identified needs, on recommendations from the homeland security advisory committee, and at the request of the governor.

12.3(2) Each team shall be designated by the director. To be eligible for designation, a team shall provide a written application to the director that details the following information:

a. Type of assistance that the team provides.

b. Emergency response team information.

(1) Team name.

(2) Team location.

(3) 24/7 contact information and procedures.

(4) Team agency, including head of agency and contact information.

(5) Team commander and assistant commander, including contact information.

(6) Titles, names, and responsibilities of deployable response personnel assigned to the team.

c. Listing of applicable local, state, and national standards and certifications to which team members are trained and certified.

d. Detailed listing of the team's major response assets that are related to the team's mission. The listing shall provide details related to self-sufficiency, including the amount of time the team can remain self-sufficient.

e. Listing of communications assets, including radio frequencies used and any interoperability capabilities.

f. An estimate of the time needed to assemble the team members and assets and deploy upon the request of the director or governor.

12.3(3) Upon receipt of the written application from the team, the director shall review the application. The director may seek additional information from the team. The team shall provide the requested information in a timely fashion.

12.3(4) Following approval of the application, the director shall issue a letter formally designating the team as an "Iowa homeland security and emergency response team" in accordance with Iowa Code section 29C.8. The director may enter into an agreement with the team in accordance with Iowa Code chapter 28E.

12.3(5) Upon acceptance as a homeland security and emergency response team, the team shall routinely update all records to accurately reflect membership rosters and major assets at the team's disposal. The team shall update records any time personnel are added to or removed from the team.

605—12.4(29C) Use of homeland security and emergency response teams.

12.4(1) A designated team may be deployed in accordance with Iowa Code section 29C.8(3)*"f,"* 29C.21 or 29C.22.

12.4(2) A designated team shall be deployed as a state asset only by a directive from the director or pursuant to a governor's disaster proclamation unless the sponsoring agency's response team is needed to perform emergency services within its own jurisdiction. Should the response team perform emergency services within its own jurisdiction without a directive from the director or pursuant to a governor's disaster proclamation, the team will be responsible for all associated costs.

605—12.5(29C) Homeland security and emergency response team compensation.

12.5(1) A homeland security and emergency response team will be compensated for its expenses while it is deployed as a state asset in accordance with Iowa Code section 29C.8(3)*"f"* and rule 605—12.4(29C), subject to availability of funds. The application for compensation will be in a manner as specified by the director. Compensation shall be made to the team or the team's governing jurisdiction.

12.5(2) The homeland security and emergency response team's materials, equipment and supplies consumed or damaged while the team is deployed in accordance with rule 605—12.4(29C) shall be reimbursed on a replacement cost basis, subject to the availability of funds.

12.5(3) The director shall request funds from the executive council to address any obligations under rule 605—12.5(29C).

12.5(4) Should the response team perform emergency services within its own jurisdiction without a directive from the director or pursuant to a governor's disaster proclamation, the team will be responsible for all associated costs.

605—12.6(29C) Alternate deployment of homeland security and emergency response teams.

12.6(1) At its discretion, a homeland security and emergency response team may deploy at the direct request of a political subdivision of the state without a directive from the director or without a governor's disaster proclamation.

12.6(2) The provisions of rule 605—12.5(29C) do not apply to a team deployed under rule 605—12.6(29C). A team deployed upon local request may seek compensation from the political subdivision making the request and in accordance with any mutual aid agreements that may exist at the time of deployment, including those authorized by Iowa Code section 29C.22.

12.6(3) If, during a team deployment, a governor's disaster proclamation is issued, the director shall specify the date and time when the team may be deployed under rules 605—12.4(29C) and 605—12.5(29C).

These rules are intended to implement Iowa Code chapter 29C.

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ARC 9613C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Rulemaking related to flood mitigation program

The Homeland Security and Emergency Management Department hereby rescinds Chapter 14, "Flood Mitigation Program," Iowa Administrative Code, and adopts a new Chapter 14 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 418.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 418.

Purpose and Summary

Pursuant to Executive Order 10 and 2024 Iowa Acts, Senate File 2370, the Department is rescinding Chapter 14 and adopting a new combined chapter in lieu thereof. The chapter describes the structure and guidelines in which the Flood Mitigation Program described in Iowa Code chapter 418 will be implemented. The new chapter omits language that is duplicative of the Iowa Code, overly restrictive or obsolete and, as a result, is a shorter chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9485C**. A public hearing was held on the following date(s):

- September 9, 2025
- September 10, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 605—Chapter 14 and adopt the following **new** chapter in lieu thereof:

CHAPTER 14
FLOOD MITIGATION PROGRAM

605—14.1(418) Purpose. In accordance with Iowa Code section 418.7, the flood mitigation board establishes the policies and procedures for the creation and administration of an Iowa flood mitigation program and all authorized funding sources detailed in Iowa Code chapter 418 and under control of the flood mitigation board.

605—14.2(418) Definitions.

"Board" means the flood mitigation board as created in Iowa Code section 418.5.
"Department" means the same as defined in Iowa Code section 418.1.
"Director" means the same as defined in Iowa Code section 29C.2.
"Governmental entity" means the same as defined in Iowa Code section 418.1.
"Project" means the same as defined in Iowa Code section 418.1.
"Sales tax" means the same as defined in Iowa Code section 418.1.

605—14.3(418) Board.

14.3(1) The board is established and housed, for administrative purposes, within the department. The director may provide office space, staff assistance, supplies and equipment, and budget funds to pay the necessary expenses of the board.

14.3(2) The board shall be established and composed pursuant to Iowa Code section 418.5.

14.3(3) The board shall meet at a time and place determined by the board. Additional meetings may be called by the following:

a. Chairperson,
b. Vice chairperson, or
c. Director.

14.3(4) All meetings of the board are public meetings and shall be conducted in accordance with Iowa Code chapter 21.

605—14.4(418) Flood mitigation project eligibility.

14.4(1) An eligible applicant is a governmental entity as defined in rule 605—14.2(418).

14.4(2) Eligible project types include those defined as "project" in Iowa Code section 418.1.

605—14.5(418) Applications. The board will prescribe the form of the applications, instructions and associated documents. In addition to requirements for applications and project plans detailed in Iowa Code section 418.9, applications, requirements, instructions, programmatic guidance, and forms are available through the department and its website, homelandsecurity.iowa.gov.

605—14.6(418) Sales tax increment calculation and sales tax increment fund. The calculation of the sales tax increment and operation of the fund is addressed in 701—Chapter 272.

605—14.7(418) Reports.

14.7(1) Following the approval of a project application, the governmental entity shall, on or before December 15 of each year, submit a report to the board detailing the following:

a. The current status of the project.

b. The total expenditures and types of expenditures that have been made related to the project.

c. The amount of total project cost remaining as of the date the report is submitted.

d. The amounts, types, and sources of funding being used.

e. The amount of bonds issued or other indebtedness incurred for the project, including information related to the rate of interest, length of term, cost of issuance, and net proceeds. This report will also include the amounts and types of moneys used for payment of such bonds or indebtedness.

14.7(2) The treasurer of state shall report to the department any moneys that are disbursed to a recipient of financial assistance under the program.

14.7(3) Any governmental entity that receives assistance in the form of sales tax revenues under the program shall provide to the board all reports that are mandated as part of receiving federal financial assistance.

These rules are intended to implement Iowa Code chapter 418.

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ARC 9614C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Rulemaking related to emergency planning and reporting

The Homeland Security and Emergency Management Department hereby rescinds Chapter 102, "Emergency Planning Districts"; adopts a new Chapter 102, "Emergency Planning and Reporting"; and rescinds Chapter 103, "Local Emergency Planning Committees," and Chapter 104, "Required Reports and Records," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 30.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 30 and 2024 Iowa Acts, Senate File 2370.

Purpose and Summary

Pursuant to Executive Order 10 and 2024 Iowa Acts, Senate File 2370, the Department is rescinding Chapters 102, 103, and 104 and adopting a new combined Chapter 102 in lieu thereof. The chapter describes the structure and guidelines under which local emergency planning and chemical response are administered throughout the State. The new chapter omits language that is overly restrictive or obsolete and, as a result, is a shorter chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9484C**. A public hearing was held on the following date(s):

- September 9, 2025
- September 10, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 605—Chapter 102 and adopt the following **new** chapter in lieu thereof:

CHAPTER 102
EMERGENCY PLANNING AND REPORTING

DIVISION I—EMERGENCY PLANNING DISTRICTS

605—102.1(30) Designation and organization of emergency planning districts. The department of homeland security and emergency management (department) is required to designate emergency planning districts. A local emergency planning committee is appointed by the department for each

emergency planning district. The local emergency planning committee shall be responsible for the implementation of Emergency Planning and Community Right-to-Know Act (EPCRA) activities in each of the emergency planning districts, including facilitating preparation and implementation of emergency planning for the emergency planning district.

605—102.2(30) Emergency planning districts—counties. Each of the presently existing 99 Iowa counties is designated as the geographic boundaries for an emergency planning district.

605—102.3(30) Application to modify districts. Two or more local emergency planning committees with commonality of interests may petition the department to amend, modify, or combine their districts. Petitions shall specify the geographical district requested, the reasons for the change, the benefit to the public by the designation of the proposed geographical district, and the proposed date for the change in designation.

605—102.4 to **102.10** Reserved.

DIVISION II—LOCAL EMERGENCY PLANNING COMMITTEES

605—102.11(30) Appointment of local emergency planning committees (LEPCs).

102.11(1) *Purpose.* The Iowa emergency response commission (IERC) reviews membership lists of persons to serve on an LEPC. Annually, the LEPC chair will submit a current LEPC membership list with the chair's signature and date the document to verify current and authorized membership. The current verified membership list will be sent to the IERC.

102.11(2) *Representation.* At minimum, each LEPC should be comprised of a representative from each of the following groups or organizations:

a. Elected state and local officials,
b. Law enforcement personnel,
c. Emergency management personnel,
d. Firefighting personnel,
e. First-aid personnel,
f. Health personnel,
g. Local environmental personnel,
h. Hospital personnel,
i. Transportation personnel,
j. Broadcast and print media,
k. Community groups, and
l. Owners and operators of facilities subject to the requirements of EPCRA.

A person may represent one or more of the disciplines listed, provided the person is duly appointed by each group or organization to be represented.

605—102.12(30) LEPC members.

102.12(1) *Appointment of LEPCs.* Nominations to an existing LEPC shall be made by the LEPC, and the department shall be notified. Vacancies on the LEPC shall be filled in accordance with this subrule.

102.12(2) *Meeting participation.* Any member of the local emergency management commission may participate in any meeting of the LEPC. If the local emergency management commission member is not the appointed representative of one of the groups or organizations specified in subrule 102.11(2), the local emergency management commission member shall not be eligible to vote on any issue before the LEPC.

102.12(3) *Member changes.* The department may revise the appointments made as it deems appropriate. Interested persons may petition the department to modify the membership of an LEPC.

605—102.13(30) LEPC duties.

102.13(1) The LEPC shall establish procedures for the functioning of the committee to include:

a. The length of terms of the LEPC members and the selection of a chair and vice chair;

b. The public notification of committee activity (42 U.S.C. 11001(c));

c. The conduct of public meetings to discuss the emergency plan (Iowa Code chapter 21 and 42 U.S.C. 11001(c)); and

d. The procedures for receiving and responding to public comments and the distribution of emergency plans (42 U.S.C. 11001(c)).

102.13(2) The LEPC shall establish procedures for receiving and processing requests from the public for information under EPCRA Section 324, including Form Tier II information under EPCRA Section 312 (42 U.S.C. 11001(c)).

102.13(3) The LEPC shall designate a 24-hour emergency contact point(s) for the immediate receipt of chemical release notifications (42 U.S.C. 11003(c)(3)).

102.13(4) The LEPC shall designate an official to respond to requests for information from the public for safety data sheets (SDSs), chemical lists, chemical inventory forms, emergency response plans, and toxic chemical release forms. The information, including minutes of LEPC meetings and related committee actions, shall be available to the public during normal working hours at a location designated by the LEPC (42 U.S.C. 11044(a)).

102.13(5) The LEPC shall prepare an emergency plan for the district and shall review and revise as necessary the emergency plan at least annually. Both the initial emergency plan and any updates or revisions shall be submitted by the LEPC to the department in accordance with rule 605—102.14(30) (42 U.S.C. 11003(a), 42 U.S.C. 11003(e)).

102.13(6) The LEPC shall evaluate the need for resources in the district necessary to develop, implement, and exercise the emergency plan(s) and make recommendations (42 U.S.C. 11003(b)).

102.13(7) The LEPC shall maintain a current listing of the emergency coordinators designated by each covered facility (42 U.S.C. 11003(d)(1)).

102.13(8) The LEPC shall receive, review and act upon information updates from covered facilities regarding emergency planning.

102.13(9) The LEPC shall annually publish notice that emergency response plans, SDSs, and inventory forms have been submitted and how the public can obtain access to the material for review (42 U.S.C. 11044(b)).

605—102.14(30) Emergency response plan development. The department acknowledges that emergency planning includes more than chemical release planning. The chemical release planning required by this chapter and EPCRA shall be included in the comprehensive emergency planning conducted by the local emergency management commission per Iowa Code chapter 29C and planning standards of the department.

605—102.15(30) LEPC office. The LEPC shall designate a local government office that will serve as the focal point for receiving nonemergency notifications from facilities that are subject to the law. This office shall also be the depository for SDSs, chemical lists, chemical inventory forms, emergency response plans, and toxic chemical release forms; a point of contact for the public regarding community right-to-know inquiries; and the office of record for minutes of LEPC meetings and related committee actions.

605—102.16(30) LEPC meetings. The LEPC shall meet as frequently as deemed necessary by the chair until the local emergency operations plan is developed and concurred with by the joint administration and reviewed by the department. Subsequent to plan approval, the LEPC is required to meet at least annually to review emergency response procedures, review emergency plans and ensure the actions required are properly administered within the local emergency planning district.

605—102.17(30) Local emergency response plan submission. After completion of the initial emergency response plan and any subsequent revisions thereto, the LEPC shall submit a copy to the

department. The department shall review the submission and make recommendations to the LEPC on appropriate revisions that may be necessary to comply with provisions in 42 U.S.C. 11003(c) and state planning standards in 605—Chapter 7 to ensure coordination with emergency response plans of other emergency planning districts, the state of Iowa, and adjacent states. To the maximum extent practicable, the review shall not delay implementation of the plan or revisions thereto. All plans shall be submitted annually by a date determined by the department.

605—102.18 to **102.20** Reserved.

DIVISION III—REPORTS AND RECORDS

605—102.21(30) Department of homeland security and emergency management.

102.21(1) *Emergency planning notification.* The owner or operator of each facility subject to the planning notification requirement shall notify the department that the facility is subject to the requirements of EPCRA Section 302, 42 U.S.C. 11002. The notification is to be on the Tier II form specified in subrule 102.22(4). The facility owner or operator shall submit the notification to the department of natural resources (DNR) by March 1 for covered chemicals in its possession. If the facility is reporting chemicals to the DNR on the Tier II form pursuant to subrule 102.22(4), a duplicate report is not required. The report shall be revised by a notification on the Tier II form within 60 days after the acquisition of chemicals meeting the notification requirements and reported to the department.

102.21(2) *Plan development.* Each LEPC shall prepare a comprehensive emergency response plan pursuant to 42 U.S.C. 11033 that will become an integrated portion of the emergency plan established by the joint administration. Where a local emergency planning district exceeds the jurisdictional boundaries of a single joint administration, a comprehensive emergency response plan shall be developed for each joint administration at least annually. The plan shall be reviewed and revised as necessary. The joint administration shall not change the plan without the approval of the LEPC.

102.21(3) *Submissions.* Plans and notifications required under this rule will be submitted electronically to the department.

605—102.22(30) Department of natural resources.

102.22(1) *Emergency notifications of releases.* Each release subject to the requirements of EPCRA Section 304, 42 U.S.C. 11004, shall be submitted to the DNR. This notification shall be done in conjunction with the notification required by rule 567—105.5(455B). Notification of a release shall be telephoned to the DNR at 515.725.8694 immediately. A follow-up report shall be made within 30 days.

102.22(2) *Toxic chemical release form.* The owner or operator of a facility subject to the requirements of EPCRA Section 313, 42 U.S.C. 11023, shall submit information required by the federal Environmental Protection Agency regulations to the DNR, if requested. The information for the previous calendar year shall be submitted by July 1 of the following year.

102.22(3) *SDS information.* The owner or operator of a facility required to prepare or have available an SDS for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act shall submit a list of each chemical or an SDS required to be submitted under EPCRA Section 311, 42 U.S.C. 11021. The list/SDS shall be submitted to the DNR and to the appropriate LEPC and the fire department in whose jurisdiction the facility is located. The list/SDS must be submitted to the DNR within 90 days of the facility first acquiring the chemical above reporting thresholds.

102.22(4) *Emergency and hazardous chemical inventory form (Tier II).* The owner or operator of a facility required to prepare or have available an SDS for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act shall submit emergency and hazardous chemical inventory information required to be submitted under EPCRA Section 312, 42 U.S.C. 11022. The information shall be submitted to the DNR, the appropriate LEPC, and the fire department in whose jurisdiction the facility is located by March 1 for the chemicals in its inventory the preceding calendar year. Tier I forms will not be accepted. The information shall be submitted via the DNR online Tier II reporting tool.

102.22(5) *Submissions.* Notifications and reports required under this rule shall be submitted to the Department of Natural Resources, EPCRA, 6200 Park Avenue, Suite 200, Des Moines, Iowa 50321, or electronically through online reporting tools as noted in subrule 102.22(4). Additional information can be found in rule 567—131.2(455B).

605—102.23(30) References to federal law. Unless otherwise specified, all references in this chapter to federal statutes are to those provisions in effect on November 19, 2025.

These rules are intended to implement Iowa Code chapter 30.

ITEM 2. Rescind and reserve **605—Chapter 103**.

ITEM 3. Rescind and reserve **605—Chapter 104**.

[Filed 9/24/25, effective 11/19/25]
[Published 10/15/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9615C

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to conditions of participation for providers of medical and remedial care, and amount, duration and scope of medical and remedial services

The Department of Health and Human Services hereby amends Chapter 77, "Conditions of Participation for Providers of Medical and Remedial Care," and Chapter 78, "Amount, Duration and Scope of Medical and Remedial Services," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2025 Iowa Acts, Senate File 418, and 2025 Iowa Acts, House File 1049.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 418, and 2025 Iowa Acts, House File 1049.

Purpose and Summary

The purpose of this rulemaking is to update language to conform to changes made in 2025 Iowa Acts, Senate File 418, and 2025 Iowa Acts, House File 1049, section 14.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9492C**. Public hearings were held on the following date:

- September 9, 2025

Public comments were received stating that the rulemaking was discriminatory and out of line with both medical and scientific consensus around gender and gender identity. Additionally, in regard to Item 3, the commenter stated that the language of the existing rule was broader than the scope of the underlying legislation.

After consideration of the public comments, no changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on December 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Amend paragraph **77.3(3)"a"** as follows:

a. Definitions.

"Adult beds" means the number of staffed and available psychiatric beds ready for admission to individuals 18 years of age to 60 years of age.

"Child beds" means the number of staffed and available psychiatric beds ready for admission to individuals up to the age of 18.

~~*"Gender"* means female or male.~~

"Geriatric beds" means the number of staffed and available psychiatric beds ready for admission to individuals 60 years of age and older.

"Hospital," for purposes of this subrule, means any licensed hospital providing inpatient psychiatric services and the state mental health institutes.

"Psychiatric bed tracking system" means a web-based electronic system managed by the department that can be searched to locate inpatient psychiatric services at an Iowa hospital.

"Sex" means the state of being either male or female as observed or clinically verified at birth.

ITEM 2. Amend paragraph **77.3(3)"d"** as follows:

d. Each update must include the number of child beds by ~~gender~~ sex, the number of adult beds by ~~gender~~ sex, and the number of geriatric beds by ~~gender~~ sex.

ITEM 3. Amend subparagraph **78.1(4)"b"(2)** as follows:

(2) Procedures related to transsexualism, hermaphroditism, gender identity disorders, or body dysmorphic disorders. This subparagraph is intended to implement Iowa Code section 249A.14 as enacted by 2025 Iowa Acts, House File 1049, section 14.

ITEM 4. Amend subparagraph **78.10(3)"c"(2)** as follows:

(2) The member is 36 weeks of age but younger than 108 weeks of age and there is documentation of either of the following conditions:

1. Cephalic index at least two standard deviations above the mean for the member's ~~gender~~ sex and age; or

2. Asymmetry of 12 millimeters or more in the cranial vault, skull base, or orbitotragial depth.

[Filed 9/24/25, effective 12/1/25]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9616C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to early hearing detection and intervention (EHDI) program

The Department of Health and Human Services hereby rescinds Chapter 3, "Early Hearing Detection and Intervention (EHDI) Program," Iowa Administrative Code, and adopts a new Chapter 3 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 135.131.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 135.131.

Purpose and Summary

This chapter was reviewed pursuant to Executive Order 10. Chapter 3 implements Iowa's EHDI program, which provides for universal hearing screening for all newborns and infants in Iowa. The goal of the program is early detection of hearing loss to allow children and their families the earliest possible opportunity to obtain appropriate early intervention services.

As a result of the Red Tape Review, the Department eliminated restrictive terms and language duplicative of the Iowa Code. The Department also eliminated sections of the chapter for which there is no rulemaking authority.

Finally, the Department updated language in rules 641—3.7(135) and 641—3.8(135) to conform to 2025 Iowa Acts, Senate File 418.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9489C**. Public hearings were held on the following date:

- September 9, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on December 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
EARLY HEARING DETECTION AND INTERVENTION (EHDI) PROGRAM

641—3.1(135) Definitions. For the purposes of this chapter, the following definitions will apply:

"Audiologist" means a person licensed pursuant to Iowa Code chapter 147 or certified by the Iowa board of educational examiners pursuant to 282—Chapter 14 or a person appropriately licensed in the state where the person practices.

"Audiology assistant" means a person who works under the supervision of an Iowa-licensed speech pathologist or audiologist, does not meet the requirements to be licensed as a speech pathologist or audiologist, and meets the minimum requirements set forth in 481—Chapter 781.

"Audiometrist" means a technician who has received special training in the use of pure-tone audiometry equipment. An audiometrist conducts the hearing tests selected and interpreted by an audiologist, who supervises the process.

"Birth center" means the same as defined in Iowa Code section 10A.711.

"Birthing hospital" means the same as defined in Iowa Code section 135.131.

"Congenital cytomegalovirus" or *"cCMV"* means an infection where cytomegalovirus is transmitted to the fetus in the prenatal period.

"Cytomegalovirus" or *"CMV"* means a kind of herpes virus that usually produces very mild symptoms in an infected person but may cause severe neurological damage in a person with a weakened immune system and in a newborn.

"Diagnostic audiologic assessment" means physiological or behavioral procedures completed by an audiologist to evaluate and diagnose hearing loss.

"Discharge" means a release from a birthing hospital to the parent or legal guardian of the child.

"Early ACCESS" means Iowa's Individuals with Disabilities Education Act (IDEA), Part C, program for infants and toddlers. It is a statewide, comprehensive, interagency system of integrated early intervention services that supports eligible children and their families as defined in 281—Chapter 120.

"Guardian" means a person who is not the parent of a minor child, but who has legal authority to make decisions regarding life or program issues for the child. A guardian may be a court or a juvenile court. "Guardian" does not mean conservator as defined in Iowa Code section 633.3, although a person who is appointed to be a guardian may also be appointed to be a conservator.

"Health care professional" means a licensed physician, nurse practitioner, physician assistant, certified midwife, registered nurse, licensed practical nurse, patient care technician, certified nursing assistant, licensed audiologist, audiology assistant, audiometrist, hearing aid specialist, speech-language

pathologist or other licensed or certified professional for whom hearing screening is within the professional's scope of practice.

"Hearing loss" means a permanent unilateral or bilateral hearing loss of greater than 30 dB hearing loss (HL) in the frequency region important for speech recognition (500-4000 Hz).

"Hearing screening" means a physiological measurement of hearing of a newborn or infant with a "pass" or "refer" result. Screening is used to determine the newborn's or infant's need for further testing and must be performed bilaterally, when applicable.

"Initial screening" or *"newborn hearing screening"* means a screening performed in a birthing hospital, birth center or facility other than a birthing hospital within the first month of life. This is a physiological test to separate those newborns with normal hearing from those newborns who may have hearing thresholds of greater than 30 dB HL in either ear in the frequency region important for speech recognition (500-4000 Hz).

"Normal hearing" means hearing thresholds in both ears of 30 dB HL or less in the frequency region important for speech recognition (500-4000 Hz).

"Parent" means:

1. A biological or adoptive parent of a child;
2. A guardian, but not the state if the child is a ward of the state;
3. A person acting in the place of a parent, such as a grandparent or stepparent with whom a child lives, or a person who is legally responsible for the child's welfare;
4. A surrogate parent who has been assigned in accordance with 281—120.422(34CFR303); or
5. A foster parent, if:

- A biological parent's authority to make the decisions required of parents under state law has been terminated; and
- The foster parent has an ongoing, long-term parental relationship with the child, is willing to make the decisions required of a parent, and has no interest that would conflict with the interests of the child.

"Physician" means an individual licensed under Iowa Code chapter 148.

"Primary care provider" means a licensed physician, nurse practitioner, physician assistant or certified midwife who undertakes primary pediatric care responsibility for an infant or child to provide ongoing medical care and referrals to promote overall health and well-being.

"Protocol" means a document that guides decision making and provides the criteria to be used regarding screening, diagnosis, management, and treatment of children related to hearing health care. Early hearing detection and intervention protocols not otherwise specified in this chapter are available on the department's website.

"Provider" means a licensed audiologist, otolaryngologist or hearing aid specialist who agrees to provide hearing aids or audiologic services to eligible patients.

"Rescreen" means a newborn hearing screening performed after two weeks of age on an infant who did not pass the initial screening.

641—3.2(135) Program components.

3.2(1) The EHDI coordinator assigned within the department provides administrative oversight, including follow-up activities, for the EHDI program within Iowa.

3.2(2) The EHDI advisory committee represents the interests of the people of Iowa and assists in the development of programming that ensures the availability and access to quality hearing health care for Iowa children.

3.2(3) The EHDI program has an association with the Iowa Title V maternal and child health programs to promote comprehensive services for infants and children with special health care needs.

3.2(4) The EHDI program provides hearing screening surveillance and follow-up for infants and children under the age of three. Follow-up may include:

a. Contact with the parent or legal guardian of an infant who was not screened or does not pass the initial hearing screening, outpatient hearing screening or diagnostic audiologic assessment.

b. Contact with the infant's primary care provider to ensure the infant receives appropriate follow-up no later than the recommended timeline as outlined in the Joint Committee on Infant Hearing position statement at www.jcih.org as amended to August 1, 2025.

c. Contact with the birthing hospital or health care professional for inquiries on missing results, data entry discrepancies and recommendations for additional referrals.

d. Referrals to family support or early intervention service providers for infants or toddlers diagnosed with a hearing loss.

e. Technical assistance to birthing facilities, primary care providers and health care professionals regarding best practices related to newborn hearing screening, diagnosis and follow-up best practices.

641—3.3(135) Screening the hearing of all newborns. All newborns and infants born in Iowa, except those born with a condition that is incompatible with life, shall be screened for hearing loss. The person required to perform the screening shall use at least one of the following procedures:

1. Automated or screening auditory brainstem response, or
2. Evoked otoacoustic emissions.

641—3.4(135) Procedures required of birthing hospitals. Each birthing hospital in Iowa shall follow these procedures:

3.4(1) Each birthing hospital shall designate an employee of the hospital to be responsible for the newborn hearing screening program in that institution. If a birthing hospital contracts with a third party for newborn screening services, the hospital retains ultimate responsibility for screening and reporting.

3.4(2) Prior to the discharge of the newborn, each birthing hospital shall provide hearing screening to every newborn delivered in the hospital, except in the following circumstances:

a. The newborn is transferred for acute care prior to completion of the hearing screening.

b. The newborn is born with a condition that is incompatible with life.

3.4(3) If a newborn is transferred for acute care, the birthing hospital shall notify the receiving facility of the status of the hearing screening. The receiving facility shall then be responsible for completion of the newborn hearing screening prior to discharge of the newborn from the nursery.

3.4(4) Newborn hearing screening shall be performed by a health care professional.

3.4(5) The birthing hospital shall report newborn hearing screening results to the parent or guardian in written form.

3.4(6) The birthing hospital shall report newborn hearing screening results to the department pursuant to 641—3.7(135).

3.4(7) The birthing hospital shall report the results of the hearing screening to the primary care provider of the newborn or infant upon the newborn's or infant's discharge from the birthing hospital. If the newborn or infant was not tested prior to discharge, the birthing hospital shall report the status of the hearing screening to the primary care provider of the newborn or infant.

3.4(8) The birthing hospital shall follow the hearing screening protocols prescribed by the department.

641—3.5(135) Procedures required of birth centers. Each birth center in Iowa shall follow these procedures:

3.5(1) Each birth center shall designate an employee of the birth center to be responsible for the newborn hearing screening program in that institution.

3.5(2) Prior to discharge of the newborn, each birth center shall refer every newborn delivered in the birth center to a health care professional for a newborn hearing screening. Before discharge of the newborn, the birth center shall arrange an appointment for the newborn hearing screening no more than 15 days from the date of discharge and report the appointment time, date and location to the parent.

3.5(3) The health care professional to whom the newborn is referred for screening shall complete the screening within 30 days of the newborn's discharge from the birth center, unless the parent fails to attend the appointment. If the parent fails to attend the appointment, the health care professional shall document such failure in the medical or educational record and shall report such failure to the department.

3.5(4) The health care professional who completes the newborn hearing screening shall report screening results to the parent in written form.

3.5(5) The health care professional who completes the newborn hearing screening shall report screening results to the department pursuant to 641—3.7(135).

3.5(6) The health care professional who completes the newborn hearing screening shall report the results of the hearing screening to the primary care provider of the newborn or infant.

3.5(7) The person who completes the screening shall follow the hearing screening protocols prescribed by the department.

641—3.6(135) Procedures to ensure that children born in locations other than a birth center or birthing hospital receive a hearing screening.

3.6(1) The physician or other health care professional who undertakes primary pediatric care of a newborn delivered in a location other than a birthing hospital or birth center shall ensure a hearing screening is performed pursuant to Iowa Code section 135.131(5). The health care professional shall arrange an appointment for the newborn hearing screening and report to the parent the appointment time, date, and location.

3.6(2) The health care professional who completes the newborn hearing screening shall report screening results to the parent in written form.

3.6(3) The health care professional who completes the newborn hearing screening shall report screening results to the department pursuant to 641—3.7(135). If the parent fails to attend the appointment, the facility shall document such failure in the medical or educational record and shall report such failure to the department.

3.6(4) The health care professional who completes the newborn hearing screening shall report the results of the hearing screening to the primary care provider of the newborn or infant.

3.6(5) The person who completes the newborn hearing screening shall follow the hearing screening protocols prescribed by the department.

641—3.7(135) Reporting hearing screening results and information to the department and child's primary care provider.

3.7(1) Any birthing hospital, birth center, physician, audiologist or other health care professional required to report information pursuant to Iowa Code section 135.131 shall report all of the following information to the department relating to each newborn's hearing screening within six working days of the birth of the newborn and within six working days of any hearing rescreen, utilizing the department's designated reporting system:

a. The name, date of birth, and sex of the newborn.

b. The name, address, and telephone number, if available, of the mother of the newborn. If the mother is not the person designated as legally responsible for the child's care, the name, address, and telephone number of the parent, as defined in 641—3.1(135), shall be reported.

c. The name of the primary care provider for the newborn upon the newborn's discharge from the birthing hospital or birth center.

d. The results of the newborn hearing screening, either "pass," "refer," or "not screened," for each ear separately.

e. The results of any rescreening, either "pass" or "refer," and the diagnostic audiologic assessment procedures used for each ear separately.

f. Known risk indicators for hearing loss of the infant or child.

3.7(2) If the parent fails to attend the appointment, the facility shall document such failure in the medical or educational record and shall report such failure to the department.

3.7(3) The person who completes the newborn hearing screening shall report the results of the hearing screening to the primary care provider of the infant or child.

641—3.8(135) Conducting and reporting screening results and diagnostic audiologic assessments to the department and child's primary care provider. Any health care professional conducting newborn hearing screens, rescreens, or diagnostic audiologic assessments shall report the results

within six working days for any child under three years of age to the department utilizing the department's designated reporting system. The health care professional shall conduct the diagnostic hearing assessment in accordance with the Pediatric Audiologic Diagnostic Protocol as amended to August 1, 2025, posted on the department's website. Results of a hearing screen, rescreen or diagnostic audiologic assessment shall be reported as follows.

3.8(1) Reports shall include:

a. The name, date of birth, and sex of the child.

b. The name, address, and telephone number, if available, of the mother of the child. If the mother is not the person designated as legally responsible for the child's care, the name, address, and telephone number of the parent, as defined in 641—3.1(135), shall be reported.

c. The name of the primary care provider for the child.

d. Known risk indicators for hearing loss.

e. The date the child is fit with a hearing aid(s) or a cochlear implant(s), if applicable.

f. The date of referral to early intervention, if applicable.

g. The date of referral to family support, if applicable.

3.8(2) Results of the newborn hearing screening shall be reported as either "pass" or "refer" for each ear separately.

3.8(3) Results of the hearing rescreen shall be reported as either "pass" or "refer" for each ear separately.

3.8(4) If an assessment results in a diagnosis of normal hearing for both ears, this shall be reported.

3.8(5) Any diagnosis of hearing loss shall also be reported except for transient conductive hearing loss lasting for less than 90 days in the professional judgment of the practitioner. This exception will apply only if the child passed the initial hearing screening or rescreening or had a diagnostic assessment resulting in normal hearing for both ears.

3.8(6) Diagnostic audiologic assessment results shall include a statement of the severity (mild, moderate, moderately severe, severe, profound, or undetermined) and type (sensorineural, conductive, mixed, or undetermined) of hearing loss.

3.8(7) Any health care professional conducting newborn hearing screens, rescreens, or diagnostic audiologic assessments shall report the results to the primary care provider of the infant or child.

641—3.9(135) Congenital cytomegalovirus (cCMV) testing for newborns who do not pass the initial newborn hearing screening. If the newborn hearing screen indicates potential hearing loss, as evidenced when a newborn does not pass the initial newborn hearing screening, the birthing hospital, birth center, physician, or other health care professional required to ensure that the hearing screening is performed shall follow the procedures related to cCMV testing outlined in Iowa Code section 135.131(9). If a parent objects to the testing, the birthing hospital, birth center, physician, or other health care professional required to ensure that the hearing screening is performed shall follow the procedures in 641—3.11(135).

641—3.10(135) Information sharing and confidentiality. Reports, records, and other information collected by or provided to the department relating to a child's newborn hearing screening, rescreen, diagnostic audiologic assessment, and early intervention enrollment are confidential records pursuant to Iowa Code section 22.7.

3.10(1) Personnel of the department shall maintain the confidentiality of all information and records used in the review and analysis of newborn hearing screenings, rescreens, diagnostic audiologic assessments, and early intervention enrollment, including information which is confidential under Iowa Code chapter 22 or any other provisions of state law.

3.10(2) No individual or organization providing information to the department in accordance with this rule shall be deemed to be or held liable for divulging confidential information.

3.10(3) The department shall not release confidential information except to the following persons and entities under the following conditions:

a. The parent or guardian of an infant or child for whom the report is made.

b. A local birth-to-three coordinator with the Early ACCESS program or an agency under contract with the department to administer the children with special health care needs program.

c. A health care professional or primary care provider.

d. A representative of a federal or state agency, to the extent that the information is necessary to perform a legally authorized function of that agency.

e. A representative of a state agency, or an entity bound by that state, to the extent that the information is necessary to perform newborn hearing screening follow-up. The state agency or the entity bound by that state shall be subject to confidentiality regulations that are the same as or more stringent than those in the state of Iowa. The state agency or the entity bound by that state shall not use the information obtained from the department to market services to patients or nonpatients or identify patients for any purposes other than those expressly provided in this rule.

3.10(4) Research purposes. All proposals for research using the department's data to be conducted by persons other than program staff shall first be submitted to and accepted by the researchers' institutional review board. The department will then review and approve programs before research can commence.

641—3.11(135) Procedure to accommodate parental objection. These rules will not apply if the parent objects to the hearing screening, diagnostic audiologic assessment, or cCMV testing.

3.11(1) If a parent objects to the screening, the birthing hospital, birth center, physician, or other health care professional shall obtain a written refusal from the parent or guardian on the department newborn hearing screening or diagnostic audiologic assessment refusal form and shall maintain the original copy of the written refusal in the newborn's, infant's or child's medical record.

3.11(2) The birthing hospital, birth center, physician, or other health care professional shall send a copy of the written newborn hearing screening or diagnostic audiologic assessment refusal form to the department within six days of the birth of the newborn.

3.11(3) If a parent objects to a hearing rescreen or diagnostic audiologic assessment orally to a department EHDI staff member during follow-up, the staff member shall document the refusal in the department's designated reporting system and mail to the parent or guardian the department newborn hearing screening or diagnostic audiologic assessment refusal form in an attempt to obtain a written refusal to be maintained in the newborn's, infant's or child's medical record.

3.11(4) If a parent objects to cCMV testing, the birthing hospital, birth center, physician, or other health care professional required to ensure cCMV testing shall obtain, on the department cCMV testing refusal form, a written refusal from the parent or guardian, shall maintain the original copy of the written refusal in the child's medical record, and shall send a copy of the written refusal to the department within 21 days of the child's birth.

641—3.12(135) Civil/criminal liability. A person who acts in good faith in complying with these rules shall not be held civilly or criminally liable for reporting the information required.

These rules are intended to implement Iowa Code section 135.131.

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ARC 9617C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to terminology—conforming changes

The Department of Health and Human Services hereby amends Chapter 7, "Immunization and Immunization Education: Persons Attending Elementary or Secondary Schools, Licensed Child Care Centers or Institutions of Higher Education," Chapter 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," Chapter 95, "Vital Records: General Administration," Chapter 97, "Death Registration and Disposition of Dead Human Bodies," Chapter 99, "Vital Records Modifications," Chapter 142, "Out-Of-Hospital Do-Not-Resuscitate Orders," and Chapter 154, "Medical Cannabidiol Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2025 Iowa Acts, Senate File 418.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 418.

Purpose and Summary

The purpose of this rulemaking is to amend Chapters 7, 37, 95, 97, 99, 142, and 154 to reflect 2025 Iowa Acts, Senate File 418.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9491C**. Public hearings were held on the following date:

- September 9, 2025

Public comments were received stating that the law did not require the word "sex" to be substituted for "gender." Additionally, in relation to Item 8, the commenter stated that there was nowhere in the legislation that requires striking the word designation before sex when talking about a sex designation.

After consideration, no changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on December 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Amend paragraph **7.10(3)"b"** as follows:

b. ~~Gender~~ Sex of patient;

ITEM 2. Amend paragraph **37.27(2)"b"** as follows:

b. Licensees may not use information received from a criminal history records check obtained under these rules in a manner that would infringe upon the rights of any individual under the First Amendment to the Constitution of the United States, nor shall licensees use the information in any way that would discriminate among individuals on the basis of race, religion, national origin, ~~gender~~ sex, or age.

ITEM 3. Amend paragraph **37.31(3)"b"** as follows:

b. If the recipient licensee verifies information such as name, date of birth, social security number, ~~gender~~ sex, and other applicable physical characteristics.

ITEM 4. Amend paragraph **95.15(4)"b"** as follows:

b. The name and ~~gender~~ sex of the baby, if known.

(1) If the name is not furnished by the patient, the department shall complete the certificate with the name "baby boy" or "baby girl" and the last name of the patient.

(2) If the ~~gender~~ sex is unknown, the department shall complete the certificate with the name "baby" and the last name of the patient.

ITEM 5. Amend subparagraph **97.15(2)"b"(1)** as follows:

(1) The full legal name and ~~gender~~ sex of the deceased at the time of the death;

ITEM 6. Rescind and reserve rule **641—99.20(144)**.

ITEM 7. Strike "gender" wherever it appears in **641—Chapter 142**, Appendix A, and insert "sex" in lieu thereof.

ITEM 8. Amend paragraph **154.3(3)"a"** as follows:

a. The patient's full legal name, Iowa residence address, date of birth, and sex ~~designation~~, 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.

ITEM 9. Amend paragraph **154.5(3)"a"** as follows:

a. The primary caregiver's full legal name, current residence address, date of birth, and sex ~~designation~~, as shown on the primary caregiver's valid photo identification. If the primary caregiver's information has changed since issuance of the primary caregiver's valid photo identification, the primary caregiver shall first update the primary caregiver's valid photo identification to reflect the primary caregiver's current information.

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ARC 9618C

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rulemaking related to concussion or other brain injury return-to-play protocol

The Department of Health and Human Services hereby rescinds Chapter 54, "Concussion or Other Brain Injury Return-to-Play Protocol," Iowa Administrative Code, and adopts a new Chapter 54 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 280.13C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 280.13C.

Purpose and Summary

This chapter describes the return-to-play protocol for a concussion or other brain injury adopted by the board of directors of each school district and the authorities in charge of each accredited nonpublic school with enrolled students who participate in an extracurricular interscholastic activity in grades 7 through 12. Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in an organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, with the ground, or with obstacles. Concussions can occur with or without loss of consciousness, but the vast majority of concussions occur without loss of consciousness.

The chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result, the Department updated definitions to refer to the appropriate Iowa Code section and eliminated redundant language.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9490C**. Public hearings were held on the following date:

- September 9, 2025

No one attended the public hearings. The Department did receive feedback from the Iowa Sports Medicine Advisory Committee, which provides guidance on sports safety policies and protocols in the State to the Iowa High School Athletic Association (IHSAA) and the Iowa Girls High School Athletic Union (IGHSAU).

As a result of discussions with the Committee, changes from the Notice have been made to rework the rules to be more high-level, with detailed guidance to come from the IHSAA and IGHSAU. In doing so, updates will be easier to make as protocol changes. As a matter of practice, schools look first to the IHSAA and IGHSAU for information and guidance.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on December 1, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 54 and adopt the following **new** chapter in lieu thereof:

CHAPTER 54
CONCUSSION OR OTHER BRAIN INJURY RETURN-TO-PLAY PROTOCOL

641—54.1(280) Definitions. For the purpose of these rules, the following definitions apply:

"Asymptomatic" means the student is no longer showing signs, symptoms, or behaviors consistent with a concussion or other brain injury.

"Contest" means the same as defined in Iowa Code section 280.13C(2).

"Extracurricular interscholastic activity" means the same as defined in Iowa Code section 280.13C(2).

"Licensed health care provider" means the same as defined in Iowa Code section 280.13C(2).

"Medical clearance" means written clearance from a licensed health care provider releasing the student following a concussion or other brain injury to return to or commence participation in any extracurricular interscholastic activity.

"Rest" means a recovery state at which physical and cognitive activities are reduced or removed with the intent to eliminate the signs, symptoms, or behaviors of brain injury.

"Return-to-learn plan" means the plan developed by personnel of a school district or accredited nonpublic school based on guidance developed as required under Iowa Code section 280.13C(6)*"b"* to provide adjustments or accommodations as the student returns to the classroom.

"Return-to-play" means the gradual, step-wise approach to returning a student to participation in any extracurricular interscholastic activity following a concussion or other brain injury.

641—54.2(280) Return-to-play protocol. The return-to-play protocol will be developed by the Iowa high school athletic association and Iowa girls high school athletic union and be disseminated to Iowa public schools and accredited nonpublic schools. The protocol will be based on current evidence-based practice and will include the following process:

54.2(1) *Return-to-play process.*

a. No student will return to contest or practice the same day as a suspected concussion or other brain injury.

b. A student suspected of having a concussion will be evaluated by a licensed health care provider trained in the evaluation and management of concussion and other brain injuries as soon as feasible.

c. A student who has been removed from participation will receive written medical clearance prior to starting the return-to-play protocol.

d. The return-to-play steps shall be conducted under the guidance of a licensed health care provider following current best practice and as set forth by the Iowa high school athletic association and Iowa girls high school athletic union, with provision for delayed return-to-play steps as necessary.

e. Return-to-play may begin when the student is still symptomatic, after a brief period of rest.

f. No contact- or collision-related activities will be performed as part of the return-to-play steps until the student has written medical clearance from a licensed health care provider and has returned to pre-injury academic function.

54.2(2) Reserved.

These rules are intended to implement Iowa Code section 280.13C.

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ARC 9619C

REVENUE DEPARTMENT[701]

Adopted and Filed

Rulemaking related to tax credits

The Revenue Department hereby amends Chapter 800, "Tax Credits," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 422.12P.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 422.12P.

Purpose and Summary

The purpose of this rulemaking is to implement the Public Safety Officer Moving Expense Tax Credit provided in Iowa Code section 422.12P. The tax credit is available for certain unreimbursed moving expenses incurred by individuals who establish residency in Iowa upon taking full-time employment as a public safety officer in Iowa. The Department is directed under Iowa Code section 422.12P to adopt rules to administer the tax credit. The rule describes how to claim and calculate the tax credit and other restrictions and requirements.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9483C**. A public hearing was held on the following date(s):

- September 9, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Reserve rules **701—800.1** through **701—800.55**.

ITEM 2. Adopt the following **new** rule 701—800.56(422):

701—800.56(422) Public safety officer moving expense tax credit.

800.56(1) *In general—eligibility.* For tax years beginning on or after January 1, 2024, a public safety officer moving expense tax credit is available for certain unreimbursed moving expenses incurred by individuals who establish residency in Iowa upon taking full-time employment as a public safety officer in Iowa as provided in Iowa Code section 422.12P and this rule. The tax credit may be claimed by individuals against the individual income tax.

800.56(2) *Qualifying public safety officer.* The following meet the definition of a public safety officer:

a. Peace officers as described in Iowa Code section 801.4, including:

(1) Sheriff or sheriff's deputy.

(2) City police officer.

(3) Peace officer member of the department of public safety.

(4) Parole officer.

(5) Probation officer.

(6) Sworn special security officer employed by an institution of the board of regents.

(7) Conservation officer.

(8) Employee of the department of transportation who is designated as a peace officer.

(9) Employee of an aviation authority who is designated as a peace officer.

b. Corrections officers as described in Iowa Code section 97B.49B(1)*"e"*(3).

800.56(3) *Tax credit calculation.*

a. Eligible expenses. An expense will qualify as a moving expense if it meets all of the following requirements:

(1) The expense meets the definition of a moving expense under Section 217(b) of the Internal Revenue Code and Treasury Regulation 1.217-2(b)(2) through (4) as amended and in effect on July 1, 2024, or is a reasonable expense for meals incurred during travel from the taxpayer's old home to the taxpayer's new home.

(2) The expense is paid or incurred by the taxpayer, and the expense is attributable to the taxpayer or a member of the taxpayer's household.

(3) The expense is unreimbursed. An expense will be considered reimbursed to the extent of any amount the taxpayer is eligible to receive, directly or indirectly, from the taxpayer's employer or another person as payment for the expense of moving.

(4) The expense is not deducted on the taxpayer's federal income tax return.

b. Taxpayer eligibility. Taxpayers must meet all of the following requirements to be considered a new resident and eligible for the tax credit:

(1) The taxpayer establishes residency in Iowa after July 1, 2024, and has not been a resident of Iowa in the 12-month period prior to establishing residency in Iowa.

(2) The taxpayer becomes employed full-time in a qualifying public safety officer position in Iowa.

(3) The taxpayer becomes a resident of Iowa as a direct result of accepting employment in Iowa as a qualifying public safety officer.

(4) The taxpayer remains employed full-time in a qualifying public safety officer position when claiming the tax credit.

(5) The taxpayer remains a resident of Iowa when claiming the tax credit.

c. Maximum tax credit. The maximum allowable tax credit shall not exceed $2,000 per move.

800.56(4) *Claiming the tax credit.*

a. Filing a claim with the department. The tax credit will be calculated and claimed on Form IA 176. The taxpayer shall submit the form with the taxpayer's Iowa tax return for the tax year in which the tax credit is claimed.

b. When to claim the credit.

(1) For eligible expenses paid or incurred by the taxpayer before beginning full-time qualifying employment or in the same year such employment begins, the credit shall be claimed in the tax year the full-time qualifying employment begins.

EXAMPLE: X, a resident of Illinois, accepts a position as a parole officer in Iowa. X moves to Iowa, establishes Iowa residency, and incurs moving expenses late in tax year 2025 but does not begin X's job as a parole officer until tax year 2026. Because X incurred the costs of X's move in the year before X began full-time employment as a public safety officer, X will claim the tax credit in tax year 2026, the year X began full-time employment.

(2) For eligible expenses paid or incurred by the taxpayer after the tax year full-time qualifying employment begins, the credit shall be claimed in the tax year such expenses are incurred.

EXAMPLE: Y, a resident of Nebraska, accepts a position as a sheriff's deputy in Iowa. Y begins working full-time as a sheriff's deputy in November of tax year 2025, but due to Y's proximity to Y's new employment, Y does not move to Iowa, establish Iowa residency, and incur moving expenses until early the next tax year, in February of tax year 2026. Because Y did not incur moving expenses until the tax year after Y began full-time employment as a public safety officer, Y may claim the tax credit in tax year 2026.

c. Tax credit in excess of tax liability. Any credit in excess of the taxpayer's tax liability is refundable. In lieu of claiming the refund, the taxpayer may elect to have the excess credited to the taxpayer's estimated tax for the following year in the same manner and under the same conditions as an overpayment of tax.

d. Transferability. The credit shall not be transferred to any other person.

This rule is intended to implement Iowa Code section 422.12P.

[Filed 9/24/25, effective 11/19/25]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9620C

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rulemaking related to motor vehicle and towable recreational vehicle dealers, manufacturers, distributors and wholesalers

The Transportation Department hereby rescinds Chapter 425, "Motor Vehicle and Towable Recreational Vehicle Dealers, Manufacturers, Distributors and Wholesalers," Iowa Administrative Code, and adopts a new Chapter 425 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 307.12(1)"j" and 322.13.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 322 and 322C and sections 307.12(1)"j," 321.57 through 321.63, 321.95 and 321F.9.

Purpose and Summary

This rulemaking repromulgates Chapter 425 in compliance with Executive Order 10. Chapter 425 implements Iowa Code chapters 322 and 322C, which require individuals engaged in the business of selling motor vehicles and towable recreational vehicles to obtain a license from the Department. The rules provide clarity and consistency on the requirements for licenses and guidance on compliance with the statutory requirements.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9415C**. Public hearings were held on the following date:

- August 13, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 9, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 761—Chapter 425 and adopt the following **new** chapter in lieu thereof:

CHAPTER 425
MOTOR VEHICLE AND TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, DISTRIBUTORS AND WHOLESALERS

761—425.1(307,321,322,322C) Introduction.

425.1(1) This chapter applies to the licensing of motor vehicle and towable recreational vehicle dealers, manufacturers, distributors and wholesalers. Also included in this chapter are the criteria for the issuance and use of dealer plates.

425.1(2) Information about dealer plates and the licensing of motor vehicles and towable recreational vehicle dealers, manufacturers, distributors and wholesalers is available from the motor vehicle division or on the department's website at www.iowadot.gov/mvd/buyingselling/dealers.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.57 through 321.63 and chapters 322 and 322C.

761—425.2(307,322,322C) Definitions. The following definitions, in addition to those found in Iowa Code sections 322.2 and 322C.2, apply to this chapter:

"All-weather surface" means a surface that does not include grass or exposed soil.

"Bad business repute" means business activity in Iowa or any other state demonstrating noncompliance with, or infractions of, the provisions of Iowa Code chapter 322 or 322C or this chapter or law enforcement engagement or negative public perception, including complaints, media coverage and known criminal activity. For purposes of this definition, any evidence concerning a licensee's current or past conduct, dealings, habits or associations relevant to the business's reputation may be considered.

"Certificate of title" or *"title"* means the same as defined in rule 761—400.1(321).

"Consumer use" means use of a motor vehicle or towable recreational vehicle for business or pleasure, not for sale at retail, by a person who has obtained a certificate of title and has registered the vehicle under Iowa Code chapter 321.

"Dealer" unless otherwise specified means a person who is licensed to engage in the business of selling motor vehicles or towable recreational vehicles at retail in this state under Iowa Code chapter 322 or 322C.

"Engaged in the business" as defined in Iowa Code section 322.2 includes the sale of towable recreational vehicles.

"Extension lot" means as follows:

1. For a motor vehicle dealer, a lot for the sale of motor vehicles that is located within the same city or township as but is not adjacent to the motor vehicle dealer's principal place of business.
2. For a towable recreational vehicle dealer, a lot for the sale of towable recreational vehicles that is located within the same county as but is not adjacent to the towable recreational vehicle dealer's principal place of business.

"Manufacturer's certificate of origin" means the same as defined in rule 761—400.1(321).

"Principal place of business" means a building actually occupied and located in this state where the public and the department may contact the owner or operator during regular business hours. In lieu of a building, a towable recreational vehicle dealer may use a manufactured or mobile home as an office if taxes are current or a towable recreational vehicle as an office if registration fees are current.

"Registered dealer" means a dealer licensed under Iowa Code chapter 322 or 322C who possesses a current dealer certificate under Iowa Code section 321.59.

"Regular business hours" means to be consistently open to the public on a weekly basis at hours reported to the vehicle and motor carrier services bureau. Except as provided in Iowa Code section 322.36, regular business hours for a motor vehicle or towable recreational vehicle dealer shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

"Restricted dealer" means a person or a business specifically identified in rule 761—425.9(307,321F,322,322C) that is required to obtain a dealer license for only a specific type of retail sales but that does not have to maintain repair facilities, display facilities or a working telephone service.

"Salesperson" means a person employed by a motor vehicle or towable recreational vehicle dealer for the purpose of buying or selling vehicles.

"Vehicle" unless otherwise specified means a motor vehicle or towable recreational vehicle.

"Wholesaler" means a person who sells new vehicles to dealers and not at retail.

This rule is intended to implement Iowa Code section 307.12(1)*"j"* and chapters 322 and 322C.

761—425.3(307,322,322C) Application for dealer's license. Application for a motor vehicle or towable recreational vehicle dealer license is to be made on Form 411008 and submitted with all supporting documents and the applicable statutory fees by mail to Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Form 411008 may be obtained by phone at 515.237.3156, by email at dealer.programs@iowadot.us or on the department's website at www.iowadot.gov/mvd/buyingselling/buyingselling/dealer.

This rule is intended to implement Iowa Code section 307.12(1)*"j"* and chapters 322 and 322C.

761—425.4(307,322,322C) Supporting documentation and general requirements.

425.4(1) *Required information and documentation.* Each application for a dealer's license shall include all information required by Iowa Code section 322.4 for motor vehicle dealers and Iowa Code section 322C.4 for towable recreational vehicle dealers and the following information and supporting documentation.

a. Surety bond.

(1) The applicant shall obtain a surety bond in the following amounts and include a provision requiring that notice be provided to the motor vehicle division at least 30 days before cancellation:

1. For a motor vehicle dealer's license, $75,000. However, an applicant for a motor vehicle dealer's license is not required to file a bond if the person is licensed as a towable recreational vehicle dealer under the same name and at the same principal place of business.

2. For a towable recreational vehicle dealer's license, $75,000. However, an applicant for a towable recreational vehicle dealer's license is not required to file a bond if the person is licensed as a motor vehicle dealer under the same name and at the same principal place of business.

(2) Evidence of the bond shall be on file with the motor vehicle division, and the original surety bond is to be maintained with the dealer's business records.

(3) The motor vehicle division will notify the bonding company of any conviction of the dealer for a violation of laws related to the operations of the dealership.

b. Franchise agreement.

(1) An applicant who intends to sell new motor vehicles or towable recreational vehicles shall submit to the motor vehicle division a copy of a signed franchise agreement with the manufacturer or distributor of each make the applicant intends to sell.

(2) If a signed franchise agreement is not available at the time of application, the department may accept written evidence of a franchise that includes all of the following:

1. The name and address of the applicant and the manufacturer or distributor.

2. The make of motor vehicle or towable recreational vehicle that the applicant is authorized to sell.

3. The applicant's area of responsibility as stipulated in the franchise and certified on a form prescribed by the department.

4. The signature of the manufacturer or distributor.

(3) A final-stage manufacturer applying for a motor vehicle dealer license under rule 761—425.5(322) is not required to submit a franchise agreement under paragraph 425.4(1)*"b."*

c. Corporate applicants. If the applicant is a corporation, the applicant shall certify on the application that the corporation complies with all applicable state requirements for incorporation.

d. Zoning. The applicant shall provide to the motor vehicle division written evidence, issued by the office responsible for the enforcement of zoning ordinances in the city or county where the applicant's business is located, stating the applicant's principal place of business and any extensions comply with all applicable zoning provisions or are a legal nonconforming use.

e. Financial liability. The applicant for a motor vehicle dealer's license shall certify on the application that the applicant has the required financial liability coverage in the limits as set forth in Iowa Code section 322.4(1). It is the applicant's responsibility to ensure the required financial liability coverage is continuous with no lapse in coverage as long as the applicant maintains a valid dealer's license.

f. Ownership information.

(1) If the owner of the business is an individual, the application shall include the legal name, bona fide address and telephone number of the owner. If the owner is a corporation or partnership, the application shall include the name, bona fide address and phone number of at least two partners or officers.

(2) The application shall include the federal employer identification number of the business. If the business is owned by an individual who is not required to have a federal employer identification number, the application shall include the individual's social security number, Iowa nonoperator's identification number or Iowa driver's license number.

425.4(2) *Principal place of business.* The applicant shall maintain a principal place of business, which must be staffed during regular business hours (more information contained in rule 761—425.6(307,322,322C)). Before a motor vehicle dealer's license is issued, a representative of the department will physically inspect an applicant's principal place of business to verify compliance with this rule. A physical inspection is not required for a towable recreational vehicle dealer.

425.4(3) *Separate licenses required.*

a. A separate license is required for each city or township in which an applicant for a motor vehicle dealer's license maintains a place of business.

b. A separate license is required for each county in which an applicant for a towable recreational vehicle dealer's license maintains a place of business.

425.4(4) *Dealership name.* A dealer shall not represent or advertise the dealership under any name or style other than the name that appears on the dealer's license.

425.4(5) *Verification of compliance.* Prior to issuance of the license, the department will verify the applicant's compliance with all statutory and regulatory dealer licensing requirements.

425.4(6) *Supplemental statement of changes.* A licensed dealer shall file a written statement with the motor vehicle division at least ten days before any change of name, location, hours, method of doing business or any other statements made on the application. The specified changes cannot take effect until written approval is issued by the motor vehicle division.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.1 through 322.15 and 322C.1 through 322C.6.

761—425.5(322) Motor vehicle dealer licensing for final-stage manufacturers.

425.5(1) *Eligibility.* A final-stage manufacturer may be licensed as a motor vehicle dealer if the final-stage manufacturer:

a. Meets the definition of "final-stage manufacturer" in Iowa Code section 322.2.

b. Meets the requirements of a final-stage manufacturer in 49 CFR Section 567.5 effective October 1, 2024.

c. Is licensed as a manufacturer under Iowa Code chapter 322 and this chapter.

425.5(2) *Application.* A final-stage manufacturer shall apply for a motor vehicle dealer license in the manner described in rule 761—425.4(307,322,322C) and certify that the final-stage manufacturer meets the eligibility requirements under subrule 425.4(1).

This rule is intended to implement Iowa Code sections 322.2 and 322.3.

761—425.6(307,322,322C) Principal place of business requirements.

425.6(1) *Telephone and office area.* A principal place of business shall include a working telephone service provided specifically for business use and an adequate office area, separate from other facilities, for keeping business records, manufacturers' certificates of origin, certificates of title or other evidence of ownership for all motor vehicle or towable recreational vehicles offered for sale. Evidence of ownership may include a copy of an original document if the original document is held by a lienholder, floor planner or county treasurer.

425.6(2) *Facility for displaying motor vehicles or towable recreational vehicles.* A principal place of business shall include a facility for displaying motor vehicles or towable recreational vehicles meeting the following requirements.

a. Motor vehicles. A motor vehicle dealer's principal place of business shall include a suitable space reserved for display purposes where motor vehicles may be viewed by prospective buyers and is:

(1) Within a building. However, used motor vehicle dealers and dealers selling new trucks or motor homes exclusively may use a display facility that is an outdoor area with an all-weather surface.

(2) Of the following minimum applicable size:

1. 10 feet by 15 feet for display of motorcycles, motorized bicycles and autocycles.
2. 18 feet by 30 feet for display of other motor vehicles.

b. Towable recreational vehicles. A towable recreational vehicle dealer's principal place of business shall include a space of sufficient size to permit the display of one or more towable recreational vehicles. The display facility may be an indoor or an outdoor area with an all-weather surface. If an outdoor display facility is maintained, it may be used only to display, recondition or repair towable recreational vehicles or to park vehicles.

425.6(3) *Facility for repairing and reconditioning motor vehicles and towable recreational vehicles.* A principal place of business shall include a facility for repairing and reconditioning motor vehicles or towable recreational vehicles meeting the following requirements.

a. Motor vehicles. The facility for repairing and reconditioning motor vehicles shall:

(1) Be equipped to repair and recondition one or more motor vehicles of a type sold by the dealer.

(2) Be within a building.

(3) Have adequate access.

(4) Be separated from the display and office areas by solid, floor-to-ceiling walls and solid, full-length doors.

(5) Be of the following minimum applicable unobstructed, rectangular size:

1. 10 feet by 15 feet for motorcycles, motorized bicycles and autocycles.
2. 14 feet by 24 feet for other types of motor vehicles.

b. Towable recreational vehicles. The facility for repairing and reconditioning towable recreational vehicles:

(1) Shall be equipped and of sufficient size to repair and recondition one or more towable recreational vehicles of a type sold by the dealer.

(2) Shall have adequate access.

(3) Shall be either indoors or outdoors, but with an all-weather surface.

(4) May occupy the same area as the display facility.

425.6(4) *Motor vehicle dealer who is also a recycler.* If a motor vehicle dealer also does business as a recycler, there shall be separate parking for motor vehicles being offered for sale at retail from motor vehicles that are salvage.

425.6(5) *Towable recreational vehicle dealer also licensed as a motor vehicle dealer.* If a towable recreational vehicle dealer is also licensed as a motor vehicle dealer under the same name and at the same principal place of business, separate facilities for displaying, repairing and reconditioning towable recreational vehicles are not required.

425.6(6) *Colocation prohibited.* The department will not issue a license under Iowa Code chapter 322 or 322C to anyone at the principal place of business of an existing licensee.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.1 through 322.15 and 322C.1 through 322C.6.

761—425.7(321,322) Business records of a motor vehicle dealer with multiple licenses.

425.7(1) *Applicability.* A motor vehicle dealer licensed under Iowa Code chapter 322 and this chapter who holds more than one motor vehicle dealer license may maintain the dealer's collective business records together at any of the dealer's licensed locations.

425.7(2) *Separation of records.* Business records of licensed motor vehicle dealers kept at a single licensed location under this rule shall:

a. Be stored separately and distinctly, in a manner distinguishable to each licensee.

b. Not be commingled.

425.7(3) *Notification to the department.* A motor vehicle dealer shall notify the motor vehicle division in writing no fewer than ten days before moving the dealer's business records to another licensed location.

This rule is intended to implement Iowa Code sections 321.63 and 322.2 through 322.15.

761—425.8(307,322,322C) Extension lot license. Extension lots of motor vehicle and towable recreational vehicle dealers must be licensed, and application is to be made to the department on Form 417072.

425.8(1) An extension lot must be owned or leased by the dealer.

425.8(2) For purposes of this rule, parcels of property are adjacent if the parcels are owned or leased by the dealer and the parcels are either adjoining or are separated only by an alley, street or highway that is not a fully controlled access facility.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.1 through 322.15 and 322C.1 through 322C.6.

761—425.9(307,321F,322,322C) Restricted dealers.

425.9(1) A restricted dealer license is only required when the person or business meets the definition of "engaged in the business." Banks, credit unions and trust companies in Iowa are not required to obtain a dealer license.

425.9(2) A restricted dealer license is only available to a person or business engaged in one of the following qualifying categories:

a. Leased vehicles. The person or business leasing vehicles is selling those vehicles solely through an option to purchase in the lease agreement.

b. Repossessed vehicles. The person or business is selling only those vehicles acquired or repossessed due to lien, title retention instruments or security contracts.

c. Fleet vehicle sales. The person or business acquires vehicles for consumer use in a business and then offers the vehicles for sale.

d. Auction only. The person or business is selling more than six vehicles in a 12-month period only at public auctions. All certificates of title for vehicles offered for sale at the public auction shall be duly assigned to the restricted dealer.

e. Insurers. The person or business is selling vehicles of a type subject to registration solely for the purpose of disposing of vehicles acquired as a result of a damage settlement or recovered stolen vehicles acquired as a result of a loss settlement.

425.9(3) Restricted dealers must have a business location in Iowa but are not required to maintain a "place of business" as defined in Iowa Code section 322.2.

425.9(4) Restricted dealers may obtain titles and reassign titles. Restricted dealers cannot use dealer plates or issue "Registration Applied For" cards or in-transit permits.

425.9(5) The state of Iowa, counties, cities and other governmental subdivisions are not required to obtain a dealer's license to sell their vehicles.

425.9(6) This rule does not apply to a vehicle owner, or to an auctioneer representing the owner, selling vehicles at a retail auction if the vehicles were acquired by the owner for consumer use, the vehicles are incidental to the auction and only one owner's vehicles are sold.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321F.9, 322.1 through 322.15 and 322C.1 through 322C.6.

761—425.10(307,322,322C) State fair, fairs, shows and exhibitions.

425.10(1) *Definitions.* As used in this rule:

"Community" means the same as defined in Iowa Code section 322A.1.

"Display" means having new motor vehicles or new towable recreational vehicles available for public viewing at fairs, vehicle shows or vehicle exhibitions. The dealer may also post, display or provide product information through literature or other descriptive media. However, the product information shall not include prices, except for the manufacturer's sticker price. "Display" does not mean offering new vehicles for sale or negotiating sales of new vehicles.

"Fair" means a county fair or a scheduled gathering for a predetermined period of time at a specific location for the exhibition, display or sale of various wares, products, equipment, produce or livestock, but not solely new vehicles, and sponsored by a person other than a single dealer.

"Offer" new vehicles *"for sale," "negotiate sales"* of new vehicles, or similar wording means doing any of the following at the state fair or a fair, vehicle show or vehicle exhibition: posting prices in addition to the manufacturer's sticker price, discussing prices or trade-ins, arranging for payments or financing and initiating contracts.

"State fair" means the fair as described in Iowa Code chapter 173.

"Vehicle exhibition" means a scheduled event conducted at a specific location where various types, makes or models of new vehicles are displayed either at the same time or consecutively in time and sponsored by a person other than a single dealer.

"Vehicle show" means a scheduled event conducted for a predetermined period of time at a specific location for the purpose of displaying at the same time various types, makes or models of new vehicles, which may be in conjunction with other events or displays, and sponsored by a person other than a single dealer.

425.10(2) *Permits for dealers of new motor vehicles.*

a. A "display only" fair, vehicle show or vehicle exhibition permit allows a motor vehicle dealer to display new motor vehicles at a specified fair, vehicle show or vehicle exhibition in any Iowa county. The permit is valid on Sundays.

b. A "full" fair, state fair, vehicle show or vehicle exhibition permit allows a motor vehicle dealer to display and offer new motor vehicles for sale and negotiate sales of new motor vehicles at the state fair, or a specified fair, vehicle show or vehicle exhibition that is held within the motor vehicle dealer's community.

EXCEPTION: A motor vehicle dealer who is licensed to sell motor homes may be issued a permit to offer for sale Class "A" and Class "C" motor homes at a specified fair, vehicle show or vehicle exhibition in any Iowa county. A "full" fair, show or exhibition permit is not valid on Sundays.

c. The following restrictions are applicable to both types of permits:

(1) Permits will be issued to motor vehicle dealers only for the state fair, fairs, vehicle shows or vehicle exhibitions where more than one motor vehicle dealer may participate.

(2) A permit is limited to the line makes for which the motor vehicle dealer is licensed in Iowa.

425.10(3) *Permits for dealers of new towable recreational vehicles.* A fair, vehicle show or vehicle exhibition permit allows a towable recreational vehicle dealer to display and offer new towable recreational vehicles for sale and negotiate sales of new towable recreational vehicles at a specified fair, vehicle show or vehicle exhibition in any Iowa county.

a. The permit is valid on Sundays.

b. The permit is limited to the line makes for which the towable recreational vehicle dealer is licensed in Iowa.

c. A towable recreational vehicle dealer who does not have a permit may display vehicles at fairs, vehicle shows and vehicle exhibitions.

425.10(4) *Permit application.* Application for a permit under this rule is to be submitted to the motor vehicle division on Form 411119 at least ten days prior to the event and must include the dealer's name, address and license number and the following information about the event: name, location, sponsor(s) and duration, including the opening and closing dates.

425.10(5) *Display of permit.* The motor vehicle or towable recreational vehicle dealer shall display the permit in close proximity to the vehicles being exhibited.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.5(2) and 322C.3(9).

761—425.11(322) Classic car permit. A classic car permit allows a motor vehicle dealer to display and sell classic cars at a specified county fair, vehicle show or vehicle exhibition that is held in the same county as the motor vehicle dealer's principal place of business. "Classic car" is defined in Iowa Code section 322.5(3).

425.11(1) The permit period is the duration of the event, not to exceed five days. The permit is valid on Sundays. Only one permit may be issued to each motor vehicle dealer for an event. No more than three permits may be issued to a motor vehicle dealer in any one calendar year.

425.11(2) Application for a permit under this rule is to be made to the motor vehicle division on Form 411045 at least ten days prior to the event and must include the dealer's name, address and license number and the following information about the county fair, vehicle show or vehicle exhibition: name, location, sponsor(s) and duration, including the opening and closing dates.

425.11(3) The motor vehicle dealer shall display the permit in a prominent place at the location of the county fair, vehicle show or vehicle exhibition.

This rule is intended to implement Iowa Code section 322.5(3).

761—425.12(322) Nonresident motor truck display permit. Application for a permit under this rule is to be made to the motor vehicle division on Form 493007 at least ten days prior to the event and must include information or documentation showing that the nonresident motor vehicle dealer is eligible for issuance of a permit and that the event meets the statutory conditions for permit issuance.

This rule is intended to implement Iowa Code section 322.5(4).

761—425.13(322) Firefighting and rescue show permit.

425.13(1) Application for a firefighting and rescue show permit for vehicle shows and vehicle exhibitions conducted for educational purposes only is to be made to the motor vehicle division on Form 411220 at least ten days prior to the event and must include the name, address and license number of the applicant, the type of vehicles being displayed and the following information about the vehicle show or vehicle exhibition: name, location, sponsor(s) and duration, including the opening and closing dates.

425.13(2) The permit is not valid on Sundays. Only one permit can be issued to each licensee for an event.

425.13(3) The permit holder shall display the permit in a prominent place at the location of the vehicle show or vehicle exhibition.

This rule is intended to implement Iowa Code section 322.5(5).

761—425.14(307,322,322C) Salespersons of dealers.

425.14(1) Every motor vehicle and towable recreational vehicle dealer shall:

a. Keep a current written record of all salespersons acting on the dealer's behalf. The record shall be available for inspection by any peace officer or any employee of the department.

b. Maintain a current record of authorized persons allowed to sign all documents required under Iowa Code chapter 321 for vehicle sales.

425.14(2) No person is authorized to either directly or indirectly claim to represent a dealer unless the person is listed as a salesperson by that dealer.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.3, 322.13 and 322C.4.

761—425.15(307,322,322C) Manufacturers, distributors and wholesalers—application and requirements. This rule applies to the licensing of manufacturers, distributors and wholesalers of new motor vehicles and towable recreational vehicles.

425.15(1) *Application for license.* To apply for a license under this rule, the applicant shall complete and submit to the motor vehicle division Form 417029 and provide a list of the applicant's franchised dealers in Iowa and a sample copy of a completed manufacturer's certificate of origin that

is issued by the applicant. A distributor or wholesaler shall also provide a copy of written authorization from the manufacturer to act as its distributor or wholesaler.

425.15(2) *Licensing requirements.* A licensee shall:

a. If applicable, ensure new motor homes delivered to Iowa dealers contain the systems and meet the standards specified in Iowa Code section 321.1(36D)*"d."*

b. Ensure that any new retail outlet is properly licensed as a dealer before any vehicles are delivered to the outlet.

c. Notify the motor vehicle division in writing at least ten days prior to any:

(1) Change in name, location or method of doing business, as shown on the license.

(2) Issuance of a franchise to a dealer in this state to sell new vehicles at retail.

(3) Change in the trade name of a towable recreational vehicle manufactured for delivery in this state.

(4) New make of vehicle being offered for sale at retail in this state.

425.15(3) *Wholesaler's financial liability coverage.* A new motor vehicle wholesaler shall certify on the license application that the wholesaler has the required financial liability coverage in the limits set forth in Iowa Code section 322.27A. It is the wholesaler's responsibility to ensure that the required financial liability coverage is continuous with no lapse in coverage as long as the wholesaler maintains a valid wholesaler's license.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 322.27 through 322.30 and 322C.7 through 322C.9.

761—425.16(307,321,322,322C) Right of inspection.

425.16(1) Peace officers have the authority to inspect vehicles or component parts of vehicles, business records and manufacturers' certificates of origin, certificates of title and other evidence of ownership for all vehicles sold and inventory offered for sale. This rule will not be construed to require a dealer to keep records for a sold vehicle longer than the dealer's established records retention policy requires, or ten years, whichever is longer.

425.16(2) The department has the right at any time to verify compliance of a person licensed under Iowa Code chapter 322 or 322C or issued a certificate under Iowa Code section 321.59 with all statutory and regulatory requirements.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.62, 321.95, 322.13 and 322C.1.

761—425.17(17A,307,321,322,322C) Denial, suspension or revocation.

425.17(1) The department may deny an application or suspend or revoke a certificate or license if the applicant, certificate holder or licensee fails to comply with the applicable provisions of this chapter, Iowa Code sections 321.57 through 321.63 or Iowa Code chapter 322 or 322C.

425.17(2) The department will cancel a dealer's license upon notification of cancellation of a surety bond under rule 761—425.4(307,322,322C). The cancellation takes effect the same date that the bond is cancelled. However, upon reinstatement of the bond or issuance of a new bond pursuant to rule 761—425.4(307,322,322C), the department will immediately rescind the revocation of the dealer's license.

425.17(3) The department may deny a dealer's application for the state fair or a fair, vehicle show or vehicle exhibition permit for a period not to exceed six months if the dealer fails to comply with the applicable provisions of rule 761—425.10(307,322,322C) or Iowa Code section 322.5(2) or 322C.3(9).

425.17(4) The department may deny a motor vehicle dealer's application for a demonstration permit for a period not to exceed six months if the dealer fails to comply with rule 761—425.19(307,321).

425.17(5) The department will send notice by certified mail to a person whose certificate, license or permit is to be revoked, suspended, canceled or denied. The notice will be mailed to the person's mailing address as shown on departmental records or, if the person is currently licensed, to the principal place of business and will take effect 20 days from the date mailed. A person who is aggrieved by a

decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the motor vehicle division at the address in rule 761—425.3(307,322,322C). The request will be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation or denial.

This rule is intended to implement Iowa Code chapter 17A and sections 307.12(1)*"j,"* 321.57 through 321.63, 322.6, 322.9, 322.31 and 322C.6.

761—425.18(307,321) Dealer plates.

425.18(1) *Persons who may be issued dealer plates.* Dealer plates as provided in Iowa Code sections 321.57 through 321.63 may be issued to:

a. Licensed motor vehicle dealers.

b. Licensed towable recreational vehicle dealers.

c. A person engaged in the business of buying, selling or exchanging trailer-type vehicles subject to registration under Iowa Code chapter 321, other than towable recreational vehicles, and who has an established place of business for such purpose in this state.

d. Insurers selling vehicles of a type subject to registration under Iowa Code chapter 321 solely for the purpose of disposing of vehicles acquired as a result of a damage settlement or recovered stolen vehicles acquired as a result of a loss settlement.

e. A person selling vehicles of a type subject to registration under Iowa Code chapter 321 solely for the purpose of disposing of vehicles acquired or repossessed by the person in exercise of powers or rights granted by lien or title-retention instruments or contracts given as security for loans or purchase money obligations and who are not required to be licensed dealers.

f. A person engaged in the business of selling special equipment body units that have been or will be installed on motor vehicle chassis not owned by the person, solely for the purpose of delivering, testing or demonstrating the special equipment body and the motor vehicle.

g. A licensed manufacturer of ambulances, rescue vehicles or fire vehicles, solely for the purpose of transporting, demonstrating, showing or exhibiting the vehicles.

h. A licensed wholesaler who is also licensed as a motor vehicle dealer as specified in paragraph 425.18(3)*"e."*

425.18(2) *Limited use.* Dealer plates displayed pursuant to paragraphs 425.18(1)*"d"* through *"h"* shall display the words "limited use."

425.18(3) *Use of dealer plates.*

a. Dealer plates shall not be displayed on vehicles that are rented or loaned. However, a dealer plate may be displayed on a motor vehicle, other than a truck or truck tractor, loaned to a customer of a licensed motor vehicle dealer while the customer's motor vehicle is being serviced or repaired by the dealer.

b. Saddle-mounted vehicles being transported shall display dealer plates.

c. Dealer plates may be displayed on a trailer carrying a load, provided the motor vehicle towing the trailer is properly registered under Iowa Code section 321.109, 321.120 or 321.122 or is displaying a dealer plate described in paragraph 425.18(3)*"e,"* or a demonstration permit has been issued as described in rule 761—425.19(307,321).

d. Dealer plates may be used by a dealer licensed as a wholesaler for a new motor vehicle model when operating a new motor vehicle of that model if the motor vehicle is owned by the wholesaler and is operated solely for the purpose of demonstration, show or exhibition.

e. A dealer plate issued under Iowa Code section 321.60 for the purpose of hauling a load or towing a trailer will be marked "HAUL & TOW." Dealer "HAUL & TOW" plates may only be displayed on vehicles in the dealer's inventory that are continuously offered for sale at retail.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.57 through 321.63.

761—425.19(307,321) Demonstration permits.

425.19(1) Demonstration permits may be issued by motor vehicle dealers to permit the use of dealer plates for the purpose of demonstrating the load capabilities of motor trucks and truck tractors. A demonstration permit must be issued on a form prescribed by the department.

425.19(2) The dealer shall complete the permit. The information to be filled out includes but is not limited to the following:

a. Date of issuance by the dealer, date of expiration and the specific dates for which the permit is valid. The expiration date shall be five days or less from the date of issuance.

b. Dealer's name, address and license number.

c. Name(s) of the prospective buyer(s) and all prospective drivers.

d. Route of the demonstration trip. The points of origin and destination shall be the dealership. The permit is not valid for a route outside Iowa.

e. The make, year and vehicle identification number of the motor vehicle being demonstrated.

425.19(3) The permit shall at all times be carried in the motor vehicle to which it refers and be shown to any peace officer upon request.

425.19(4) No more than one demonstration permit per motor vehicle is to be issued for a prospective buyer.

425.19(5) The demonstration permit is valid only for a movement that does not exceed the legal length, width, height and weight restrictions. The permit is not valid for an overdimensional or overweight movement.

425.19(6) A dealer plate issued under Iowa Code section 321.60 for the purpose of hauling a load or towing a trailer may be used in lieu of a demonstration permit.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.57 through 321.63.

[Filed 9/16/25, effective 11/19/25]
[Published 10/15/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9621C

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rulemaking related to interstate registration and operation of vehicles

The Transportation Department hereby rescinds Chapter 500, "Interstate Registration and Operation of Vehicles," Iowa Administrative Code, and adopts a new Chapter 500 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 307.12(1)"j" and 326.33.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 326 and sections 17A.9A, 321.20A, 321.126, 321.127, 321.129 and 321.134.

Purpose and Summary

This rulemaking repromulgates Chapter 500 in compliance with Executive Order 10. Chapter 500 complies with Iowa Code chapter 326 by outlining the process and procedures to obtain International Registration Plan (IRP) credentials and all recordkeeping requirements. Iowa is a member jurisdiction

of the IRP, and the apportionable registration is required for motor carriers that operate in interstate commerce.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 9, 2025, as **ARC 9383C**. Public hearings were held on the following date:

- July 29, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 9, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 761—Chapter 500 and adopt the following **new** chapter in lieu thereof:

MOTOR CARRIERS

CHAPTER 500
INTERSTATE REGISTRATION AND OPERATION OF VEHICLES

761—500.1(326) Definitions. The definitions in Iowa Code sections 326.2 and 326.3 apply to this chapter. In addition:

"Distance schedule" means the department form used to report fleet distance.

"IRP" means the International Registration Plan as defined in Iowa Code section 326.2.

"Qualified registrant" means a motor carrier who has received written approval by the department to self-certify IRP credential destruction.

"Self-certification of IRP credential destruction" means a signed statement that is completed by a qualified registrant certifying the date the IRP credentials have been destroyed.

"Temporary evidence of apportioned registration" means a document issued by the department that describes the vehicle and lists the weight for each jurisdiction in which the vehicle is registered for operation and allows the vehicle to be operated.

"Vehicle schedule" means the department form used to report vehicle registration information.

This rule is intended to implement Iowa Code sections 326.2, 326.3, 326.15 and 326.33.

761—500.2(326) General information.

500.2(1) *Information and location.* Applications, forms and information on interstate registration and operation of vehicles are available on the department's website at www.iowadot.gov/mvd/motorcarriers/IRP/File-IRP; by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at 515.237.3268; by facsimile at 515.236.3225; or by email at omcs@iowadot.us.

500.2(2) *Method of operation.* The operations of the department's motor vehicle division relating to reciprocity and apportioned registration are conducted in accordance with the IRP and Iowa Code chapters 321 and 326.

500.2(3) *Organizational data.* The motor vehicle division is authorized pursuant to Iowa Code chapter 326 to enter into reciprocity apportioned registration agreements with other jurisdictions. The department is a member of the IRP. The IRP, effective October 2025, is hereby incorporated into this chapter. Under this agreement, the motor vehicle division will do all of the following:

a. Compute and collect apportionable fees due to this state under apportioned registration agreements.

b. Issue registration plates, validation stickers, cab cards, temporary evidence of apportioned registration and trip permits to qualified registrants.

c. Enter into reciprocity agreements with other jurisdictions. These agreements exempt nonresidents from the registration and registration fee requirements of Iowa Code chapter 321.

This rule is intended to implement Iowa Code sections 326.5, 326.6 and 326.33.

761—500.3(17A,326) Waiver of rules. In accordance with 761—Chapter 11, the director of transportation or the director's designee (director) may, in response to a petition, waive provisions of this chapter. A waiver will not be granted unless the director finds that special or emergency circumstances exist. "Special or emergency circumstances" means one or more of the following:

500.3(1) Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.

500.3(2) Circumstances where the movement is necessary to cooperate with national defense officials.

500.3(3) Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.

500.3(4) Circumstances where the movement is essential to ensure safety and protection of any person or property due to events such as but not limited to pollution of natural resources, a potential fire or explosion.

500.3(5) Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.

500.3(6) Circumstances where movement involves emergency-type vehicles.

500.3(7) Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazard to the safety of the traveling public or undue damage to private or public property.

This rule is intended to implement Iowa Code sections 17A.9A and 326.33.

761—500.4(326) Renewal for IRP registration. Renewal reminder notices are sent electronically or by mail at least 60 days prior to the registration expiration date to all registrants who maintained an active IRP fleet with Iowa during that year. The renewal is made available online at least 60 days prior to the registration expiration date and can be accessed on the department's website.

500.4(1) The renewal must include:

a. A completed and signed distance schedule and vehicle schedule(s). The schedules can be filed and signed either electronically or on paper.

b. Title documentation, if necessary.

c. One of the following:

(1) Receipted federal heavy vehicle use tax (Form 2290 Schedule 1) for vehicles with a taxable gross weight of 55,000 pounds or more.

(2) A copy of Form 2290 Schedule 1 and sufficient documentation of payment of the tax due at the time Form 2290 was filed. The documentation can include but is not limited to a photocopy of both sides of a canceled check, a bank statement indicating the amount of tax paid and electronic acknowledgment indicating a payment of tax and an Internal Revenue Service printout of the taxpayer's account showing the amount of tax paid.

500.4(2) Additional renewal procedures.

a. Vehicles may be deleted from the fleet at the time of renewal. Operating a vehicle with credentials marked as deleted will result in the registrant being responsible for any fees assessed, including any applicable penalty. Operating a vehicle with credentials that were self-certified as destroyed will result in suspension of the self-certification privilege.

b. Units being stored must be marked "stored" on the renewal vehicle schedule and the plates, cab cards and validation stickers must be returned in accordance with rule 761—500.5(321).

c. Vehicles may be added at the time of renewal. Upon payment of required fees, an applicant must apply for a temporary evidence of apportioned registration to be issued to operate a vehicle in accordance with the IRP. The department may extend the temporary evidence of apportioned registration if there are extenuating circumstances beyond the applicant's control.

d. When the registrant is seeking a refund in accordance with Iowa Code section 326.15 for vehicles deleted from a fleet, the annual and permanent registration plates and validation stickers must be returned to the motor vehicle division. No refund will be paid for a vehicle deleted at the time of renewal.

This rule is intended to implement Iowa Code sections 326.6, 326.11, 326.12, 326.14, 326.15 and 326.33.

761—500.5(321,326) Deadline for placing a vehicle in storage. The registrant of a currently registered vehicle may at any time request that a vehicle be put into storage. The registrant must complete a vehicle schedule and return it with the plate, cab card and validation sticker to the motor vehicle division. The vehicle schedule, plate, cab card and sticker must be received or postmarked on or before the registration expiration date to stop the registration fee from being assessed for the renewal year. The motor vehicle division will destroy the plate and return the cab card to the registrant with the word "stored" stamped on it. Placing the vehicle in storage stops penalties on registration fees. When the vehicle is taken out of storage, the vehicle is assessed for the current annual registration fee.

This rule is intended to implement Iowa Code sections 321.126, 321.134 and 326.33.

761—500.6(326) Payment, delinquency and suspension.

500.6(1) Acceptable methods to make payment to the Iowa Department of Transportation include cash, check, credit card or any other means offered by the department. Payment is due 30 calendar days from the invoice date. However, renewal invoices are due 30 calendar days from the invoice date or by the last day of the registration expiration month, whichever is later.

500.6(2) Invoices not paid by the due date are assessed a late payment penalty as provided in Iowa Code sections 326.14 and 326.16. The same penalty amount will be assessed the first of each month thereafter until the total invoice and all penalties are paid in full.

500.6(3) A delinquency notice will be sent on invoices 30 calendar days overdue. The department will send a delinquency notice stating the IRP registration will be suspended unless payment is received within 30 calendar days from the date of the delinquency notice. If payment is not received in a timely manner, a notice of suspension will be sent to the registrant. When a registrant is under suspension,

all of the registrant's Iowa-based IRP vehicles and the registrant's Iowa-based International Fuel Tax Agreement (IFTA) account, if applicable, are suspended.

This rule is intended to implement Iowa Code sections 326.10A, 326.14, 326.16 and 326.33.

761—500.7(326) Self-certification of IRP registration plate and validation sticker destruction.

500.7(1) In order to request a refund for unused registration fees, unless the registrant qualifies to self-certify destruction under this rule, plates and validation stickers must be returned to the department when a vehicle is deleted from the fleet. A registrant will meet all of the following requirements to qualify for department approval to self-certify destruction of IRP credentials:

a. A minimum of five years' experience with IRP registration.

b. A satisfactory IRP payment history. A satisfactory payment history includes but is not limited to no suspension of IRP registration in the last five years due to late payment or returned check because of insufficient funds.

c. A satisfactory rating from the U.S. Department of Transportation in the previous five years.

500.7(2) A motor carrier subject to a federal out-of-service order in the current year or any of the four prior years is not eligible to self-certify IRP credential destruction.

This rule is intended to implement Iowa Code sections 326.15 and 326.33.

761—500.8(326) IRP credentials. Upon payment of appropriate fees and submission of all required documentation, the motor vehicle division will issue one IRP plate for each power unit to be mounted on the front of the power unit, one trailer plate to be mounted on the rear of the trailer and one cab card for each power unit. The cab card may be in either a physical or electronic format.

This rule is intended to implement Iowa Code sections 326.14 and 326.33.

761—500.9(326) Nonrenewal vehicle additions. A registrant may add a vehicle to the fleet at any time after the commencement of the registration year. Upon payment of required fees, temporary evidence of apportioned registration may be issued to operate the vehicle(s). The temporary evidence of apportioned registration will not exceed 45 days. However, the department may extend the temporary evidence of apportioned registration if there are extenuating circumstances. Once temporary evidence of apportioned registration is issued and used, fees will be due and the invoice may only be canceled if an error was made by the department or there were extenuating circumstances for which nonuse can be proven.

This rule is intended to implement Iowa Code sections 326.11 and 326.33.

761—500.10(326) Nonrenewal vehicle deletions. A registrant may delete vehicles from the fleet at any time after the commencement of the registration year. The plates and validation stickers must be returned to the motor vehicle division at the time of deletion. In lieu of returning the plates and validation stickers, a qualified registrant may submit a self-certification of IRP credential destruction on or before the vehicle's or vehicles' deletion date to the motor vehicle division. Operating a vehicle with credentials that were self-certified as destroyed will result in suspension of the self-certification privilege, and the registrant is responsible for any additional fees that would have been due beyond the stated destruction date.

This rule is intended to implement Iowa Code sections 326.12, 326.15 and 326.33.

761—500.11(326) Voluntary cancellation of registration. A registrant may cancel a transaction for IRP registration if the registrant notifies the motor vehicle division within 48 hours of the invoice date. The notice shall state the reason for cancellation, the licensing status and ownership and be signed by the registrant or its representative. If notice is not received within 48 hours or if a temporary evidence of apportioned registration was issued in accordance with rule 761—500.9(326), all registration fees must be paid in full.

This rule is intended to implement Iowa Code sections 326.6, 326.11 and 326.33.

761—500.12(326) Registration credit.

500.12(1) If a vehicle is deleted from the IRP fleet and replaced with another vehicle, registration credit may be applied to IRP fees due on the replacement vehicle if the registrant does all of the following:

a. Submits the vehicle schedule identifying the added and deleted vehicles to the motor vehicle division.

b. Deletes the vehicle on or before the effective date of the replacement vehicle's registration.

500.12(2) Allowance for credit of deleted vehicles is subject to the conditions set forth in Iowa Code section 326.12.

This rule is intended to implement Iowa Code sections 326.12 and 326.33.

761—500.13(321,326) Penalty for late filing of vehicle registration.

500.13(1) As provided in Iowa Code sections 326.14 and 326.16, a late filing penalty of 5 percent is assessed to the vehicle if a vehicle registration is not filed within 30 days of one of the following:

a. The purchase of a new or used vehicle.

b. The date a vehicle is brought across state borders into Iowa to be registered.

c. A vehicle being first operated with the exemption allowed under Iowa Code section 321.20A.

500.13(2) An additional penalty will be assessed on the first of each month thereafter until the vehicle schedule is filed.

500.13(3) The department may collect intrastate registration fees and penalties when registering a delinquent vehicle to bring the vehicle fees current before allowing the IRP registration of the vehicle.

This rule is intended to implement Iowa Code sections 321.20A, 326.11, 326.14, 326.16 and 326.33.

761—500.14(326) Duplicate credentials. The fees for duplicate credentials are as follows:

500.14(1) A replacement cab card is $3.

500.14(2) A replacement plate, including the cab card, is $8.

500.14(3) If applicable, a mailing fee will also be assessed based on the number of plates or cab cards being issued.

This rule is intended to implement Iowa Code sections 326.22 and 326.33.

761—500.15(321,326) Making claim for refund. A refund of Iowa fees previously paid for the registration of vehicles may be made in accordance with Iowa Code sections 321.126, 321.127, 321.129 and 326.15. A claim for refund form may be obtained from the motor vehicle division. In lieu of returning the plates, a qualified registrant may submit a self-certification of IRP credential destruction on or before the vehicle's or vehicles' deletion date to the motor vehicle division.

This rule is intended to implement Iowa Code sections 321.126, 321.127, 321.129, 326.15 and 326.33.

761—500.16(326) Registration of vehicles with non-Iowa titles. Registrants applying for registration for non-Iowa titled vehicles shall submit to the motor vehicle division with the application or payment as specified in rule 761—500.6(326) one of the following:

500.16(1) A copy of the non-Iowa title or a copy of the title application if the title has not been issued.

500.16(2) If a jurisdiction does not issue titles, a copy of the bill of sale or a copy of the Canadian registration.

This rule is intended to implement Iowa Code sections 326.11 and 326.33.

761—500.17(326) Record retention.

500.17(1) *Record retention requirement and penalty.* Iowa IRP registrants shall preserve the records upon which their registration is based as required by the IRP for the current registration year and the three preceding registration years and, upon request, make such records available for audit. The department may assess a penalty upon registrants who have failed to maintain proper records.

500.17(2) *Adequacy of records.* Records maintained by a registrant are adequate only if the records enable the department to verify the distances reported in the registrant's application for apportioned registration and to evaluate the accuracy of the registrant's distance accounting system. The records may be produced through any means and retained in any format or medium available to the registrant and accessible by the department.

a. Records produced by a means other than a vehicle-tracking system will be considered adequate if the records include:

(1) The beginning and ending dates of the trip to which the records pertain.

(2) The origin and destination of the trip.

(3) The route of travel.

(4) The beginning and ending reading from the odometer, hubodometer, engine control module (ECM), or any similar device for the trip.

(5) The total distance of the trip.

(6) The distance traveled in each jurisdiction.

(7) The vehicle identification number or vehicle unit number.

b. Records produced by a vehicle-tracking system that utilizes latitudes and longitudes must be created and maintained at a minimum of every 15 minutes when the vehicle's engine is on and contain the following data elements:

(1) The vehicle identification number or vehicle unit number.

(2) The date and time of each system reading.

(3) The latitude and longitude to include a minimum of four decimal places (0.0001) of each system reading.

(4) The odometer reading from the ECM of each system reading. If no ECM odometer is available, a beginning and ending dashboard odometer or hubometer for the trip will be acceptable.

(5) The calculated distance between each system reading.

(6) The route of the vehicle's travel.

(7) The total distance traveled by the vehicle.

(8) The distance traveled in each jurisdiction.

500.17(3) *Summaries.* The following summaries shall be maintained:

a. A summary of the fleet's operations of each month, which includes both the full distance traveled by each apportioned vehicle in the fleet during the calendar month and the distance traveled in the month by each apportioned vehicle in each jurisdiction.

b. A summary of the fleet's operations for each calendar quarter, which includes both the full distance traveled by vehicles in the fleet during the calendar quarter and the distance traveled in each jurisdiction by the vehicles in the fleet during the calendar quarter.

This rule is intended to implement Iowa Code sections 326.19A and 326.33.

761—500.18(326) Trip permits. A registrant may meet the registration requirements of Iowa Code chapter 326 by operating under a trip permit. However, trips that are intrastate or exceed legal dimensions or weight and operate under permit as specified in Iowa Code chapter 321E are not allowed.

500.18(1) Trip permits may be obtained through the department's website or in person from the motor vehicle division upon payment of the appropriate permit fee.

500.18(2) Registrants purchasing trip permits in advance of use cannot return unused permits for a refund.

This rule is intended to implement Iowa Code sections 326.23, 326.33 and 326.46.

761—500.19(326) Electronic information. To the greatest extent possible, the motor vehicle division will maintain in electronic form all records required under this chapter. The retention period for electronic records must follow the guidelines of the IRP.

500.19(1) *IRP vehicle transaction.* The motor vehicle division will destroy paper copies of IRP vehicle transaction requests 90 days after the IRP invoice is generated.

500.19(2) *Federal heavy use tax (Form 2290 Schedule 1).* The motor vehicle division will maintain Form 2290 Schedule 1 in accordance with 23 CFR Section 669.9 effective April 1, 2024.

This rule is intended to implement Iowa Code section 326.33.

[Filed 9/16/25, effective 11/19/25]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9622C

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rulemaking related to application for license

The Transportation Department hereby rescinds Chapter 601, "Application for License," Iowa Administrative Code, and adopts a new Chapter 601 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 307.12(1)"j" and 321.182.

State or Federal Law Implemented

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

Purpose and Summary

This rulemaking repromulgates Chapter 601 in compliance with Executive Order 10. Chapter 601 complies with Iowa Code section 321.182 and the federal REAL ID Act, which require the Department to adopt rules regarding the application for a driver's license and to administer REAL ID driver's licenses in compliance with federal regulations. The chapter also implements 2025 Iowa Acts, Senate File 418, which adds a new definition of "sex" in Iowa Code section 4.1A referring to sex as male or female as observed or clinically verified at birth and removed the process of obtaining an amended birth certificate to reflect a change in a person's sex designation from Iowa Code section 144.23. Due to these Iowa Code changes, a person will no longer be able to change the sex designation on the person's driver's license or nonoperator's identification card to reflect a sex designation different than what is listed on the person's identity document, thus necessitating the conforming changes to this chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on May 28, 2025, as **ARC 9292C**. Public hearings were held on the following date:

- June 17, 2025

The Department received comments from One Iowa. The comments: opposed the rule change related to changing the ability to change the person's sex designation on the driver's license stating it relies on a medically inaccurate understanding of sex; asserted that the rule is discriminatory and undermines the goal of making people easier to identify; stated that under the rule, a person may both legally and medically be a sex that is not reflected on their license because their actual sex is different than the one that they were assigned at birth and there are a variety of conditions that can cause someone's sex to

not be readily apparent at birth; asserted that the rule will lead to conflicting forms of identification; indicated the belief that the rule will create a parallel process by which those born in neighboring states are going to have access to more accurate forms of identification than those born in Iowa and urged the Department to revert to the previous process to allow for more accurate identification.

The Department responded in writing to the commenter, pointing out that the rule is implementing statute and that under Iowa Code chapter 17A, an administrative rule cannot conflict with statutory provisions or amend or nullify legislative intent. Accordingly, the Department cannot leave in place in its rules a process by which a person can amend the sex on their driver's license to something different than what is listed on their identity document.

Changes from the Notice have been made to subrules 601.2(4) and 601.4(7) to remove the term "designation" since that is not a term that appears in Iowa Code section 321.182 or 321.189 when referring to an applicant's sex as listed in the application or on the license.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 9, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 761—Chapter 601 and adopt the following **new** chapter in lieu thereof:

CHAPTER 601
APPLICATION FOR LICENSE

761—601.1(321) Information.

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

601.1(2) *Definition.*

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

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

This rule is intended to implement Iowa Code section 321.182.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

601.2(3) *Disabilities.* The applicant is to indicate and explain any mental or physical disabilities that might affect the applicant's ability to operate a motor vehicle safely. The department may make further inquiries of the applicant or request further information necessary to determine whether it is

safe to grant the applicant a driving privilege, including but not limited to requesting an examination authorized under Iowa Code section 321.186.

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

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

601.2(6) *Signature.*

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

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

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

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

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

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

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

601.3(1) *Form and submission.*

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

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

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

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

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

601.3(2) *Modifications.*

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

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

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

This rule is intended to implement Iowa Code section 321.197.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

state of Iowa. Acceptable documents are reasonable, authentic documents capable of verification by the department.

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

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

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

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

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

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

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

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

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

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

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

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

necessary document under this rule may apply to the department for an exception as provided in this subrule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This rule is intended to implement Iowa Code section 321.184.

761—601.6(321) REAL ID driver's license. A person who seeks a driver's license that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as implemented in 6 CFR Part 37 ("REAL ID driver's license") effective January 1, 2024, must meet and comply with all lawful requirements for an Iowa driver's license and must also meet and comply with all application and documentation requirements set forth at 6 CFR Part 37, including but not limited to documentation of identity, date of birth, social security number, address of principal residence and evidence of lawful status in the United States. Documents and information provided will be verified pursuant to 6 CFR Section 37.13. An applicant for a REAL ID driver's license is subject to a mandatory facial image capture that meets the requirements of 6 CFR Section 37.11(a). A REAL ID driver's license may not be issued, reissued or renewed except as permitted in 6 CFR Part 37 and may not be issued, reissued or renewed by any procedure, in any circumstance, to any person or for any term prohibited under 6 CFR Part 37. The information on the front of any REAL ID driver's license must include all information and markings required by 6 CFR Section 37.17. Nothing in this rule requires a person to obtain a REAL ID driver's license.

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

[Filed 9/16/25, effective 11/19/25]
[Published 10/15/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9623C

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rulemaking related to license issuance

The Transportation Department hereby rescinds Chapter 605, "License Issuance," Iowa Administrative Code, and adopts a new Chapter 605 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 307.12(1)"j," 321.189, 321.191 and 321.196.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 321A; Iowa Code section 4.1A as enacted by 2025 Iowa Acts, Senate File 418; Iowa Code sections 142C.3, 252J.8, 252J.9, 307.12(1)

"j," 321.1, 321.13, 321.176, 321.177, 321.178, 321.180 through 321.180B, 321.182, 321.184, 321.186, 321.188, 321.189, 321.191, 321.193 through 321.196, 321.198, 321.208, 321.210, 321.212, 321.215, 321J.4, and 321J.20; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

Purpose and Summary

This rulemaking repromulgates Chapter 605 in compliance with Executive Order 10. Chapter 605 complies with provisions of the Iowa Code and the federal REAL ID Act, which require the Department to issue driver's licenses to qualified applicants and to administer REAL ID driver's licenses in compliance with federal regulations. The chapter also implements 2025 Iowa Acts, Senate File 418, which added a new definition of "sex" in Iowa Code section 4.1A referring to sex as male or female as observed or clinically verified at birth and removed from Iowa Code section 144.23 the process of obtaining an amended birth certificate to reflect a change in a person's sex. Due to these Iowa Code changes, a person will no longer be able to change the sex on the person's driver's license to reflect a sex different from what is listed on the person's identity document, thus necessitating the conforming changes to this chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9416C**. Public hearings were held on the following date:

- August 13, 2025

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

One change from the Notice has been made to subrule 605.4(5) to remove the term "designation" since that is not a term that appears in Iowa Code section 321.189 when referring to an applicant's sex as listed on the license.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 9, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 761—Chapter 605 and adopt the following **new** chapter in lieu thereof:

CHAPTER 605
LICENSE ISSUANCE

761—605.1(307,321) Information.

605.1(1) *Scope.* This chapter applies to the issuance of all Iowa driver's licenses. Additional information on the issuance of a commercial driver's license or a commercial learner's permit is given in 761—Chapter 607.

605.1(2) *Information and location.* Applications, forms and information concerning driver's licenses are available at any driver's license service center. Assistance is also available by mail from Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; by telephone at 515.244.8725; by facsimile at 515.237.1837; or on the department's website at www.iowadot.gov/mvd/driverslicense/Fees-and-license-type#54672687-non-commercial-drivers-license.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.174.

761—605.2(307,321) Definitions. The definitions in Iowa Code section 321.1 and the following definitions apply to this chapter.

"Interstate or freeway driving" means fully and partially controlled access roads with a speed limit of 65 miles per hour or more for the purposes of this chapter.

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

"Medical report" means a report from a qualified medical professional attesting to a person's physical or mental capability to operate a motor vehicle safely. The report should be submitted on Form 430031. In lieu of Form 430031, a report signed by a qualified medical professional on the qualified medical professional's letterhead may be accepted if it contains all the information specified on Form 430031.

"Nearby" in Iowa Code section 321.176(2) means a distance of not more than two miles.

"Qualified medical professional" means a person licensed as a physician under Iowa Code chapter 148, a person licensed as an advanced registered nurse practitioner under Iowa Code chapter 152 and licensed with the board of nursing or a person licensed as a physician assistant under Iowa Code chapter 148C, when practicing within the scope of the person's professional licensure.

"Temporarily present in this state" means a person who has temporary lawful status as defined in 6 CFR Section 37.3 effective January 1, 2024.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.1 and 321.176.

761—605.3(252J,307,321) Persons not to be licensed.

605.3(1) The department will not knowingly issue a license to any person who:

a. Is ineligible for licensing.

b. Is unable to operate a motor vehicle safely because of a physical or mental disability until that person submits a medical report or vision report stating that the person is physically and mentally capable of operating a vehicle safely and passes the applicable examinations if required under 761—Chapter 604 or 607.

c. Has been specifically adjudged incompetent pursuant to Iowa Code chapter 229 on or after January 1, 1976, including anyone admitted to a mental health facility prior to that date and not released until after, until the department receives specific adjudication that the person is competent. A medical report stating that the person is physically qualified to operate a motor vehicle safely is also required.

d. Suffers from syncope of any cause, any type of periodic or episodic loss of consciousness, or any paroxysmal disturbances of consciousness, including but not limited to epilepsy, until that person has not had an episode of loss of consciousness or loss of voluntary control for six months and then only upon receipt of a medical report favorable toward licensing.

(1) If a medical report indicates a pattern of only syncope, the department may license without a six-month episode-free period after favorable recommendation by the medical advisory board.

(2) If a medical report indicates a pattern of such episodes only when the person is asleep or is sequestered for sleep, the department may license without a six-month episode-free period.

(3) If an episode occurs when medications are withdrawn by a qualified medical professional, but the person is episode-free when placed back on medications, the department may license without a six-month episode-free period with a favorable recommendation from a neurologist.

(4) If a medical report indicates the person experienced a single nonrecurring episode, the cause has been identified, the qualified medical professional is not treating the person for the episode or a contributing health condition and the qualified medical professional believes the episode is unlikely to recur, the department may license without the six-month episode-free period with a favorable recommendation from a qualified medical professional. As used in this subparagraph, a "single nonrecurring episode" means an incident that is not caused by a health condition and there is no history of prior episodes or a health condition that may cause such an episode.

e. Must wear bioptic telescopic lenses to meet the visual acuity standard required for a license.

f. Is the named person on a certificate of noncompliance that has been received from child support services, until the department receives a withdrawal of the certificate of noncompliance or unless an application has been filed pursuant to Iowa Code section 252J.9.

605.3(2) When a medical report is required, a license will be issued only if the report indicates that the person is qualified to operate a motor vehicle safely. The department may submit the report to the medical advisory board for an additional opinion.

605.3(3) When the department receives evidence that an Iowa licensed driver has been adjudged incompetent or is not physically or mentally qualified to operate a motor vehicle safely, the department will suspend the license for incapability, as explained in rule 761—615.14(321), or deny further licensing, as explained in rule 761—615.4(321).

This rule is intended to implement Iowa Code sections 252J.8, 252J.9, 307.12(1)*"j,"* 321.13, 321.177, 321.186, 321.193, 321.210 and 321.212.

761—605.4(142C,321) Contents of license. In addition to the information specified in Iowa Code section 321.189(2), the following information will be shown on a driver's license.

605.4(1) *Name.* The licensee's full legal name will be listed as established according to 761—subrules 601.5(1) and 601.5(5) and will conform to the requirements of 761—subrule 601.1(2).

605.4(2) *Current residential address.* The licensee's current residential address will be listed as established according to the requirements of 761—subrule 601.1(6) and 761—subrule 601.5(3).

605.4(3) *Physical description.* The physical description of the licensee on the face of the driver's license will include the following as established according to the requirements of 761—subrule 601.1(5):

a. The licensee's eye color using these abbreviations: Blk-black, Blu-blue, Bro-brown, Dic-dichromatic, Gry-gray, Grn-green, Haz-hazel, Pnk-pink and Unk-unknown.

b. The licensee's height in feet and inches.

605.4(4) *Date of birth.* The licensee's date of birth will be listed as established according to 761—subrules 601.5(1) and 601.5(6).

605.4(5) *Sex.* The licensee's sex will be identical to the sex listed on the identity document submitted under rule 761—601.5(321).

605.4(6) *REAL ID markings.*

a. A driver's license that is issued as a REAL ID driver's license as defined in rule 761—601.7(321) will include a security marking as required by 6 CFR Section 37.17(n) effective January 1, 2024.

b. A driver's license that is not issued as a REAL ID driver's license as defined in rule 761—601.7(321) is to include the following statement on the face of the card: "not for REAL ID act purposes" as required by 6 CFR Section 37.71 effective January 1, 2024, and any subsequent guidance issued by the U.S. Department of Homeland Security.

c. A driver's license issued to a foreign national who is temporarily present in this state will include the following statement on the face of the license: "limited term."

605.4(7) *Voluntary markings.* Upon the request of the licensee, the department will indicate on the driver's license any of the following:

a. That the licensee has a medical condition.

b. That the licensee is a donor under the uniform anatomical gift law.

c. That the licensee has in effect a medical advance directive.

d. That the licensee is hard of hearing or deaf.

e. That the licensee is a veteran.

(1) To be eligible for a veteran designation, the licensee must be an honorably discharged veteran of the armed forces of the United States, the national guard or reserve forces in accordance with Iowa Code section 35.1. A licensee who requests a veteran designation may provide Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs, or the licensee's certification of release or discharge from active duty, DD Form 214, to the department indicating that the licensee was honorably discharged from active duty. A licensee who was a member of the national guard or reserve forces and who applies directly to the department must present a DD Form 214 that indicates that the licensee was honorably discharged after serving for at least a minimum aggregate (total) of 90 days of active duty service for purposes other than training. A licensee who was a member of the national guard or reserve forces and who has a discharge document other than a DD Form 214 must have the licensee's eligibility for a veteran designation determined by a designee of the Iowa department of veterans affairs and shall apply to the department for a veteran designation by submitting Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs.

(2) The department may consult with and defer to the Iowa department of veterans affairs regarding what constitutes a properly completed DD Form 214 and veteran status in general.

f. That the licensee has autism spectrum disorder.

This rule is intended to implement Iowa Code section 4.1A as enacted by 2025 Iowa Acts, Senate File 418; Iowa Code sections 142C.3 and 321.189; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

761—605.5(321) License class. The driver's license class will be coded on the face of the driver's license using these codes:

Class A—commercial driver's license
Class B—commercial driver's license
Class C—commercial driver's license
Class C—noncommercial driver's license
Class D—noncommercial driver's license, chauffeur
Class M—noncommercial driver's license, motorcycle only

This rule is intended to implement Iowa Code section 321.189.

761—605.6(321) Endorsements. The endorsements will be coded on the face of the driver's license and explained in text on the back of the driver's license.

605.6(1) *For a commercial driver's license.* The following endorsements may be added to a Class A, B or C commercial driver's license using these letter codes:

H—Hazardous material
P—Passenger
N—Tank
X—Hazardous material and tank
T—Double/triple trailers
S—School bus

605.6(2) *For a commercial learner's permit.* The following endorsements are the only endorsements that may be added to a commercial learner's permit using these letter codes. All other endorsements are prohibited on a commercial learner's permit.

P—Passenger

N—Tank

S—School bus

605.6(3) *For a Class D driver's license (chauffeur).* The following endorsement may be added to a Class D driver's license using this number code:

3—Passenger vehicle less than 16-passenger design

605.6(4) *Motorcycle endorsement.* A motorcycle endorsement may be added to any driver's license that permits unaccompanied driving, other than a Class M driver's license or a motorized bicycle license, using the following letter code:

L—Motorcycle

This rule is intended to implement Iowa Code sections 321.1(8), 321.180 and 321.189.

761—605.7(321) Restrictions. Restrictions will be coded on the face of the driver's license and explained in text on the back of the driver's license. For purposes of this rule, "CMV" means commercial motor vehicle.

605.7(1) *For all licenses.* The following restrictions may apply to any driver's license:

B—Corrective lenses required

C—Mechanical aid (as detailed in the restriction on the back of the card)

D—Prosthetic aid (as detailed in the restriction on the back of the card)

F—Left and right outside rearview mirrors

G—No driving when headlights required

H—Temporary restricted license or permit (work permit)

I—Ignition interlock required

J—Restrictions on the back of card

S—SR required (proof of financial responsibility for the future)

T—Medical report required at renewal

U—Not valid for two-wheel vehicle

W—Restricted commercial driver's license (CDL)

Y—Intermediate license

605.7(2) *For a noncommercial driver's license.* The following restrictions apply only to a noncommercial driver's license:

8—Special instruction permit

9—Passenger restriction for intermediate license

Q—No interstate or freeway driving

605.7(3) *For a commercial driver's license.* The following restrictions apply to a commercial driver's license:

E—No manual transmission equipped CMV

K—Intrastate only

L—No air brake equipped CMV

M—No Class A passenger vehicle

N—No Class A and B passenger vehicle

O—No tractor trailer CMV

V—Medical variance

Z—No full air brake equipped CMV

605.7(4) *For a commercial learner's permit.* The following restrictions apply to a commercial learner's permit:

K—Intrastate only

L—No air brake-equipped CMV

M—No Class A passenger vehicle

N—No Class A and B passenger vehicle

P—No passengers in CMV bus—Medical variance

X—No cargo in CMV tank vehicle

605.7(5) *Special licenses.* A numbered restriction will designate a special driver's license using these codes:

1—Motorcycle instruction permit

2—Noncommercial instruction permit (vehicle less than 16,001 gross vehicle weight rating)

3—Commercial learner's permit

5—Motorized bicycle license

6—Minor's restricted work license

7—Special minor's restricted license

605.7(6) *Additional information.*

a. Recall of current licensees. Based on information disclosed by the applicant to the department, or the department's knowledge of a licensee's physical or mental condition, the department may issue a restriction requiring a person to complete additional examination(s) or submit additional information at a specified time to retain a valid license. The department may require a medical report to be submitted. The department will send Form 430511 as a reminder to submit the requested information or appear for examination.

b. Loss of consciousness or voluntary control.

(1) If a person is licensed pursuant to subparagraph 605.3(1)*"d"*(1), *"d"*(2) or *"d"*(3), the department will issue the first driver's license following an episode of loss of consciousness or voluntary control with a restriction stating that a medical report is required in six months.

(2) If this medical report shows that the person has been free of an episode of loss of consciousness or voluntary control since the previous medical report and the report recommends licensing, the department will issue a duplicate driver's license with a restriction requiring a medical report in two years or at renewal if the license expires in less than two years. At each renewal accompanied by a favorable medical report, the department will issue a two-year driver's license with the same restriction.

(3) The department may remove the medical report requirement and issue a full-term driver's license. Consideration for removal of the requirement may include but is not limited to the following criteria:

1. Recommendation by a qualified medical professional.

2. The latest medical information on file with the department indicates that either of the following are true:

- The person has not had an episode of loss of consciousness or voluntary control and has not been prescribed medications to control such episodes during the 24-month period immediately preceding application for a license.
- The person has not had an episode of loss of consciousness or voluntary control during the ten-year period immediately preceding application for a license.

c. Financial responsibility. When a person is required under Iowa Code chapter 321A to have future proof of financial responsibility on file, the license restriction will read: "SR required." The license will be valid only for the operation of motor vehicles covered by the class of license issued and by the proof of financial responsibility filed.

d. Vision restriction. Restrictions relating to vision are addressed in 761—Chapter 604.

This rule is intended to implement Iowa Code chapter 321A and sections 321.177, 321.178, 321.180 through 321.180B, 321.186, 321.188, 321.189, 321.193, 321.194, 321.215, 321J.4 and 321J.20.

761—605.8(321) Credential term for a foreign national temporarily present in this state. A driver's license or nonoperator's identification card issued to a person who is a foreign national who is temporarily present in this state shall be issued only for the length of time the person is authorized to be present in the United States as verified by the department, not to exceed two years, pursuant to 6 CFR Section 37.21 effective January 1, 2024. However, if the person's lawful status has no expiration date, the driver's license will be issued for a period of no longer than one year.

This rule is intended to implement Iowa Code section 321.196; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

761—605.9(307,321) Fees for driver's licenses. Fees for driver's licenses are specified in Iowa Code section 321.191 and this chapter. A license fee may be paid by cash, check, credit card, debit card, money order or an escrow account if approved by the department.

605.9(1) If the payment is by check, the check shall be for the exact amount of the fee and payable to: Treasurer, State of Iowa. An exception may be made when a traveler's check is presented.

605.9(2) One payment method may be used to pay fees for several persons, such as members of a family or employees of a business firm. One payment method may pay all fees involved, such as the license fee and the reinstatement fee.

605.9(3) An applicant who is on federal active duty or state active duty, a veteran with a permanent service-connected disability rating of 100 percent or a veteran who was issued an honorable discharge or general discharge under honorable conditions is eligible for a waiver of the fees for a driver's license as provided in Iowa Code section 321.191. An eligible applicant may qualify for more than one fee waiver.

a. An applicant may provide proof of eligibility for the fee waiver to the department in one of the following ways as applicable to the applicant's active duty, veteran or disability status:

(1) An active duty service member is to present an unexpired Armed Forces of the United States Geneva Conventions identification card, also known as a common access card (CAC), issued by the U.S. Department of Defense under 32 CFR Part 161. A federal or state military member who is a reservist may instead present an unexpired Uniformed Services identification card (USID) issued by the U.S. Department of Defense under 32 CFR Part 161 indicating a reserve affiliation.

(2) An applicant with a permanent service-connected disability rating of 100 percent is to present proof that the applicant is the subject of a certification of disability of 100 percent from the U.S. Department of Veterans Affairs.

(3) An applicant who has been discharged from military service is to present certification of release or discharge from active duty, DD Form 214, indicating that the applicant received an honorable discharge or a general discharge under honorable conditions.

b. An applicant who qualifies for the fee waiver under subparagraph 605.9(3)*"a"*(2) or 761—subparagraph 604.10(3)*"a"*(3) or both subparagraphs is to submit proof of eligibility only once unless the proof is invalid or not accepted by the department.

c. An applicant who qualifies for the fee waiver under subparagraph 605.9(3)*"a"*(2) or *"a"*(3) or both subparagraphs, who has presented proof of eligibility to the department during a previous license issuance transaction and who is otherwise eligible under subrule 605.15(6) or 605.15(7) to renew the applicant's driver's license electronically will be waived from the applicable fees during the electronic renewal. An applicant who qualifies under subparagraph 605.9(3)*"a"*(1) will not receive the applicable fee waivers if the applicant chooses to renew the driver's license electronically under subrule 605.15(6) or 605.15(7).

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.191.

761—605.10(307,321) Duplicate license.

605.10(1) *Lost, stolen or destroyed license.* Prior to replacing a valid license that is lost, stolen or destroyed, the department will verify the licensee's full legal name, date of birth and social security number and collect the replacement fee. A licensee subject to 761—paragraph 601.5(2)*"b"* shall provide the applicant's U.S. Customs and Immigration Services number, which must be verified by the department. The department may investigate or require additional information as may be reasonably necessary to determine that the licensee's identity matches the identity of record and will not issue the replacement license if the licensee's identity is questionable, cannot be determined or otherwise does not match the identity of record.

605.10(2) *Voluntary replacement.* The department will issue a duplicate of a valid license to an eligible licensee if the license is surrendered to the department and the replacement fee is paid. Voluntary replacement includes but is not limited to:

a. Replacement of a damaged license.

b. Replacement to change the current residential address on a license.

c. Replacement to change the name on a license.

d. Replacement to change the date of birth on a license.

e. Issuance of a license without the words "under 21" to a licensee who is 21 years of age or older.

f. Issuance of a license without the words "under 18" to a licensee who is 18 years of age or older. (If the licensee is under 21 years of age, the words "under 21" will replace the words "under 18.")

g. Issuance of a noncommercial driver's license to an eligible person who has been disqualified from operating a commercial motor vehicle.

h. Replacement of a valid license before its expiration date to obtain a license that may be accepted for federal identification purposes under 6 CFR Part 37 effective January 1, 2024 (a REAL ID driver's license).

i. Replacement to add a veteran designation to the license.

605.10(3) *Replacement upon attaining the age of 21.* A licensee, upon attaining the age of 21, who is otherwise eligible for a driver's license is eligible to electronically apply for a replacement driver's license under this rule for the unexpired months of the license, regardless of whether the most recent issuance occurred electronically.

a. Except for the requirements in subparagraphs 605.15(6)*"a"*(1) and *"a"*(2), the licensee must meet the eligibility requirements listed in paragraph 605.15(6)*"a"* or 605.15(7)*"a"* to replace the license electronically in addition to the following criteria:

(1) The licensee must be at least 21 years old.

(2) The licensee must currently hold a driver's license marked "under 21" as provided in Iowa Code section 321.189.

b. Notwithstanding any other provision of this chapter to the contrary, the department may accept an electronic replacement application if the licensee seeks replacement of a special instruction permit or a license with a single "J" restriction accompanied by a "9" restriction.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.13, 321.189, 321.195 and 321.208; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

761—605.11(307,321) Address changes.

605.11(1) A licensee's duty to notify the department of a change in the licensee's mailing address pursuant to Iowa Code section 321.182 shall occur by one of the following methods:

a. Submitting the address change to the address listed in subrule 605.1(2) using Form 430012 or a written and signed statement listing the licensee's full name, date of birth, driver's license number and new mailing address.

b. Completing the address change on the department's website at www.iowadot.gov/mvd/driverslicense/changes-or-corrections.

c. Appearing in person to change the mailing address at any driver's license service center.

605.11(2) Parents or legal guardians may provide written notice of a mailing address change on behalf of the person's minor children.

605.11(3) The department may use U.S. Postal Service address information to update the department's address records.

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.182 and 321.184.

761—605.12(307,321) License extension.

605.12(1) *Six-month extension.* An Iowa resident may apply for a six-month extension of a noncommercial license if the licensee meets all of the following criteria:

a. Has a valid license.

b. Is eligible for further licensing.

c. Is temporarily absent from Iowa or is temporarily incapacitated at the time for renewal.

605.12(2) *Procedure.* Acceptable methods to apply for an extension by an eligible licensee include submitting Form 430027 to the department or to a driver's license service center or applying by letter to the address in subrule 605.1(2).

a. A six-month extension will be added to the expiration date of the license. When the licensee appears to renew the license, the expiration date of the renewed license will be computed from the expiration date of the original license, notwithstanding the extension.

b. The department will allow only two six-month extensions.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.196.

761—605.13(307,321) Military extension.

605.13(1) *Application.* A person who qualifies for a military extension of a valid license under Iowa Code section 321.198 and who wishes to have a record of the person's military service extension recorded in the department's computerized issuance system shall apply to the department by presenting the person's unexpired CAC or by submitting Form 430081 signed by the person's commanding officer to verify the military service and accompanied by a copy of the person's CAC or current active duty orders to the address in subrule 605.1(2). Upon approval, the department will update the department's electronic records with the person's military exception status and issue the person a letter explaining the provisions of Iowa Code section 321.198 regarding military extensions.

605.13(2) *Renewal of license after military extension.* When an applicant renews a license after a military extension, the department may require the applicant to provide documentation of both the military service and the date of separation from military service. In accordance with Iowa Code section 321.198(1)*"b,"* the applicant is to pay all applicable fees to renew the license. The applicant may also be waived from the applicable knowledge or driving skills examination in accordance with the provisions of 761—paragraphs 604.21(2)*"c"* and 604.31(2)*"e"* and 761—subrules 607.27(5) and 607.28(6).

605.13(3) *Reinstatement after sanction.* A person with a military extension whose license has been canceled, suspended or revoked shall comply with the requirements of rule 761—615.24(321,321A,321J) to reinstate the license.

This rule is intended to implement Iowa Code sections 307.12(1)*"j"* and 321.198.

761—605.14(321) Fee adjustment for upgrading license. The fee to upgrade a driver's license will be computed on a full-year basis. The fee is charged for each year or part of a year between the date of the change and the expiration date on the license.

605.14(1) The fee to upgrade a driver's license from one class to another is determined by computing the difference between the current license fee and the new license fee as follows:

a. Converting noncommercial Class C to Class D—$4 per year of new license validity.

b. Converting Class M to Class D with a motorcycle endorsement—$4 per year of new license validity.

c. Converting Class M to noncommercial Class C with a motorcycle endorsement—$2 one-time fee.

605.14(2) The fee to add a privilege to a driver's license is computed per year of new license validity as follows:

Noncommercial Class C (full privileges from a restricted Class C)	$4 per year
Motorized bicycle	$4 per year
Minor's restricted license	$4 per year
Special minor's restricted license	$4 per year
Motorcycle instruction permit	$2 per year
Motorcycle endorsement	$2 per year

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

761—605.15(307,321) License renewal.

605.15(1) A licensee who wishes to renew a driver's license is to apply to the department and, if required, pass the appropriate examination.

605.15(2) A valid noncommercial license may be renewed within 180 days before the expiration date. The department for good cause may renew a noncommercial license earlier, except the department will not renew a REAL ID driver's license issued under rule 761—601.7(321) earlier than 180 days before the expiration date if such a renewal would result in noncompliance under 6 CFR Section 37.5(a) effective January 1, 2024.

605.15(3) If the licensee's current residential address, name or date of birth has changed since the previous license was issued, the licensee shall:

a. Notify the department to establish the current residential address.

b. Comply with the requirements of 761—subrule 601.5(5) to establish a name change.

c. Comply with the requirements of 761—subrule 601.5(6) to establish a change of date of birth.

605.15(4) A licensee who has not previously been issued a license that may be accepted for federal identification purposes under 6 CFR Part 37 effective January 1, 2024 (a REAL ID driver's license), and wishes to obtain a REAL ID driver's license upon renewal must comply with the requirements of rule 761—601.5(321) to obtain a REAL ID driver's license upon renewal.

605.15(5) A licensee who is a foreign national who is temporarily present in this state must provide documentation of lawful status as required by 761—subrule 601.5(4) at each renewal.

605.15(6) An applicant who meets the eligibility criteria may apply for electronic renewal of a noncommercial driver's license.

a. Eligibility criteria include the following:

(1) The applicant is at least 18 years of age but not yet 70 years of age.

(2) The applicant completed a satisfactory vision screen or submitted a satisfactory vision report under 761—subrules 604.10(1) through 604.10(3) and updated the applicant's photo at the applicant's last issuance or renewal.

(3) The applicant's driver's license has not been expired for more than one year.

(4) The department's records show the applicant is a U.S. citizen.

(5) The applicant's driver's license is not marked "valid without photo."

(6) The applicant is not seeking to change any of the following information as it appears on the applicant's driver's license:

1. Name.
2. Date of birth.

(7) The applicant's driver's license is a Class C noncommercial driver's license, a Class D noncommercial driver's license (chauffeur) or Class M noncommercial driver's license (motorcycle) that is not a special license or permit, a temporary restricted license or a two-year license.

(8) The applicant is not subject to a pending request for reexamination.

(9) The applicant does not wish to change any of the following:

1. Class of license.
2. License endorsements.
3. License restrictions.

(10) The applicant is not subject to any of the following restrictions:

G—No driving when headlights required

J—Restrictions on the back of card

T—Medical report required at renewal

8—Special instruction permit

Q—No interstate or freeway driving

b. Notwithstanding any other provision of this subrule to the contrary, the department may accept an electronic renewal application if the license contains a single "J" restriction accompanied by a "7" or "Y" restriction.

c. The department may deny electronic renewal and require the applicant to apply in person for renewal at a driver's license service center if it appears to the department that the applicant may have

a physical or mental condition that may impair the applicant's ability to safely operate a motor vehicle, even if the applicant otherwise meets the criteria in paragraph 605.15(6)*"a."*

d. An applicant who has not previously been issued a driver's license that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, implemented in 6 CFR Part 37 effective January 1, 2024 (a REAL ID driver's license), cannot request a REAL ID driver's license by electronic renewal.

605.15(7) Subject to the requirements in paragraphs 605.15(6)*"c"* and *"d,"* an applicant who meets the following eligibility criteria may apply for electronic renewal of a commercial driver's license:

a. The applicant is otherwise eligible to renew a commercial driver's license and meets the same eligibility requirements for renewing a noncommercial driver's license listed in paragraph 605.15(6)*"a"* to renew the license electronically, except that numbered paragraph 605.15(6)*"a"*(9)"3" does not apply if the applicant is adding or removing the "K" restriction from the license at the time of renewal.

b. The applicant is not subject to any of the following restrictions or endorsements:

H—Hazardous material

X—Hazardous material and tank

c. The applicant does not also hold a valid commercial learner's permit under Iowa Code section 321.180(2) as documented by restriction "3" on the commercial driver's license.

d. An applicant self-certifying to non-excepted interstate driving has a valid medical certificate on file with the department as required under rule 761—607.50(321).

This rule is intended to implement Iowa Code sections 307.12(1)*"j,"* 321.186, 321.188 and 321.196; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

761—605.16(307,321) Graduated driver's license upgrades. An applicant subject to the graduated driver's license requirements under Iowa Code section 321.180B who is otherwise eligible for a driver's license may electronically apply to upgrade the applicant's driver's license.

605.16(1) Except for the requirements in subparagraphs 605.15(6)*"a"*(1) and *"a"*(2), an eligible applicant must meet both the requirements listed in paragraph 605.15(6)*"a"* and the following criteria:

a. The applicant was issued an intermediate license under Iowa Code section 321.180B(2) or a special minor's restricted license under Iowa Code section 321.194 in person.

b. The applicant is otherwise eligible to upgrade a license class privilege under Iowa Code section 321.180B or 321.194.

605.16(2) The requirements in paragraphs 605.15(6)*"c"* and *"d"* also apply to a license issued under this rule.

605.16(3) If an applicant upgrades electronically under this rule to a driver's license with an eight-year expiration date, the applicant is ineligible to electronically renew the applicant's full driver's license at the next renewal period.

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

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ARC 9624C

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rulemaking related to driver's licenses for undercover law enforcement officers

The Transportation Department hereby rescinds Chapter 625, "Driver's Licenses for Undercover Law Enforcement Officers," Iowa Administrative Code, and adopts a new Chapter 625 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 307.12(1)"j" and 321.189A.

State or Federal Law Implemented

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

Purpose and Summary

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

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on May 28, 2025, as **ARC 9295C**. Public hearings were held on the following date:

- June 18, 2025

The public comment section below captures both the comments received at the public hearing and in writing.

The Department received comments from one person. The 13 distinct comments included the commenter's beliefs that undercover licenses violate REAL ID requirements; the rules are vague; the rules violate open records laws; license issuance is not limited to sworn law enforcement officers; issuance of concurrent licenses is not prohibited; sufficient protocols are not in place regarding surrendering the license; sufficient time limitations are not set for the license; requiring the application to be signed by the head of the law enforcement agency could be problematic for larger agencies; there are no details or time frames for the Department's investigation of the application; there is no coordination between the Department and the Department of Public Safety if an application is denied; the rules do not permit undercover licenses to be issued to applicants employed in other states; there is no indicator on the license distinguishing it from a regular license; and the Department has incorrectly interpreted Executive Order 10 regarding when a chapter may be changed.

The Department responded in writing to all the commenter's concerns, including pointing to areas of the Iowa Code that currently address many of the issues raised.

The Department has revised paragraph 625.1(1)"d" to allow a designee of the head of the applicant's law enforcement agency to sign the application.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 9, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 761—Chapter 625 and adopt the following **new** chapter in lieu thereof:

CHAPTER 625
DRIVER'S LICENSES FOR UNDERCOVER LAW ENFORCEMENT OFFICERS

761—625.1(321) Application.

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

a. Be in writing.

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

c. Include a statement of need.

d. Be signed by both the applicant and the head, or the designee of the head with supervisory authority over the applicant, of the law enforcement agency employing the applicant.

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

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

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

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

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

761—625.2(321) Issuance and cancellation.

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

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

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

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

761—625.3(22,80G,321) Records.

625.3(1) Applications, forms and other records of the department that establish the true identity of an applicant or licensee under this chapter are confidential public records under Iowa Code sections 22.7,

80G.3 and 321.189A. The fictitious license information itself is not confidential, except as provided in Iowa Code section 321.11.

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

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

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

[Filed 9/16/25, effective 11/19/25]
[Published 10/15/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9625C

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rulemaking related to nonoperator's identification

The Transportation Department hereby rescinds Chapter 630, "Nonoperator's Identification," Iowa Administrative Code, and adopts a new Chapter 630 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 307.12(1)"j" and 321.190.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.13, 321.181, 321.189, 321.190, 321.195 and 321.216 through 321.216C; the REAL ID Act of 2005 (49 U.S.C. Section 30301) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

Purpose and Summary

This rulemaking repromulgates Chapter 630 in compliance with Executive Order 10. Chapter 630 complies with Iowa Code section 321.190 and the federal REAL ID Act, which require the Department to adopt rules to administer nonoperator's identification cards and to administer REAL ID nonoperator's identification cards in compliance with federal regulations. The chapter is also implementing 2025 Iowa Acts, Senate File 418, which adds a new definition of "sex" in Iowa Code section 4.1A referring to sex as male or female as observed or clinically verified at birth and removed the process of obtaining an amended birth certificate to reflect a change in a person's sex designation from Iowa Code section 144.23. Due to these Iowa Code changes, a person will no longer be able to change the sex designation on the person's nonoperator's identification card to reflect a sex designation different than what is listed on the person's identity document, thus necessitating the conforming changes to this chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on June 11, 2025, as **ARC 9336C**. Public hearings were held on the following date:

- July 1, 2025

The Department received comments from One Iowa. The comments opposed the rule change related to eliminating the ability to change the person's sex designation on the identification card, stating

it relies on a medically inaccurate understanding of sex; asserted that the rule is discriminatory and undermines the goal of making people easier to identify; stated that under the rule, a person may both legally and medically be a sex that is not reflected on their identification card because their actual sex is different than the one that they were assigned at birth and there are a variety of conditions that can cause someone's sex to not be readily apparent at birth; asserted that the rule will lead to conflicting forms of identification; indicated the belief that the rule will create a parallel process by which those born in neighboring states are going to have access to more accurate forms of identification than those born in Iowa and urged the Department to revert to the previous process to allow for more accurate identification.

The Department responded in writing to the commenter, pointing out that the rule is implementing statute and that under Iowa Code chapter 17A, an administrative rule cannot conflict with statutory provisions or amend or nullify legislative intent. Accordingly, the Department cannot leave in place in its rules a process by which a person can amend the sex on their identification card to something different than what is listed on their identity document.

No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on September 9, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 761—Chapter 630 and adopt the following **new** chapter in lieu thereof:

CHAPTER 630
NONOPERATOR'S IDENTIFICATION

761—630.1(321) General information.

630.1(1) The department will issue a nonoperator's identification card only to an Iowa resident who does not have a driver's license. However, a card may be issued to a person holding a temporary permit under Iowa Code section 321.181.

630.1(2) Definitions.

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

"Temporarily present in this state" means a person who has temporary lawful status as defined in 6 CFR Section 37.3 effective January 1, 2024.

630.1(3) Applications, forms and information concerning the nonoperator's identification card are available at any driver's license service center. Assistance is also available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at www.iowadot.gov/mvd/driverslicense/Fees-and-license-type#54672691-id-card-only.

761—630.2(321) Application and issuance.

630.2(1) An applicant for a nonoperator's identification card is to complete and sign an application form at a driver's license service center. The signature shall be without qualification and contain only the applicant's usual signature without any other titles, characters or symbols.

630.2(2) The applicant is to present proof of identity, date of birth, social security number, Iowa residency, current residential address and lawful status as required by rule 761—601.5(321). If applicable, submission of a parent's, guardian's, or custodian's consent is also required in accordance with rule 761—601.6(321). The applicant or a current cardholder may provide the department with emergency contact information in accordance with rule 761—601.3(321).

630.2(3) The nonoperator's identification card will be coded for identification only as explained on the reverse side of the card. A card issued to a person who is a foreign national who is temporarily present in this state shall be issued only for the length of time the person is authorized to be present in the United States as verified by the department pursuant to 6 CFR Section 37.21, not to exceed two years. However, if the person's lawful status has no expiration date, the card shall be issued for a period of no longer than one year pursuant to 6 CFR Section 37.21(b)"1."

630.2(4) Upon the request of the cardholder, the department may indicate on the nonoperator's identification card any of the following:

a. That the cardholder has a medical condition.

b. That the cardholder is a donor under the uniform anatomical gift law.

c. That the cardholder has in effect a medical advance directive.

d. That the cardholder is hard of hearing or deaf.

e. That the cardholder is a veteran.

(1) To be eligible for a veteran designation, the cardholder must be an honorably discharged veteran of the armed forces of the United States, the national guard or reserve forces as described in Iowa Code section 35.1. A cardholder who requests a veteran designation may provide one of the following:

1. Form 432035, properly completed by the cardholder and a designee of the Iowa department of veterans affairs.

2. Certification of release or discharge from active duty, DD Form 214, to the department indicating that the cardholder was honorably discharged from active duty.

(2) A cardholder who was a member of the national guard or reserve forces and who applies directly to the department must present a DD Form 214, which indicates that the cardholder was honorably discharged after serving for at least a minimum aggregate (total) of 90 days of active duty service for purposes other than training. A cardholder who was a member of the national guard or reserve forces and who has a discharge document other than a DD Form 214 must submit Form 432035, properly completed by the cardholder and a designee of the Iowa department of veterans affairs.

(3) The department may consult with and defer to the Iowa department of veterans affairs regarding what constitutes a properly completed DD Form 214 and veteran status in general.

f. That the cardholder has autism spectrum disorder.

630.2(5) No issuance fee is to be charged for a person whose license has been suspended for incapability pursuant to rule 761—615.14(321), who has been denied further licensing in lieu of a suspension for incapability pursuant to rule 761—615.4(321), or who voluntarily surrenders the person's license in lieu of suspension for incapability pursuant to rule 761—615.14(321).

630.2(6) An applicant who is a foreign national who is temporarily present in this state must provide documentation of lawful status as required by 761—subrule 601.5(4) at each renewal.

630.2(7) A person who seeks a nonoperator's identification card that is compliant with the REAL ID Act of 2005, 49 U.S.C. Section 30301 note, as implemented in 6 CFR Part 37 ("REAL ID nonoperator's identification card") effective January 1, 2024, must meet and comply with all lawful requirements for an Iowa nonoperator's identification card and must also meet and comply with all application and documentation requirements set forth at 6 CFR Part 37, including but not limited to documentation of identity, date of birth, social security number, address of principal residence and evidence of lawful status in the United States. Documents and information provided will be verified pursuant to 6 CFR Section 37.13. An applicant for a REAL ID nonoperator's identification card is subject to a mandatory facial image capture that meets the requirements of 6 CFR Section 37.11(a). A REAL ID nonoperator's identification card may not be issued, reissued or renewed except as permitted in 6 CFR Part 37 and may not be issued, reissued or renewed by any procedure, in any circumstance, to any person or for any term prohibited under 6 CFR Part 37. The information on the front of any REAL ID nonoperator's identification card must include all information and markings required by 6 CFR Section 37.17. Nothing in this subrule requires a person to obtain a REAL ID nonoperator's identification card.

630.2(8) A nonoperator's identification card issued to a foreign national who is temporarily present in this state shall include the following statement on the face of the card: "limited term."

630.2(9) A nonoperator's identification card that is not issued as a REAL ID nonoperator's identification card as described in subrule 630.2(7) is to include the following statement on the face of the card: "not for REAL ID Act purposes" as required by 6 CFR Section 37.71 and any subsequent guidance issued by the U.S. Department of Homeland Security.

630.2(10) The department may determine means or methods for electronic renewal of a nonoperator's identification card.

a. An applicant who meets the following criteria may apply for electronic renewal:

(1) The applicant is at least 18 years old.

(2) The applicant's photo was updated at the applicant's last issuance or renewal.

(3) The applicant's nonoperator's identification card has not been expired for more than one year.

(4) The department's records show the applicant is a U.S. citizen.

(5) The applicant's nonoperator's identification card is not marked "valid without photo."

(6) The applicant is not seeking to change any of the following as it appears on the applicant's nonoperator's identification card:

1. Name.
2. Date of birth.

b. An applicant who has not previously been issued a REAL ID nonoperator's identification card may not request a REAL ID nonoperator's identification card by electronic renewal.

630.2(11) An applicant for a nonoperator's identification card is to surrender all other driver's licenses and nonoperator's identification cards, other than a temporary permit held under Iowa Code section 321.181. This includes any driver's licenses or nonoperator's identification cards issued by a state other than Iowa or a foreign jurisdiction unless otherwise provided in a letter of understanding or other written memorialization of reciprocity or understanding. An applicant who renews a nonoperator's identification card electronically pursuant to subrule 630.2(10) is to destroy the previous nonoperator's identification card upon receipt of a renewed nonoperator's identification card.

761—630.3(321) Duplicate card.

630.3(1) *Lost, stolen or destroyed card.* To replace a nonoperator's identification card that is lost, stolen or destroyed, the cardholder shall provide the cardholder's full legal name, date of birth and social security number, all of which must be verified by the department, and pay the statutory replacement fee. A cardholder subject to 761—paragraph 601.5(2)*"b"* is to provide the applicant's U.S. Customs and Immigration Services number, which will be verified by the department. The department may investigate or require additional information as may be reasonably necessary to determine that the cardholder's

identity matches the identity of record and will not issue the replacement card if the cardholder's identity is questionable, cannot be determined or otherwise does not match the identity of record. If the cardholder's current residential address, name or date of birth has changed since the previous card was issued, the cardholder is to comply with 761—subrule 605.11(2).

630.3(2) *Voluntary replacement.* To voluntarily replace a nonoperator's identification card, the cardholder is to surrender to the department the card to be replaced. The reasons a card may be voluntarily replaced and any additional supporting documentation required are the same as those listed in 761—paragraphs 605.11(2)*"a"* through *"j."*

630.3(3) *Replacement upon attaining the age of 21.*

a. A cardholder, upon attaining the age of 21, who is otherwise eligible for a nonoperator's identification card, is eligible to electronically apply for a replacement card under this rule for the unexpired months of the card, regardless of whether the most recent issuance occurred electronically.

b. Except for the requirements in 761—subparagraphs 605.25(7)*"a"*(1) and *"a"*(2), the cardholder must meet the eligibility requirements listed in 761—paragraph 605.25(7)*"a"* to replace the card electronically and must also meet the following criteria:

(1) The cardholder is at least 21 years old.

(2) The cardholder currently holds a nonoperator's identification card marked "under 21" as provided in Iowa Code section 321.190.

These rules are intended to implement Iowa Code sections 321.13, 321.181, 321.189, 321.190, 321.195 and 321.216 through 321.216C; the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) as amended by the REAL ID Modernization Act, H.R. 133, Division U, Title X; and 6 CFR Part 37.

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ARC 9626C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to mission and structure

The Workforce Development Department hereby rescinds Chapter 50, "Mission and Structure," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted 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 chapters 17A and 84A.

Purpose and Summary

Chapter 50 informs the public of the mission and structure of the Department. This chapter is being rescinded.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9515C**. Public hearings were held on the following date:

- September 9, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **871—Chapter 50**.

[Filed 9/24/25, effective 11/19/25]
[Published 10/15/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9627C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to coordinating service provider

The Workforce Development Department hereby rescinds Chapter 51, "Coordinating Service Provider," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted 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 chapters 17A and 84A.

Purpose and Summary

The purpose of this rulemaking is to remove references to outdated federal workforce legislation.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9518C**. Public hearings were held on the following date:

- September 9, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **871—Chapter 51**.

[Filed 9/24/25, effective 11/19/25]
[Published 10/15/25]
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ARC 9628C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to regional advisory boards

The Workforce Development Department hereby rescinds Chapter 52, "Regional Advisory Boards," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted 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 chapters 17A and 84A.

Purpose and Summary

The purpose of this rulemaking is to remove references to outdated federal workforce legislation.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9516C**. Public hearings were held on the following date:

- September 9, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **871—Chapter 52**.

[Filed 9/24/25, effective 11/19/25]
[Published 10/15/25]
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ARC 9629C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to labor-management cooperation program

The Workforce Development Department hereby rescinds Chapter 55, "Labor-Management Cooperation Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted 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 chapters 17A and 84A.

Purpose and Summary

The purpose of this rulemaking is to remove outdated references to outdated appropriations for outdated programs.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9522C**. Public hearings were held on the following date:

- September 9, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **871—Chapter 55**.

[Filed 9/24/25, effective 11/19/25]
[Published 10/15/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9630C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to Iowa welfare-to-work program

The Workforce Development Department hereby rescinds Chapter 60, "Iowa Welfare-to-Work Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted 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 84A and PL 105-33.

Purpose and Summary

The purpose of rescinding this chapter is to remove outdated appropriations for an outdated program.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9517C**. Public hearings were held on the following date:

- September 9, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **871—Chapter 60**.

[Filed 9/24/25, effective 11/19/25]
[Published 10/15/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9631C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to voter registration

The Workforce Development Department hereby rescinds Chapter 70, "Voter Registration," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 84A and section 96.11.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 96.10 and 96.11.

Purpose and Summary

The purpose of this rulemaking is to remove outdated rules that reference portions of the Iowa Code that have been repealed.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9519C**. Public hearings were held on the following date:

- September 9, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **871—Chapter 70**.

[Filed 9/24/25, effective 11/19/25]
[Published 10/15/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9632C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to public records and fair information practices

The Workforce Development Department hereby rescinds Chapter 71, "Public Records and Fair Information Practices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted 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 chapters 17A and 84A.

Purpose and Summary

The purpose of this rulemaking is to remove repetitive references to the Iowa Code.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9521C**. Public hearings were held on the following date:

- September 9, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **871—Chapter 71**.

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[Published 10/15/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9633C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to petitions

The Workforce Development Department hereby rescinds Chapter 72, "Petitions," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted 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 chapters 17A and 84A.

Purpose and Summary

The purpose of this rulemaking is to remove repetitive rules.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9520C**. Public hearings were held on the following date:

- September 9, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **871—Chapter 72**.

[Filed 9/24/25, effective 11/19/25]
[Published 10/15/25]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.

ARC 9634C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to forms and informational materials

The Workforce Development Department hereby rescinds Chapter 73, "Forms and Informational Materials," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 84A and 96.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 84A and 96.

Purpose and Summary

The purpose of this rulemaking is to remove outdated requirements to comply with federal code.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025, as **ARC 9523C**. Public hearings were held on the following date:

- September 9, 2025

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

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on September 24, 2025.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

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

Effective Date

This rulemaking will become effective on November 19, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **871—Chapter 73**.

[Filed 9/24/25, effective 11/19/25]
[Published 10/15/25]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/15/25.